

**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
*County Executive*

TIMOTHY M. KOTROCO, *Director*  
*Department of Permits and*  
*Development Management*

July 30, 2010

Mitchell J. Kellman, Director of Zoning Services  
Daft McCune Walker, Inc.  
200 E. Pennsylvania Avenue  
Towson, Maryland 21286

Dear Mr. Kellman:

RE: Spirit and Intent Request, Case 69-197-X, Croom Manor Nursing Home,  
8710 Emge Road, 9th Election District

Your recent letter to Timothy Kotoco, Director of the Department of Permits and Development Management, was forwarded to me for reply. After discussing your request with Carl Richards, Zoning Review Supervisor, and based on the information provided therein and my review of the available zoning records, the following has been determined:

1. Provided the nursing home use has not changed, and provided the proposed parking lot complies with the parking standards of the 1963 zoning regulations, then the aforementioned parking lot will not be subject to the Residential Transition Area (RTA) standards. In addition, the proposed parking is approved as being in the spirit and intent of the Baltimore County Zoning Regulations (BCZR) and the Zoning Commissioner's order in Case # 69-197-X.
2. Please contact Mr. Avery Harden of our Development Plans Review Division at 410-887-3751 for information regarding screening and landscaping of the proposed parking lot.
3. Please prepare 3 copies of a red-lined hearing plan that shows the changes from the original hearing plan, including any changes to zoning parking, screening or landscaping standards relevant to the property. The red-lined plan must include a signature block that states:

**APPROVED AS BEING WITHIN THE SPIRIT AND INTENT OF THE  
PLAN AND ORDER IN ZONING CASE # 69-197-X.**

SIGNED BY

DATE

4. A copy of your request letter, this response and the red-lined hearing plan will be recorded and made a permanent part of the zoning case file.
5. A verbatim copy of this response must be affixed to any building permit or use prmit site plans prior to building/use permit application.
6. This approval is for zoning only, and you will be required to comply with all other County and State regulations relative to this property.

The foregoing is merely an informal opinion. It is not an expert or legal opinion, it is not intended to be relied on as expert or legal advice, and it is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,



Jeffrey N. Perlow  
Planner II  
Zoning Review

JNP

c: Zoning Hearing File # 69-197-X  
File-Spirit & Intent Letters

DMW  
DAFT MCCUNE WALKER INC

July 26, 2010

Mr. Timothy M. Kotroco, Director  
Baltimore County Permits and Development Management  
C/O The Zoning Review Office  
The County Office Building  
111 West Chesapeake Avenue, Room 111  
Towson, MD 21204

Re: Genesis Health Care (Croom Manor)  
Zoning Interpretation and Spirit and Intent Letter  
8710 Emge Road  
Tax Map 70, Grid 12, Parcels 863 and 971  
9<sup>th</sup> Election District, 5<sup>th</sup> Councilmanic District  
Project No. 10057

Dear Tim:

Daft-McCune-Walker, Inc. (DMW) represents Genesis Health Care and its property located at the above-referenced address. By way of history, a special exception was granted by the Deputy Zoning Commissioner for a nursing home via Zoning Case 69-197-X on April 9, 1969. On July 10, 1970 the Zoning Commissioner extended the special exception to April 9, 1974.

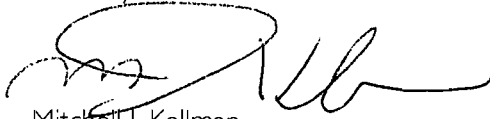
Genesis Health Care would like to add a parking lot to better serve the existing use. We would like written confirmation that the new parking lot is not subject to the residential transition area (RTA) requirements, and that the addition of the parking lot is within the "spirit and intent" of the aforementioned zoning case. The proposed parking lot will be located on the northwest portion of the property, shown as a grass area on the submitted plan. It is our opinion that as the special exception granted and established the use prior to the RTA regulations, any additions or improvements would not be subject to the RTA requirements. It is also our opinion that the proposed parking lot, to better serve the existing use, would be within the spirit and intent of the approved special exception. We hope that you agree with our interpretation by either countersigning this letter or producing a letter of written confirmation of your agreement.

