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

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Nicholas. B. A. Mary. C. ...legal owners? of the property situate in Baltimore
Mang Jone
Angle of the property situate in Baltimore
Mang Jone
Mang hereby petition (1) that the zoning status of the herein described property be re-classified, pursuan to the Zoning Law of Baltimore County, from an-

#112

12.505

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 x and a red to the county and x Domicolkianyo Garo Facility Convalescent Home

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

titloff & Mangun Nicholas B. Mangione

Mary C. Mangione Legal Owner Addres 3902 White Avenue Baltimore, MD 21206

chard J. DiPasquale \$26-4538 5718 Harford Road

-- P.-.M.

OF PLANELING & LONING

Baltimore, MD 21214 DERED By The Zoning Comm

.., 196 ..., that the subject matter of this petition be advertised, as equired by the Zoning Law of Baltimore County, in two newspapers of general circulation through-6ct Printingere County, that property be posted, and that the public hearing be had before the Zoning r of Baltimore County in Room 106, County Office Building in Towson, Baltimore , 197 6, at 7:45 o'clock day of February County, on the 18th

Dectostant's Attorner

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.

> S. ERIC DI NENNA Zonine Zoning Commissioner

Very truly yours,

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

Stephen D. Langhoff, Esquire 1210 Doragen Court

Timonium, Maryland 21093

Mr. Maurice S. Bozel Timenium, Maryland 21093

Mr. Lievio Broccolin 131 Greenridge Road Timonium, Maryland 21093

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

BE. PETITION FOR SPECIAL E of York Road - 9th Election Nicholas B. Mangione, et ux Petitioners NO, 76-158-X (item No. 112)

associates land surveyors

GREENRIDGE ROAD , 9TH ELECTION DISTRICT

of Baltimore County in Plat Book No.5, folio 85

DESCRIPTION OF PROPERTY

ZONING COMMISSIONER OF BALTIMORE COUNTY

REFORE THE

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 convalencent home for the elderly. Testimony indicated that the proposed use would not cause an undue concentration of population or traffic problem 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 evice presented at the hearing, in the judgment of the Zoning Commissioner the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations we 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 nnot be used as evidence as a substantial change in the character of the

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 beeing 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, Tolio 85; thence

running from said point of beginning and binding on the centerline of Greenridge Road

No.th 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

BEING Lot No.8 as shown on the Plat of Greenridge recorded among the Land Records

286.42 feet and (5) North 15 degrees 04 minutes West 537.42 feet to the point of beginning;

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 272 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.

RE: PETITION FOR SPECIAL EXCEPTION South side of Greenridge Road 641 feet East of York Road, 9th District · REFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY NICHOLAS B. MANGIONE, Petitioner : 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. Deputy People's Counsel

John W. Hessian 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



January 23, 1978

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO S. Eric DiNenna, Zoning Commissioner Date February 10, 1976

PROM William D. Fromm, Director of Planning

SUBJECT Petition 76-158-X. Petition for a Special Exception for Convalescent Home. 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 old be large, poved parking area. If this facility is to be in harmony with its surroundings, it must be carefully and skillfully designed to lessen its impact surroundings, I must be calculated by the same very continuous 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

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 to that a proper sussessment 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 Ridgefield Road between York Road and Dulaney Valley Road.

> William D. Fromm Director of Planning

Office of planning and zoning TOWSON, MARYLAND 21204 (301) 494-3351 S ERIC DINENNA ZONING COMMISSIONE

> Walter A. Reiter, Jr., Esquire Chairman, Baltimore County Board of Appeals Room 219. Courthouse Towson, Maryland 2120L

> > Rer Came No. 76-158-X (Item 112) Nicholas B. Mangione - Petitioner IDCA No. 77-69-X 5/S of Greenridge Road 641 feet East of York Road, 9th District

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

co: Richard J. DiPasquale, Esq. 5718 Harford Road Baltimore, Md. 21214

> John W. Hessian, 3rd, Esq. People's Counsel

S. ERIC DINENNA ZONING COMMISSIONER

Vary, truly yours,

WDF:NEG:nb

THE COURSE OF THE PARTY OF THE	
PT SCALE MAPS, MIST AND EXTENSIVE MENTING, MEMORY MANUAL AND LABORATION TO THE MENTING	T LES Y DEGIT
a 270-bed convalescent home	
THE PROPERTY IS EXPECTED TO BE IMPROVED AS POLICIES:	
SHORE SITE AREA 5.00 acs. + DEED MEF.Liber 5510, Po	olio 379
GRADING 20 % of OVERALL BYE WILL REDUNG	RECEIVED
enum PROF I Mem 39,200,00 mg, ft.	
PLOOR AND RATIO = TOTAL PLOOR AND SYSTEM OF STE AND =	OFFICE OF
SUIDING USE Administration	PLANFILLS & ZUNING
REQUIRED NUMBER OF PARKING SPACES = 1 per every 10 pt	atient beds
BROWND FLOOR OTHER FLOORS 1	
PRIAMS	
AREA OF SITE TO BE PAYED TO ACCOMMODITE REQUIRED PARSONS SPACES 1.2.	
UTILITIES	

THE PART I SHOW OF CONTRACT PURCHASE 2514 Procto June Baltimore, Mr 21234

- 12 -8-17

SEWER: ER PUBLIC OPENIATE, TYPE OF SYSTEM ..... Dr dectorly Myning

1-19-78

B.A

Baltimore County Office of Flanning and Zoning November 17, 1977

RESOLUTION OF THE BALTIMORE COUNTY PLANNING BOARD November 17, 1977

Pursuant to Section 22-15.1 of the Baltimore County Code 1968 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

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

Subsection 22-15.1(c)(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,

# IDGA APPLICATION FOR

SPECIAL EXCEPTION AND OR SPECIAL PERMIT TO THE ZOHNIE COMMUNICATION OF SALTHONE COUNTY SICHOLAS S. Mangione and THE PROPERTY OFFICE OF WHICH IS SHOWN TO SHALL CHAPTER WITH SHOWNESS AND DETWICES AND PER ASSESSMENT OFFICE WITH SHOWNESS AND DETWICES AND PER ASSESSMENT OFFICE WITH SHOWNESS AND DETWICES AND PER ASSESSMENT OFFICE WITH SHOWN SHALL APPLICATION TO FILE FOR A SPECIAL exception ma DR-5.5 zone to use the Henne sesones Property PE a 270-bed convelescent home THE PROPERTY IS EXPECTED TO BE IMPROVED AS FOLLOWS: SHOW SITE MEA 5.00 acs.+ DEED MEF. Liber 5510. Polio 379 \_20\_\_\_\_% or overall site will require examine man noon See attalled plating 39,200 ag. It. 10TH OF PLOOPS \_\_\_\_\_ TOTAL HONORT\_201\_\_\_\_ PLEOR MEA NATIO - TOTAL PLOOR MEA DIVIDED BY SITE MEA - \_\_\_\_35\_\_\_ SUILDING USE Administration us ruom services ones ness Patient rooms MED NUMBER OF PARKING SPACES - 1 per. every 10 patient beds NO PLOOR ---- OTHER PLOORS ---- TOTAL \_\_27\_\_\_ also, of one to be finish to eccentainty requires findings fines  $1.2\,$  acres -0.02 ( 0.02 ) and 0.02 ( 0.02 ) and 0.02 ( 0.02 ) are also as the second of the second of the second 0.02 ( 0.02 ) and 0.02-----SOURCE COMMUNICATION OF SYSTEM ...... History Stangtone Mary C. Mangtone seems 1205 York Road Lutherville, ND 21093 17-72 THE THE PROPOSED DEVELOPME SP 1 77 AM

> 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

BALTIMORE COUNTY, MARYLAND

TID TECT.	CHITTITITE TOT	DESTRUCT.	CONVENTS	

DATE: November 1, 1977

Ellsworth N. Diver, P.E.

