

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Nicholas B. Mangione, legal owner(s) 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 re-classified, pursuant to the Zoning Law of Baltimore County, from an _____ zone to an _____ 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 Convalescent Home Facility.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification 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 for Baltimore County.

Nicholas B. Mangione
Contract purchaser
Address: 3902 White Avenue
Baltimore, MD 21206
Richard J. DiPasquale
Petitioner's Attorney
Address: 5718 Harford Road
Baltimore, MD 21214

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1976, 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 _____ day of _____, 1976 at _____ o'clock _____ P.M.

(over)

April 27, 1976

Richard J. DiPasquale, Esquire
5718 Harford Road
Baltimore, Maryland 21214

RE: Petition for Special Exception
S/S of Greenridge Road, 641'
E of York Road - 9th Election
District
Nicholas B. Mangione, et ux -
Petitioners
NO. 76-158-X (Item No. 112)

Dear Mr. DiPasquale:

I have this date passed my Order in the above referenced matter. Copy of said Order is attached.

Very truly yours,

S. Eric DiNenna
S. ERIC DINENNA
Zoning Commissioner

SFD/scw
Attachments
cc: Charles W. Held, Jr., Esquire
Suite 400, Loyola Federal Bldg.
22 West Pennsylvania Avenue
Towson, Maryland 21204

Stephen D. Langhoff, Esquire
1210 Dragoon Court
Timonium, Maryland 21093

Mr. Maurice S. Bozel
303 Felton Road
Timonium, Maryland 21093

Mr. Livio Broccolino
131 Greenridge Road
Timonium, Maryland 21093

John W. Hession, III, Esquire
People's Counsel

RE: PETITION FOR SPECIAL
EXCEPTION
S/S of Greenridge Road, 641'
E of York Road - 9th Election
District
Nicholas B. Mangione, et ux -
Petitioners
NO. 76-158-X (Item No. 112)

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

This matter comes before the Zoning Commissioner as a result of a Petition filed by Nicholas B. and Mary C. Mangione, for a Special Exception for a convalescent home. The subject property is located on the south side of Greenridge Road, 641 feet east of York Road, in the Ninth Election District of Baltimore County, and contains 5 acres of land, more or less.

Evidence on behalf of the Petitioners indicated that they propose to construct a convalescent home for the elderly. Testimony indicated that the proposed use would not cause an undue concentration of population or traffic problems in this general area and would not otherwise be detrimental to the health, safety, or general welfare of the community.

Residents of the area, in protest to the subject Petition, indicated that they were fearful that, if said Special Exception were granted, it would represent a substantial change in the character of the neighborhood, warranting the Reclassification of other properties in the general vicinity.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner, the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations have been met and, therefore, the Special Exception for a convalescent home should be granted. It should be noted that the granting of a Special Exception cannot be used as evidence as a substantial change in the character of the neighborhood.

ORDER RECEIVED FOR FILING

DATE April 27, 1976
BY S. Eric DiNenna

april
associates
land surveyors

DESCRIPTION OF PROPERTY
GREENRIDGE ROAD, 9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point in the centerline of Greenridge Road, 30 feet wide, said point being situate 641 feet more or less, measured in an Easterly direction, from a point of intersection of said centerline of Greenridge Road with the East side of York Road and also being in the division line between Lots 7 and 8 as shown on the Plat of Greenridge, recorded among the Land Records of Baltimore County in Plat Book No. 5, folio 85; thence running from said point of beginning and binding on the centerline of Greenridge Road North 74 degrees 56 minutes East 434.00 feet; thence leaving said road and binding on the outlines of Lot No. 8 of Greenridge the five following courses and distances: (1) South 15 degrees 04 minutes East 401.25 feet (2) South 68 degrees 19 minutes West 101.00 feet (3) South 5 degrees 17 minutes West 135.92 feet (4) South 75 degrees 31 minutes West 286.42 feet and (5) North 15 degrees 04 minutes West 537.42 feet to the point of beginning; containing 5.00 acres more or less.

BEING Lot No. 8 as shown on the Plat of Greenridge recorded among the Land Records of Baltimore County in Plat Book No. 5, folio 85.

November 26, 1975

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27th day of April, 1976, that a Special Exception for a convalescent home should be and the same is hereby GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

S. Eric DiNenna
Zoning Commissioner of
Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION
South side of Greenridge Road 641 feet
East of York Road, 9th District
NICHOLAS B. MANGIONE, Petitioner

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 76-158-X

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kountz, Jr.
Charles E. Kountz, Jr.
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that a copy of the foregoing Order was mailed to Richard J. DiPasquale, Esquire, 5718 Harford Road, Baltimore, Maryland 21214, Attorney for Petitioner.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: February 10, 1976
FROM: William D. Fromm, Director of Planning
SUBJECT: Petition #76-158-X. Petition for a Special Exception for Convalescent Home.
South side of Greenridge Road 641 feet East of York Road.
Petitioner - Nicholas B. Mangione and Mary C. Mangione
9th District

Hearing: Wednesday, February 18, 1976 at 7:45 P.M.

Although not opposed to the such uses, this office is concerned with the impact of a facility of this size on the neighboring residential properties; this concern involves not only the scale of the proposed buildings but also the large, paved parking area. If this facility is to be in harmony with its surroundings, it must be carefully and skillfully designed to lessen its impact on the adjacent residential area. The only alternative would be to severely reduce the size of the entire facility. Two possible mechanisms for lessening the impact of a facility of this size upon the neighborhood would be to:

- (1) Extensively landscape the parking area so as to visually "break-up" this wide expanse of paving; any lighting for the parking area should be limited to 8 feet in height; and
- (2) Design the buildings so as to avoid the long, relatively unbroken, lateral dimensions, i.e., 300 feet, 290 feet, and 260 feet. This impact could also be softened by extensive landscaping.

It is the opinion of this office that far more detailed design information should be provided so that a proper assessment of the impact that this facility would have on the adjacent residences can be made.

Additionally, the proposed connection of Tenbury Road, Northwestward to Greenridge Road, appears to be undesirable at this time. The connection would offer an alternative access to Heaver Plaza which, if utilized, to any extent, would create undesirable traffic volumes on Ridgfield Road between York Road and Dulany Valley Road.

William D. Fromm
William D. Fromm
Director of Planning

WDF:NEG:nb

baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 494-2351
S. ERIC DINENNA
ZONING COMMISSIONER

January 23, 1978

Walter A. Belter, Jr., Esquire
Chairman, Baltimore County
Board of Appeals
Room 219, Courthouse
Towson, Maryland 21204

Re: Case No. 76-158-X (Item 112) Nicholas B. Mangione - Petitioner
IDCA No. 77-69-X
S/S of Greenridge Road 641 feet East of
York Road, 9th District

Dear Mr. Belter:

The IDCA No. 77-69-X application was signed by Mr. Leslie H. Graef, Director of Planning and Secretary to the Baltimore County Planning Board, January 19, 1978, indicating the determination by the Board that the requested Special Exception does conform to the requirements of Subsection 22-15.1 (P) of the Baltimore County Code, 1968.

SFD/ba
cc: Richard J. DiPasquale, Esq.
5718 Harford Road
Baltimore, Md. 21214

John W. Hession, 3rd, Esq.
People's Counsel

Very truly yours,

S. Eric DiNenna
S. ERIC DINENNA
ZONING COMMISSIONER

ICDA APPLICATION FOR SPECIAL EXCEPTION AND OR SPECIAL PERMIT

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Nicholas B. Mangione and
Mary C. Mangione, LEGAL OWNER OF THE PROPERTY SITUATED IN BALTIMORE
COUNTY, THE PROPERTY OUTLINE OF WHICH IS SHOWN TO SCALE, COMPLETE WITH DIMENSIONS AND DISTANCES ON
200 FT. SCALE MAPS, WHICH ARE ATTACHED HERETO, HEREBY MAKE APPLICATION TO FILE FOR A SPECIAL
EXCEPTION IN A DR-5.5 ZONE TO USE THE HEREIN DESCRIBED PROPERTY FOR
A 270-BED CONVALESCENT HOME.

THE PROPERTY IS EXPECTED TO BE IMPROVED AS FOLLOWS:

GROSS SITE AREA 5.00 ACES. + DEED REF. LIBER 5510, Folio 379

GRADING 20% OF OVERALL SITE WILL REQUIRE GRADING.

BUILDING SIZE see attached plat

GROUND FLOOR 39,200.00 SQ. FT.

NUMBER OF FLOORS 2 TOTAL HEIGHT 20'

FLOOR AREA RATIO = TOTAL FLOOR AREA DIVIDED BY SITE AREA = .35

BUILDING USE Administration

GROUND FLOOR services OTHER FLOORS Patient rooms

REQUIRED NUMBER OF PARKING SPACES = 1 per every 10 patient beds

GROUND FLOOR OTHER FLOORS TOTAL 27

PAVING

AREA OF SITE TO BE PAVED TO ACCOMMODATE REQUIRED PARKING SPACES 1.12 ACES. SURFACE 360 X 153

(PAVED AREA MAY BE ESTIMATED BY MULTIPLYING REQUIRED NUMBER OF SPACES BY 360)

UTILITIES

WATER: ☒ PUBLIC ☐ PRIVATE, TYPE OF SYSTEM

SEWER: ☒ PUBLIC ☐ PRIVATE, TYPE OF SYSTEM

UTILITIES SECURITY APPROVAL

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

APPLICANT, LESSEE OR CONTRACT PURCHASER

ADDRESS 2514 PROCTOR ROAD

Baltimore, MD 21234

THE PLANNING BOARD HAS DETERMINED ON 1-19-77 THAT THE PROPOSED DEVELOPMENT

DOES / DOES NOT CONFORM TO THE REQUIREMENTS OF SUBSECTION 22-15(1) OF THE BALTIMORE COUNTY CODE, 1966.

DATE 1-20-77 Signed: Leslie H. Graef, Jr.

CHAIRMAN, BALTIMORE COUNTY PLANNING BOARD

ICDA APPLICATION FOR SPECIAL EXCEPTION AND OR SPECIAL PERMIT

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Nicholas B. Mangione and
Mary C. Mangione, LEGAL OWNER OF THE PROPERTY SITUATED IN BALTIMORE
COUNTY, THE PROPERTY OUTLINE OF WHICH IS SHOWN TO SCALE, COMPLETE WITH DIMENSIONS AND DISTANCES ON
200 FT. SCALE MAPS, WHICH ARE ATTACHED HERETO, HEREBY MAKE APPLICATION TO FILE FOR A SPECIAL
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(PAVED AREA MAY BE ESTIMATED BY MULTIPLYING REQUIRED NUMBER OF SPACES BY 360)

UTILITIES

WATER: ☒ PUBLIC ☐ PRIVATE, TYPE OF SYSTEM

SEWER: ☒ PUBLIC ☐ PRIVATE, TYPE OF SYSTEM

UTILITIES SECURITY APPROVAL

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

APPLICANT, LESSEE OR CONTRACT PURCHASER

ADDRESS 1205 YORK ROAD

Lutherville, MD 21093

THE PLANNING BOARD HAS DETERMINED ON 1-17-77 THAT THE PROPOSED DEVELOPMENT

DOES / DOES NOT CONFORM TO THE REQUIREMENTS OF SUBSECTION 22-15(1) OF THE BALTIMORE COUNTY CODE, 1966.

DATE 1-17-77 Signed: Leslie H. Graef, Jr.

CHAIRMAN, BALTIMORE COUNTY PLANNING BOARD

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS

DATE: November 1, 1977

TO: Ellsworth N. Diver, P.E.
Chief, Bureau of Engineering

PROJECT NAME: Mangione Property	ICDA PLAN	X
PROJECT NUMBER: ICDA NO. 77-43X	PRELIMINARY PLAN	
LOCATION: Greenridge Road, E. of York Road	INTERIM PLAN	
DISTRICT: 906	DEVELOPMENT PLAN	
	FINAL PLAN	

This application for special exception (No. 77-43X) was received by the Developers Design and Approval Section on September 6, 1977 and we comment as follows:

Water: (Townson Fourth Zone) Urban Area

There is a public 6-inch water main in Greenridge Road, and a public 8-inch water main in Tenbury Road, just west of this site. There are no problems with water service reported in the area. This property is within the Urban-Rural Demarcation Line and in an area designated "Existing Service" on Baltimore County Water Plan W-16B, as amended. The requested change in use should not adversely affect the system; therefore, this project may be approved.

Sanitary Sewer: (Greenridge Sub-Interceptor - Long Quarter Branch - Long Quarter Pumping Station - Gunpowder Pumping Station - Whitmarsh Pumping Station - Stemmers Run Pumping Station - Back River Waste Water Treatment Plant) Long Quarter Pumping Station - 17.66 mgd; Gunpowder Pumping Station - 17.55 mgd; Whitmarsh Pumping Station - 24.57 mgd; Stemmers Run Pumping Station - 14.40 mgd.

There is a public 8-inch sanitary sewer in Greenridge Road. No dry weather flow problems are reported in the area. This property is within the Urban-Rural Demarcation Line and in an area designated "Existing Service" on Baltimore County Sewerage Plan S-16B, as amended. The requested change in use should not adversely affect the system; therefore, this project may be approved. Estimated average daily flow: .027 - .036 mgd.

Storm Drains: (Long Quarter Branch - Loch Raven Reservoir - Gunpowder River)

Storm drain problems have been reported downstream of this site along Long Quarter Branch. Considerably downstream of this site along Gunpowder Falls, the bridge openings at Route 40, Route 1, Sparks Road and Glenwood Road are inadequate; a historical building and a maintenance building have been flooded within the Gunpowder State Park - 1,000 feet downstream of Harford Road; and Cromwell Bridge flooded during Agnes. The

NO. 77-43X
Mangione Property
Page 2
November 1, 1977

Storm Drains: (Cont'd)

onsite impervious area is indicated to be an increase of approximately 2 acres. The estimated 100-year design storm runoff increase is 23.86 cfs. This project may not be approved. However, should 100-year design storm water management facilities with a controlled release rate be installed as part of the development, then this project may be approved.

Ellsworth N. Diver, P.E.
Chief, Bureau of Engineering

END:EAM:FKR:86

RECEIVED

NOV 7 1977

PLANNING & ZONING

Baltimore County Office of Planning and Zoning
November 17, 1977

RESOLUTION OF THE BALTIMORE COUNTY PLANNING BOARD

November 17, 1977

WHEREAS, Pursuant to Section 22-15.1 of the Baltimore County Code 1969 as amended by Bill No. 12-77, known as the Interim Development Control Act, there has been submitted to the Baltimore County Planning Board an application, I.D.C.A. No. 77-43X, for a special-exception to allow a convalescent home on property located on Green Ridge Road, east of York Road, owned by Nicholas B. and Mark C. Mangione; and

WHEREAS, By the presentation at this meeting by various residents of the area identifying known dry weather overflows, the Planning Board has determined that sufficient data does not exist to establish compliance with Subsection(e)(1) A of Bill No. 22-77; and

WHEREAS, Subsection 22-15.1(e)(2)c. of the County Code requires that such an application must be denied; now, therefore, be it

RESOLVED, That the Baltimore County Planning Board hereby decides that the development proposed under I.D.C.A. Application No. 77-43X, fails to conform to the requirements of the Interim Development Control Act; and be it further

RESOLVED, That, pursuant to Paragraph 22-15.1(e)(2) B of the County Code,

a copy of this resolution shall be forwarded to the Zoning Commissioner thereby advising him of the Planning Board's findings and decision regarding I.D.C.A. Application No. 77-43X.

I HEREBY CERTIFY that this resolution was duly adopted by the Baltimore County Planning Board at its meeting in Towson, Maryland, on November 17, 1977.

DATE: 11/17/77
Signed: Leslie H. Graef, Jr.
Secretary to the Board

SAUNDERS M. ALMOND JR.
40 HERBERT J. TOWNSON BUILDING
TOWSON, MARYLAND 21204

December 3, 1977

To the Zoning Commissioner
of Baltimore County

RE: ICDA No. 77-43X

The applicants, Nicholas B. Mangione and Mary C. Mangione, his wife, submitted an ICDA Application on September 1, 1977, No. 77-43X, which they are respectfully requesting be reviewed with the understanding that if any storm water management facilities are required, then such facilities shall be installed by the applicants.

At a hearing on this matter, the applicants would also request that they be allowed to present such facts that would prove that this application meets the requirements of the Interim Development Control Act.

Respectfully submitted,

Saunders M. Almond, Jr.,
Attorney for the applicants

SMA:BSM

RE: PETITION FOR SPECIAL EXCEPTION
5/5 of Greenridge Road, 641' E of
York Road, 9th Election District
NICHOLAS B. & MARY C. MANGIONE,
Petitioners

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

Case No. 76-158-X (Item No. 112)

ORDER FOR APPEAL

Mr. Commissioner:

Please note an Appeal from your decision of April 27, 1976 in the above-entitled matter to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

John W. Hession, III
People's Counsel

Charles E. Kuntz, Jr.
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 25th day of May, 1976, a copy of the foregoing Order was mailed to Richard J. DiPasquale, Esquire, 5718 Harford Road, Baltimore, Maryland 21214, Attorney for Petitioners.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 33417

DATE June 1, 1976 ACCOUNT 01-662

AMOUNT \$75.00

RECEIVED John W. Hession, III, Esquire, People's Counsel

FOR: Cost of Filing of an Appeal and Posting of Property

on Case No. 76-158-X (Item No. 112)

5/5 of Greenridge Road, 641' E of York Road - 9th

Election District

Nicholas B. Mangione, et ux - Petitioners

75.00 CASH

VALIDATION OR SIGNATURE OF CASHIER

May 25, 1976

Zoning Commissioner of Baltimore County
County Office Building
Towson, Maryland 21204

RE: No. 76-158-X (Item No. 112)
Petition for Special Exception
S/S of Greenridge Road,
641' E of York Road
9th Election District
Nicholas B. Mangione,
et ux. Petitioners

Please enter an appeal to the County Board of Appeals from the Order of the Zoning Commissioner of Baltimore County dated April 27, 1976, granting a Special Exception for a convalescent home in the above matter on behalf of the following aggrieved parties:

Dr. John H. Kahnert
118 Greenridge Road
Lutherville, Maryland 21093

Mr. Andres Alcarose
10 Ridgefield Road
Lutherville, Maryland 21093

Mr. Donald Michael
20 Ridgefield Road
Lutherville, Maryland 21093

Mr. Richard Reikenis
208 Stratford Way
Lutherville, Maryland 21093

Mrs. Judi Bowie
126 Greenridge Road
Lutherville, Maryland 21093

Check for \$75.00 to cover cost of filing the appeal and posting the captioned property is attached hereto.