To: JNP  
7/26/10  
191 m  
1900 OK  
10-85 per WCR  
Provided Use Has Not  
Changed & Follow  
1963 Zoning Regs.  
the expanded  
parking lot comply  
with 40%  
parking standard  
NO DRC. Check  
with Averyblades  
about landscaping

Mr. Timothy M. Kotroco, Director  
Page 2  
July 26, 2010

We have enclosed with this letter a Site Plan and a check in the amount of \$50.00 for the letter processing fee. If you need further information, please contact us at 410-296-3333.

Sincerely,

A handwritten signature in black ink, appearing to read 'MJK', followed by a long horizontal flourish.

Mitchell J. Kellman  
Director of Zoning Services

MJK/bah

Enclosure

**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET AND FINANCE**  
**MISCELLANEOUS CASH RECEIPT**

No. **56879**

Date: **7-26-10**

**PAID RECEIPT**

BUSINESS ACTUAL TIME DRW  
 7/27/2010 7/26/2010 14:23:25 2  
 SEE 4802 MAIL JESS JEE  
 RECEIPT # 653/54 7/26/2010 OFLY  
 Dept S 528 ZONING VERIFICATION  
 CR # 056879  
 Receipt Tot 450.00  
 450.00 CR 1.00 CA  
 Baltimore County, Maryland

| Fund | Dept | Unit | Sub Unit | Rev Source/ Obj | Sub Rev/ Sub Obj | Dept Obj | BS Acct | Amount |
|------|------|------|----------|-----------------|------------------|----------|---------|--------|
| 001  | 800  | 001  |          | 6150            |                  |          |         | 50.    |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |

Total: **50**

Rec From: **Mich Kellman**

For: **8710 Emge Rd**

**10-155 10-191**

**DISTRIBUTION**

WHITE - CASHIER    PINK - AGENCY    YELLOW - CUSTOMER    GOLD - ACCOUNTING  
 PLEASE PRESS HARD!!!!

**CASHIER'S  
 VALIDATION**



Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met

~~the above re-classification should be had, and it further appearing that by reason of~~

a Special Exception for a Nursing Home should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 9

day of April, 1969, that the ~~the above re-classification should be had, and it further appearing that by reason of~~

~~the same is hereby re-classified from~~ 200C to 200C-1

~~and~~ a Special Exception for a Nursing Home should be and the same is granted, from and after the date of this order, subject to approval of the site plan by the State Roads Commission, the Bureau of Public Services, the Office of Planning and Zoning, the Baltimore County Health Department and the Baltimore County Fire Bureau.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this

10 day of July, 1970, that the foregoing Special Exception GRANTED

April 9, 1969, be and the same is extended to April 9, 1974.

DATE 7/10/70

BY J. H. H. H.

Edward D. Hardesty  
Zoning Commissioner of  
Baltimore County

MICROFILMED

037-2072

783-7575

JAMES E. CRAWFORD  
ATTORNEY AT LAW  
400 EQUITABLE BUILDING  
CALVERT AND FAYETTE STREETS  
BALTIMORE, MARYLAND 21202

July 8, 1970

Mr. Edward Hardesty  
Zoning Commissioner  
Baltimore County Office Building  
Towson, Maryland 21204

Re: 69-197  
Nursing Home Zoning  
Land Location: Emgee &  
Lackawanna

Dear Mr. Hardesty:

Please extend Nursing Home Zoning for the longest possible extension time in regards to the above captioned property.

Very truly yours,

James E. Crawford  
James E. Crawford

JEC:tr

ORDER RECEIVED FOR FILING

DATE 4/9/69 - JC Hardesty  
BY

# PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, WILSON, FRANK, JR., 91.00 legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an NE-10-C zone to an NE-10-C zone, for the following reasons:

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for Nursing Home.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above reclassification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

Contract purchaser Margaret L. Jones Address 4305 Volzher Blvd. (21206)  
Petitioner's Attorney Frank E. Ciccone Protestant's Attorney Protestant's Attorney

ORDERED BY The Zoning Commissioner of Baltimore County, this 18th day of February, 1969, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 24th day of March, 1969, at 1:00 o'clock.