IDCA PLAN x PRULIMINARY PLAN PROJECT NAME: Mangione Property PPOJECT NUMBER: IDCA NO. 77-43x TENTATIVE PLAN IOGATICN: DEVELOPMENT PLAN E. of York Road DISTRICT. FINAL PLAT

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

Water: (Towson Fourth Zone) Urban Area

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

Station - Gunpowder Pumping Station - Whitemarsh Pumping Station - Stemmers Run Pumping Station - Back River Waste Water Treatment Plant) Run Pumping Station - Back River Waste Water Treatment Plant)
Leng Quarter Pumping Station - 17.66 mgd; Gunpowder Pumping Station - 17.55mgd
Whitemarsh Pumping Station - 24.57 mgd; Stemmers Pum Pumping Station -

problems are reported in the area. This property is within the Urban-Baral Demarcation Line and in an area designated "Existing Service" on Baltimore County Sewerage Plan S-108, an amended. The requested change in use should not adversely affect the system, there-fore, this project may be approved. Estimated average daily flow; .027 - .036 mgd.

Storm drain problems have been reported downstream of this site along long Quarter Branch. Considerably downstream of this site along Grapowder Kalle, the bridge openings at Route 40, Route 7, Sparks Road and Glencoe Road are inadequates a historical building and a maintenance building have been flooded within the Gunpowder State Park - 1,000 feet downstream of Harford Road; and Creewell Bridge Glooded during Agnes. The

. NO. 77-43X sangione 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. Rowwar, should 100-year design storm water management facilities with a controlled release rate be installed as part of the development, then this project

> Elloweth A Dweet Comer ELLSWORTH N. DIVER, P.E. Chief, Bureau of Engineering

# RECEIVED

NOV 7 1977

Caracti est PLANISHING & AUTHOR

S/S of Greenridge Road, 641' E of York Road, 9th Election District

: BEFORE THE ZONING COMMISSIONER

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

ORDER FOR APPEAL

Please note an Appeal from your decision of April 27, 1976 in the aboveentitled matter to the County Board of Appeals and forward all papers in connection

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

No. 33417

June 1, 1976 ACCOUNT 01-662

\$75.00

RECEIVED John W. Hessian, III, Esquire, People's Counsel ron 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

23 1 1 2 3 1 1 2 3 7 5 0 C MSC

VALIDATION OR SIGNATURE OF CASHIEN

RE: PETITION FOR SPECIAL EXCEPTION

OF BALTIMORE COUNTY

NICHOLAS B. & MARY C. MANGIONE,

Mr. Commissioner

therewith to said Board for hearing.

John W. Hessian, III People's Counsel

Charles E. Kountz, Jr. Deputy People's Counsel County Office Building Towson, Maryland 2120

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE REVENUE DIVIS

. Hessian, III

.... 25 '76 AM

END : EAM: FWR: 85

Sanitary Sewer: (Greenridge Sub-Interceptor - Long Quarter Branch - Long Quarter Pumping

There is a public 8-inch sanitary sewer in Greenridge Road. No dry weather flow

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

SAUNDERS M ALMOND JR

RE: IDCA No. 77-43x

The applicants, Nicholas B. Mangione and Mary C. Mangione, his wife, submitted an IDCA 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.

The applicants, Nicholas B. Mangione and Mary

To the Monin; Commissione of Baltimore County

DCA 13/27:434

Planning Board at its meeting in Towson, Maryland, on November 17, 1977.

ANEA CODE 301

December 8, 1977

Respectfully submitted,

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

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

> No. 76-158-X (Item No. 112) Petition for Special Exception S/S of Greenridge Road, 641' E of York Boad et ux. Petitioners

Mr. Andrea Alcarese

Mr. Richard Reikenis

10 Ridgefield Road Lutherville, Maryland 21093

208 Strathdon Way Lutherville, Maryland 21093

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. Donald Michael 20 Ridgefield Road Litherville, Maryland 21093

Mrs. Judi Bowie 126 Greenridge Road erville. Maryland 21093

Check for \$75.00 to cover cost of filing the appeal and posting the

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

MAY 25 '76 PM No. 33416 BALTIMORE COUNTY, MARYLAND 8 01-662 DATE June 1, 1976 ZOUMS LE \$75.00 PROMITE Charles W. Held, Jr., Esquire

ron. 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 5.0 C 180

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

Re: Case No. 76-158-X (Item #112) S/S of Greenridge Road 611 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. 77-13-X). The application signed by Mr. Leslie H. Graef, Director of Planning and Secretary to the Raltimore 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 Baltimode County Code, 1968.

cc: Richard J. DiPasquale, Esq. 5718 Harford Road Baltimore, Md. 2121

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

S. ERIC DINENNA

TN TUR TN DE. COUNTY BOARD MICHOLAS B. MANGIONE, et uz A POPAT C 9th District CASE NO. 76-158X

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

- 1. That this matter was originally Patitioned for Special Exception January 26, 1976 and that a Hearing was scheduled before the Zoning Commission of Baltimore County on Wednesday, Pebruary 18, 1976.
- 2. That Hearing was had on February 18, 1976 at 7:45 P.M. granting the
- 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. Kountz, Jr., Deputy People's Counsel, with a copy of said Order of Appeal, mailed to Richard J. Di Pasquale, Esq., Solicitor for Petitioner.
- 4. Thereafter, various letters have been written to Ms. Edith Eisenhart, 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 Motice of Assignment that the matter would be scheduled at Tuesday, December 7,1976 at 10:00 A.N., 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

6. Gounsel for Patitioner received no such copy of Request for Continuance and vigorously exposes any Continuance in this matter as any

- 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 Patitioner.
- c. For any and such other and further relief which this Board inens appropriate on behalf of the Patitioner.

RICHARD J. DI PASQUALE 5718 Harford Road Baltimore, Maryland 21214 426\_453R

ATTORNEY DOD DETITIONED

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

LAW OFFICES SAUNDERS M. ALMOND, JR.

ASSOCIATE CAROL ANN WILDESEN

February 9, 1978

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

Petition of Nicholas B. Mangione & wife Reclassification & Special Exception 78-35-RX

I will appreciate it if you will issue a subpoena

Mr. John J. Trenner Bureau of Engineering Room 200 County 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.

5 5 00 Sincerely yours, 2-14 19 >8

SMA - BSM

Hand Delivered 2/9/78

Mr. Sheriff:

Please issue summons in accordance with above.

County Board of Appeals

# BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To County Board of Appeals

Leslie H. Groef, 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 Stoam Voter Management Policy, this office cannot approve a building permit application for this site.

Sincerely

LHG:JGH:rw cc: J.G.Hoswell Attachment:1 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT DATE June 29, 1976 ACCOUNT

Dulaney Valley Improvement Association, Inc. ron Cost of Posting Property of Nicholas B, Mangione, et ux. for an Appeal Hearing
5/S of Greenridge Road, 641' E of York Road - 9th Election District Case No. 96-138-X (Item No. 112) 5.0 0 MX

VALIDATION OR SIGNATURE OF CASHIER

No. 33477

01-662

Door Sire

Zoning Commissioner County Office Building Towson, Maryland 21204

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.

DULINEY VALLEY IMPROVEMENT ASSOCIATION

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

Maurice S. Pozel, President Dulancy Valley improvement Association 303 Felton Road Latherville, Maryland 21093

#21-6332 - 47-3446

Thank you for your cooperation.

No. 33418 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVIS MISCELLANEOUS CASH RECEIPT 01-662 Charles W. Held, Jr Suite 400, Loyela Fe 22 West Pennsylvania Towson, Maryland 21 \$70.00 Mr. Maurice S. Bozel, President, Dulaney Val-Mr. Lievio Broccolin 131 Greenridge Road Timonium, Maryland 2 Officers, Directors to Zoning Committee

Coning Committee

Soling RECEIVED ley Improvement Association

Zoning Committee
Priamey Valley Improve
Nicholas B. Mangione, et ux - Petitioners O C MSC
Nicholas B. Mangione, et ux - Petitioners

VALIDATION OR SIGNATURE OF CASHIER

S. ERIC DINENNA ZONING COMMISSIONES

9 7 3

ZONING DEPARTMENT

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

May 21, 1976

Walter A. Reiter, Jr., Esquire Chairman, Baltimore County Board of Appeals Room 219, Courthouse Towson, Maryland 21201

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

As per your Order of July 12, 1977, said matter was processed and enclosed herewith, please find a copy of IRCA application for Special Exception (IRCA 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 Roard, January 19, 1978, that the requested Special Exception Processing Secretary to the Special Exception Processing Secretary 19, 1978. Special Exception desconform to the requirements of Subsection 22-15.1 (F) of the Baltimore County, Code, 1968.