Charles W. Held, Jr., Attorney
400 Loyola Federal Building
22 W. Pennsylvania Avenue
Towson, Maryland 21204
823-1000

MM 25 '76 PM

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 33416

DATE June 1, 1976 ACCOUNT 01-662

AMOUNT \$75.00

RECEIVED FROM Charles W. Held, Jr., Esquire
FOR Cost of Filing of an Appeal and Posting of Property
on Case No. 76-158-X (Item No. 112)
S/S of Greenridge Road, 641' E of York Road - 9th
Election District
Nicholas B. Mangione, et ux - Petitioners

VALIDATION OR SIGNATURE OF CASHIER

IN RE:
NICHOLAS B. MANGIONE, et ux
SE- Convalescent Home
S/S of Greenridge Rd. 641'E. of York Rd.
9th District
APPEALS
CASE NO. 76-158X

COMES NOW, the Petitioner, NICHOLAS B. MANGIONE, by his attorney, Richard J. DiPasquale, herein takes Exception to the Continuance granted to Counsel for Protestants in the within captioned matter and sets forth the following:

1. That this matter was originally Petitioned for Special Exception January 26, 1976 and that a Hearing was scheduled before the Zoning Commission of Baltimore County on Wednesday, February 18, 1976.
2. That Hearing was had on February 18, 1976 at 7:45 P.M. granting the Special Exception requested to this Petitioner.
3. On the 25th day of May, 1976 in Order for an Appeal was filed on behalf of the Protestants by John W. Hessian, III, Esq., Counsel, and Charles E. Kounts, Jr., Deputy People's Counsel, with a copy of said Order of Appeal, mailed to Richard J. DiPasquale, Esq., Solicitor for Petitioner.
4. Thereafter, various letters have been written to Mr. Edith Eisenhart, Secretary of the Zoning Board of Appeals and Walter A. Reiter, Chairman of the County Board of Appeals, requesting a Hearing Date at the earliest possible time. On October 5, 1976, Counsel for Petitioner received Notice of Assignment that the matter would be scheduled at Tuesday, December 7, 1976 at 10:00 A.M., at which time all Parties and Witnesses were notified to clear their calendars for that date.
5. Rule 2b. of the Rules of Practice and Procedures of County Board of Appeals prohibits postponements and continuances except upon request in writing by an attorney of record with a copy to every other attorney of record entitled to receive notice in accordance with Section 500.11 of the Baltimore County Zoning Regulations setting forth good and sufficient reasons for the requested postponement.

6. Counsel for Petitioner received no such copy of Request for Continuance and vigorously opposes any Continuance in this matter as any delay will burden the Petitioner and cause irreparable harm and economic loss to the Petitioner.

WHEREFORE your Petitioner prays:

- a. That the Hearing Date of December 7, 1976 be reassigned.
- b. That if December 7, 1976 is not appropriate that an earlier Hearing Date be assigned to prevent further losses to the Petitioner.
- c. For any and such other and further relief which this Board deems appropriate on behalf of the Petitioner.

RICHARD J. DIPASQUALE
5718 Harford Road
Baltimore, Maryland 21214
426-4538
ATTORNEY FOR PETITIONER

COPIES TO:
Stephen D. Langhoff, Esq., Counsel for Protestants
Charles W. Held, Jr., Esq., " " "
John W. Hessian, III, Esq., People's Counsel

-2-

LAW OFFICES
SAUNDERS M. ALMOND, JR.
407 MERCANTILE TOWSON BUILDING
TOWSON, MARYLAND 21204

February 9, 1978

Mrs. Edith T. Eisenhart
c/o County Board of Appeals
Room 219 Court House
Towson, MD 21204

Re: Petition of Nicholas B. Mangione & wife
Reclassification & Special Exception
78-15-RX

Dear Mrs. Eisenhart:

I will appreciate it if you will issue a subpoena for:

Mr. John J. Trenner
Bureau of Engineering
Room 200 Office Building

to testify for the Petitioners at the hearing on the above entitled matter which is set for 10:00 a.m. on Tuesday, February 14, 1978 before the County Board of Appeals, Room 219 Court House, Towson, Maryland 21204.

Sincerely yours,

SMA:BSM
Hand Delivered 2/9/78
3:15 p.m.

Mr. Sheriff:

Please issue summons in accordance with above.

Muriel E. Buddemeier
County Board of Appeals

November 28, 1977

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3351

S. ERIC DINENNA
ZONING COMMISSIONER

Walter A. Reiter, Jr., Esquire
Chairman, Baltimore County
Board of Appeals
Room 219, Courthouse
Towson, Maryland 21204

Re: Case No. 76-158-X (Item #112)
S/S of Greenridge Road 641 feet
East of York Road, 9th District

Dear Mr. Reiter:

As per your Order of July 12, 1977, said matter was processed and enclosed herewith please find a copy of IDCA application for Special Exception (IDCA No. 77-69-X). The application signed by Mr. Leslie H. Graef, Director of Planning and Secretary to the Baltimore County Planning Board, indicating the determination by the Board that the requested Special Exception does not conform to the requirements of Subsection 22-15.1 (F) of the Baltimore County Code, 1968.

Very truly yours,

S. ERIC DINENNA
ZONING COMMISSIONER

SED/ba
cc: Richard J. DiPasquale, Esq.
5718 Harford Road
Baltimore, Md. 21214
John W. Hessian, Jr., Esq.
People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To County Board of Appeals Date February 3, 1978

FROM Leslie H. Graef, Director
Office of Planning

SUBJECT Zoning Petition No. 76-158-X.
Nicholas B. Mangione

On January 19, 1978 the Planning Board approved this application in conformance with the standards set forth in the Interim Development Control Act. Please note, however, that until the applicant has conformed to the County's Storm Water Management Policy, this office cannot approve a building permit application for this site.

Sincerely,

Leslie H. Graef, Director
Office of Planning

LHG:JGH:rw
cc: J.G. Howell
Attachment:1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 33477

DATE June 29, 1976 ACCOUNT 01-662

AMOUNT \$5.00

RECEIVED FROM Dulaney Valley Improvement Association, Inc.
c/o Mr. Maurice S. Bozel, President
FOR Cost of Posting Property of Nicholas B. Mangione,
et ux. for an Appeal Hearing
S/S of Greenridge Road, 641' E of York Road - 9th
Election District
Case No. 76-158-X (Item No. 112) 5.00

VALIDATION OR SIGNATURE OF CASHIER

DULANEY VALLEY IMPROVEMENT ASSOCIATION

Zoning Commissioner
County Office Building
Towson, Maryland 21204

May 21, 1976

RE: Petition for Special
Exception S/S of Greenridge
Road, 641' E. of York Road
9th. Election District
Nicholas B. Mangione, et ux -
Petitioners
No. 76-158X (Item No. 112)

Dear Sir:

We hereby appeal the decision in the above referred zoning hearing. This appeal is made on behalf of the residents in the surrounding community being known as the Dulaney Valley Improvement Association.

Our check in the amount of Seventy Dollars (\$70.00) is enclosed. Please address all notices and correspondence to:

Maurice S. Bozel, President
Dulaney Valley Improvement Association
303 Felten Road
Lutherville, Maryland 21093
411-1332 - 247-3946

Thank you for your cooperation.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 33418

DATE June 1, 1976 ACCOUNT 01-662

AMOUNT \$70.00

RECEIVED FROM Mr. Maurice S. Bozel, President, Dulaney Valley Improvement Association
FOR Cost of Filing of an Appeal on Case No. 76-158-X
(Item No. 112)
S/S of Greenridge Road, 641' E of York Road - 9th
Election District
Nicholas B. Mangione, et ux - Petitioners

VALIDATION OR SIGNATURE OF CASHIER

cc: Charles W. Held, Jr.
Suite 400, Loyola Federal
22 West Pennsylvania
Towson, Maryland 21204
Mr. Livio Broccolini
131 Greenridge Road
Towson, Maryland 21204
Officers, Directors &
Zoning Committee
Dulaney Valley Improv

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3351

S. ERIC DINENNA
ZONING COMMISSIONER

Walter A. Reiter, Jr., Esquire
Chairman, Baltimore County
Board of Appeals
Room 219, Courthouse
Towson, Maryland 21204

Re: Case No. 76-158-X (Item 12)
S/S of Greenridge Road 641 feet
East of York Road, 9th District
Nicholas B. Mangione
IDCA NO. 77-69-X

Dear Mr. Reiter:

As per your Order of July 12, 1977, said matter was processed and enclosed herewith, please find a copy of IDCA application for Special Exception (IDCA No. 77-69-X). The Application signed by Mr. Leslie H. Graef, Director of Planning and Secretary to the Baltimore County Planning Board, January 20, 1978, indicating the determination by the Board, January 19, 1978, that the requested Special Exception does conform to the requirements of Subsection 22-15.1 (F) of the Baltimore County, Code, 1968.

Very truly yours,

S. ERIC DINENNA
ZONING COMMISSIONER

SED/ba
cc: Richard J. DiPasquale, Esq.
5718 Harford Road
Baltimore, Md. 21214
John W. Hessian, Jr., Esq.
People's Counsel

EXECUTIVE ORDER

October 24, 1977

AMENDMENT TO STORM WATER MANAGEMENT POLICY

WHEREAS, a storm water management program was implemented for Baltimore County by Order of the County Executive dated August 30, 1974 by amending the Baltimore County Sediment Control Manual to include the Baltimore County Storm Water Management Policy; and

WHEREAS, recognizing the necessity for further implementation of additional requirements for design, construction, management and maintenance of storm water management facilities these amendments are to be made; and

WHEREAS, the additional requirements will establish a standard that such facilities shall be capable of managing storm water of an intensity of 2 year through 100 year storms; and

WHEREAS, it is necessary that the Sediment Control Manual be amended by incorporating therein this Amendment to the storm water management policy previously referred to;

NOW, THEREFORE, it is this ____ day of October, 1977, by the County Executive of Baltimore County, Maryland, ORDERED, that the Baltimore County Storm Water Management Policy, as incorporated after Appendix B-6 of the Baltimore County Sediment Control Manual, 1968, as Amended, be amended to provide the requirements set forth in the attachment hereto entitled Amendment to Storm Water Management Policy.

Theodore G. Venetoulis
County Executive

AMENDMENT TO
STORM WATER MANAGEMENT POLICY

7. That the Department of Public Works shall be given overall responsibility for the technical administration of this program with assistance as necessary from the various County agencies including the Soil Conservation District, the Department of Permits and Licenses, and the Office of Planning and Zoning.

of expertise. Said fee will be assessed on the developer of "for sale" units. In the case of private developments which are public in nature, whether commercial, industrial, institutional or residential, the developer and/or the owner shall be responsible for all maintenance; however, if proper maintenance is not performed, the County will perform the necessary maintenance and assess the owner as per County policy or law or regulation and become a lien upon the property and collectible in the same manner to the same extent as real estate taxes are collected.

5. That the developer and/or owner shall assume maintenance costs for a two year period following the completion of a storm water management facility or until the facility is accepted by the County whichever comes later in time. The developer shall post a bond or other acceptable security as part of the Public Works Agreement or separate agreement as provided herein to compensate the County if the developer and/or owner defaults on the maintenance responsibility. The basis for this provision is to prevent the County from accepting the maintenance responsibility for a facility prior to its complete stabilization including complete establishment of vegetation, settling of filled areas, and erosion and sedimentation problems. Also, the County will not accept the facility until a certified as built plan is received from a Professional Engineer (P.E.).

6. That all storm water management facilities required to be fenced shall not be eligible for Local Open Space. The use of other storm water management facilities for Local Open Space shall be approved by the Department of Recreation and Parks prior to acceptance.

The Baltimore County Executive by Executive Order dated August 30, 1974 implemented a storm water management program in Baltimore County which was incorporated and made part of the Baltimore County Sediment Control Manual, 1968, as amended, which program included controls of off-site erosion and subsequent sedimentation resulting from increased storm water runoff generated by development. While initially the purpose of the program was to control a 2 year storm; the county will now require control through a 100 year storm.

On January 17, 1977 the Baltimore County Council enacted Bill No. 12-77 which established the Baltimore County Interim Development Control Act (I.D.C.A.). This act emphasized that the storm water management policies as established in Baltimore County would have to be met by any development occurring under the I.D.C.A. In addition, it provided that storm water runoff from any new development "shall be adequately conveyed throughout the downstream drainage courses of the County without damage to downstream developed properties, or where drainage facilities are inadequate under this criteria, corrections shall be operational or under construction within two years.

In order to assure a more adequate storm water management program the following procedures are now required:

1. Preliminary storm water management feasibility plans shall be submitted prior to the tentative approval of subdivision, commercial, industrial and institutional development plans and plans submitted with regard to application for special exceptions and all other appropriate plans in order that their

feasibility can be approved by the Baltimore County Department of Public Works and the Soil Conservation District. The approval shall be required before the Baltimore County Planning Board can give tentative approval of a subdivision plan. The degree of detail, including computations to be submitted, shall be adequate for the reviewing agencies to determine basic site suitability and adequacy. An approval line for Soil Conservation District and Department of Public Works approval signatures shall be required on all preliminary plans submitted for tentative approval.

2. All storm water management facilities to be constructed in Baltimore County under the storm water management program shall be provided for in the Public Works Agreement so that Baltimore County will have direct control over design, construction, management and maintenance. In the event that a Public Works Agreement is not appropriate in the process of approval of plans for development, then and under those circumstances, a separate agreement shall be required to implement the storm water management program.

3. That the Department of Permits and Licenses, in conjunction with the Department of Public Works, shall conduct timely inspections during construction to assure that the facility is being constructed in accordance with County approved plans and specifications and that suitable construction practices are being followed. Assistance from Soil Conservation District shall be requested when necessary.

4. The Baltimore County Administrative Officer will establish a maintenance fee at such time as the County has gained experience in this area

Case No. 76-158-X : BEFORE THE
NICHOLAS B. MANGIONE, et ux : BALTIMORE COUNTY
for Special Exception for : BOARD OF APPEALS
Convalescent Home,
S/S of Greenridge Road
641 feet East of York Road
9th District

REQUEST FOR SUBPOENA DUCES TECUM

MR. CLERK:

Please issue a Subpoena Duces Tecum for Ms. Mary E. Stuart, Staff member, Central Maryland Health Systems Agency, Inc., Suite 1000, Standard Oil Building, 501 St. Paul Place, Baltimore, Maryland 21202, to appear and testify in the above entitled proceedings on Tuesday and Wednesday, July 5 and 6, 1977, at 10:00 a.m., before the County Board of Appeals, Room 218, Court House, Towson, Maryland 21204. The witness is requested to have and bring with her all books, papers, reports and memoranda dealing with this case, including, but not only "The Health Systems Plan and Annual Implementation Plan, 1977" prepared by the above agency and a Report entitled "Long Term Care" prepared by the predecessor agency, the Citizens Health Council of the Regional Planning Council.

James D. Nolan

Newton A. Williams

Nolan, Plumbhoff & Williams
204 W. Pennsylvania Avenue
Towson, Maryland 21204
823-7800

Of Counsel for Protestants

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS
TOWSON, MD.

Mr. Sheriff: NOLAN, CLERK

Please issue this summons in accordance with the above.

Edith T. Eisenhart

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

Rec'd. 6/28/77
3:15 p.m.

Case No. 76-158-X : BEFORE THE
Nicholas B. Mangione, et ux : BALTIMORE COUNTY
for Special Exception for : BOARD OF APPEALS
Convalescent Home,
S/S of Greenridge Road
641 feet East of York Road
9th District

REQUEST FOR SUBPOENA DUCES TECUM

MR. CLERK:

Please issue a Subpoena Duces Tecum for Mr. Michael S. Flanagan, Traffic Engineer Associate, Baltimore County Department of Traffic Engineering, County Courts Building, Towson, Maryland 21204, to appear and testify in the above entitled proceedings on Thursday, June 2, 1977, at 10:00 a.m., before the County Board of Appeals, Room 218, Court House. The witness is requested to have and bring with him all books, papers, reports and memoranda dealing with this case, including, but not only, his Zoning Advisory Committee Comment dated January 8, 1976, concerning the subject property, Item 112, to the effect that the requested special exception would increase trip generation from this site from "285 trips per day to approximately 955 trips per day".

COST

SUMMONED

NON EST

NON SUIT

CCPY LEFT

SHERRIF
CHARLES W. HIGLEY, JR.
OF BALTIMORE COUNTY

Of Counsel for Protestants.

Rec'd 5/26/77
2:45 pm

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS
TOWSON, MD.

Mr. Clerk:

Please issue summons in accordance with above.

Muriel F. Juddmeier
County Board of Appeals of Baltimore County

DEC 17 1979

NICHOLAS B. MANGIONE, et ux : BEFORE THE
SE - Convalescent Home : COUNTY BOARD
S/S of Greenridge Road 641' : OF
E of York Road - 9th District : OF
Petitioners : APPEALS
: No. 76-158X

REQUEST FOR SUMMONS

MR. CLERK:

Please issue a Summons to testify on behalf of the protestants, Dr. John H. Kahnert, et al, in the above entitled matter on Thursday, December 16, 1976, at 2:00 p.m. and Tuesday, December 21, 1976, at 11:00 a.m. for Mr. Michael S. Flanigan, Traffic Engineer Associate in the Baltimore County Department of Traffic Engineering, and to have and bring with him all materials relating to the above case, including those which were considered by the Zoning Advisory Committee as Item 112 on December 16, 1975.

SUMMONED 19
NON EST 19
NON SUNT 19
COPY LEFT 19
SHERIFF
CHARLES H. HICKOK, JR.
OF BALTIMORE COUNTY

Mr. Sheriff:

Please issue summons in accordance with above.

RECEIVED
DEC 9 1976

M. E. Buddemeier
Muriel E. Buddemeier
County Board of Appeals of Baltimore County

July 12, 1977

James D. Nolan, Esquire
204 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Case No. 76-158-X
Nicholas B. Mangione, et ux

Dear Mr. Nolan:

Enclosed herewith is a copy of the Findings and Order passed by the County Board of Appeals today in the above entitled case.

Very truly yours,

Edith T. Eisenhart, Admin. Secretary

Encl.

cc: John W. Hession, III, Esquire
Mr. Michael S. Flanigan
Richard J. DiPasquale, Esquire
Saunders M. Almond, Jr., Esquire
G. Mitchell Austin, Esquire
Mr. and Mrs. Nicholas B. Mangione
Dr. John H. Kahnert
Dr. Donald Michael
Mrs. Judi Bowie
Mr. Andrew Alcarese
Mr. Richard Reikenis
Stephen D. Langhoff, Esquire
Mr. Louis Broszinski
Mr. N. A. Sporn
Mr. E. E. Dittman
Mr. N. E. Gorker
Board of Education

PETITION FOR SPECIAL EXCEPTION * BEFORE THE
COUNTY BOARD OF APPEALS
NICHOLAS B. MANGIONE and *
MARY C. MANGIONE, his wife *
Case No. 76-158-X

ORDER TO ENTER APPEARANCE

Dear Mrs. Eisenhart:

Please enter my appearance as of counsel for the Petitioners in the above entitled case.

cc: Mr. Charles W. Held, Jr., Counsel for Protestants
Mr. Stephen D. Langhoff, Counsel for Protestants
Mr. John W. Hession, III, People's Counsel

Saunders M. Almond, Jr.
407 Mercantile-Towson Building
Towson, Maryland 21204
825-7600
Attorney for Petitioners

Hand Deliv 12/7/76
1:30 pm

LAW OFFICES
G. MITCHELL AUSTIN
112 EASTERN BLVD.
ESSEX, MARYLAND 21221

May 12, 1977

Baltimore County Board of Appeals
Baltimore County Court House
Towson, Maryland 21204

Re: Petition of Nicholas Mangione
76-158-X
Sir:

Please enter my appearance as co-counsel in the above captioned case for the Petition and forward copies of any correspondence to this office.

Very truly yours,

G. Mitchell Austin
G. Mitchell Austin

GMA:sik

NICHOLAS B. MANGIONE, et ux : BEFORE THE
SE - Convalescent Home : COUNTY BOARD
S/S of Greenridge Road 641' : OF
E of York Road - 9th District : OF
Petitioners : APPEALS
: No. 76-158X

ENTRY OF APPEARANCE

MR. CLERK:

Please enter the appearance of James D. Nolan, Newton A. Williams and Nolan, Plumhoff and Williams, attorneys, as co-counsel with Charles W. Held, Jr., Esquire, on behalf of Charles W. Held, Jr., Dr. John H. Kahnert, Donald Michael, Judi Bowie, Andrea Alcarese, Richard Reikenis and other parties protestant to be named in the course of these proceedings.