Zoning Commissioner of Baltimore County

(over)

## CERTIFICATE OF PUBLICATION

TOWSON, MD., MAR 6 1969, 19....

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of two issues before the 24th day of MARCH, 1969, the last publication appearing on the 5th day of March, 1969.

THE JEFFERSONIAN,

Frank E. Ciccone Manager

Cost of Advertisement, \$.....

## BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

February 27, 1969

Oliver L. Myers  
Chairman

MEMBERS  
BUREAU OF ENGINEERING  
BUREAU OF TRAFFIC ENGINEERING  
BUREAU OF FIRE PROTECTION  
BUREAU OF HEALTH DEPARTMENT  
BUREAU OF PROJECT PLANNING  
BUREAU OF BUILDING DEPARTMENT  
BUREAU OF BOARD OF EDUCATION  
BUREAU OF ZONING ADMINISTRATION  
BUREAU OF INDUSTRIAL DEVELOPMENT

Frank E. Ciccone, Esq.  
First National Bank Bldg.,  
Towson, Maryland 21204

RE: Type of Hearing: Special Exception  
for Nursing Home  
Location: W/S of Emge Road, 490' No. of Joppa Road  
9th District  
Petitioners: Vincenza Paolini, et ux  
Committee Meeting of Feb. 18, 1969  
Item 190

Dear Sirs:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

The subject property is presently zoned R-6. It lies on the west side of Emge Road and the east side of Lackawanna Avenue. The subject property is presently unimproved with the surrounding properties. Improved with ranch type and split level cottages - Frame, 10 to 20 years of age, in good repair. Emge Road at the present time is not improved with concrete curb and gutter, however, sections of Lackawanna Avenue are.

### BUREAU OF ENGINEERING:

#### Highways:

Access to this site shall be from Emge Road and Lackawanna Avenue, which shall ultimately be improved with 30' cross-section on a 50' right-of-way. The horizontal alignment of Emge Road along the frontage of this site will have to be corrected to improve the sight distance.

## MCA

MATZ, CHILDS & ASSOCIATES, INC.  
CONSULTING ENGINEERS  
1020 Cromwell Bridge Rd., Baltimore, Md. 21204. Tel. 381-823-0900

### DESCRIPTION

4.00 ACRE PARCEL, WEST SIDE OF EMGE ROAD, 490 FEET, MORE OR LESS, NORTH OF JOPPA ROAD, NINTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

This Description is for "Special Exception".

Beginning for the same at a point in the center of Emge Road, at the distance of 490 feet, more or less, as measured northerly and northeasterly along the center of said Emge Road from its intersection with the centerline of Joppa Road, running thence binding in the center of said Emge Road, six courses: (1) N 56° 25' E - 68 feet, more or less, (2) N 15° 48' E - 50 feet, more or less, (3) N 06° 04' E - 100 feet, more or less, (4) N 16° 21' W - 70 feet, more or less, (5) N 36° 01' W - 50 feet, more or less, and (6) N 41° 59' W - 56 feet, more or less, then five courses: (7) S 76° 21' W - 360 feet, more or less, (8) S 12° 42' E - 152 feet, more or less, (9) S 77° 18' W - 256 feet, more or less, (10) S 15° 46' E - 181 feet, more or less and (11) N 77° 18' E - 559 feet, more or less, to the place of beginning.

Containing 4.00 acres of land, more or less.

PPKbml Job Order 69007 January 31, 1969



Water Supply ■ Sewerage ■ Drainage ■ Highways ■ Structures ■ Developments ■ Planning ■ Reports

- Page 2 -

Frank E. Ciccone, Esq.  
First National Bank Bldg.,  
Towson, Maryland 21204  
Item 190

February 27, 1969

### BUREAU OF ENGINEERING: (Continued)

#### Storm Drains:

Storm water shall be directed in a suitable outfall. The Applicant will be fully responsible for the design and construction of all storm drains.

The Applicant must provide no excess drainage facilities (temporary or otherwise) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or other drainage facilities, will be the full responsibility of the Applicant.

#### Sewer:

Public sanitary sewerage is available to serve this site. There is existing sanitary sewer in Lackawanna Avenue.