Very truly yours,

cc: Richard J. DiPasquale, Esq. 5718 Harford Read Baltimore, Md. 2121.

ZONING COMMISSIONER

Rec'd 2/6/78

# 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 ending 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 As to Storm Water Management Policy.

> Thoodore G. Vonetowis County Executive

of expertise. Said fee will be assessed on the developer of "for sale" units. In the case of private developments whichere 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 m intenance 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 con the County if the developer and/or owner defaults on the maintenance responsibili The basis for this provision is to prevent the County from accepting the main responsibility for a facility prior to its complete stabilization including complete establishment of vegetation, settling of filled areas, and erosion and sedim 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 r ment facilities for Local Open Space shall be approved by the Departm Recreation and Parks prior to acceptance.

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 Pormits and Licenses, and the Office of Planning

AMENDMENT TO

STORM WATER MANAGEMENT POLICY

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, 1963, 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

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. Proliminary storm water management feasibility plans shall be submitted prior to the tenative 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 facilties 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

BEFORE THE

BALTIMORE COUNTY

BOARD OF APPEALS ...

. . . . . . . . . . .

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 . REPORE TUR : BALTIMORE COUNTY : BOARD OF APPEALS

NICHOLAS B. MANGIONE, et ux for Special Exception for Convalescent Home, S/S of Greenridge Road 641 feet East of York Road 9th District 

REQUEST FOR SUBPOENA DUCES TECUM

MP CIPPE.

39177

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 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.

Plumhoff & Williams

204 W. Pennsylvania Avenu Towson, Maryland 21204 823-7800

Of Council for Protestants

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

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

Case No. 76-158-x

Nicholas B. Mangione, for Special Exception Convalescent Home,

S/S of Greenridge Road

641 feet East of York 9th District

MR. CLERK:

Please issue a Subpoena Duces Tecum for Mr. Michael S. Flanigan, 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".

REQUEST FOR SUBPOENA DUCES TECUM

NON EST\_ Nolan, Plumboff Williams 204 W. Pennsylvania Avenue Towson, Maryland 21204 823-7800 NON SUNT\_ CCPY LEFT. SHERRIF CHARLES H. HICKEY, JR. OF BALTIMORE COUNTY

Of Counsel for Protestants

Res! 3/26/71 Mr. Clerk

2.45 pm

County Board of Appeals of Baltimore Count

DEC 1 7 1979

BEFORE THE NICHOLAS B. MANGIONE, et ux SE - Convalescent Home : S/S of Greenridge Road 641' E of York Road - 9th District : COUNTY BOARD : APPEALS Petitioners : No. 76-158X 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 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 James D. Nolan

Rec'd 12/7/76 2:30 p.m.

Molan Flumboff Milliams
Nolan, Plumboff Milliams
204 W. Pennsylvania Avenue
Towson, Maryland 21204
812-7800 NON EST\_\_\_ NON SUNT COPY LEET Attorneys for the Protestants, Dr. John H. Kahnert, et al

DEC 9 1996 BEFT OF

County Board of Appeals of Baltimore County

PETITION FOR SPECIAL EXCEPTION

NICHOLAS B. MANGIONE and

Case No. 76-158-X

. . . . . . . . . . . ORDER TO ESTER APPEARANCE

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

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

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

Head Relid 12/7/76 1:30 pm

LAW OFFICES

9. Mitchell Austin

May 12, 1977

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

Re: Petition of Nicholas Mangione

GMA:slk

LAW OFFICES
SAUNDERS M. ALMOND, JR.

TELEPHONE 574 92M

postage prepaid to:

AREA CODE 301

63

May 25, 1977

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

NICHOLAS B. MANGIONE, et ux

SE - Convalescent Home S/S of Greenridge Road 641' E of York Road - 9th District

MR. CLERK:

Petitioners

named in the course of these proceedings.

BEFORE THE

APPEALS

: No. 76-158X

. . . . . . . . . . . . . . . . . .

Please enter the appearance of James D. Nolan, Newton A.

Newton A. Williams

204 W. Pennsylvania Avenue Towson, Maryland 21204 823-7800

Notar Plumbeff - Williams

Newton a Williams

ENTRY OF APPEARANCE

Williams and Nolan, Plumhoff and Williams, attorneys, as co-counse

with Charles W. Held, Jr., Esquire, on behalf of Charles W. Held,

Jr., Dr. John H. Kahnert, Donald Michael, Judi Bowie, Andrea Al-

I HEREBY CERTIFY that on this 9th day of Quantur

Richard J. DiPasquale, Esquire 5718 Harford Road Baltimore, Maryland 21214 and Saunders M. Almond, Jr., Esquire 40. Mercantile Building Towson, Maryland 21204

1976, a copy of the aforegoing Entry of Appearance was mailed,

carese, Richard Reikenis and other parties protestant to be

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

Dear Mrs. Eisenhart:

Eisenhart: St. 5/27/27 Fm
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,

NON SUNT. COPY LEFT. MAY 27 1977 BALTIMBRE BOUNTY

hart, Administra County Board of Appeals of Baltimore Count

PETITION FOR SPECIAL EXCEPTION NICHOLAS B. MANGIONE and MARY C. MANGIONE, his wife

BEFORE THE COUNTY BOARD OF APPEALS 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 fr. 400 Loyola Federal Building 22 W. Pennsylvania Avenue Towson, Maryland, 21204

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 Doragen Court Timonium, Maryland, 21093

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

12.9.76

LAW OFFICES SAUNDERS M. ALMOND. JR. TOWSON, MARYLAND 21204

December 7, 1976 129 15/6 COST SUDMONED NON EST NOW SUNT. COPY LEFT. CHARLES H. HICKEY, JR.

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

Dear Mrs. Eisenhart.

Mrs. Edith T. Eisenhart

Administrative Secretary County Board of Appeals

Room 218 - Courthouse

wson, Maryland

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



RECELVED Sincerely yours, DEC 9 1978

hunderthe alums

Rec'd 12/7/76 Mr. Sheriff:



SMA:BSM

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 B. Witchell austi-G. Mitchell Austin

Edit Y. Floodest, Adm. Secretory

10:30 444

Ge'd Stilry

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

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

NICHOLAS B. MANGIONE, et ux,

# ...... FINDINGS AND ORDER

This case having came on for hearing and the Petitioner having adduced testimony and evidence in support of his Petition for a Special Exception to erect, maintain a convalescent home on a parcel of land zoned D.R. 5.5 pur 1 BO1 C. 4. of the Baltimore County Zoning Regulations, and Petitia ded his presentation, upon Motion made by counsel for the Pr parties and by the People's Counsel for Baltimore County, and after argu 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 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 superse
- 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 Mop of the County" and Petitioner's property is classified 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,

General Requirements of Development. No special permit, special exception, tentrative or final subdivision approval (with or without or Public Works Agreement), shall be granted by the appropriate County authority or official for any property lying within any area shown on the Intestin Development Control Map unless the Planning Board pursuant to the procedures set forth in section (f) of this Act, ofter 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 sold property meets all of the following requirements:....,

-2-

er'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 saq.
- 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 porties merely to obtain a foreordained result. We have an abligation to react to the new status of the proc in a fashion which is fair to all parties. On the one hand, we must respect the legislative ention that expended 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

criteria. Since the Zoning Commissioner is the officer responsible for the new procedure and the case to him for completion of the required review and a ne

Thereupon, it is, this 12th day of July, 1977, by the County Board of Appeals for Baltimore County, ORDERED, that the Order of the Zoning Commissione 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 Commissions 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

Any appeal from this decision must be in accordance with Rules B-1 to B-12

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Status a Lain

ation taking into account the new material, if any, developed under the new criteria.