James D. Nolan
James D. Nolan

Newton A. Williams
Newton A. Williams

Nolan, Plumhoff & Williams
Nolan, Plumhoff & Williams
204 W. Pennsylvania Avenue
Towson, Maryland 21204
823-7800

I HEREBY CERTIFY that on this 11th day of December, 1976, a copy of the foregoing Entry of Appearance was mailed, postage prepaid to:

Richard J. DiPasquale, Esquire
5718 Harford Road
Baltimore, Maryland 21214 and

Saunders M. Almond, Jr., Esquire
407 Mercantile Building
Towson, Maryland 21204

Newton A. Williams

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS
TOWSON, MD.

Rec'd 12-9-76
3:20 PM

LAW OFFICES
SAUNDERS M. ALMOND, JR.
407 MERCANTILE TOWSON BUILDING
TOWSON, MARYLAND 21204

May 25, 1977

Mrs. Edith T. Eisenhart
Administrative Secretary
County Board of Appeals
Room 218 - Courthouse
Towson, Maryland 21204

Re: Special Exception
Nicholas B. Mangione & Wife
Case No. 76-158-X

Dear Mrs. Eisenhart:

Please subpoena Mr. Ellsworth N. Diver, Chief Bureau of Engineering and Mr. James G. Hoswell, Department of Planning and Zoning, Baltimore County, Maryland, to testify for the Petitioners at 10:00 a.m. on June 2, 1977.

Sincerely yours,

SMA:BSM
SUMMONED 19
NON EST 19
NON SUNT 19
COPY LEFT 19
SHERIFF
CHARLES H. HICKOK, JR.
OF BALTIMORE COUNTY

Rec'd. 5/25/77
3:40 p.m.

Mr. Sheriff:

Please serve this summons in accordance with the above.

Edith T. Eisenhart
Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

PETITION FOR SPECIAL EXCEPTION : BEFORE THE
COUNTY BOARD OF APPEALS
NICHOLAS B. MANGIONE and :
MARY C. MANGIONE, his wife :
Case No. 76-158-X

ORDER TO STRIKE APPEARANCE

Dear Mrs. Eisenhart:

Please strike my appearance as counsel for the Protestants in the above entitled case.

Charles W. Held, Jr.
400 Loyola Federal Building
22 W. Pennsylvania Avenue
Towson, Maryland, 21204

cc: Richard J. DiPasquale, Esquire
5718 Harford Road
Baltimore, Maryland, 21214

Saunders M. Almond, Jr., Esquire
407 Mercantile-Towson Building
Towson, Maryland, 21204

Stephen D. Langhoff, Esquire
1210 Doran Court
Timonium, Maryland, 21093

John W. Hession, III, Esquire
People's Counsel
County Office Building
Chesapeake Avenue
Towson, Maryland, 21204

Rec'd 12-9-76
10 AM

LAW OFFICES
SAUNDERS M. ALMOND, JR.
407 MERCANTILE TOWSON BUILDING
TOWSON, MARYLAND 21204

ASSOCIATE
CAROL ANN WILDERSEN

AREA CODE 301
825-7600

2 December 7, 1976
SUMMONED 19
NON EST 19
NON SUNT 19
COPY LEFT 19
SHERIFF
CHARLES H. HICKOK, JR.
OF BALTIMORE COUNTY

Mrs. Edith T. Eisenhart
Administrative Secretary
County Board of Appeals
Room 218 - Courthouse
Towson, Maryland

Re: Special Exception
Nicholas B. Mangione & wife
Case No. 76-158-X

Dear Mrs. Eisenhart:

Please subpoena Mr. Ellsworth N. Diver, Chief Bureau of Engineering, Mr. James G. Hoswell, Department of Planning and Zoning and Mr. Michael S. Flanigan of the Department of Traffic Engineering, Baltimore County, Maryland, to testify for the Petitioners at 2:00 p.m. on December 16, 1976.

Sincerely yours,

RECEIVED
DEC 9 1976

BALTIMORE COUNTY
BUREAU OF ENGINEERING

Rec'd 12/7/76
1:30 p.m.

Mr. Sheriff:

Please issue summons in accordance with above.

RECEIVED
BALTIMORE COUNTY
DEC 9 1976
OFFICE OF PLANNING
AND ZONING

Muriel E. Buddemeier
Muriel E. Buddemeier
County Board of Appeals

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE COUNTY BOARD OF APPEALS
South side of Greenridge Road 641 feet
East of York Road, 9th District : OF BALTIMORE COUNTY
NICHOLAS B. MANGIONE, et ux, : Case No. 76-158-X
Petitioners

FINDINGS AND ORDER

This case having come on for hearing and the Petitioner having adduced testimony and evidence in support of his Petition for a Special Exception to erect, operate and maintain a convalescent home on a parcel of land zoned D.R. 5.5 pursuant to Section 1 B01 C. 4. of the Baltimore County Zoning Regulations, and Petitioner having concluded his presentation, upon Motion made by counsel for the Protestant parties and by the People's Counsel for Baltimore County, and after argument thereon, the Board finds as follows, viz:

1. That under Bill No. 12-77, Legislative Session 1977, the County Council for Baltimore County enacted a new Section 22-15.1 to the Baltimore Code, 1968, to regulate for an interim period the issuance of building permits, special permits, special exceptions, subdivision approvals, amendments to the zoning maps, and reclassification of the use of certain property in Baltimore County, known in accordance with Section 22-15.1(a) (2) thereof as the, "Interim Development Control Act," which said Act took effect on April 16, 1977, and has been neither repealed, amended, or superseded.
2. That in accordance with Section 22-15.1(b) of the Act, the County Council for Baltimore County did adopt simultaneously with said Act an "Interim Development Control Map of the County" and Petitioner's property is classified thereon within an "Urbanized Area," as more particularly shown on a portion of said Map received in evidence as "Board's Exhibit No. 1," a part of the record in this case.
3. That although Section 22-15.1(e) of said Act provides in pertinent part, viz:

"General Requirements of Development. No special permit, special exception, tentative or final subdivision approval (with or without a Public Works Agreement), shall be granted by the appropriate County authority or official for any property lying within any area shown on the Interim Development Control Map unless the Planning Board pursuant to the procedures set forth in section (f) of this Act, after referral to the appropriate departments for study, analysis and findings, and taking into account all appropriate public comments and department findings and recommendations submitted, determines that said property meets all of the following requirements:.....",

Petitioner's application has not been subjected to said process.

4. That the application here involved is not exempt from the provisions of the Interim Development Control Act by virtue of a "vested right" under Section 22-15.1 (h) (1) (A) because it does not concern a Special Exception lawfully issued and in effect on or before April 16, 1977.

5. That the application here involved is subject to the pertinent provisions of said Section 22-15.1(a), et seq., and cannot be considered unless and until it is properly filed, processed, and thereafter heard in accordance with the procedures established in said Section 22-15.1(a), et seq.

6. That the Board specifically makes no finding or findings of fact on the issue of whether Petitioner's proposal complies with the provisions of Section 502.1 of the Baltimore County Zoning Regulations.

In view of these conclusions, a continuation of the presently scheduled hearing would impose needless cost and inconvenience on all of the parties merely to obtain a foreordained result. We have an obligation to react to the new status of the proceeding in a fashion which is fair to all parties. On the one hand, we must respect the legislative declaration that expanded scrutiny of proposed uses through the new process is necessary, while on the other, we cannot ignore the position of the Petitioner should we dismiss the Petition and bring into play Section 500.12 of the Baltimore County Zoning Regulations (the so-called 18 month rule). We feel that the answer is to give the Petitioner his opportunity to proceed without unnecessary loss of time but under the new, stricter

criteria. Since the Zoning Commissioner is the officer responsible for the new procedure, we will remand the case to him for completion of the required review and a new determination taking into account the new material, if any, developed under the new criteria.

Thereupon, it is, this 13th day of July, 1977, by the County Board of Appeals for Baltimore County, ORDERED, that the Order of the Zoning Commissioner of Baltimore County granting said Petition be and it is hereby neither Affirmed or Reversed, but the entire proceeding is hereby REMANDED to the Zoning Commissioner of Baltimore County for referral to the Baltimore County Planning Board in accordance with Section 22-15.1(f) of the Baltimore County Code, and further proceedings thereon as are required in accordance with law.

Any appeal from this decision must be in accordance with Rules B-1 to B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr.
Walter A. Reiter, Jr., Chairman
Robert L. Gifford
Robert L. Gifford

Herbert A. Davis
Herbert A. Davis

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for a Convalescent Home : COUNTY BOARD OF APPEALS
S/S of Greenridge Road :
641' E. of York Road : OF
9th District : BALTIMORE COUNTY
Nicholas B. Mangione, et ux :
Petitioners : No. 76-158-X

ORDER

Upon the Petitioner's Motion for Reconsideration, it is this 14th day of December, 1977, ORDERED that the prior Order of this Board dated December 6, 1977, be vacated and that this case be placed upon the hearing docket and scheduled for the taking of additional testimony

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr.
Walter A. Reiter, Jr., Chairman
Robert L. Gifford
Robert L. Gifford
Herbert A. Davis
Herbert A. Davis

NICHOLAS B. MANGIONE
76-158-X

2-16-76

Balto Co. Zoning Office (Rm. 106)
Towson, Md.

Gentlemen:

I have received a notice from the Baltimore Co. Zoning Office regarding a meeting to be held Wed. Feb. 15th regarding the proposed improvement for Ridgely & Greenridge Rds.

As a member of this organization, I for one cannot see what threat is posed by building a convalescent home. Is it possible that this community has reached such a "throw-away" attitude that it refuses to have even the facilities for caring any place in sight. Or should we take the sick + put them in the disposal units? I cannot attend the meeting, but I'd like to know how this project can be

December 14, 1977

John W. Hession, III, Esquire
People's Counsel for Baltimore County
County Office Building
Towson, Maryland 21204

Re: Nicholas B. Mangione, et ux
File No. 76-158-X

Dear Mr. Hession:

Enclosed herewith is a copy of an Amended Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Elsenhart, Adm. Secretary

Encl.

cc: Mr. Maurice S. Bozel
Richard J. DiPasquale, Esq.
Saunders M. Almond, Jr., Esq.
G. Mitchell Austin, Esq.
James D. Nolan, Esq.
Stephen D. Langhoff, Esq.
Mr. and Mrs. N. B. Mangione
Dr. John H. Kohnert
Dr. Donald Michael
Mrs. Judi Bowie
Mr. Andrea Alcarese
Mr. Richard Reitanis
Mr. Livio Braccolino
Mr. N. A. Byers
Mr. S. E. DiNenna
Mr. L. Graef
Mr. J. Howell

LAW OFFICES OF
NOLAN, PLUMHOFF & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

February 13, 1978

The Honorable Walter A. Reiter, Jr., Chairman
County Board of Appeals
Room 218, Court House
Towson, Maryland 21204

Re: Case No. 76-158-X, Nicholas B. Mangione and Wife, Special Exception Case Pending on Appeal before the Circuit Court for Baltimore County from the Board's Order of December 14, 1977. As yet, Board Hearing Date Thursday, April 27, 1978 at 10:00 A.M.

Dear Chairman Reiter:

We have recently received a Notice of Assignment dated February 6 from the Board, setting this matter in for a continued hearing on Thursday, April 27.

As the Board will recall, both this office and Mr. Langhoff our co-counsel on behalf of our respective clients have entered an appeal to the Circuit Court for Baltimore County from the Board's Order of December 14, 1977. As yet, this matter has not been set for hearing nor heard by the Circuit Court.

In discussing this matter with our co-counsel Mr. Langhoff, we would have to agree, and we hope that the Board might also agree, that it would be wasteful of time, energy and resources for all parties concerned to continue this case before the Board prior to a determination by the Circuit Court of the complex legal issues involved.

To our knowledge, the matter has not even been assigned as yet to a Circuit Court Judge, and it is unlikely that the matter would be heard by the Circuit Court and decided prior to the 27th of April. Also, one party, or both parties to the Circuit Court appeal may wish to enter a further appeal in the matter, depending upon the decision which is forthcoming.

Page two

We felt it best to bring the situation to the attention of the Board for whatever action the Board may wish to take in the matter, in view of the present state of this case.

I am Thanking the Board for its attention in this matter,

Respectfully,

James D. Nolan

JDN/hl
cc: Saunders M. Almond, Jr., Esq.
407 Mercantile-Towson Building 21204

Richard J. DiPasquale, Esq.
5718 Harford Rd. 21214

Stephen D. Langhoff, Esq.
Smith & Langhoff
Suite 801, 1st National Bank Bldg. 21202

Charles W. Held, Jr., Esq.
400 Loyola Federal Building 21204

John W. Hession III, Esq.
People's Counsel
County Office Building 21204

Rec'd 2-16-78
9:30 AM

Improvement granted by WAR
2/14/78

a "potential disruption to our community" as they claim in their letter. Maybe you can elicit some response from them. If, as I suspect, this fear is of rising taxes, then, I should think, the thing to do is work on tax correction rather than on removing care facilities. Thank you for your ear (or eye).

Yours truly,
(Mrs.) Lucy L. Bickford

RE: PETITION FOR SPECIAL EXCEPTION
for a Convalescent Home
S/S of Greenridge Road
641' E. of York Road
9th District
Nicholas B. Mangione, et ux
Petitioners
Charles Held, Jr., et al
and
Ronald McDonald, et al
Protestants - Appellants

ORDER TO ENTER AN APPEAL TO THE
COURT OF SPECIAL APPEALS OF
MARYLAND

MR. CLERK:

Please enter an appeal from the decision of the Circuit Court for Baltimore County dated October 11, 1978 to the Court of Special Appeals of Maryland.

15/
Saunders M. Almond, Jr.,
Attorney for
Nicholas B. Mangione and
Mary C. Mangione, his wife,
Petitioners
407 Mercantile-Towson Bldg,
Towson, MD 21204
825-7600

I HEREBY CERTIFY that on this 30 day of October, 1978, a copy of the foregoing Order to Enter an Appeal to the Court of Special Appeals of Maryland was mailed to James D. Nolan and Nolan, Plushoff & Williams, 204 West Pennsylvania Avenue, Towson, MD 21204 and Stephen D. Langhoff, Suite 801, First National Bank Building, Light and Redwood Streets, Baltimore, MD 21202, Attorney for the Protestants.

15/
Saunders M. Almond, Jr.

Rec'd 12-28-78
2:50 PM
Hand delivered
from Mr.
Almond's office

RE: PETITION FOR SPECIAL EXCEPTION
for a Convalescent Home
S/S of Greenridge Road
641' E. of York Road
9th District
Nicholas B. Mangione, et ux
Petitioners
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 76-158-X

OPINION

This case came before the Board on appeal by the People's Counsel of Baltimore County, and the Protestants, from an Order of the Zoning Commissioner dated April 27, 1976, granting the requested special exception. The case was scheduled before the Board on June 2, 1977, July 5, 1977 and July 6, 1977, and at that time the preliminary objections were made and considered by this Board concerning the posture of this case relative to the implementation of the Interim Control Development Act, as enacted and approved on March 2, 1977. (The Act took effect April 16, 1977.) Said Act provided for the submission to the Planning Board of any special exception, or special hearing, for use in a residential area; and the approval of the Planning Board is a prerequisite prior to the filing of a petition for a special exception. The Act provides no "grandfathering" benefits. Consequently any petition that did not become final, such as the instant case, prior to the adoption of this Act must conform with the requirements therein.

In view of this, on the Motion by the Petitioner, this case was remanded by this Board to the Zoning Commissioner of Baltimore County, with the instructions to submit this application to the Planning Board for their approval. This was done, and the Board is now in receipt of the communication from the Zoning Commissioner enclosing the application to the Planning Board, which was disapproved.

Consequently this now returns to the Board and we must deny the requested petition without any additional testimony being taken on this case, the reason therefor being that the required prerequisite approval by the Planning Board was not obtained, and in fact was denied. The Act does not provide for any appeal from the decision of the Planning

LAW OFFICES OF
NOLAN, PLUSHOFF & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

JAMES D. NOLAN
J. EARLE PLUSHOFF
NEWTON A. WILLIAMS
WILLIAM H. HESSIAN, JR.
KENNETH H. BASTERS
THOMAS J. KENNER

January 18, 1978

AREA CODE 301
TELEPHONE
823-7800

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

Attention: Mrs. Muriel E. Buddemeier

Dear Mrs. Buddemeier:

Re: Transcript in Case No. 76-158-X.
Nicholas B. Mangione, et ux.

Thank you for your letter of January 17, 1978, relating to the preparation of the transcript and the other materials which you have already compiled and sent to the Court pursuant to Maryland Rule B-7(a), which transcript and other materials must be received by the Court not later than 30 days from the filing of the petition in the matter.

As you know, this office represents Mr. Held and a group of protestants, and we filed our Order for Appeal and Petition On Appeal on January 11, 1978, while Mr. Langhoff filed similar pleadings on behalf of his clients on January 13, 1978.

We appreciate the preparation of the certified documents in this case by you and your fellow staff member Mrs. Eisenhart, and we would ask, by copy of this letter, that Mr. Perkins prepare the transcript as required.

According to our file and hearing calendar, the primary days of testimony were Thursday, June 2 and Tuesday, July 5 and Wednesday, July 6, 1977. Furthermore, the case was not completed, and it was deferred during the petitioners' portion of the case due to a question involving the Interim Development Control Act.

It will be appreciated if Mr. Perkins will prepare the necessary transcripts of these hearing dates, and any other hearing dates on which testimony was taken, and it

Rec'd 1/19/78
10:25 am

Nicholas B. Mangione, et ux - No. 76-158-X

2.

Board, and as aforesaid is a necessary prerequisite to accepting a petition for a special exception under the Interim Development Control Act. The Board therefore does not have the authority to grant the relief requested by the Petitioner under the existing Baltimore County Zoning Regulations.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 6th day of December, 1977, by the County Board of Appeals ORDERED, that the special exception petitioned for be and the same is hereby DISMISSED, without prejudice.

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Bailer, Jr., Acting Chairman

Robert L. Gilland

Herbert A. Davis

Page two

will also be appreciated if he will advise both this office and Mr. Hessian's office of the cost of these transcripts. Insofar as this office, Mr. Held and Mr. Langhoff are concerned, one copy of the transcript will be sufficient. Mr. Hessian, the People's Counsel, may wish a copy as well, and this should be checked with his office.

Thanking you, Mrs. Eisenhart and Mr. Perkins for your attention to this letter and these matters, I am, with best regards of the New Year,

Sincerely,

James D. Nolan

JDN/hl

cc: Leonard Perkins, Court Reporter
County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

John W. Hessian III, Esquire
Baltimore County People's Counsel
County Office Building
Towson, Maryland 21204

Charles W. Held, Jr., Esquire
400 Loyola Federal Building
Towson, Maryland 21204

Stephen D. Langhoff, Esquire
Smith & Langhoff
Suite 801, 1st National Bank Building
Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL EXCEPTION
for a Convalescent Home
S/S of Greenridge Road
641' E. of York Road
9th District
Nicholas B. Mangione, et ux
Petitioners
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 76-158-X

MOTION FOR RECONSIDERATION

The motion of Nicholas B. Mangione and Mary C. Mangione, his wife, respectfully requests that the Order of the County Board of Appeals of Baltimore County dated December 6th, 1977 be reconsidered for the following reasons:

FIRST: That the Petitioners had not completed their case before the County Board of Appeals.

SECOND: That the Petitioners specifically reserved the right to present additional evidence and legal arguments concerning the issue of Interim Development Control Act, which have not yet been presented.

THIRD: That the Petitioners have new evidence to present to the County Board of Appeals.

FOURTH: That due to the unusual nature of this case, the Petitioners should be allowed to present the County Board of Appeals with additional evidence showing compliance with the Order of the County Board of Appeals dated July 12, 1977.