#### Water:

This site can be served from the existing water mains in Lackawanna Avenue and Emge Road.

### PROJECT PLANNING DIVISION:

There should be interior circulation between Emge Avenue and Lackawanna Avenue.

### BUREAU OF TRAFFIC ENGINEERING:

Review of the subject petition indicates no internal circulation on this site. There will be some difficulty at the intersections of Lackawanna Avenue and Emge Road with their intersections with Joppa Road. However, improvements to Joppa Road, in the near future, should relieve this situation somewhat.

### HEALTH DEPARTMENT:

Public water and sewers are available to the site.

Nursing Home Comments: Prior to approval of a building application complete plans and specifications of the building and type of equipment to be used for the food service operation must be submitted to the Maryland State Department of Health, Division of Food Control, for review and approval.

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY #69-197-X  
Towson, Maryland

District 9th  
Posted for: Hearing, ready March 24, 1969, 1:00 P.M.  
Petitioner: Vincenza Paolini  
Location of property: W/S of Emge Rd. 490' of Joppa Road  
Location of signs: On E. side of Lackawanna Ave. 1st Right on Emge Rd. opp. 490' No. of Joppa Rd.  
Remarks: Mark H. Kras  
Posted by: Mark H. Kras Date of return: March 12, 69

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: March 12, 1969  
FROM: George E. Gornall, Director of Planning  
SUBJECT: Petition #69-197-X, Special Exception for a Nursing Home, West side of Emge Road 490 feet North of Joppa Road, Vincenza Paolini, Petitioner.  
9th District  
HEARING: Monday, March 24, 1969 (1:00 P.M.)

If it should be decided to grant the subject petition, we request that the grant be conditioned upon approval of the site plan by this office.

- Page 3 -

Frank E. Ciccone, Esq.  
First National Bank Bldg.,  
Towson, Maryland 21204  
Item 190

February 27, 1969

### BOARD OF EDUCATION:

Would result in a loss of approximately 5 students and would, therefore, pose no problem to the existing school district.

### BUILDING ENGINEER'S OFFICE:

Must meet Baltimore County Building Code regulations.

### FIRE DEPARTMENT:

Owner shall be required to comply with all Fire Department requirements in accordance with Fire Safety Code, 1967 edition, Chapter 10, Institutional Occupancies, when construction plans are submitted for approval.

### INDUSTRIAL DEVELOPMENT:

This office has no comments to offer.

### ZONING ADMINISTRATION DIVISION:

Some thought should be given to providing for circulation throughout the entire site. For example: if visitors to the proposed nursing home would enter the subject property from Lackawanna Avenue and all the parking would be filled, they would then have to return to Lackawanna Avenue to Joppa Road to Emge and in, whereas if circulation was provided throughout the entire site adequate parking could be provided without the visitors leaving the site.

Very truly yours,

Oliver L. Myers  
Oliver L. Myers, Chairman

DLH:JD  
Enc.

ORIGINAL

## OFFICE OF

## THE TOWSON TIMES

TOWSON, MD. 21204 March 10, 1969

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County

was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 10th day of March, 1969; that is to say, the same was inserted in the issue of March 6, 1969.

STROMBERG PUBLICATIONS, Inc.

By Ruth Morgan

INVOICE  
BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE  
Division of Collection and Receipts  
COUNTY HOUSE  
TOWSON, MARYLAND 21204  
To: Frank E. Ciccone, Esq.  
1st National Bank Building  
Towson, Md. 21204  
Invoice # 60825  
DATE Feb. 2, 1969  
Billed To: John G. Rose  
Billed To: John G. Rose