-3-

of the Maryland Rules of Procedure

Herbert A. Davis

ALIOHOLAS 6. MANGIONS

12-16-76

Balto Co. Zoning Office ( Rm. 106) Town, med.

Gentlemen

There received a notice from the Bulines Impurement assoc regarding a meeting to be

held Hed. Feb 18th regarding the proposed improvement for Ridgefield , Greening Rds. les a member of this organization of for

one cannot see what threat is posed by fulding a convalencent home. Is it possible that this community has reached such a " throw- away alliber de that it refuses to have even it facilities for caring any place in sight. Or should me take the ole + the sick + put them in the disposel units? Icannot attend the meeting, but I'd like to know how this project can be

Re: Nicholas B. Manglo File No. 76-158-X

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

Edith T. Elsenhart, Adm. Secretary

ce: Mr. Maurice S. Bozel Richard J. DiPaquele, Esq. Sounders M. Almond, Jr., Esq. G. Mitchell Austin, Esq. James D. Nolan, Esq. Stephen D. Langhoff, Esq. Mr. and Mrs. N. B. M Mr. and Mrs. N. B.,
Dr. John H., Kehneri
Dr. Donald Michael
Dr. Donald Michael
Mrs. Judi Bowie
Mr. Andrea Alcarese
Mr. Richard Retkenis
Mr. Llevio Broccolino Mr. N. A. Byen Mr. S. E. DINenn

LAW OFFICES OF NOLAN, PLUMHOPP & WILLIAMS 204 WEST PENNSYLVANIA AVENUE TOWARD MARYLAND 21204

February 13, 1978

The Honorable Walter A. Reiter, Jr., Chairman County Board of Appeals Room 218, Court House n, 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, Assigned Continued 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 as-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.

Joseponement granted by WAR 2/11/28

Page two

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

Thanking the Board for its attention in this matter,

Respectfully,

JDN/h1 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

John W. Hessian III, Esq. People's Counsel Courty Office B uilding 21204

COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

REFORE

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY

No. 76-158-X

ORDER

Upon the Petitioner's Motion for Reconsideration, it is this

of December, 1977, ORDERED that the prior Order of this Board dated December 6,

1977, he vacated and that this case he placed upon the hearing docket and scheduled fo

OF

RE: PETITION for SPECIAL EXCEPTION

S/S of Greenridge Road

the taking of additional testimony

a potential disruption to our community" as they claim in their letter. maybe yn can elicit some response from Hem. I, as Isuspect, this Jeav is of prising tapes, then Ishned think the thing to so is work on tax corrections rather than on her ring care facilities Thenk you for your ear (or eye) yours truly, (Mrs.) Lucy I. Bictford



PETITION FOR SPECIAL EXCEPTION for a Convalescent Nome FOR BALTIMORE COUNTY Misc. File No. Tolio No. 471 Folio No. 471 File No. 6439

Charles Held, Jr., et al Ronald McDonald, et al Protestants - Appellants

Court for Baltimore County dated October 11, 1978 to the Court of Special Appeals of Maryland.

Shunders H. Alsond, Jr., Attorney for Hicholas B. Mangione and Hary C. Mangione, his wife, Petitioners 407 Hercantile-Towson Bldg. Towson, MD 21204 825-7600

I HERENY CERTIFY That on this \_\_\_\_\_\_ 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. Nolam and Nolan, Plumhoff & 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

Saunders M. Almond, Jr.

S/S of Green's COUNTY BOARD OF APPEALS BALTIMORE COUNTY

> . . . . . OPINION

came before the Board on appeal by the People's Counsel of on June 2, 1977, July 5, 1977 and July 6, 1977, and at that time the ved on March 2, 1977. (The Act took effect April 16, 1977.) Sold

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

that the required prerequisite approval by the Planning Board was not obtained, and in fact The Act does not provide for any appeal from the decision of the Planning

have the authority to arant the relief requested by the Petitioner under the existing

ORDER

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

8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

to the County Board of Appeals. POURTH: 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.

MOTION FOR RECONSIDERATION

The motion of Nicholas B. Mangione and Mary C. Mangione,

<u>FIRST</u>: That the Petitioners had not completed their case

SECOND: That the Petitioners specifically reserved the

THIRD: That the Petitioners have new evidence to present

right to present additional evidence and legal arguments concerning

the issue of Interim Development Control Act, which have not yet been

his wife, respectfully requests that the Order of the County Board

of Appeals of Baltimore County dated December 6th, 1977 be reconsidered

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 3:40 PM

RE: PETITION FOR SPECIAL EXCEPTION for a Convalescent Home S/S of Greenridge Road 641'E. of York Road 9th District

Nicholas B. Ma

for the following reasons:

before the County Board of Appeals.

Dr. Donald Michael Mrs. Judi Bowie Mr. Andrea Alcarese Mr. Richard Reikenis

Mr. Lievio Broccolino Mr. N. A. Byers

NOLAN, PLUMHOFF & WILLIAMS TOWSON, MARYLAND 21204

January 18, 1978

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 docu-ments 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 Nednesday, 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 Inter'm 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

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 con-cerned, 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. Nolar

Leonard Perkins, Court County Board of Appeals Room 219, Court House

John W. Hessian III, Esquire Baltimore County Peopl 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, lst National Bank Building Baltimore, Maryland 21202

SAUNDERS M. ALMOND, JR

TOWSON, MARYLAND 21204

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

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/1f

Jaunder ha almad.

Re- & 1/19/78

Rec'd 2/9/77

29m

PETITION POR SPECIAL EXCEPTION for a Convalescent Home, 8/8 of Greenridge Road 641, East of York Road, 9th District

CLECUIT COURT

NICHOLAS B. MANGIONE, et ux, Petitioners No. 76-158-X

# PETITION ON APPEAL

The Petition on Appeal of Ronald McDonald, Livio Broccolino and N. A. Byers, individually, and the Dulaney 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 Mangious property which is the subject of these proceedings, and the Dulancy 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, 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 seek ing 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 Anneals 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 Reconsidersthe Board did not and does not have the power to smend its Order of December 6, 1977, and the purported Order of December 14, 1977, was and is therefore a nullity, and the Order of 6. 1977, is now a final Order beyond appeal.
- That neither the Baltimere County Charter, the County Code, the Baltimore County Zoning Regulations or the Board's own Rules of Procedure make any provision whatfor the amendment, recission or vacation of an Order of as purported to be done by the Board's Order of 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, ot only, the Pikesville Sportman's Club, Inc. case, Case No. CBA-75-123, B-75-956-4, that it had no power to revise the Scard'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

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, purport ing 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 thoreto, that the proceedings in Case No. 76-158-Y have been dismissed by the County Board of Appeals without prejudice.

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

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 Orems Road, Baltimore, Maryland 21220, Attorneys for the Petitioners and to James D. Nolan, Esquire, Nolan, Plumhoff & Williams, 204 W. Pennsylvania Avenue, Towson

Stephen D. Langhoff

-3-

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

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 aforegoing Opinion, it is this 6th day of December, 1977, by the County Board of Appeals ORDERED, that the special excep petitioned for be and the same is hereby DISMISSED, without prejudice.

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

COUNTY BOARD OF APPEALS

PETITION FOR SPECIAL EXCEPTION for a Convalescent Home, S/S of Greenridge Foad 641' East of York Road, 9th District

NICHOLAS B. MANGIONE, et ux, Petitioners

No. 76-158-X

: BALTIMORE COUNTY

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, 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.) 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.

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 amendment, recission 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, out 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

HEREFORE, 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

RE: PETITION FOR SPECIAL EXCEPTION .

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 requirement

In view of this, on the Motion by the Petitioner, this case was remarked 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

dismissed by the County Board of Appeals without prejudice.

I HERREY 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 Owson Building, Towson, Maryland, 21204 and to G. Mitchell Austin, Esquire, 2117 Old Orems Road, Baltimore, Maryland, 21220, Attorneys for the Petitioners.