Saunders M. Almond, Jr.,
Attorney for the Petitioners

cc: Mr. Maurice S. Bozel
Mr. Richard J. DiPasquale
Mr. G. Mitchell Austin
Mr. James D. Nolan
Mr. Stephen D. Langhoff
Dr. John H. Kahnert

Dr. Donald Michael
Mrs. Judi Bowie
Mr. Andrea Alcarese
Mr. Richard Reikenis
Mr. Lievio Broccolino
Mr. N. A. Byers

Rec'd 12-28-77
2:40 PM

LAW OFFICES
SAUNDERS M. ALMOND, JR.
407 MERCANTILE-TOWSON BUILDING
TOWSON, MARYLAND 21204

ASSOCIATE
CAROL ANN WILDERSEN

AREA CODE 301
825-7600

February 9, 1977

County Board of Appeals
Room 218 - Court House
Towson, Maryland 21204

RE: Petition of Nicholas B. Mangione, et ux
Case No. 76-158-X

Gentlemen:

The Petitioner hereby requests that the above entitled case be rescheduled at your earliest opportunity since negotiations with the Protestants have failed.

Thank you for your cooperation in this matter.

Very truly yours,

SMA/lf

Saunders M. Almond, Jr.

Rec'd 2/9/77
2 PM

PETITION FOR SPECIAL EXCEPTION
for a Convalescent Home, S/S
of Greenridge Road 641, East
of York Road, 9th District
NICHOLAS B. MANGIONE, et ux,
Petitioners
No. 76-158-X

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

PETITION ON APPEAL

The Petition on Appeal of Ronald McDonald, Livio Broccolino and N. A. Byers, individually, and the Dulany Valley Improvement Association, all Protestants and parties aggrieved herein by the purported Order of the County Board of Appeals dated December 14, 1977, by Stephen D. Langhoff, their attorney, respectfully represents to this Honorable Court as follows:

1. That the aforesaid individual protestants are all residents of the Greenridge Road and Ridgefield Road area of Lutherville, either adjacent to, or close by the Mangione property which is the subject of these proceedings, and the Dulany Valley Improvement Association is an association within whose boundaries lies the subject Mangione property.
2. That by its Opinion and Order dated December 6, 1977, a copy of which Opinion and Order is attached hereto, and is hereby incorporated as a part hereof, the County Board of Appeals dismissed without prejudice the within proceedings seeking a special exception for convalescent home for failure to conform to the provisions of the Interim Development Control Act (I.D.C.A.), Bill No. 12-77, specifically by reason of a denial by the Planning Board of the Mangione approvals required by the I.D.C.A.
3. That by reason of the said Order of December 6, 1977, the County Board of Appeals thereby deprive itself of any further jurisdiction in the matter, the only course being available

to the Petitioners to note an appeal to the Circuit Court for Baltimore County within thirty (30) days of the aforesaid Order, and no such appeal was noted.

4. That despite the Petitioners' Motion for Reconsideration, the Board did not and does not have the power to amend its Order of December 6, 1977, and the purported Order of December 14, 1977, was and is therefore a nullity, and the Order of December 6, 1977, is now a final Order beyond appeal.

5. That neither the Baltimore County Charter, the Baltimore County Code, the Baltimore County Zoning Regulations or the Board's own Rules of Procedure make any provision whatsoever for the amendment, rescission or vacation of an Order of Dismissal as purported to be done by the Board's Order of December 14, 1977. In fact, Section 604 of The Baltimore County Charter, as adopted November 6, 1956, as amended, and as contained in the Baltimore County Code (1968 Ed.) provides for an appeal from Orders of the Board to the Circuit Court for Baltimore County within thirty (30) days thereof, and the Section concludes as follows:

"The review proceedings provided by this section shall be exclusive."

6. That the Board has ruled in other cases, including, but not only, the Pikesville Sportsman's Club, Inc. case, Case No. CBA-75-123, B-75-956-4, that it had no power to revise the Board's Opinion and Order dated January 7, 1977, despite the fact that all parties thereto, including the County and the Board, may have applied the wrong control period under the Zoning Regulations with regard to the base period to judge a non-conforming use.

WHEREFORE, the appellants, Protestants herein, and parties aggrieved in these proceedings, and particularly aggrieved by the Board's purported Order of December 14, 1977 herein, purporting to vacate its prior, unappealed, subsisting Order of December 6, 1977, submit that these proceedings were validly dismissed by

-2-

the Board on December 6, 1977, and no appeal having been taken thereto, that the proceedings in Case No. 76-158-X have been dismissed by the County Board of Appeals without prejudice.

Stephen D. Langhoff
Suite 801, First National Bank Bldg.
Light and Redwood Streets
Baltimore, Maryland 21202
301-352-1010

I HEREBY CERTIFY that on this 13th day of January, 1978, a copy of the foregoing Petition on Appeal was mailed, postage prepaid, to Saunders M. Almond, Esquire, 407 Mercantile-Towson Building, Towson, Maryland 21204 and to G. Mitchell Austin, Esquire, 2117 Old Orens Road, Baltimore, Maryland 21220, Attorneys for the Petitioners and to James D. Nolan, Esquire, Nolan, Plumhoff & Williams, 204 W. Pennsylvania Avenue, Towson, Maryland 21204.

Stephen D. Langhoff

-3-

RE: PETITION FOR SPECIAL EXCEPTION :
for a Convalescent Home :
S/S of Greenridge Road :
641' E. of York Road :
9th District :
Nicholas B. Mangione, et ux :
Petitioners :
BALTIMORE COUNTY
No. 76-158-X

BEFORE
COUNTY BOARD OF APPEALS
OF

OPINION

This case came before the Board on appeal by the People's Counsel of Baltimore County, and the Protestants, from an Order of the Zoning Commissioner dated April 27, 1976, granting the requested special exception. The case was scheduled before the Board on June 2, 1977, July 5, 1977 and July 6, 1977, and at that time the preliminary objections were made and considered by this Board concerning the posture of this case relative to the implementation of the Interim Control Development Act, as enacted and approved on March 2, 1977. (The Act took effect April 16, 1977.) Said Act provided for the submission to the Planning Board of any special exception, or special hearing, for use in a residential area; and the approval of the Planning Board is a prerequisite prior to the filing of a petition for a special exception. The Act provides no "grandfathering" benefits. Consequently any petition that did not become final, such as the instant case, prior to the adoption of this Act must conform with the requirements therein.

In view of this, on the Motion by the Petitioner, this case was remanded by this Board to the Zoning Commissioner of Baltimore County, with the instructions to submit this application to the Planning Board for their approval. This was done, and the Board is now in receipt of the communication from the Zoning Commissioner enclosing the application to the Planning Board, which was disapproved.

Consequently this now returns to the Board and we must deny the requested petition without any additional testimony being taken on this case, the reason therefor being that the required prerequisite approval by the Planning Board was not obtained, and in fact was denied. The Act does not provide for any appeal from the decision of the Planning

Nicholas B. Mangione, et ux - No. 76-158-X

2.

Board, and as aforesaid is a necessary prerequisite to accepting a petition for a special exception under the Interim Development Control Act. The Board therefore does not have the authority to grant the relief requested by the Petitioner under the existing Baltimore County Zoning Regulations.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 6th day of December, 1977, by the County Board of Appeals ORDERED, that the special exception petitioned for be and the same is hereby DISMISSED, without prejudice.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Acting Chairman
Robert L. Gilland

Herbert A. Davis

PETITION FOR SPECIAL EXCEPTION : IN THE
for a Convalescent Home, S/S : CIRCUIT COURT
of Greenridge Road 641' East :
of York Road, 9th District : FOR
NICHOLAS B. MANGIONE, et ux, : BALTIMORE COUNTY
Petitioners :
No. 76-158-X : AT LAW

PETITION ON APPEAL

The Petition on Appeal of Charles W. Held, Jr., Esquire, Dr. John H. Kahnert, Dr. Donald Michael, Mrs. Judi Bowie, Mrs. Andrea Alcarese, Mr. Richard Reikenis, all Protestants and parties aggrieved herein by the purported Order of the County Board of Appeals dated December 14, 1977, by James D. Nolan and Nolan, Plumhoff & Williams, their attorneys, respectfully represents to this Honorable Court as follows:

1. That the aforesaid protestants are all residents of the Greenridge Road and Ridgefield Road area of Lutherville, either adjacent to, or close by the Mangione property which is the subject of these proceedings.
2. That by its Opinion and Order dated December 6, 1977, a copy of which Opinion and Order is attached hereto, and is hereby incorporated as a part hereof, the County Board of Appeals dismissed without prejudice the within proceedings seeking a special exception for convalescent home for failure to conform to the provisions of the Interim Development Control Act (I.D.C.A.), Bill No. 12-77, specifically by reason of a denial by the Planning Board of the Mangione approvals required by the I.D.C.A.
3. That by reason of the said Order of December 6, 1977, the County Board of Appeals thereby deprived itself of any further jurisdiction in the matter, the only course being available to the Petitioners to note an appeal to the Circuit Court for Baltimore County within thirty (30) days of the aforesaid Order, and no such appeal was noted.

4. That despite the Petitioners' Motion for Reconsideration, the Board did not and does not have the power to amend its Order of December 6, 1977, and the purported Order of December 14, 1977, was and is therefore a nullity, and the Order of December 6, 1977, is now a final Order beyond appeal.

5. That neither the Baltimore County Charter, the Baltimore County Code, the Baltimore County Zoning Regulations or the Board's own Rules of Procedure make any provision whatsoever for the amendment, rescission or vacation of an Order of Dismissal as purported to be done by the Board's Order of December 14, 1977. In fact, Section 604 of The Baltimore County Charter, as adopted November 6, 1956, as amended, and as contained in the Baltimore County Code (1968 Ed.) provides for an appeal from Orders of the Board to the Circuit Court for Baltimore County within thirty (30) days thereof, and the Section concludes as follows:

"The review proceedings provided by this section shall be exclusive."

6. That the Board has ruled in other cases, including, but not only, the Pikesville Sportsman's Club, Inc. case, Case No. CBA-75-123, B-75-956-4, that it had no power to revise the Board's Opinion and Order dated January 7, 1977, despite the fact that all parties thereto, including the County and the Board, may have applied the wrong control period under the Zoning Regulations with regard to the base period to judge a non-conforming use.

WHEREFORE, the appellants, Protestants herein, and parties aggrieved in these proceedings, and particularly aggrieved by the Board's purported Order of December 14, 1977 herein, purporting to vacate its prior, unappealed, subsisting Order of December 6, 1977, submit that these proceedings were validly dismissed by the Board on December 6, 1977, and no appeal having been taken thereto, that the proceedings in Case No. 76-158-X have been

-2-

dismissed by the County Board of Appeals without prejudice.

James D. Nolan
Nolan, Plumhoff & Williams
204 W. Pennsylvania Avenue
Towson, Maryland 21204
823-7800

I HEREBY CERTIFY that on this 11th day of January, 1978, a copy of the foregoing Petition on Appeal was mailed, postage prepaid, to Saunders M. Almond, Esquire, 407 Mercantile Towson Building, Towson, Maryland, 21204 and to G. Mitchell Austin, Esquire, 2117 Old Orens Road, Baltimore, Maryland, 21220, Attorneys for the Petitioners.

James D. Nolan

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS
TOWSON, MD.

-3-

DEC 17 1979

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1188

September Term, 1978

NICKLAS B. HANGKIE ET UX

v.

CHARLES HIELD, JR. ET AL.

Gilbert, C.J.,
Thompson,
Evergreen, K. Thoms,
(Specially Assigned)
JJ.

Per Curiam

Filed: June 11, 1979

This is an appeal by the protestants of a petition for the issuance of a special exception to the Appellees proposal to erect, operate and maintain a convalescent home on a parcel of land zoned D.R.S. 5. in Towson, Baltimore County, Maryland. The protestants were certain neighbors and the Balaney Valley Improvement Association. The appeal is of a technical nature involving procedural matters under the county zoning law and does not reach the merits of the controversy. In fact no decision has been made by the County Board of Appeals on the protestants appeal from the decision of the Zoning Commissioner granting the special exception. After three days of testimony by the appellees and before the appellants could offer any testimony, it was discovered that the appellees (property owners) had not complied with a new Baltimore County Zoning Law which had been adopted since the subject proceedings had been commenced. Under this "Interim Development Control Act" which was enacted March 2, 1977 and took effect April 16, 1977, the subject property was classified on the map adopted thereunder, within an "Urbanized Area". Section 22-15.1 (c) of said Act provided in pertinent part, as follows:

"General Requirements of Development. No special permit, special exception, tentative or final subdivision approval (with or without a Public Works Agreement), shall be granted by the appropriate County authority or official for any property lying within any area shown on the Interim Development Control Map unless the Planning Board pursuant to the procedures set forth in section (f) of this Act, after referral to the

appropriate departments for study, analysis and findings, and taking into account all appropriate public comments and department findings and recommendations submitted, determines that said property meets all of the following requirements. . .

After the Appellees had presented their evidence the County Board of Appeals by its Opinion and Order dated December 6, 1977, found that said Act required the approval of the County Planning Board for a special exception for any use in a residential area prior to the granting of a petition for a special exception as to same. Since no such approval had been secured for the Appellee's property, the Board of Appeals dismissed the Petition for the special exception without prejudice. The Order of dismissal then stated: "Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure". No such appeal has been taken by the Petitioners (Appellants herein).

Instead the Petitioners promptly filed a Petition for reconsideration with the County Board of Appeals. Six days later, on July 12, 1977, the County Board of Appeals made a new "Findings and Order" which in effect reversed its previous order of dismissal without prejudice, and remanded the case back to the Zoning Commissioner. The stated purpose for this remand was for him to complete the required review and make a new determination as to the special exception, under the new criteria required by the Interim Development Control Act. The

reason given for this unusual action was so that the Petitioners would not be held to the "so called 10 month rule" to refile their application for a special exception as would be normally necessary in the event of a dismissal, and "to give the Petitioner his opportunity to proceed without unnecessary loss of time but under the new, stricter criteria

The Appellants promptly appealed to the Circuit Court for Baltimore City from the December 14, 1977 Order on the grounds that the December 6, 1977 Order of the County Board of Appeals was a final order. Section 602 (a) of the pertinent sections of the Baltimore County Charter (1968) provides that:

"In all cases the order of the county board of appeals shall be final unless an appeal be taken therefrom in the manner provided in Section 604 of this article".

Section 604 provides for an appeal to the Circuit Court within thirty days by any aggrieved party in any proceedings. Section 604 further provides that "the review proceedings provided by this section shall be exclusive".

Chief Judge John E. Raine, Jr. after a hearing, filed a Memorandum and at the end thereof passed an Order dated October 11, 1978, striking out and rescinding the County Board of Zoning Appeals Order of December 14, 1977. The Memorandum reads as follows:

"There is no factual dispute in this Appeal from an Order of the County Board of Appeals. A Petition for a special exception was filed to permit a convalescent home on the South side of Greenridge Road in Towson. After 225 pages

of testimony, the Petitioner closed his case. Thereupon there was extensive discussion between counsel for Protestants, People's counsel, and counsel for the Petitioner, and the Board, as to the fact that the Planning Board had not given its approval to the special exception. The new Interim Development Control Act requires such approval as a prerequisite to the granting of a special exception and it is clear that the Planning Board had not given such approval. Thereupon, the Board, on December 6, 1977, filed an Opinion and pursuant to the Opinion, passed an Order "that the special exception petitioned for be and the same is hereby DISMISSED, without prejudice". There was no Appeal filed from that Order of dismissal. Two days later, the Petitioner filed a Motion for Reconsideration, reciting the existence of new evidence and alleging that they had not completed their case before the Board. At that time, there was no new evidence to present to the Board of Appeals and the transcript discloses that they had completed their case. On December 14, 1977, the Board passed an Order that purports to vacate their original Order of Dismissal and reinstate the case on the hearing docket. This was apparently done upon the representation that the Planning Board in disapproving the application had made a mistake and would reconsider the matter and grant a belated approval which the Planning Board in fact did, on January 19, 1978. The Protestants filed an Appeal to this Court from the December 14, 1977 Order of the County Board of Appeals, arguing that the Board does not have any power to reopen a case and vacate a prior Order of Dismissal.

"The County Board of Appeals is given power to adopt rules of practice and procedure, but there is no such rule that would be applicable to the present action. In several cases, the Court of Appeals has extended to quasi-judicial bodies, such as zoning boards, the right to reconsider and reopen a case upon a showing of fraud, surprise, mistake, or inadvertence. Typical cases are: Board v. Mc Kinney, 174 Md. 551, and Schultze v. Montgomery County Board, 230 Md. 76. This is as to the power given to Circuit Courts by Md. Rule 625. In the instant case, there was no fraud, surprise, mistake, inadvertence or irregularity. When the Board of Appeals passed the formal Order dismissing the Petition, it did exactly what it intended to do, based on the true facts as they then existed and their Order of

Dismissal was legal, correct and proper. The development that the Planning Board would subsequently change its position and grant the necessary approval does not alter the fact that at the time of the Board's Order of Dismissal, the prerequisite approval was lacking. The Board had no authority or power to reopen the case and their Order of December 14, 1977, is an absolute nullity. This court holds that where an Order is null and void as beyond the power of the Body passing the Order, an Appeal may be taken despite the fact that the Order might otherwise be deemed of an interlocutory nature. This decision will require the Petitioner to refile his special exception which will cause the Petitioner some significant delay. This possible prejudice to the Petitioner is far outweighed by a need to have finality in judicial and quasi-judicial proceedings. Limiting revisory powers of Courts to cases of fraud, mistakes or irregularities can have a harsh effect but this does not justify allowing properly terminated proceedings to be reopened. See *Logsyn Company v. Kohn*, 249 Md. 475, where a judgment was allowed to stand against an individual that did not owe the amount of the judgment that was entered as a result of a trial judge's error."

We agree with the lower Court that there is no revisory power vested by the charter in the Baltimore County Board of Appeals to reopen or reconsider a final ruling, whether on the facts or on the law. Thus the common law rule in regard to the power of an administrative body acting in a quasi-judicial capacity is therefore applicable. This rule allows the administrative body to reconsider a decision if an error has been caused by fraud, surprise, mistake, or inadvertence. *Redding v. Board of Commissioners*, 263 Md. 94 (1971); *Gaywood Community Assn. v. Metropolitan*, 246 Md. 93 (1967); *Kay Construction Co. v. County Council*, 247 Md. 479 (1962); *Zoning Appeal Board v. McKinney*, 174 Md. 551, 564-566 (1930).

In the subject case there was no newly discovered evidence nor a

other factors to amount to fraud, mistake, surprise, or inadvertence to justify a rehearing or reconsideration. The Board of Appeals sought to indicate that the prior decision to dismiss because of non-compliance with new interim act was made as a result of "inadvertency". The lower Court did not so regard it. We cannot say that Judge Raine was clearly erroneous in this ruling, or indeed that he was erroneous at all.

Thus we sustain his decision that the December 14, 1977 order of the County Board of Appeals was beyond its statutory and common law authority and was therefore a nullity.

ORDER AFFIRMED.
COSTS TO BE PAID BY APPELLANTS.