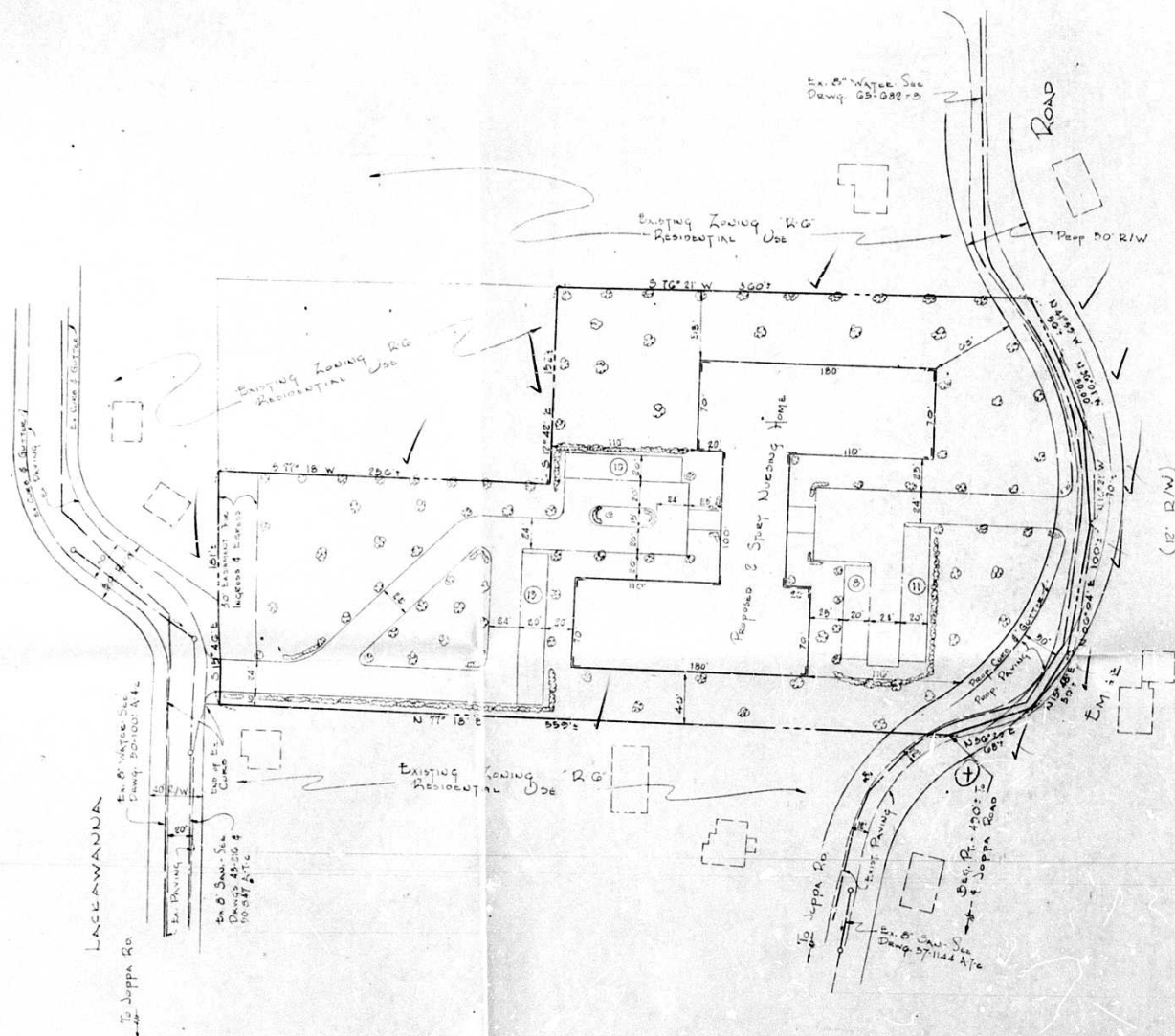
RETURN TO: John G. Rose  
1st National Bank Building  
Towson, Md. 21204  
DATE Feb. 2, 1969

INVOICE  
BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE  
Division of Collection and Receipts  
COUNTY HOUSE  
TOWSON, MARYLAND 21204  
To: John G. Rose  
1st National Bank Building  
Towson, Md. 21204  
Invoice # 60825  
DATE Feb. 2, 1969  
Billed To: John G. Rose  
Billed To: John G. Rose

RETURN TO: John G. Rose  
1st National Bank Building  
Towson, Md. 21204  
DATE Feb. 2, 1969

AVENUE

LACKAWANNA



LOCATION PLAN  
Scale: 1"=200'