HOLAN, PLUMHOF & WILLIAMS

DEC 1 71979

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND No. 1188

September Term, 1978

NICHOLAS B. HANGIGE ET UM

CIMILES HELD, JR. ET AL.

Gilbert, C.J., Thyupson, Evernesm, K. Thomas (Specially Assigned) JJ.

Per Curian

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 convalencent home on a parcel of land zoned D.R.S. 5. in Towson, Baltimore County, Maryland, The protestants were certain neighbors and the Dulancy Valley Improvement Association The appeal is of a technical nature involving procedural matters und 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 adopte thereunder, within an "Urbanized Area". Section 22-15.1 (e) 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 persuant to the procedures set forth in section (f) of this Act, after referral to the

Dismissal was legal, correct and proper. The development that the Planning Board would subsequently change its posi-tion and grant the necessary approval does not alter the fact that at the time of the Board's Order of Dismissal, the prerequi site 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 other wise 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 re-opened. See Termyn Company v. Kolb, 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 re-; sult 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 rec 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-judic of 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 Commu Assoc. v. Metropolitan, 246 Md. 93 (1967); Kay Construction Co. v. County Council, 27 Md. 479 (1962); Zoning Appeal Board v. McKinney, 174 Md. 551, 564 566 (1938).

In the subject case there was no newly discovered evidence nor

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 re quirements. .

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 Woard of Appeals made a new "Findings and Order" which in effect a versed its previous order of dismissal without prejudice, and remeded 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 . quired by the Interim Development Control Act. The

reason given for this unusual action was so that the Petitioners woul not be held to the "so called 18 month rule" to refile their applicat for a special exception as would be normally necessary in the event o a dismissal, and "to give the Petitioner his opportunity to proceed without unnecessary loss of time but under the new, stricter criteria

- 3

The Appellants promptly appealed to the Circuit Court for Balti-/ more 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 Cour 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 fur ther provides that "the review proceedings provided by this section sh

Chief Judge John E. Raine, Jr. after a hearing, filed a Memorandu and at the end thereof passed an Order dated October 11, 1978, strikin out and rescind). the County Board of Zoning Appeals Order of Decembe 14, 1977. The M . grandum 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 convalence theme on the South hade of Greenings Road in Towson. After 225 pages

other factors to amount to "fraud, mistake, surprise, or inadvertence to justify a rehearing or reconsideration. The Board of Appeals sough to indicate that the prior decision to dismiss because of non-complia 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

OUER APPEALD.
COSTS TO BE PAID BY APPELLANTS.

27/24/79 ecu fromPe.

of testisony, 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 Beard 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 dence to present to the Board of Appeals and the transcript discloses that they had completed their case. On December 14, 1977, the Board passed on Order that purports to wacate their original Order of D.smissal 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

Order of Dismissal.

the County Board of Appeals, arguing that the Board does

not have any power to reopen a case and vacate a prior

"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 several cases, the court of appears has extended to quasi-judicial bodies, such as zoning boards, the right to recon-sider and reopen a case upon a showing of fraud, surprise, mistake, or inadvertance. Typical cases are: Board v. Mc Kinney, 174 Md. 551, and Schultze v. Montgomery County Board, 230 Md. 76. This is a in to the power given to Circuit Courts by Md. Rule 625. In the instant case, there was no

fraud, surprise, mistake, inadvertance or irregularity. When the Board of Appeal, passed the formal Order dismissing

on the true facts as they then existed and their Order of

the Petition, it did exactly what it intended to do, based

PETITION FOR SPECIAL EXCEPTION for a Convalescent Home, 8/S of Greenridge Road 641' East of York Road, 9th District

of York Road, 9th District Nicholas B. Mangione, et ux, Petitioners : IN THE

: BALTIMORE COUNTY

### ORDER FOR APPEAL

MR. CLERK:

Please enter an appeal on behalf of the Protestants,
Charles Held, Jr., Esquire, Dr. John H. Kahnert, Dr. Donald
Nichael, Mrs. Judi Bowie, Mrs. Andrea Alcarese, 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

No. Plumbert Millagers
No. Plumbert Millagers
No. Jan. Plumbert Milliams
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. Holan
Attorney for Appellants

Appealed 1/11/78

entA

RE; PETITION FOR SPECIAL EXCEPTION: IN THE for a Convoletcent Home S/S of Greentidge Road : CIRCUIT COURT 641° E. of York Road 9th District : FOR Nicholas B. Mangione, et ux Petitioners : BALTIMORE COUNTY Petitioners : AT LAW Charles Held, Jr., Eq., et al Protestonts - Appellants : Misc. File No. 10

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 filling peal to the representative of every party to the proceeding before it; namely, Richard J. DiPasquale, Esq., 5718 Harford Road, Baltimore, Maryland, 21214, Saunder M. Almond, Jr., Esq., 407 Mercantile-Towson Building, Towson, Maryland, 21204, and G. Mitchell Austin, Esq., 812 Eastern Boulevard, Baltimore, Maryland, 21221, attorney for the Petitioners: Mr. and Mrs. Nicholas B. Manajone. 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 Federai 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, Mary land, 21093, Mrs. Andrea Alcarese, 10 Ridgefield Road, Lutherville, Maryland, 21093, Mr. Richard Reikenis, 208 Strathdon Way, Lutherville, Maryland, 21093, Mr. Maurice S. Bozel, President, Dulaney Valley Improvement Association, 303 Felton Road, Lutherville, Maryland, 21093, and Mr. Lievio Borccolino, 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

Edith S. Epishart

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 Orems Road, Baltimore, Maryland, 21220, Attorneys for the Petitioners, on the Attorneys of the Petitioners, on the August 1978.

James D. Molan James D. Nolan Attorney for Appellants

-2-

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

2.

16 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
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 aforegoing Certificate of Notice

mailed to Richard J. DiPasquale, Esq., 5718 Harford Road, Baltimore, Maryla 21214, Saunders M. Almond, Jr., Esq., 407 Mercantile-Towson Building, Towson, Mary land, 21204, and G. Mitchell Austin, Esq., 812 Eastern Boulevard, Baltimore, Marylan 21221, attorneys for the Petitioners; Mr. and Mrs. Nicholas B. Mangione, 2514 Procto Lane, Baltimore, Maryland, 21234, Petitioners; James D. Nolan, Esq., 204 W. Penr vania Avenue, Towson, Maryland, 21204, and Stephen D. Langhoff, Esq., 801 First National Bank Building, Baltimore, Maryland, 21202, attorneys for the Protes Charles W. Held, Jr., Esq., 400 Loyola Federal Building, Towson, Maryland, 21204, Dr. John H. Kahnert, 118 Greenridge Road, Lutherville, Maryland, 21093, Dr. Donal Michael, 20 Ridgefield Road, Lutherville, Maryland, 21093, Mrs. Judi Bowie, 126 Greenridge Road, Lutherville, Maryland, 21093, Mrs. Andrea Alcarese, 10 Ridgefield Road, Lutherville, Maryland, 21093, Mr. Richard Reikenis, 208 Strathdon Way, Lut ville, Maryland, 21093, Mr. Maurice S. Bozel, President, Dulaney Valley Improv Association, 303 Felton Road, Lutherville, Maryland, 21093, and Mr. Lievio Broccolir ridge Road, Timonium, Maryland, 21093, Protestants; John W. Hessian, III, Esq., County Office Building, Towson, Maryland, 21204, People's Counsel for Balti County; and Mr. N. A. Byers, 18 Greenridge Road, Lutherville, Maryland, 21093, on this 17th day of January, 1978.