PETITION FOR SPECIAL EXCEPTION : IN THE
for a Convalescent Home, S/S : CIRCUIT COURT
of Greenridge Road 641' East :
of York Road, 9th District :
Nicholas B. Mangione, et ux, : FOR
Petitioners : BALTIMORE COUNTY
: AT LAW
No. 76-158-X

ORDER FOR APPEAL

MR. CLERK:

Please enter an appeal on behalf of the Protestants, Charles Held, Jr., Esquire, Dr. John H. Kahnert, Dr. Donald Michael, Mrs. Judi Bowie, Mrs. Andrea Alcares, Mr. Richard Reikenis, all parties aggrieved thereby, from the purported Order of the County Board of Appeals of Baltimore County in the above entitled matter, dated December 14, 1977, and each and every part thereof, which Order purports to vacate the Board's prior Order of December 6, 1977, this purported Order of vacation being beyond the power of the Board to accomplish for the reasons set out in the attached Petition on Appeal

James D. Nolan
James D. Nolan
Nolan, Plumhoff & Williams
204 W. Pennsylvania Avenue
Towson, Maryland 21204
823-7800
Attorneys for the Protestants

CERTIFICATE OF COMPLIANCE

I hereby certify that a copy of the Order for Appeal to the Circuit Court for Baltimore County and the Petition on Appeal, both relating to the Order of the County Board of Appeals for Baltimore County dated December 14, 1977, in Case No. 76-158-X, was delivered to the Board prior to the filing of this Order, as shown below.

James D. Nolan
James D. Nolan
Attorney for Appellants

Service of a copy of the Order For Appeal and Petition on Appeal in Case No. 76-158-X is admitted this 14th day of

January, 1978, by

Edith S. Eisenhart
County Board of Appeals

I hereby certify that a copy of the foregoing Order for Appeal and Petition on Appeal was mailed to Saunders M. Almond, Esquire, 407 Mercantile Towson Building, Towson, Maryland, 21204 and to G. Mitchell Austin, Esquire, 2117 Old Orens Road, Baltimore, Maryland, 21220, Attorneys for the Petitioners, on the 14th day of January, 1978.

James D. Nolan
James D. Nolan
Attorney for Appellants

SUL/cih
1/11/78

PETITION FOR SPECIAL EXCEPTION : IN THE
for a Convalescent Home, S/S : CIRCUIT COURT
of Greenridge Road 641' East :
of York Road, 9th District :
NICHOLAS B. MANGIONE, et ux, : FOR
Petitioners : BALTIMORE COUNTY
: AT LAW
No. 76-158-X

ORDER FOR APPEAL

Mr. Clerk:

Please enter an appeal on behalf of the individual Protestants, Ronald McDonald, Livio Broccolino and N.A. Byers, and the Dulany Valley Improvement Association, all parties aggrieved thereby, from the purported Order of the County Board of Appeals of Baltimore County in the above-entitled matter, dated December 14, 1977, and each and every part thereof, which Order purports to vacate the Board's prior Order of December 6, 1977, this purported Order of vacation being beyond the power of the Board to accomplish for the reasons set out in the attached Petition on Appeal.

Stephen D. Langhoff
Stephen D. Langhoff
Suite 801, First National Bank Bldg.
Light and Redwood Streets
Baltimore, Maryland 21202
301-552-1010

CERTIFICATE OF COMPLIANCE

I hereby certify that a copy of the Order for Appeal to the Circuit Court for Baltimore County and the Petition on Appeal, both relating to the Order of the County Board of Appeals for Baltimore County dated December 14, 1977, in Case No. 76-158-X, was delivered to the Board prior to the filing of

this Order, as shown below.

Stephen D. Langhoff
Attorney for Appellants

Service of a copy of the Order For Appeal and Petition on Appeal in Case No. 76-158-X is admitted this 13th day of January, 1978, by

Muriel E. Buddemeier
County Board of Appeals

I HEREBY CERTIFY that on this 13th day of January, 1978, a copy of the foregoing Order on Appeal was mailed, postage prepaid, to Saunders M. Almond, Esquire, 407 Mercantile-Towson Building, Towson, Maryland 21204 and to G. Mitchell Austin, Esquire, 2117 Old Orens Road, Baltimore, Maryland 21220, Attorneys for the Petitioners and to James D. Nolan, Esquire, Nolan, Plumhoff & Williams, 204 W. Pennsylvania Avenue, Towson, Maryland 21204.

Stephen D. Langhoff
Stephen D. Langhoff

-2-

Appealed 1/11/78

RE: PETITION FOR SPECIAL EXCEPTION : IN THE
for a Convalescent Home : CIRCUIT COURT
S/S of Greenridge Road :
641' E. of York Road :
9th District :
Nicholas B. Mangione, et ux : BALTIMORE COUNTY
Petitioners :
: AT LAW
Charles Held, Jr., Esq., et al : Misc. File No. 10
Protestants - Appellants :
File No. 76-158-X : Folio No. 471
: File No. 6439

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., Robert L. Gilland and Herbert A. Davis, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Richard J. DiPasquale, Esq., 5718 Harford Road, Baltimore, Maryland, 21214, Saunders M. Almond, Jr., Esq., 407 Mercantile-Towson Building, Towson, Maryland, 21204, and G. Mitchell Austin, Esq., 812 Eastern Boulevard, Baltimore, Maryland, 21221, attorneys for the Petitioners; Mr. and Mrs. Nicholas B. Mangione, 2514 Proctor Lane, Baltimore, Maryland, 21234, Petitioners; James D. Nolan, Esq., 204 W. Pennsylvania Avenue, Towson, Maryland, 21204, and Stephen D. Langhoff, Esq., 801 First National Bank Building, Baltimore, Maryland, 21202, attorneys for the Protestants; Charles W. Held, Jr., Esq., 400 Loyola Federal Building, Towson, Maryland, 21204, Dr. John H. Kahnert, 118 Greenridge Road, Lutherville, Maryland, 21093, Dr. Donald Michael, 20 Ridgefield Road, Lutherville, Maryland, 21093, Mrs. Judi Bowie, 126 Greenridge Road, Lutherville, Maryland, 21093, Mrs. Andrea Alcares, 10 Ridgefield Road, Lutherville, Maryland, 21093, Mr. Richard Reikenis, 208 Strathdon Way, Lutherville, Maryland, 21093, Mr. Maurice S. Bozel, President, Dulany Valley Improvement Association, 303 Felton Road, Lutherville, Maryland, 21093, Charles W. Held, Jr., Esq., 400 Loyola Federal Building, Towson, Maryland, 21204, Dr. John H. Kahnert, 118 Greenridge Road, Lutherville, Maryland, 21093, Dr. Donald Michael, 20 Ridgefield Road, Lutherville, Maryland, 21093, Mrs. Judi Bowie, 126 Greenridge Road, Lutherville, Maryland, 21093, Mrs. Andrea Alcares, 10 Ridgefield Road, Lutherville, Maryland, 21093, Mr. Richard Reikenis, 208 Strathdon Way, Lutherville, Maryland, 21093, Mr. Maurice S. Bozel, President, Dulany Valley Improvement Association, 303 Felton Road, Lutherville, Maryland, 21093, Charles W. Held, Jr., Esq., 400 Loyola Federal Building, Towson, Maryland, 21204, People's Counsel for Baltimore County, and Mr. N. A. Byers, 18 Greenridge Road, Lutherville, Maryland, 21093, on this 17th day of January, 1978.

Nicholas B. Mangione, et ux - No. 76-158-X (#6439) 2.

18 Greenridge Road, Lutherville, Maryland, 21093, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

Muriel E. Buddemeier
Muriel E. Buddemeier
County Board of Appeals of Baltimore County
Rm. 219 Court House, Towson, Md. 21204
Telephone - 494-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice

has been mailed to Richard J. DiPasquale, Esq., 5718 Harford Road, Baltimore, Maryland, 21214, Saunders M. Almond, Jr., Esq., 407 Mercantile-Towson Building, Towson, Maryland, 21204, and G. Mitchell Austin, Esq., 812 Eastern Boulevard, Baltimore, Maryland, 21221, attorneys for the Petitioners; Mr. and Mrs. Nicholas B. Mangione, 2514 Proctor Lane, Baltimore, Maryland, 21234, Petitioners; James D. Nolan, Esq., 204 W. Pennsylvania Avenue, Towson, Maryland, 21204, and Stephen D. Langhoff, Esq., 801 First National Bank Building, Baltimore, Maryland, 21202, attorneys for the Protestants; Charles W. Held, Jr., Esq., 400 Loyola Federal Building, Towson, Maryland, 21204, Dr. John H. Kahnert, 118 Greenridge Road, Lutherville, Maryland, 21093, Dr. Donald Michael, 20 Ridgefield Road, Lutherville, Maryland, 21093, Mrs. Judi Bowie, 126 Greenridge Road, Lutherville, Maryland, 21093, Mrs. Andrea Alcares, 10 Ridgefield Road, Lutherville, Maryland, 21093, Mr. Richard Reikenis, 208 Strathdon Way, Lutherville, Maryland, 21093, Mr. Maurice S. Bozel, President, Dulany Valley Improvement Association, 303 Felton Road, Lutherville, Maryland, 21093, and Mr. Livio Broccolino, 131 Greenridge Road, Timonium, Maryland, 21093, Protestants; John W. Hessian, III, Esq., County Office Building, Towson, Maryland, 21204, People's Counsel for Baltimore County; and Mr. N. A. Byers, 18 Greenridge Road, Lutherville, Maryland, 21093, on this 17th day of January, 1978.

Muriel E. Buddemeier
Muriel E. Buddemeier
County Board of Appeals of Baltimore County

Appealed 1/13/78

RE: PETITION FOR SPECIAL EXCEPTION : IN THE
for a Convalescent Home : CIRCUIT COURT
S/S of Greenridge Road :
641' E. of York Road :
9th District :
Nicholas B. Mangione, et ux : BALTIMORE COUNTY
Petitioners :
: AT LAW
Ronald McDonald, et al : Misc. File No. 10
Protestants - Appellants :
File No. 76-158-X : Folio No. 471
: File No. 6439

CERTIFICATE OF NOTICE

Mr. Clerk:

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Nicholas B. Mangione, et ux - File No. 76-158-X (#6439) 2.

Richard Reikenis, 208 Strathdon Way, Lutherville, Maryland, 21093, Protestants; and John W. Hessian, III, Esq., County Office Building, Towson, Maryland, 21204, People's Counsel for Baltimore County, Maryland, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

Muriel E. Buddemeier
Muriel E. Buddemeier
County Board of Appeals of Baltimore County
Rm. 219 Court House, Towson, Md. 21204
Telephone - 494-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice

has been mailed to Richard J. DiPasquale, Esq., 5718 Harford Road, Baltimore, Maryland, 21214, Saunders M. Almond, Jr., Esq., 407 Mercantile-Towson Building, Towson, Maryland, 21204, and G. Mitchell Austin, Esq., 812 Eastern Boulevard, Baltimore, Maryland, 21221, attorneys for the Petitioners; Mr. and Mrs. Nicholas B. Mangione, 2514 Proctor Lane, Baltimore, Maryland, 21234, Petitioners; James D. Nolan, Esq., 204 W. Pennsylvania Avenue, Towson, Maryland, 21204, and Stephen D. Langhoff, Esq., 801 First National Bank Building, Baltimore, Maryland, 21202, attorneys for the Protestants; Mr. Ronald McDonald, 29 Ridgefield Road, Lutherville, Maryland, 21093, Mr. Livio Broccolino, 131 Greenridge Road, Lutherville, Maryland, 21093, Mr. N. A. Byers, 18 Greenridge Road, Lutherville, Maryland, 21093, Mr. Maurice S. Bozel, President, Dulany Valley Improvement Association, 303 Felton Road, Lutherville, Maryland, 21093, Charles W. Held, Jr., Esq., 400 Loyola Federal Building, Towson, Maryland, 21204, Dr. John H. Kahnert, 118 Greenridge Road, Lutherville, Maryland, 21093, Dr. Donald Michael, 20 Ridgefield Road, Lutherville, Maryland, 21093, Mrs. Judi Bowie, 126 Greenridge Road, Lutherville, Maryland, 21093, Mrs. Andrea Alcares, 10 Ridgefield Road, Lutherville, Maryland, 21093, and Mr. Richard Reikenis, 208 Strathdon Way, Lutherville, Maryland, 21093, Protestants; and John W. Hessian, III, Esq., County Office Building, Towson, Maryland, 21204, People's Counsel for Baltimore County, on this 17th day of January, 1978.

Muriel E. Buddemeier
Muriel E. Buddemeier
County Board of Appeals of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 30, 1976

COUNTY OFFICE BUILDING
111 W. Chesapeake Avenue
Towson, Maryland 21204
Franklin T. Hoggans,
Chairman

Richard J. DiPasquale, Esq.
5718 Harford Road
Baltimore, Maryland 21214

RE: Special Exception Petition
Item 112
Nicholas B. & Mary C. Mangione -
Petitioner

Dear Mr. DiPasquale:

The Zoning Plans 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.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the south side of Greenridge Road, 641 feet east of York Road, and is currently improved with a dwelling (now vacant), barn and accessory buildings. The petitioner is requesting a Special Exception for a convalescent home in order that a nursing home and domiciliary care complex may be constructed on the site. This property was previously the subject of review by this Committee in conjunction with a request for off street parking facilities to be located in a residential zone. This parking was proposed to serve an existing office building on York Road, which is also in the ownership of the petitioner. The request, however, was withdrawn prior to the assigning of a hearing date.

Richard J. DiPasquale, Esq.
Re: Item 112
January 30, 1976
Page 2

The presently requested proposal for a convalescent home also indicates a parking area on approximately one acre of land at the southern end of the site, which is the same location as the proposed parking lot in the previous petition. This southern end is at a lower elevation than the majority of the site, and it is the southern boundary line which abuts a small stream and storm drainage reservation. The proposed facility is to house a total of 295 beds for which the Zoning Regulations requires one off street parking space per each ten beds, or a total required number of parking spaces of 30. The petitioner, however, is providing 150 parking spaces, and he explains on the site plan that the extra 120 parking spaces may be needed "because of day care center".

Adjacent properties are improved with single family residential houses.

The petitioner should revise the submitted plan to reflect the comments of the Project and Development Planning Office.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Franklin T. Hoggans, Jr.,
Chairman, Zoning Plans
Advisory Committee

PTH:JD

Enclosure

cc: apr associates, land surveyors
3320 Rosalie Ave.,
Baltimore, Maryland 21234

baltimore county
department of traffic engineering
TOWSON, MARYLAND 21204
(301) 494-3550
STEPHEN E. COLLINS
DIRECTOR

January 8, 1976

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 112 - ZAC - December 16, 1975
Property Owner: Nicholas B. & Mary C. Mangione
Location: S/S of Greenridge Rd. 641' E. of York Road
Existing Zoning: D.R. 5.5
Proposed Zoning: Special exception for a nursing home facility & domiciliary care facility
No. of Acres: 5.00
District: 9th

Dear Mr. DiNenna:

As presently zoned, this site would generate approximately 285 trips per day. The proposed special exception for a nursing home would generate approximately 955 trips per day.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate

MSF:nc

baltimore county
department of public works
TOWSON, MARYLAND 21204
JANUARY 19, 1976

January 19, 1976

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 112- (1975-1976)
Property Owner: Nicholas B. and Mary C. Mangione
S/S of Greenridge Road - 641' E. of York Road
Existing Zoning: D. R. 5.5
Proposed Zoning: Special Exception for a nursing home facility and domiciliary care facility.
No. of Acres: 5.00
District: 9th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments supplied in connection with the Zoning Advisory Committee review of this site for Item 100 (1974-1975) are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 112 (1975-1976).

Very truly yours,

Ellsworth N. Diver, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ag
R. S.W. - Key Sheet
44 N.E. 1 & 2 - Position Sheet
N.E. 11 & 12-A - Topo
61 - Tax Map

cc: Bureau of Public Services (Bld. Application 1009-73)

baltimore county
department of health
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

January 5, 1976

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #112, Zoning Advisory Committee Meeting, December 16, 1975, are as follows:

Property Owner: Nicholas B. & Mary C. Mangione
Location: S/S of Greenridge Rd. 641' E. of York Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: Special Exception for a nursing home facility & domiciliary care facility.
No. of Acres: 5.00
District: 9th

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.

Day Nursery Comments: Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County Regulations. For more complete information, contact the Division of Maternal and Child Health, Baltimore County Department of Health.

Metropolitan water and sewer are available.

A moratorium was placed on new sewer connections in the Jones Falls Drainage Basin by Dr. Neil Solomon, Secretary of Health and Mental Hygiene, on November 13, 1973; therefore, approval may be withheld for this connection.

Very truly yours,

Thomas H. Davlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

RJW:dls
cc: I.L. Snyder
cc: Eve Smith

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204
833-7310

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Nicholas B. & Mary C. Mangione

Location: S/S of Greenridge Rd. 641' E. of York Rd.

Item No. 112 Zoning Agenda December 16, 1975

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead-end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.

() 6. Site plans are approved as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *H. J. Kelly* Noted and Approved: *James H. Murphy*
Planning Group Acting Deputy Chief
Special Inspection Division Fire Prevention Bureau

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: December 12, 1975

Mr. S. Eric DiNenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Z.A.C. Meeting of: December 16, 1975

Re: Item 112
Property Owner: Nicholas B. & Mary C. Mangione
Location: S/S of Greenridge Rd. 641' E. of York Rd.
Present Zoning: D.R. 5.5
Proposed Zoning: Special Exception for a nursing home facility & domiciliary care facility.

District: 9th
No. Acres: 5.00

Dear Mr. DiNenna:

Would only result in a loss of approximately 6 elementary, 7 junior, and 4 senior high student.

Very truly yours,

W. Nick Petrovich,
Field Representative.

WNP/ml

H. EMBLE PARKS, President
EUGENE C. HESS, Vice-President
MRS. ROBERT L. BERNY

MARCUS M. BOTSARIS
JOSEPH N. MCGOWAN
ALVIN LORCKE
JOSHUA R. WHEELER, Superintendent

T. BAYARD WILLIAMS, JR.
RICHARD W. TRACY, V.M.U.
MRS. RICHARD K. WUEFFEL

baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 494-3211

WILLIAM D. FROMM
DIRECTOR

January 7, 1975

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #112, Zoning Advisory Committee Meeting, December 16, 1975, are as follows:

Property Owner: Nicholas B. and Mary C. Mangione
Location: S/S of Greenridge Road 641' E. of York Road
Existing Zoning: D.R. 5.5
Proposed Zoning: Special Exception for a nursing home facility and domiciliary care facility
No. of Acres: 5.00
District: 9th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

All parking spaces must be a minimum of 8 feet from the proposed street property line.

All building set back dimensions must be shown from the proposed street property lines and to scale. The height of the building should also be shown on the site plan.

Very truly yours,

John L. Wimbley
Planning Specialist II
Project and Development Planning

[illegible]

RANDALLSTOWN, MD. 21133 Jan. 28, 1976

THIS IS TO CERTIFY, that the annexed advertisement of
Petition for a Variance- Mangione
 was inserted in the following:

- ☐ Catonsville Times
☐ Dundalk Times
☐ Essex Times
☒ Towson Times
☐ Arbutus Times
☐ Community Times

weekly newspapers published in Baltimore County, Maryland, once a week for one ~~several~~ weeks before the 18th day of February 19 76, that it to say, the same was inserted in the issues of January 28, 1976.

STROMBERG PUBLICATIONS, INC.