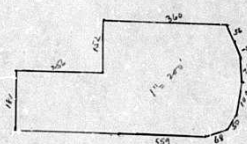
GENERAL NOTES

1. AREA OF PROPERTY EQUALS 4.00 ACRES
2. EXISTING ZONING OF PROPERTY IS R-6
3. EXISTING USE OF PROPERTY IS R-6
4. PROPOSED ZONING OF PROPERTY "R-6 WITH SPECIAL EXCEPTION"
5. PROPOSED USE OF PROPERTY "NURSING HOME"
6. OFF-STREET PARKING:
  - a. TOTAL NUMBER OF DEOS EQUALS 240
  - b. REQUIRED OFF-STREET PARKING EQUALS 24 UNITS
  - c. PROPOSED OFF-STREET PARKING EQUALS 48 UNITS

#69-197X

OFFICE COPY

MAP  
#9  
SEC. 3-C  
NE-10-C  
"X"



PLAT TO ACCOMPANY PETITION  
FOR  
SPECIAL EXCEPTION TO PROPERTY  
VICINITY  
LACKAWANNA AVE. & WAYNE AVE.  
SECTION 3-C, BALTIMORE CO., MD.  
JAN. 31, 1967



MISS MINNIE DUNKES  
C.W. 3/11/27

SING HOME

DAFT - McCUNE - WALKER INC.  
LAND PLANNING CONSULTANTS  
LANDSCAPE ARCHITECTS  
207 W. 11th St.  
Baltimore, Md. 21201  
207 W. 11th St.  
Baltimore, Md. 21201  
207 W. 11th St.  
Baltimore, Md. 21201NELSON-SALABEE, INC.  
ARCHITECTS  
PLANNERS  
1045 Taylor Avenue, Suite 208 - Baltimore, Maryland 21201

# VALLEY VIEW NURSING HOME

Revisions

Sheet Title

SITE PLAN

Job No.

0672

Sheet No.

SD-1

Date

6/8/72 - CH

Sheet No. 108-83 Approved



DR-5.5  
USE RESIDENTIAL

MISS MINNIE DUNKES  
C.W.D. JR. 2/2

GREEN MEADOWS  
RES. 6/22

DR-5.5

FUTURE NURSING HOME  
SITE

DR-5.5  
USE RESIDENTIAL

JACOB HOLLOPETER  
W.P.C. 6/22

10' DRAINAGE UTILITY EASEMENT  
(PROP. 6" VCPX SANITARY @ 0.6%)

TYP  
LIGHTING  
STAND

MORTGAGE LINE

NOTE: ALL PARKING AND DRIVEWAYS SHALL BE COVERED  
WITH BITUMINOUS CONCRETE

FINAL DEVELOPMENT PLAN  
SCALE: 1" = 20'

VALLEY VIEW NURSING HOME  
A. EXISTING ZONING DR-5.5 WITH SPECIAL EXCEPTION GRANTED FOR  
B. UNDESIRABLE ZONING  
C. MAXIMUM ALLOWABLE HEIGHT - 35' OR 3 STORY  
D. PROPOSED HEIGHT - 30' OR 2 STORY  
E. NUMBER OF BEDS - 60 PROPOSED  
F. PARKING REQUIRED - 15 SPACES  
G. PARKING PROPOSED - 20 SPACES (10' X 5')  
H. AREA OF LOT - 72 AS 1  
I. BUILDING COVERAGE - 17,700 SQ. FT.  
J. BUILDING FLOOR AREA - 25,400 SQ. FT.  
K. UTILITY INFORMATION TAKEN FROM BALTIMORE CO. DWG. 43-214,  
L. 2-24-41 AND 2-14-44 A.T.C. WATER, SEE DWG. 69-222-5.  
M. LOCATION: SOUTH-WEST SIDE OF ENGE RD. NORTHWEST OF JOPPA RD.  
N. 15th ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.  
O. DEVELOPER: VALLEY VIEW NURSING HOME PARTNERSHIP  
P. 1000 BELLONA AVENUE  
Q. BALTIMORE, MARYLAND 21204

PLANS APPROVED  
OFFICE OF PLANNING & ZONING  
BY: *[Signature]*  
DATE: 6/14/72  
69-197X