Muriel E. Buddemeier
County Board of Appeals of Baltimore County

SDL/c1h 1/11/78

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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

AT LAN
THE COUNTY
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Mac. Packet 10, False 471

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 Dulaney 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
State 801, First National Bank Bldg
Light and Redwood Streets
Baltimore, Maryland 21202
301-352-1010

### 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

Appealed 1/13/78

entA

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

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 Frocedure, 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 al to the representative of every party to the proceeding before it; namely, Richard J. DiPasquale, Esq., 5718 Harford Road, Baltimore, Maryland, 21214. Saunder M. Almond, Jr., Esq., 407 Mercantile-Towson Building, Towson, Maryland, 21204, and G. Mitchell Austin, Esq., 812 Eastern Boulevard, Baltimore, Maryland, 21221, attorne 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 McD. 29 Ridgefield Road, Lutherville, Maryland, 21093, Mr. Livio Broccolino, 131 Greenride Road, Lutherville, Maryland, 21093, Mr. N. A. Byers, 18 Greenridge Road, Lutherville Maryland, 21093, Mr. Maurice S. Bozel, President, Dulaney Valley Improvement Associa tion, 303 Felton Road, Lutherville, Maryland, 21093, Charles W. Held, Jr., Esq., 400 Lovola Federal Building, Towson, Maryland, 21204, Dr. John H. Kahnert, 118 Greenride Road, Lutherville, Maryland, 21093, Dr. Donald Michael, 20 Ridgefield Road, Luthervill Maryland, 21093, Mrs. Judi Bowie, 126 Greenridge Road, Lutherville, Mayland, 21093, Mrs. Andrea Alcarese, 10 Ridgefield Road, Lutherville, Maryland, 21093, and Mrs.

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 134% day of January, 1978, by

County Board of Appeals

I HEREBY CERTIFY that on this AM 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 Orems 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

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

Richard Reikenis, 208 Strathdon Way, Lutherville, Maryland, 21093, Protestants; and John W. Hessian, III, Esq., County Office Building, Towson, Maryland, 21204, People' 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 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 aforegoing Certificate of Notice has been mailed to Richard J. DiPasquale, Esq., 5718 Harford Road, Baltimore, Marylan 21214, Saunders M. Almond, Jr., Esq., 407 Mercantile-Towson Building, Towson, Mary land, 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, Marylana, 21234, Petitioners; James D. Nolan, Esq., 204 W. Pennsy vania 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 B 131 Greenridge Road, Lutherville, Maryland, 21093, Mr. N. A. Byers, 18 Greenridge Road, Lutherville, Maryland, 21093, Mr. Maurice S. Bozel, President, Dulaney Valle nt 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 Alcarese, 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
County Board of Appeals of Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION : for a Convalescent Home 5/5 of Greenridge Road 641' E. of York Road CIRCUIT COURT FOR Nicholas B. Mangione, et ux BALTIMORE COUNTY Charles Held, Jr., et al Misc. File No. 10 Ronald McDonald, et al Protestants - Appellants Folio No. 471 File No. 76-158-X 6439

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND ROARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE. THE JUDGE OF SAID COURT-

And now come Walter A. Roiter, Jr., Robert L. Gilland and Herbert A. Davis, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceed ings had in the above entitled matter, consisting of the following certified copies or origin papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER

		OF BALTIMORE COUNTY
No. 7	6-158-X	
Jan.	6, 197	Petition of Nicholas B. Mangione, and Mary C. Mangione, his wife, for special exception for convalencent home on property located on the south side of Greenridge Road 641 feet east of Yo 9th District — filed
•	28	Certificate of Publication in newspaper – filed
•	29	Certificate of Posting of property - filed
•	30	Comments of Baltimore County Zoning Plans Advisory Committee Filed
Feb.	10	Comments from Director of Planning for Baltimore County filed
•	18	At 7:45 p.m. hearing held on petition by Zoning Commissioner case held sub curia
Apr.	27	Order of Zoning Commissioner granting special exception
May	25	Order of appeal to County Board of Appeals filed by Charles W Held, Jr., Esq., ottorney for protestants

on the hearing docke This was apparently don ipon 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

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 inadvertance. Typical cases are: Board v McKinney, 174 Md. 551, and Schultze v Montgomery County Board, 230 Md. 76. This is akin to the power given to Circuit Courts oy Md. Rule 625. In the instant case, there was no fraud, surprise, mistake, inadvertance 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.

May	25, 1976	Order of appeal to County Board of Appeals filed by John W. Hessian, III, Esq., People's Counsel for Baltimore County
•	25	Order of appeal to County Board of Appeals filed by Maurice 5. Bozel, President of Dulaney Valley Improvement Association
June	2	Hearing on appeal before County Board of Appeals
July	5	Continued hearing " " " " "
•	6	" " " " " - case held sub curia
•	12	Order of County Board of Appeals remanding proceeding to Zoning Commissioner of Boltimore County for referral to the Baltimore County Planning Board
Nov.	11	I.D.C.A. application disapproved by Planning Board
Dec.	6	Order of County Board of Appeals dismissing petition
•	8	Motion for Reconsideration filed by Saunders M. Almond, Jr., Esq. attorney for Petitioners
•	14	Order of County Board of Appeals vacating prior Order of Board dated December 6, 1977, and Ordering "that this case be placed upon the hearing docket and scheduled for the taking of additional testimony".
Jan.	11, 1978	Order for Appeal filed in the Circuit Court for Baltimore County by James D. Nolan, Esq., counsel for Protestants, Charles Held, Jr., Es et al.
	11	Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County
•	13	Order for Appeal filed in the Circuit Court for Baltimore County by Stephen D. Langhoff, Esq., counsel for Protestants, Roncld McDonal et al
•	13 9	Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County
•	17	Certificate of Notice sent to all interested parties - Charles Held, Jr., et al appeal
	17	Certificate of Notice sent to all interested parties - Ronald McDonal et al appeal
•	19	IDCA approval filed (#77-69-X)
Feb,	7	Transcript of testimony filed - 2 volumes
		Petitioner's Exhibit No. 1 - Traffic Report, Ewell, Bomberdt & Ass.

Nicholas B. Mangione, et ux - No. 76-158-X (\*6439)

Protestant's Exhibit A - Letter from Ellsworth Diver, Ch. Bureau of Engineering, 12/5/74

A1 - Accompanying plat, APR Associates, 11/26/75

Board Exhibit No. 1 - Zoning map accompanying Interim Contro Act, Towson N.E. 11-A

Feb. 8, 1978 Record of proceedings filed in the Circuit Court for Baltimore

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, a are also the use district maps, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your responds will produce any and all such rules and regulations, together with the zoning use district maps at the hearing on this petition, or whenever directed to do so by this Court.

Respectfully submitted.

Muriel E. Buddemeier
County Board of Appeals of Boltimore County

19

M.Almond, Jr., Mitchell Austin, D.Nolan, Esq. D.Langhoff, Esq.

RE: PETITION FOR SPECIAL EXCEPTION . for a Convalescent Home S/S of Greenridge Road 641' E of York Road 9th District

Nicholas B. L'angione, et ux Petitioners

Charles Held, Jr., et al Ronald McDonald, et al Protestants - Appellants

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

BIZ; sun

### MEMORANDUM

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, 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 Opirion, 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 rejustate the care

Reid 12/29/78

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 Berwyn Company v Kolb, 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

" 2 - Plat of subject property, 5/27/77 " " 2A- Elevation accompanying plat

Accordingly, it is ORDERED, this 11th day of October, 1978, that the County Board of Appeals strike out and rescind its Order of December 14, 1977.

BALTIMORE COUNTY **ZONING PLANS** 

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

COUNTY OFFICE OF PLANNING & ZONING

COUNTY OFFICE BUILDING 111 W. Chesapeake Avenue Townon, Maryland 21204 ranklin'T' Hogan

MUMBERS REALTH DEPARTMENT BUREAU OF FIRE PREVENTION

STATE RIGHMAN

BUREAU OF ENGINEERING PROJECT AND DEVELOPMENT PLASMING

January 30, 1976

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 Zening 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 wacant), 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 convalencent home also indicates a parking area on approximately one aere of land at the southern end of the site, which it 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 thats 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 streat parking space per each ten beds, or a total required number of parking spaces for 30. The petitioner, however, is providing 150 perking 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. Hogans, Ja., Chairman, Zoning Plans

PTH: JD

Enclosure

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



STEPHEN E. COLLINS

January 8, 1976

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

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

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. Tuckaef S. Heniger Michael S. Flanigan Traffic Engineer Associate

MSF . nc



January 19, 1976

Mr. S. Eric DiNenna Zoning Commissioner County Office Building

> Re: Item 112- (1975-1976) Property Owner: Nicholas B. and Mary C. Mangione S/S of Greenridge Road - 641' E. of York Road 5/5 or Greenridge Noad - 641° E. of York Ne Existing Zoning: D. R. 5.5 Proposed Zoning: Special Exeption 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

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

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,

Conscious of Luce
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ag R. S.W. - Key Sheet 44 N.E. 1 6 2 - Position Sheet N.E. 11 & 12-A - Topo

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

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 R. & Mary C. Mangione Location: 3/S of Greenridge Rd. 641' E. of York Rd. Existing Zoning: D.R. 5.5 Proposed Zoning: Special Exception for a nursing home facility & downciliary care facility. No. of Acres: 5.00 District: 9ch

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 Realth.