BY Patti Sprink

CERTIFICATE OF PUBLICATION

TOWSON, MD. January 29 1976

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on ~~one day~~ one time ~~successive weeks~~ before the 19th day of February, 1976, the ~~first~~ publication appearing on the 29th day of January 1976

THE JEFFERSONIAN

L. Frank Smith
Manager

Cost of Advertisement, \$ _____

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#76-158-X

District: 9th Date of Posting: 1-22-76
 Posted for: Marriage Wed. Jan. 15, 1976 @ 7:45 P.M.
 Petitioner: William R. Mangione
 Location of property: Spt. of Marriage Rd. 641' End of 3rd Rd.
 Location of Signs: 1 Sign - Road 999' 641' End of 3rd Rd.
 on Marriage Rd.
 Remarks:
 Posted by: Fred H. Hoss Date of return: 2-5-76

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this 28 day of

Nov 1975. Filing Fee \$ _____. Received ✓ Check

Cash

Other

S. Eric DiNenna,
Zoning Commission

Petitioner MARKIONE Submitted by L. MARKIONE

Petitioner's Attorney D. PASQUALE Reviewed by NBC

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

PETITION MAPPING PROGRESS SHEET									
FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet
	date	by	date	by	date	by	date	by	date
Descriptions checked and outline plotted on map									
Petition number added to outline									
Denied									
Granted by ZC, BA, CC, CA									

Reviewed by: NBC

Revised Plans:
Change in outline or description _____ Yes
_____ No

Previous case: _____ Map # _____

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

76-158-X

District 9th Date of Posting 6-24-76
 Posted for _____
 Petitioner: Nicholas B. Mangione
 Location of property: S/S of Brunswick Rd 641' East of York Rd
 Location of Signs: 1 Sign Postd So. side of Brunswick Rd 99 ft
 641' East of York Rd
 Remarks: _____
 Posted by Michael H. Hoss Date of return: 7-1-76

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 31615

Feb. 17, 1976 01-662

DATE ACCOUNT

AMOUNT \$149.00

RECEIVED FROM: Richard J. Eifanquale, Inc. 5718 Harford Rd.
Baltimore, Md. 21244 21244

FOR: Advertising and posting of property for Nicholas B.
Mangione - 776-15-50

4602 FEB 17 4 99 C REC

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 8267

DATE Jan. 26, 1976 ACCOUNT 01-662

AMOUNT \$50.00

RECEIVED
FROM: William Nicholas B. Mangione, 3902 White Ave.
Baltimore, Md 21206
FOR: Petition for Special Reception
976-158-X

200 02288 27 500086

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 15404

DATE 2/15/78 ACCOUNT 01.712

James D. Nolan, Esq.
204 W. Pennsylvania Ave.
Towson, Md. 21204

AMOUNT \$28.00

WHITE - CASHIER PINK - AGENT YELLOW - CUSTOMER

Cost of certified documents in Case No. 76-158-X
5/5 of Greenridge Rd. 641' E. of York Rd.
Nicholas B. Mangione, et al: 2800

76-158 X

Mangione et al

J. H. Dyer

BOARD OF APPEALS

PETITIONER'S
EXHIBIT

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Bureau of Engineering
ELLENWORTH H. DYER, P. E. CHIEF

December 5, 1974

Mr. C. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #100 (1974-1975)
Property Owner: Nicholas B. Mangione
1/3 of Green Ridge Rd., Ch. E. of York Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: Special Hearing to approve offstreet
parking in a residential zone.
No. of Acres: 5.00 District: 9th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Green Ridge Road, an existing public road, is proposed to be improved in the future as a 36-foot closed section roadway on a 50-foot right-of-way.

Tenbury Road exists as a County road, with a 30-foot closed section on a 50-foot right-of-way, immediately south of this site in the development of "Ridgefield" and also north of this site, approximately 300 feet north of Green Ridge Road, in the development of "Green Ridge Gardens". Construction of the extension of this road is proposed in the future in conjunction with development of the intervening properties.

Highway improvements including highway right-of-way and widening, and any necessary reversible easements for slopes will be required in connection with any grading or building permit application. Further information, including horizontal and vertical alignment, may be obtained from the Baltimore County Bureau of Engineering.

Any proposed use/development of this site should be reviewed by the Joint Sub-division Planning Committee. It appears that with the completion of Tenbury Road to Green Ridge Road, which has a traffic control signal at its intersection with York Road (Md. 45), it may be desirable for the safety of all concerned, to terminate Ridgefield Road east of York Road (Md. 45) and eliminate this highly dangerous intersection whose traffic traverses the deceleration lane of the off-ramp (Md. 45 North) at Exit 26 of the Beltway (I-695).

A Public Works Agreement will be required to be executed in connection with any future use/development of this site for necessary public highway and utilities requirements.

The entrance locations are subject to approval by the Department of Traffic Engineering and to conformance with Baltimore County Design Standards.

Item #100 (1974-1975)
Property Owner: Nicholas B. Mangione
Page 2
December 5, 1974

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

In accordance with the drainage policy, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

The Petitioner must provide necessary drainage facilities (temporary or permanent) 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 improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewers:

There are public water mains and sanitary sewerage in Green Ridge Road and the existing Tenbury Road. This area is presently tributary to the Jones Falls Sewerage System, subject to State Health Department imposed sanitation restrictions.

Very truly yours,

ELLENWORTH H. DYER, P.E.
Chief, Bureau of Engineering

END:EAH:PAR:iss

cc: G. Reier (F14, RD. #100-75)
C. Clifford
J. Trenner
J. Meyers (State Hwy. Adm.)

R-W Key Sheet
Mn 11 & 2 Top. Sheets
NE 11 & 12 A Topo
61 Tax Map

BOARD OF APPEALS

PROTESTANT'S
EXHIBIT

A - Letter from Ellenworth Dyer 12/5/74

✓ A-1 Accompanying Plat
APR 4 1975 11-26-76

Duplicates of
Exhibits

Original filed
in Cir. Ct. 2/1/75

1009-73

(1974-1975) Item #100
Property Owner: Nicholas B. Mangione
Page 2
December 5, 1974

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

In accordance with the drainage policy, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

The Petitioner must provide necessary drainage facilities (temporary or permanent) 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 improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewers:

There are public water mains and sanitary sewerage in Green Ridge Road and the existing Tenbury Road. This area is presently tributary to the Jones Falls Sewerage System, subject to State Health Department imposed sanitation restrictions.

BOARD OF APPEALS
PROTESTANT'S
EXHIBIT

76-158X
MANGIONE

EXHIBIT

Final day

✓ Board Ex. # 1

Joining Mfg. organization
Intern. Control Act
Tousson N.E. 11-A

BOARD OF APPEALS

PETITIONER'S

EXHIBIT

① Traffic Report -
Ewell, Bomhardt &
Associates.

✓ ② Plot of S.P. 5-27-77

✓ ③-A Elevation accompanying
Plot

as per copy of S.A. #2

8/16/77 - Rtd to S. Margione Jr.
counsel for Petitioner

Proposed Nursing Home
Green Ridge Road
Ewell, Bomhardt & Associates
CONSULTING ENGINEERS
1800 NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201
SUBJECT: Traffic Impact Analysis
By: C.D. Hie
Job No. 6077-T
SHEET NO. 1 OF 6
DATE: May 26, 1977

I. Traffic Generation and Distribution

A. Proposed Nursing Home

The best way to estimate the traffic being generated or attracted by the proposed nursing home is to take traffic count from a similar, nearby facility. We had traffic count data (utilizing an automatic traffic counter) on the entrance of Manor Care Nursing Home at 7001 N. Charles St., Towson, Maryland, for the entire week of March 1-7, 1976. The pertinent data are summarized below: (All the detailed traffic count data will be furnished upon request)

Location	Manor Care Nursing Home 7001 N. Charles St. Towson, Maryland	Proposed Nursing Home on Green Ridge Road Green Ridge Road Lutherville, Maryland
No. of Beds	200	120 + 120 + 50 = 290 Day 300
No. & Hrs. of Shifts	3 Shifts: 7am-3pm, 3pm-11pm, 11pm-7am	Same
No. of Employees Each Shift	50 + 35 + 20 = 105	80 + 50 + 30 = 160 (proportionally scaled)
Average Daily Traffic	2,801 (weekly total) ÷ 7 = 400	400 x $\frac{290}{200}$ + 25 x 4 = 700 (projection + shift day care)
Average Peak Hour Volume (between 4:30-5:30 p.m.)	465 (weekly, p.m. vol.) ÷ 7 = 66 (16% of A.D.T.)	800 x 16% = 112 Use 110
Average Hourly Volume Between 7:30-8:30 a.m.	174 ÷ 7 = 25 (6% of A.D.T.)	600 x 6% + 25 x 2 = 86 (projection + shift day care)
Average Hourly Volume Between 4:30-5:30 p.m.	205 ÷ 7 = 30 (7.5% of A.D.T.)	600 x 7.5% + 25 x 2 = 95 (projection + shift day care)

* Should be substantially less since very few of the 100 trips attributed to the day care center will take place during this hour.

Proposed Nursing Home
Green Ridge Road
Ewell, Bomhardt & Associates
CONSULTING ENGINEERS
1800 NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201
SUBJECT: Traffic Impact Analysis
By: C.D. Hie
Job No. 6077-T
SHEET NO. 2 OF 6
DATE: May 26, 1977

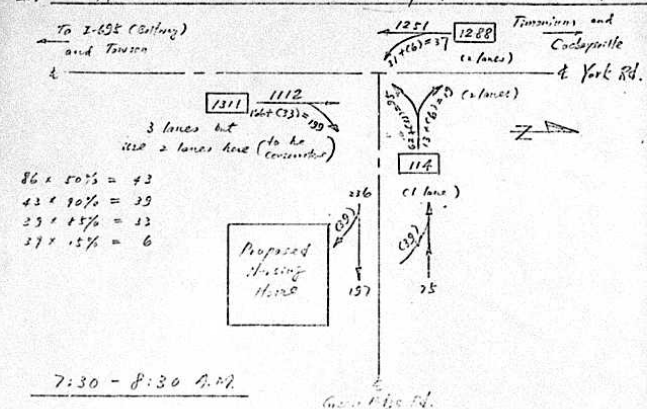
Trip Distribution (to and from the Prop. Nursing Home)

Assume 10% - East of Nursing Home (Baltimore Valley Rd. area)
90% - West of Nursing Home (York Rd.)

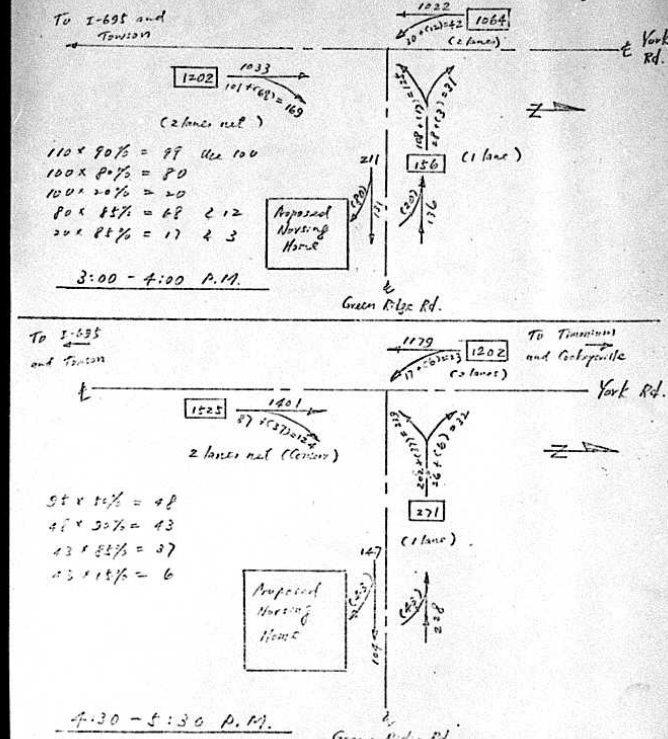
Traffic Split (Based on Traffic Count Distribution & Split)

Assume 15% will turn North on York Rd. (Towson-Cockeysville)
85% will turn South on York Rd. (Cattings & Towson)
Assume during 7:30-8:30 a.m. and 4:30-5:30 p.m.
50% traffic each will be entering and leaving the Nursing Home
during 3-4 p.m. (Peak Hour of the Nursing Home)
80% will enter and 20% will leave.

II. Traffic Service at Intersection of York and Green Ridge Rd.



Proposed Nursing Home
Green Ridge Road
Ewell, Bomhardt & Associates
CONSULTING ENGINEERS
1800 NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201
SUBJECT: Traffic Impact Analysis
By: C.D. Hie
Job No. 6077-T
SHEET NO. 3 OF 6
DATE: May 27, 1977



Proposed Nursing Home
Green Ridge Road
Ewell, Bomhardt & Associates
CONSULTING ENGINEERS
1800 NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201
SUBJECT: Traffic Impact Analysis
By: C.D. Hie
Job No. 6077-T
SHEET NO. 4 OF 6
DATE: May 27, 1977

III. Capacity on Green Ridge Road

$$C = 2,000 \cdot W \cdot T_c \quad (\text{HCM Method}) \quad \text{Total for both directions}$$

$$= 2,000 \cdot 0.88 \cdot 0.95 \quad W = 12' \text{ Chd. on 1 Side}$$

$$= 1,672 \text{ v.p.h.} \quad \text{Assume } T_c = 5\%, \text{ Level Terrain}$$

$$\text{Peak Hour Traffic Volume (4:30-5:30)} = \frac{332 + 95}{1.672} = \frac{427}{1.672} = 26\% \text{ D.O.C.}$$

$$\text{Capacity on Green Ridge Rd.} = 1,672$$

IV. Traffic Count at Subway-Towson Nursing Home (115 Beds)

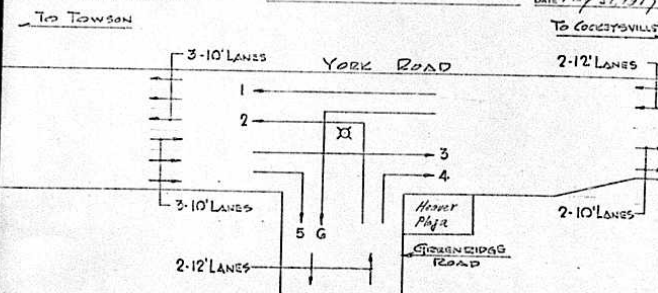
Another brief traffic count was taken at Subway-Towson Nursing Home on Sunday, May 22, 1977 between 2-4 p.m. The results are: 2-3 p.m. 26 trips; 3-4 p.m. 20 trips. Approx. P.M. projected for Green Ridge Rd. Nursing Home = $26 \times \frac{300}{115} = 68$ which is much lower than what we have assumed in our traffic studies.

V. Conclusion

As part of our traffic studies, we took traffic counts for all turning movements at the intersection of York and Green Ridge Rds. on May 18, 20 and 27, 1977, and limited counts at the Subway-Towson Nursing Home on May 22, 1977.

With these traffic counts and the traffic data previously obtained from the Manor Care Nursing Home, after checking the Green Ridge Rd. capacity and entered to the intersection with York Rd., we conclude that the traffic service with the proposed nursing home will still remain at Level "B" (good traffic service).

Proposed Nursing Home
Green Ridge Road
Ewell, Bomhardt & Associates
CONSULTING ENGINEERS
1800 NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201
SUBJECT: Traffic Study
By: C.D. Hie
Job No. 6077-T
SHEET NO. 5 OF 6
DATE: May 31, 1977



DATE	TIME	DIRECTIONS					
		1	2	3	4	5	6
WED. 5-18-77	7:30-8:30 A.M.	1273	76	1086	10	153	27
	4:30-5:30 P.M.	1114	187	1311	20	82	14
FRI. 5-20-77	7:30-8:30 A.M.	1251	62	1112	13	166	51
	4:30-5:30 P.M.	1179	202	1401	26	87	17
FRI. 9/27/77	7:30-8:30 A.M.	945	47	951	8	110	6
	3:30-4:30 P.M.	1022	108	1053	28	101	30
	4:30-5:30 P.M.	1094	156	1343	24	75	20

TRAFFIC FROM HEAVER PLAZA
ON GREEN RIDGE ROAD

TIME	Total	To York Rd.	East on Green Ridge Rd.
3:00-4:00 p.m.	114	109 (95%)	5 (5%)
4:30-5:30 p.m.	235	215 (91%)	20 (9%)

BOARD OF APPEALS
PETITIONER'S
EXHIBIT

Proposed Nursing Home
Green Ridge Road
Ewell, Bomhardt & Associates
CONSULTING ENGINEERS
1800 NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201
SUBJECT: Traffic Impact Analysis
By: C.D. Hie
Job No. 6077-T
SHEET NO. 4 OF 6
DATE: May 27, 1977

* Critical Lane Volume Analyses

Hour	Phase	Direction	Approach Volume	Lane Use Factor	Critical Lane Volume	Opposing Lefts	Critical Lane Vol. per Approach	Critical Lane Volume
7:30 - 8:30 A.M.	A	N	1311	0.55	721	37	758	812 v.p.h.
		S	1288	0.55	708	0	708	
	B	CE	0	0	0	95	95	859 v.p.h.
		W	114	1.00	114	0	114	
3:00 - 4:00 P.M.	A	N	1202	0.55	661	42	703	859 v.p.h.
		S	1064	0.55	585	0	585	
	B	CE	0	0	0	125	125	859 v.p.h.
		W	156	1.00	156	0	156	
4:30 - 5:30 P.M.	A	N	1525	0.55	839	23	862	1,133 v.p.h.
		S	1202	0.55	661	0	661	
	B	CE	0	0	0	239	239	1,133 v.p.h.
		W	271	1.00	271	0	271	

* This technique was published in "Traffic Engineering" of January, 1971.

** Controlling Critical Lane Volume, which is good for Level "B" Traffic Service (between 1,000 and 1,150 v.p.h.)

development as a utility service comparable to gas, lights, and water. If the manager or the alternate do not have a health services background, training should include some time spent in health or institutional facilities to learn basic approaches to emergency care. Doctors, nurses, medical corpsmen, and hospital aides may be available to offer this training in emergency care to housing manager or even to act as housing managers.

Once a resident's feeling of insecurity in time of need is supplanted by a sense of being secure, needed, and wanted, his or her spirit tends to revive, causing a heightened interest in daily living and a decrease in the scope and volume of daily complaints. All occupants will be relieved of the necessity of daily meal preparation and heavy housekeeping in compensation for their frailty. With their personal possessions retained in a cordial atmosphere, tenants will feel a sense of continuity with their former lives, while the manager and staff will tend to be regarded as an anchor to windward, a strong leadership symbol for security and stability as well as for the stimulation and provision of activity and creativity within an environment free from tension. In performing these functions it is suggested that the manager and staff regard tenants as younger people grown older but retaining the habits, virtues, and failings of a lifetime of working, living, and loving.

To reiterate, by providing various degrees of support, congregate housing should help relieve nursing homes and other care institutions of those who do not require medical or nursing care and should offer another housing resource to sponsors of housing for independent living whose tenants may need a "next step" type of residence. For tenants, congregate housing and its management should provide opportunity to maintain relationships with the community and should serve as a shield from the stresses of intergenerational friction or dependence.

Particularly sensitive areas for management and staff concern are tenant selection and the occasional need to terminate occupancy.

TENANT SELECTION

One area of critical and sensitive concern is the tenant screening and selection process which will be determined largely by the characteristics of the aged population to be served. As factors in the process these characteristics cannot be neatly defined. Some applicants might be able to sustain themselves in housing for independent living, while others may be close to the need for a care or medical facility. Tenant selection cannot then be a routine process based solely on age, income, or other legal eligibility criteria. The major determinant instead must be a judgment on the applicant's ability to remain self-reliant with the aid of services offered in the housing development. Since each applicant will see his or her own state of health and competence differently, a careful and objective screening process is required.

Since the characteristics of tenants in congregate housing will vary tremendously, and no precise general definition is possible, we can assume that a housekeeping service, at least once a week for heavy cleaning, should be part of the operating plan for the development. Some tenants may need help with bathing, dressing, and other per-

sonal services. As time passes, valet service and care of clothing may be required in addition to meals served in the room during illness. In other countries we find such tasks performed by "matrons" or "wardens" substituting for the services that would be provided in a family setting. Finally, the cost of rent, food, and services must be within the paying ability of the tenant if the selection of tenants is to continue to give priority to those with the greatest need. Food subsidy or a sharing of food costs may be essential to operational feasibility for the elderly at or near the poverty level.

As has been repeated many times throughout this report, the chief concern of management and staff should be the well-being of each tenant, responsiveness to his or her needs, and measures to ensure his or her safety and comfort. A tenant's life may depend on prompt action by trained staff in the manager's absence. As in all aspects of congregate housing, the management must recognize that for some tenants there will be a thin line between independence and dependence, a least temporarily. But independence should be bolstered and dependence discouraged for any length of time if the residential character of the facility is to be maintained.

Unless housekeeping aid is a traveling service, another staff person may be a "matron" or "housekeeper" who has charge of scheduled housekeeping assistance, whose day and time for work is known to and expected by the tenant. This home aide might also provide the required personal care such as help in bathing or dressing for a temporary period or on a regular basis for some, e.g., those with arthritis or backs or the handicapped. Concern for grooming, care of clothing, or help in writing letters might be included as well in staff duties. In any event, the housekeeping aid should be carefully scheduled and understood by the resident.

While such assistance may be minimal or temporary, its need should be anticipated. Some of the "family type" services could be performed by volunteers, including other tenants organized to offer small services to their neighbors. This buddy system may sometimes be more welcome and acceptable to tenants than aid from staff or volunteers who are strangers. Tenant groups can also be formed to alert management and staff to the needs and problems which arise among the tenants themselves.

As the physical or mental capacity of the tenant lessens, counseling becomes more significant for meeting financial, health, legal, burial, or other needs, with the management substituting for the family if none is available or calling upon local specialists to handle situations as they arise. At least one private counseling room should be provided and be large enough to accommodate family members. If this is not possible, the manager's office should be used to ensure privacy.

The housekeeping programs in congregate housing will be aids to independence, serving in order to offset reliance on medical facilities except in those cases where the individual's health has deteriorated beyond the capacity of the nonprofessional, in-home health unit or staff to resolve it. The type and limitation on services should be clearly outlined to the applicant and his or her family prior to occupancy. Careful planning is needed when a tenant who cannot be removed from congregate housing and transferred to a higher level of care when more intensive services are needed. If possible, the manager should

investigate local resources and facilities, as well as associated costs, against the time when temporary or permanent removal may be required, in order to offer appropriate advice. This should be part of the preoccupancy management plan.

TERMINATING OCCUPANCY

Permanent relocation outside the development is a sad and difficult period. Family, friends, ministers, doctors, and others interested should be consulted and involved in the transfer process. This should not be the full responsibility of the housing manager even though he can provide valuable aid. In case of death, the manager can help in the disposition of the tenant's possessions. Most probably a physician should make the final decision on relocation. It should never be necessary to resort to legal eviction.

The housing authority should formulate specific rules to govern temporary removal: how long the apartment or room will be kept vacant awaiting the tenant's return; what rent will be paid during the absence, and by whom; and what procedures should be followed for proper notification when the waiting period is over. If there is a possibility that the tenant may return, 3 months is suggested as a minimum for holding the premises, providing the rent is paid during this period. Keeping his or her home bolsters the tenant's hope of return. If there is a reasonable hope that he or she will return, the peace of mind of the absent ill resident should take precedence over a potential new occupant.

In summary, although there is no sharp line between strength and frailty, the presence of services which characterize congregate housing should not decrease the special residential atmosphere created by such practices as having the key to one's own door, the right to come and go at will, and the right to expect courtesy, cheerfulness, and security. Management and staff will soon be aware that the elderly, despite chronic health problems, possess a variety of strengths and resources for meeting their own needs but too often are not encouraged to utilize them fully.

CONGREGATE MEALS SERVICE

Since congregate dining is a central feature of this type of housing, a full meals service with required tenant participation is recommended whether or not some of the dwellings have kit diets. Whereas housing for the self-elderly may include some meals service at the discretion of tenants, it must be remembered that in congregate housing balanced, nutritious meals are one of the essential services provided to maintain health and energy among tenants. As a result, the requirement to participate in the meals service and to meet some of its costs should be fully discussed and understood by the applicant at the time of leasing.

As in all aspects of housing management, it should be possible to have tenant input with regard to meals and the food they enjoy and prefer. Although certain types of food are necessary to provide essential daily nutrients, such expression of dietary preferences should be encouraged. This is obvious for those on specifically prescribed diets, those with chewing or digestive problems, and others with lifelong regional or ethnic tastes. During the 1971 White House Conference

PART 4

OPERATIONAL CONSIDERATIONS

The success of the day-to-day operation of congregate housing requires attention to several factors: the special relationship and responsibilities of management and staff to the individual tenant; the food and housekeeping services; a mix of group activity programs; and knowledge of and familiarity with local resources to tap in establishing and maintaining linkages for the provision of shelter and services. This chapter touches briefly upon major considerations in each area.

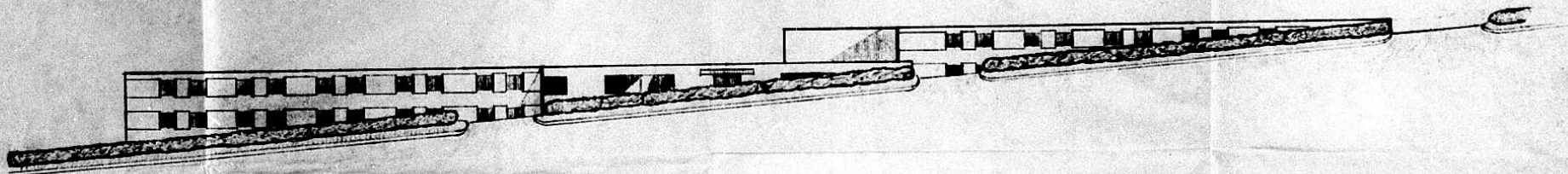
ROLES AND FUNCTIONS OF MANAGEMENT AND STAFF

Because congregate housing is designed to provide a residential environment in which older people can receive services to sustain independent living, its management and staff will assume roles and functions different from their counterparts in the management of housing for the well-elderly. In addition to their usual responsibilities for the care of property, rent collection, and personnel selection and training, managers will have overall charge of the:

- Screening and selection of suitable tenants.
- Development and/or supervision of a nutritious food program.
- Arrangement and overseeing of housekeeping and personal services delivery.
- Provision of leisure time activities related to tenant capacities and local resources.
- Arrangements for 24-hour surveillance.
- Development of procedures for handling emergencies.

While warmth, understanding, and mutual respect are characteristics of all successful housing management, in congregate housing there is required an additional awareness of the health profile and functional competency of each tenant. Occupants will be further reassured by the ability of the manager and staff to respond to any health or accident emergency due to age or partial disability. In order to know and use nearby medical facilities, managers and staff must establish cordial relations and specific arrangements for assistance with hospitals, nursing homes, and other health resources when these are not available in any in-house medical unit.

It is obvious that 24-hour surveillance by the resident manager or an alternate is essential in congregate housing. After office hours the emergency call system should operate in either's quarters. At no time must the alert system be unmanned. Many have found that the 24-hour switchboard is the best solution, with the telephone provided by the



GREENRIDGE ROAD ELEVATION

Plot #18



GREENRIDGE ROAD
9th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

OWNER: NICHOLAS B. MANGIONE

DRAWING TITLE:
ELEVATION

SCALE: 1" = 20'-0"
DATE: FEB. 3, 1976

DWG. No. A2

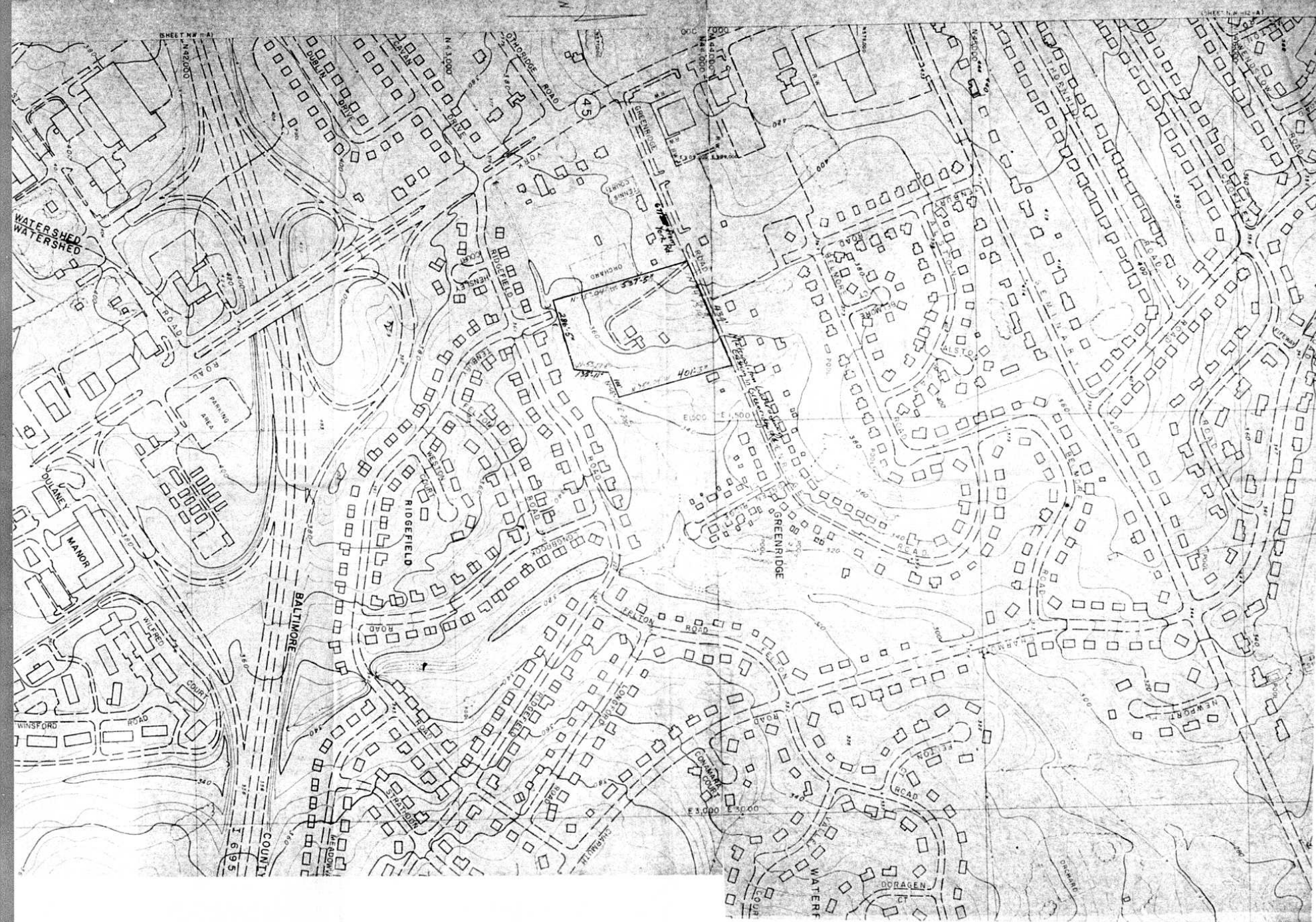


GREENRIDGE ROAD ELEVATION

BOARD OF APPEALS
PETITIONER'S
EXHIBIT 2A

GREENRIDGE ROAD 9th ELECTION DISTRICT BALTIMORE COUNTY MARYLAND	
OWNER: NICHOLAS E. MURPHY	
DRAWING TITLE: ELEVATION	
SCALE: 1" = 15'-0"	
DATE: FEB. 9, 1976	ENG. NO. A-2
REVISED MAY 27, 1977	





BEGINNING OF ZONING DESC.
HEAVY PLAZA

TO YORK RD.

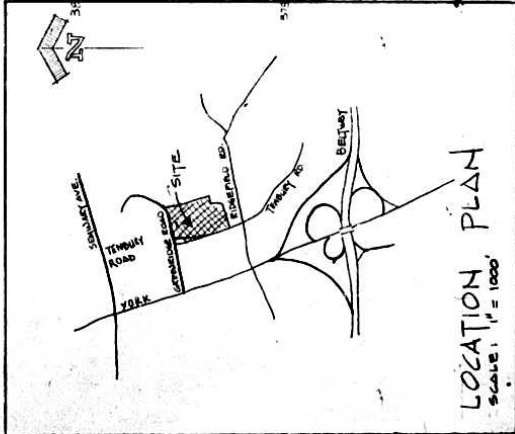
PEAK
STREET
RD.

EX. CURB

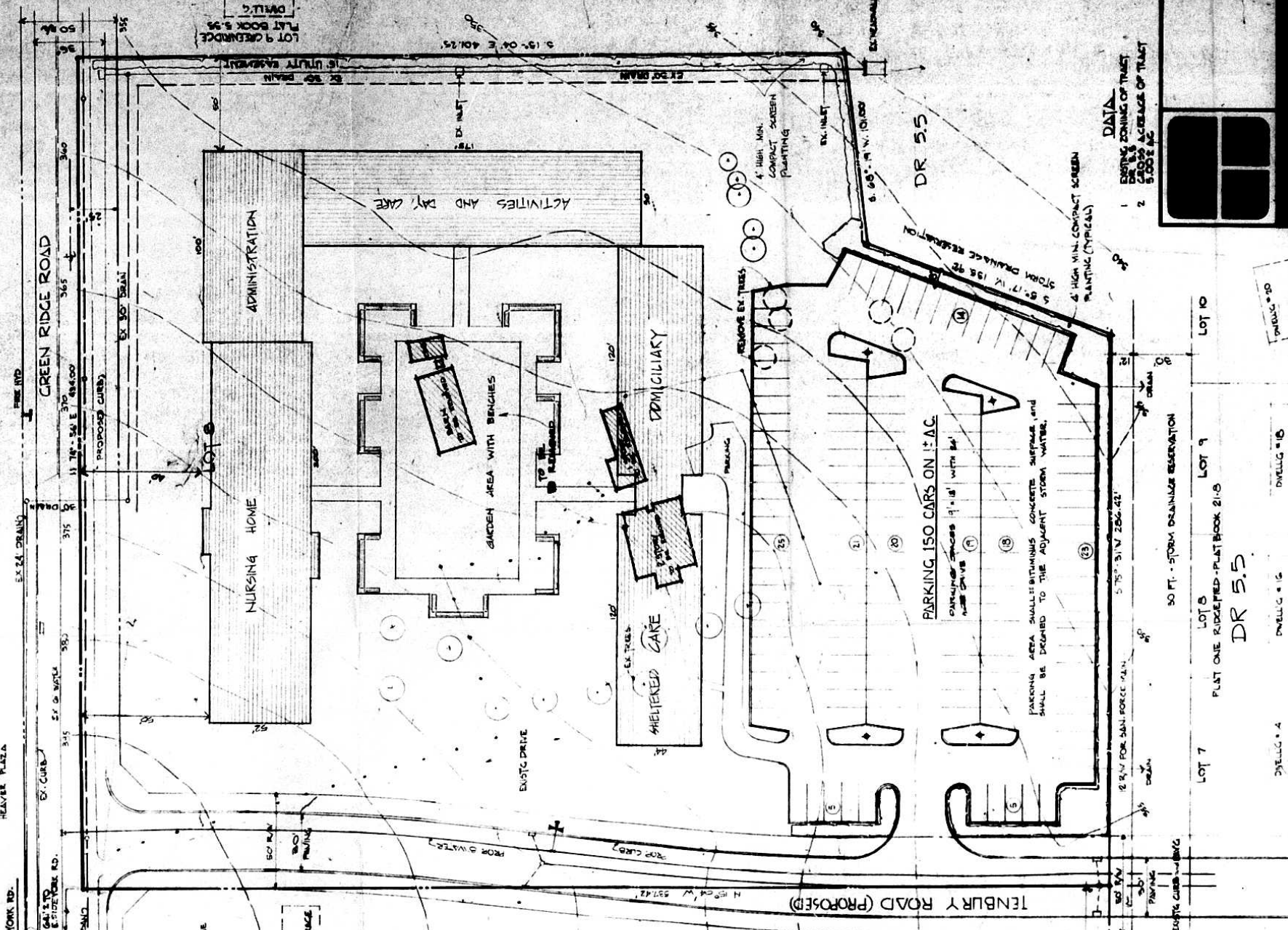
EX. 24' DRAIN

GREEN RIDGE ROAD

LOT 7 GREENRIDGE
DR 5.5



* LIGHTING
ALL LIGHTING SHALL BE
FLUORESCENT, MAX. HEIGHT OF FIXTURES
3'-0"



LOT 7 LOT 8 LOT 9
FLAT ONE RIDGEFIELD-PLATBOOK 21-9

DR 5.5

RIDGE FIELD ROAD

USE OF PROPERTY

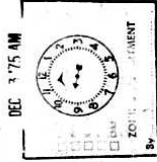
NURSING HOME	150 BEDS
DOMICILIARY	100 BEDS
SHELTERED CARE	100 BEDS
TOTAL	350 BEDS

OFF STREET PARKING

SPACES REQUIRED: 150 SPACES / BED = 30
SPACES PROVIDED: 150
SPACES (WE MAY NEED BECAUSE OF DAY CARE CENTER)
SPACE SIZE: 9' x 18'

STREET PLAN

SCALE 1" = 30'-0"



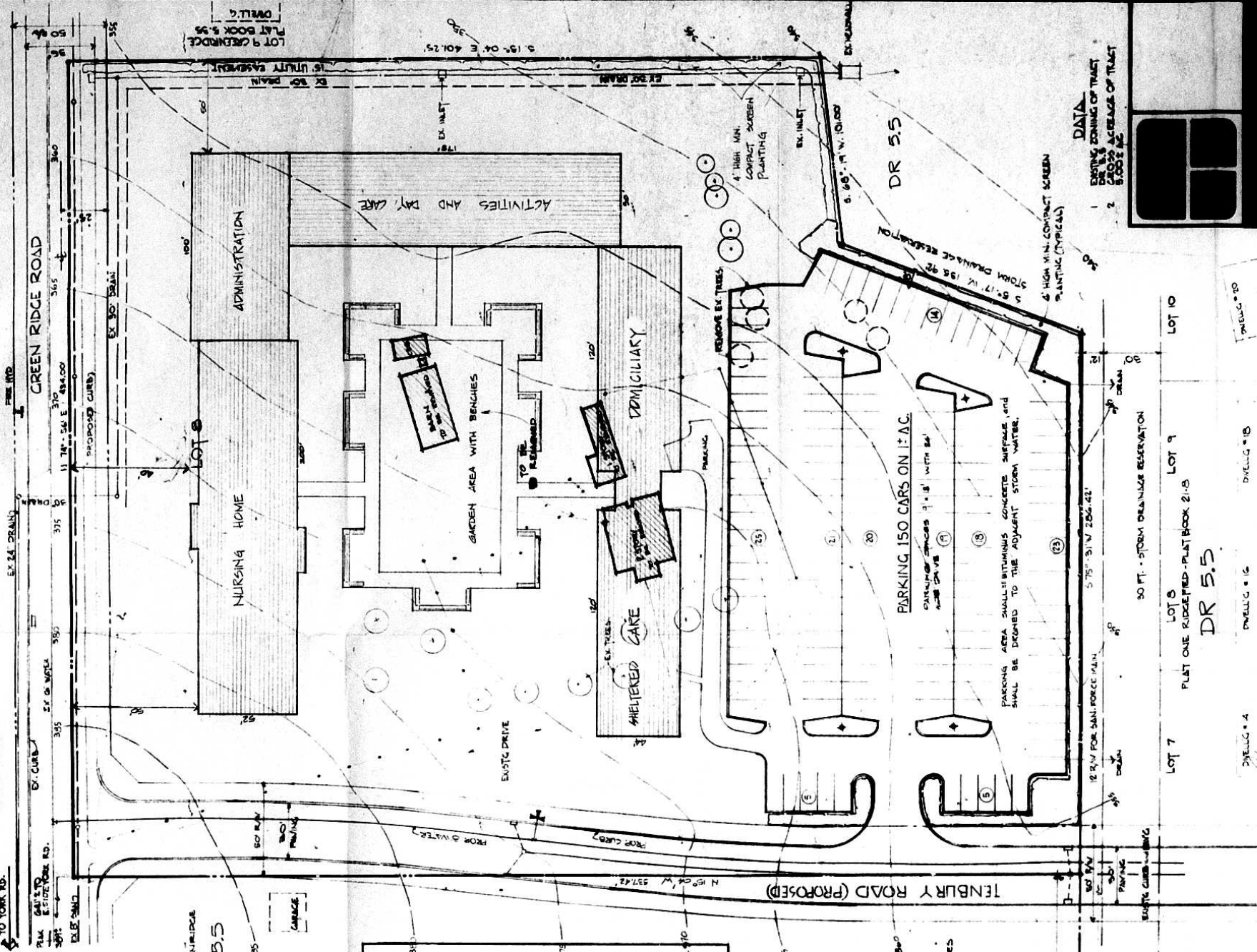
DATE: DEC. 11, 1974
DRAWING NO.: 78-4-5
SCALE: 1" = 300'

DATE: DEC. 11, 1974
DRAWING NO.: 78-4-5
SCALE: 1" = 300'

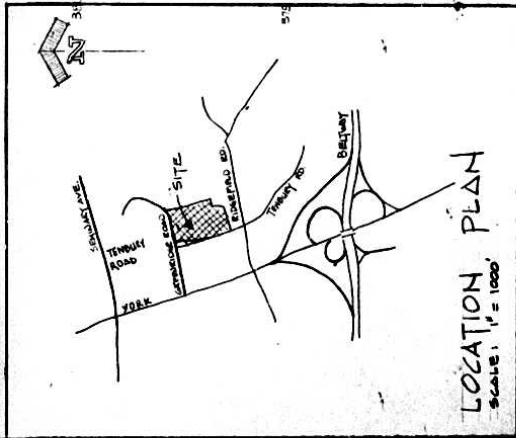
DATE: DEC. 11, 1974
DRAWING NO.: 78-4-5
SCALE: 1" = 300'

BEGINNING OF ZONING DESC.
HEAVY PLAZA

TO YORK RD.