Metropolitan water and sever 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. Deviin, Director BUREAU OF ENVIRONMENTAL SERVICES

RJW: dlse cc: I.L. Snyder Baltimore County Fire Department

J. Austin Deitz



Towson. Maryland 21204

825-7310

Office of Planning and Doning Baltimore County Office Building Towson, Haryland 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

Fursuant 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.

- (XX) 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.
- EXCEEDS the maximum allowed by the Fire Department.
- ( ) i. The site shall be made to comply with all applicable parts of the Fire Frewention Code prior to occupancy or beginning of operations.

  (XX) 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. 10. The Life Safety Code", 1970 Edition prior
- ( ) 6. Site plans are approved as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

Reviewer: # J. Tully Roted and Louis W. Marphy Planning Group

Acting Deputy Chief
Special Inspection Division

Acting Deputy Chief
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 Property Owner: Location: Present Zoning: Item
Property Owner: Nicholas B. 6 Mary C. Mangione
Nicholas B

No. Acres:

Dear Mr. DINenna:

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

Very truly yours. le Vid Literal

WNP/ml

H. EMBLIE PARCS, PERSONAL EUGENE C. HESS, VIII-PRESONA MRS. ROBERT L. BERNEY

W. Nick Petrovich. Field Representative

JOSEPH N. MEDDWAN

T. BAYAND WILLIAMS, JE

altimore county office of planning and acc.
TOWSON, MARYLAND 21204
(301) 494-3211 office of planning and zonin

WILLIAM D. FROMM DIRECTOR

January 7, 1975

IAr. S. Eric Di Nenna, Zoning Commissioner Zoning Advisory Committee Office of Planning and Zoning Boltimore 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

This office has reviewed the subject petition and offers the following comments. These comments one not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are more decorated to the propriateness of the zoning in question, but are to assure that all parties are mode owere 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 Levenbling John L. Wimbley Planning Specialist II

	CE OF	
TIMES	Pimi	<b>ES</b> _
A	NEV	VSPAPERS
DANDALLETON	. MD 01122	tam 20

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:

□ Catonsviile Times □ Dundalk Times □ Essex Times

Towson Times
Arbutus Times

☐ Community Times

weekly newspapers published in Baltimore County, Maryland, once a weeksthefore the 18th day of Pehruary 19 76, that it to say, the same was inserted in the issues of Januars 28, 1976.

STROMBERG PUBLICATIONS, INC.

BY Patty Smink

# CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., onescine sant day of \_\_\_\_\_February\_\_\_\_\_, 19.76., the first publication appearing on the 29th day of January

THE JEFFERSONIAN, Leank Structus Manager.

Cost of Advertisement, \$\_\_\_\_\_

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TOWSON, MD., January 29 ....., 19.76 19.76

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Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: 7 B	·						e or des	c ript	ion	_Yes _No

ZÓNI	CERTIFICATE OF POSTING INS DEPARTMENT OF BALTIMORE COUNTY 76-158.
	Towson, Maryland
District. 9th.	Date of Posting 6 - 24 -
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Petitioner: . Vichelas	B. Mangione
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BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE-REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	No. 31615
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BALTIMORE COUNTY, MARYLAND DEFICE OF FILE CE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	No. 48267
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## #76-158-X CERTIFICATE OF POSTING IG DEPARTMENT OF SALTIMORE COUNTY

District9#	Date of Posting 1-29-76
Posted for Hearings Ned July	18. 1976 a 7. 45 PM
Petitioner: Michalas & Mange	
Location of property: Sfd. of Street st	Date of Parting 1. 22-76.  16. 12.76 55 J. 15 P.M.
	9784 641 East of year 186
Remarks:	
Posted by Must H. Her	Date of return: 2-5-76

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

D. # 0.0401 - 50.005			has	been	received	٠	this #	day of
NOV	1975	5. Fil:	ing I	Fee \$			Received	Leheck

\_\_Other

Submitted by J. MANGIONE Petitioner's Attorney DI PASQUALE Reviewed by MBC

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

No. 15404 BALTIMORE COUNTY, MARYLAND OFFICE OF WANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT DATE 2/15/78 ACCOUNT 01,712 James D. Nolon, Esq.
204 W. Pennsylvania Ave. AMOUNT \$28.00
Towrson, Md. 21204
DISTRIBUTION
FIRM - ASSECT Cost of certified documents in Case No. 76-158-X 5/5 of Greenridge Rd. 641\* E. of York Rd. Nicholas B. Manglone, et ux 28.00 F

Mangione et al BOARD OF APPEALS PETITIONER'S COARD OF APPEALS A-1 Learning Plat
APR Arrow 01-26-76

Baltimore County, Maruland Begartment Of Inhite Marks

COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204

Barnes of Registeries ELLSWORTH N. DIVER. P. E. CHIEF

December 5, 1974

Zoning Commissioner County Office Building Townen, Maryland 21204

> Re: Item #100 (1976-1975) Property Owner: Hicholes B. Mangione M/S of Oreen Ridge Rd., 661° B. of York Rd. Existing Zondage B.R. 5.5 Proposed Zoning: Special Hearing to approve offstreet parking in a residential some. No. of Acres: 5.00 District: 9th

Dear Mr. DiMennas

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.

### Mighweine

Green Fidge 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.

Tembury 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 "Ridge Read," and also morth of this site, approximately 300 feet morth of Green Ridge Road, in the development of "Green Ridge Cardens". Construction of the extension of this road is proposed in the future in conjunction with development of the intervening properties.

Righway improvements including highway right-of-way and widening, and any necessary revertible essenants 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 Engirmoring.

Any proposed use/development of this site should be reviewed by the Joint Subdivision Planning Condition. 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 Ridge Held Road east of York Road (Md. 45) and eliminate this Mirhly dangerous intersection whose traffic traverses the deceleration lane of the off-ramp (Nd. 45 North) at Emit 26 of the Beltway (I-595).

A Public Works Agreement will be required to be executed in connection with any future use/davalopment of this site for mecassary public highway and utilities require-

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

Item #100 (1974-1975) Property Owners Nicholas B. Mangione December 5, 1974

### Sediment Control:

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

### Store Drainer

In accordance with the drainege policy, the Petitioner is responsible for the total actual cost of drainege 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 provent 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 Petitlener.

### Water and Senitary Sever:

There are unblic water mains and manitary severare in Green Ridge Road and the existing Tenbury Road. This area is presently tributary to the Jones Falls Coverage System, subject to State Health Department imposed moratorium restrictions.

Mary truly yours, BILSMORIE U. MIVER, P.S. Chief, Durets of Engineering

END: EAM: PARISE

STATES OF PLANE cor G. Reier (Film, Bib. #1009-73) 3. Clifford J. Trenner

J. Meyors (State Hay. Adm.)

R-W Key Sheet Mi IS 1 & 2 Pos. Sheets NE 11 4 12 A Topo

61 Tax Map

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Tree (2000 (1976-1975)

Property Commer Machine L. Searleon

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In accordance with the defining policy, an Petitioner is respectible for the total district the error rates are to oil yours of heritages religified openhane to from factors the property to be ceveloped to a critable petfall.