LOT 7 GREENRIDGE
DR 5.5



LOCATION PLAN
SCALE: 1" = 100'

* LIGHTING FIXTURES SHALL BE
HIGHLIGHTED, MAX HEIGHT OF FIXTURES
3'-0"

DATA
EXISTING ZONING OF TRACT
DR 5.5
2.50 ACRES OF TRACT
5,000 SQ. FT.



PLAN
NORTH

USE OF PROPERTY
NURSING HOME
ADULT CARE
SHELTERED CARE
TOTAL
100 BEDS
100 BEDS
50 BEDS
250 BEDS

OFF STREET PARKING
SPACES REQUIRED
250 BEDS x 0.10 SPACES/BED = 25
SPACES PROVIDED
(WE MAY NEED BECAUSE OF DAY CARE CENTER)
9' x 18'

SITE PLAN

SCALE 1" = 30'-0"

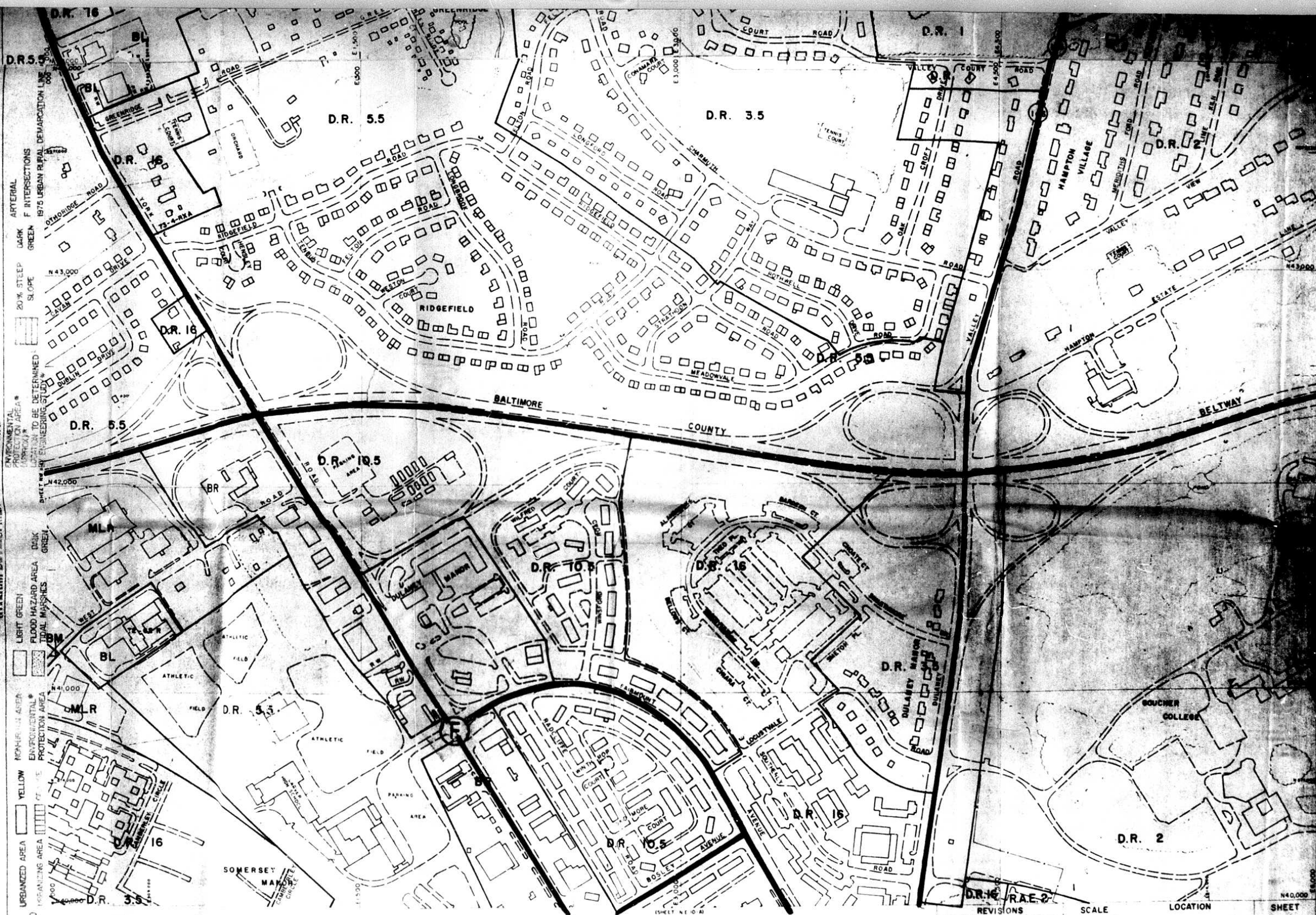


Associates, Inc.
Surveyors-Engineers
200 P. AVENUE
NEW YORK, N.Y. 10001

(F)



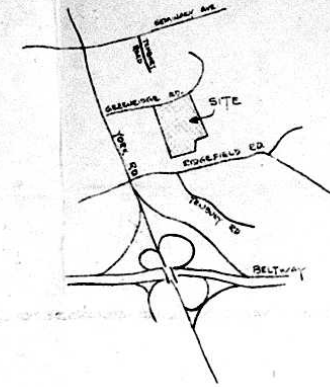
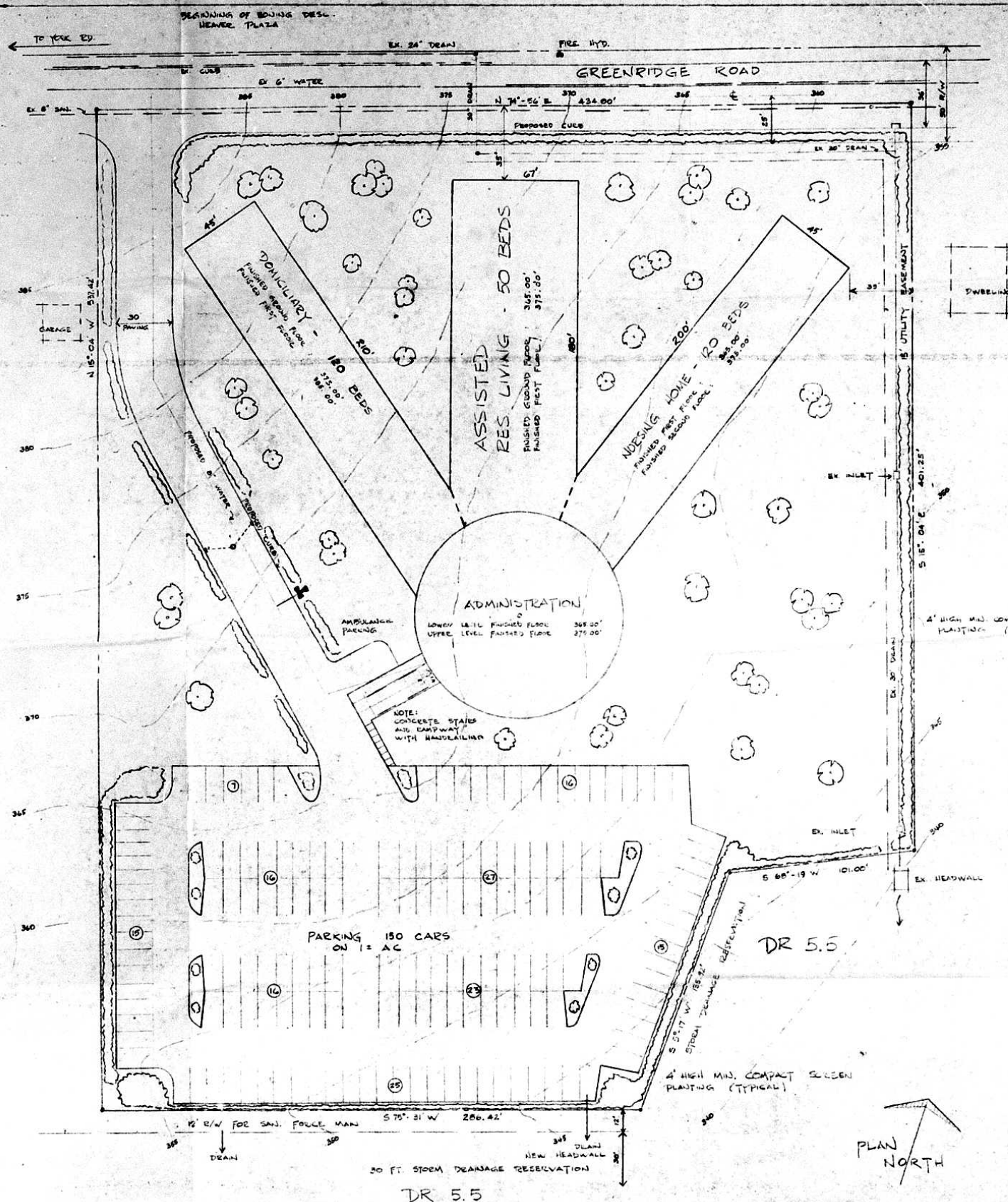
INTERMEDIATE CONTROL MAP



1976 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
JULY 7, 1976 & OCT. 8, 1976
BILL NOS. 108-76, 109-76, 110-76, 111-76,
112-76, 113-76, and 114-76

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS BY DATE Planimetric MAPS, INC. 4-11-70		SCALE 1" = 200'	LOCATION TOWSON	SHEET N.E. II-A
Compiled By Photogrammetric Methods AERO SERVICE CORPORATION PHILADELPHIA, PA		DATE OF PHOTOGRAPHY APRIL 1953		



NOTE:

LANDSCAPING WILL BE DONE ALONG THE BUILDING WALLS TO SOFTEN THE VISUAL IMPACT

DATA:

- EXISTING BUILDING OF JUST 100 SF REQUESTED SPECIAL EXCEPTION FOR VISUAL PLANNED BUILDING
- PARKING REQUIREMENTS:

PRESENTLY: ONE SPACE PER TEN BEDS	
TOTAL: 230 BEDS TO REQUIRE 23 SPACES	
IN ACCORDANCE WITH BEING COMMISSION; THE ONLY REGULATIONS IN CURRENT LEGISLATION ARE FOR NURSING HOMES. IF OTHER CATEGORIES ARE APPROVED, THEIR OFFICE WILL APPROVE THE FOLLOWING:	
NURSING HOME: ONE SPACE PER TEN BEDS	= 12 SPACES
DORMITORY: ONE SPACE PER FIVE BEDS	= 24 SPACES
ASSISTED RES: ONE SPACE PER FIVE BEDS	= 10 SPACES
EMPLOYEE PARK: ONE SPACE PER FIVE	= 20 SPACES
	100 EMPLOYEES
TOTAL REQUIRED	= 76 SPACES
- PROPERTY AREA

NURSING HOME	9000 SF	BUILDING TOTAL = 37,510 SF
DORMITORY	12,000 SF	
ASSISTED RESIDENT	1,450 SF	
ADMINISTRATION	7,000 SF	
TOTAL LAND AREA	= 5 ACRES ±	
BUILDING AREA / LAND TOTAL	= 7%	

GREENRIDGE ROAD

9th ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

OWNER: NICHOLAS B. MANIGONE

SITE PLAN

SCALE: 1" = 30'-0"

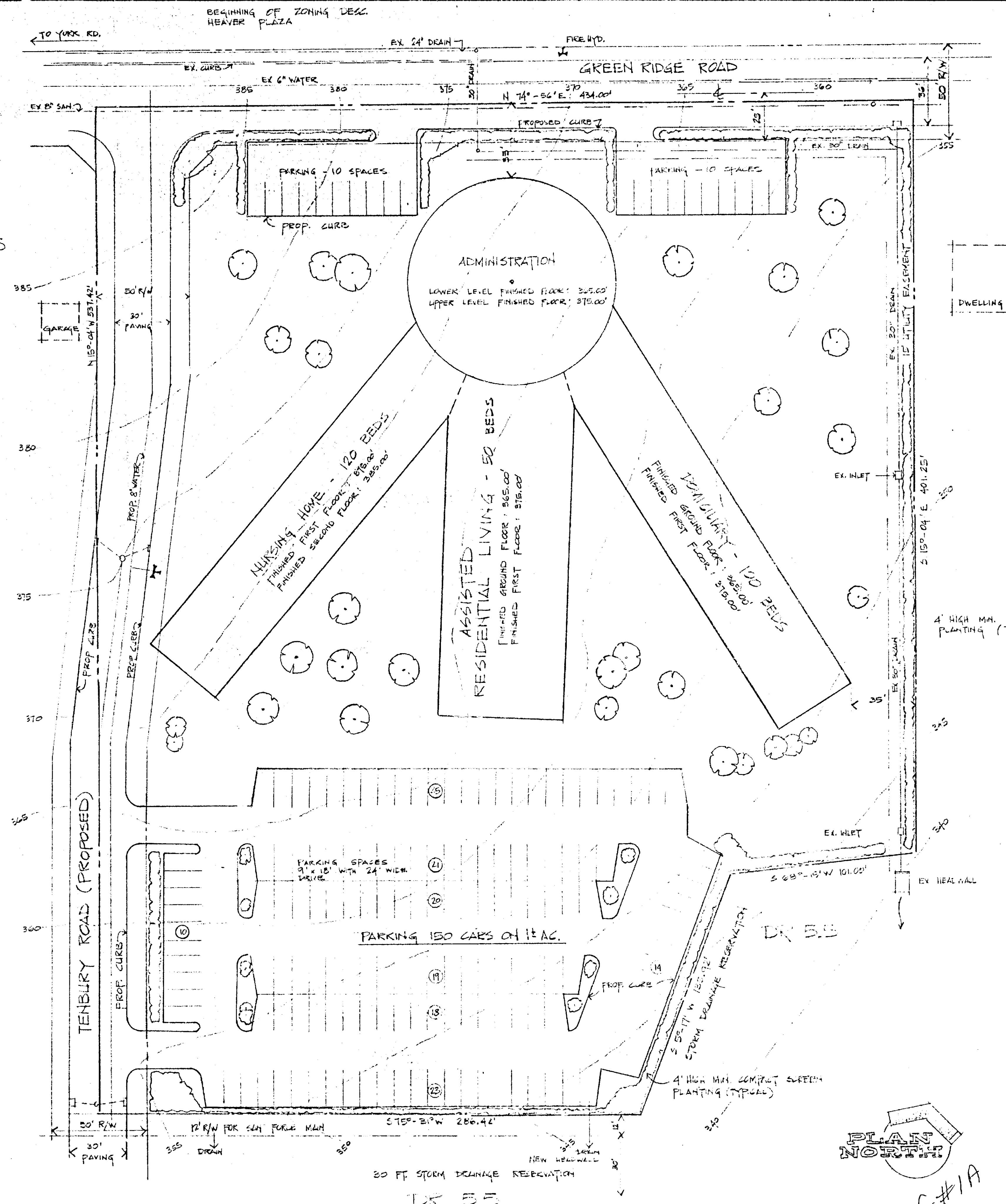
DATE: MAY 27, 1977

DRAWN BY: JDM

DWG NO. A1



DR 5.5



LOCATION PLAN

NO SCALE

NOTE:

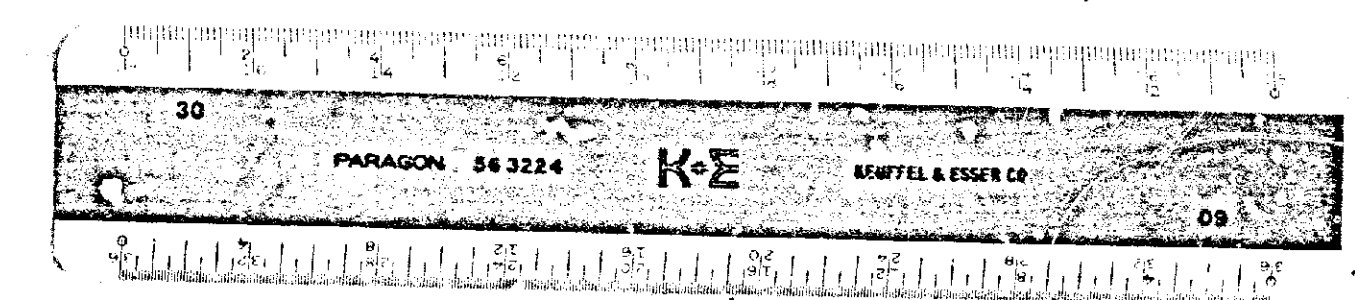
LANDSCAPING WILL BE DONE ALONG THE BUILDING WALLS TO SOFTEN THE VISUAL IMPACT

DATA:

1. EXISTING ZONING OF TRACT DR 5.5
2. GROSS AREA OF TRACT 2.00 ± AC

USE OF PROPERTY

NURSING HOME	120 BEDS
ICMILITARY	100 BEDS
ASSISTED RES. LIVING	50 BEDS
TOTAL	270 BEDS



SITE PLAN

SCALE: 1" = 30'-0"

PLAN NORTH
P&E #1A

GREENRIDGE ROAD
9th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

OWNER: NICHOLAS B. MARSH

DRAWING TITLE: SITE PLAN

SCALE: 1" = 30'-0"

DATE: FEB. 9, 1976

ENG. No.

A1