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(totalens to prove at a sold it had easiered make one obligate dues resoldible of to prove to seating our pulstones or day on to adjected provention, are daily by the concentration of muriace waters, Correction of any problem which wer recolt, do to figurests; grading or fearence including of desires familities, so it is the tale to resultited of the patitioners

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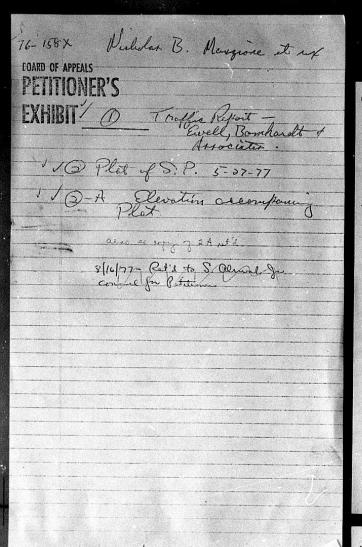
There are public velor and a structure open in a few action of the from the sead that adapting lephony hood. The west in presently of milery to the love falls for orang System, subject to State Sealts Department tup we increased on restrictions.

> 1. .... THE SECOND SECTION AND ASSESSED.

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To total and ton

76-158X BXHIBIT. Fred day MANGIONE Torring May organization of Torring N.E. 11-A



Proposed Mursing Home Son No. 6077- T Democrate Green Ridge Road Son No. 6077- T Businer Terffic Impact Analyses Busines 4 W 6 Dare May 27 1877 EWELL, BOMHARDT & ASSOCIATES CONSULTING ENGINEERS 1800 NORTH CHARLES STREET DALTIMORE, MARYLAND 21791

\* Cuta O lana Valuna Analyses

Hour	Phose	Direction	Approach Volume	Lanc Use Factor	Critical Aggreach Volume	Opposing Lefts	Critical Lane Val. Aux Approach	Critical
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4	8	W	271	1.00	27/	0	27/	*

\* 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 upt

Proposed Nursing Home SUBNICT Terffic Support Analysis SHEET IN 1 Or 6 DATE May = 6, 19)

I Traffic Generation and Distribution

A. Aroposed Nursing Home

The best very to estimate the traffic being generated or attracted by the proposed nursing home is to take troffic Count from a similar, nearby facility. We had traffic count data (utilizing an entomatic treffic conster) on the entrance of Maine Case Narsing Home at 7001 N. Charles St. Touson, Maryland, for the entire week of Much 1-7, 1976. The performent data are summarized below:

CALL the detailed traffic count data will be formated upon report.

	Manor Care . Nursing Home	Reposed Morsing Home
Location	7001 11 Charles St.	
No. of Reds	200	120 + 120 + 50 = 290 Say 200
No. 7 Hrs. of Shifts	3 Shifts: 70.00 - 3 pm. 3 pm - 11 pm. 11pm - 7 + 111.	Same
No. of Employees Each stiff	50 + 35 + 20 = 105	20+ 50 + 30 = 160 Carefarterelly similar)
Average Daily Troffic	2,801 (exertly first, vel.) +7 = 400	400 x 350 + 25 x 4= 700 (Projection + Adult Day Care)
Average But Hon Volume (Occurred below 2-4 pm.)		\$700 x 16% = 112 Use 110
Average Money Volume Catheren 7:10 - 8 30 am.	174 + 7 = 25 (6% of 1.3.T.)	600 x 6/2+2+2 = 86 (projection + Alul 20, Car)
Average House, Volume Latines 4:30 - 1:30 pm.	().5% of A.D.T.)	600 17 1/6+ 25 12 = 95 Chojecton + Adult day Car)

\* Should be substatively less since very few of the 100 trips attributed to the day care tenter will take where during this hour

WELL BOMHARDT & ASSOCIATES CONSULTING ENGINEERS 1800 NORTH CHARLES STREET BALTIMORE, MARYLAND 21201

Proposed Mursing Home son to 6077-7

Sonner Troffic Toyout Analyses Sour No. 5 or 6

BY Of the Dare My 21, 19)

III. Capacity on Green Rilge Road

C = 2.000 \* We + To (HCM Method) Total for both direction. = 2.000 x 0.88 x 0.95 We = 12' Obst. on 1 Site = 1.672 V.p.h. Assume Te = 5% Level Terrain Port How Triffic Volume (4:30-5:30) = 332+35 = 427 = 26% :0.k Capacity on Green Ridge R1. 1.672 1.672

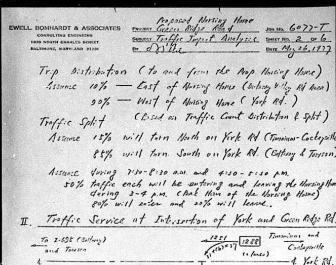
IV. Traffic Count at Sulancy - Tousan thersing Home (115 Bols)

Another brief traffic Count was taken at Julaney Torse Horsing Home on Sunday, May 22, 1977 between 2-4 pm. The results one: 2-3 p.m. 26 tops ; 3-4 p.m. 20 tops Apparent A. H. projected for Green Bilge Rd. Marsing Home = 26 × 300 = 68 which is much lower than what we have assumed in our treffic studies.

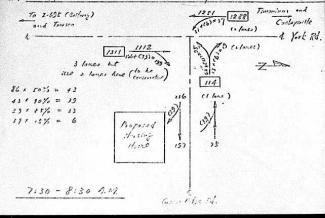
V. Conclusion

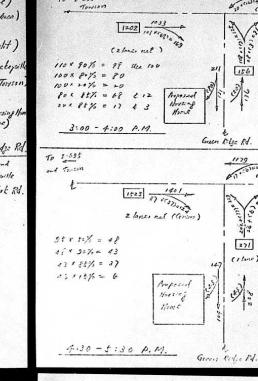
As part of our traffic studies, we took traffic counts for all turning movements at the intersection of York and Green Ridge Rds on May 18, 20 and 27, 1977, and limited counts at the Dularry - Towson Norsing Home on May 22, 1977.

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



EWELL, BOMHARDT & ASSOCIATES





EWELL, BOMHARDT & ASSOCIATES

CONSULTING ENGINEEPS 1800 NORTH CHARLES STREET BALTIMORE, MARYLAND 21801

To I-695 and

Jon No. 6077-T

DATE May 26, 1977

Sugar Triffic Impact Apolysis sugres 3 or 6

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( I lans )

( lane)

(179 1202 and Cohyperile

York Rd.

CONSULTING ENGINEERS 1000 NORTH CHARLES STREET BALTIMORY, MARYLAND 21201 DATE May 31, 1977 TO TOWSON To COCKETSVILLE 2-12 LANES YORK ROAD L 3-10'LANES Heaver Plaja 2-10'Lanes

PROJECT TEAFFIE STUDY

SUBJECT YORK & GREENIZINGS ROS. SHEET NO. 6 OF 6

DATE	TIME	DIRECTIONS						
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5-18-77	42.52 P.M.	1114	187	1311	20	82	14	
FIZI.	720-820 A.M.	1251	62	1112	13	166	-	
5-20-77	42 - 52 PM.	1179	202	1401		87	17	
	7 - 8 30 A.M.	945	47	951	8	110	G	
Frei.				1035		101	30	
5/27/77				1343	-	75	20	

TRAFFIC FROM HEAVER PLAZA ON GREEN PIDGE SUAD Total To Kork Rd. Last on Geor Boly 14 109 (95%) 5 (5%) 4.50.5.30 pm 235 215 (31%) 20 (9%)

EDARD OF APPEALS PETITIONER'S

CONGREGATE HOUSING FOR OLDER ADULITS

X. Assisted Residential Living

Combining Shelter and Services

A WORKING PAPER

SPECIAL COMMITTEE ON AGING UNITED STATES SENATE

STATE OF GEORGIA.

OUTSTY OF BLOCK AND A CONTRACT OF B

C. MEALS SERVICE CONTRACT BETWEEN THE ALMA HOUSING AUTHORITY AND AN INDEPENDENT CON-TRACTOR

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a critical control that which the Calcium project beats are designed to control distingt from its different Castiman in an entrop a mindler a family size grouping, as entering inspected from Sweden and more expressive to operate. Additional design and operational man may expressive to operate. Additional design and operational man from the Calcium in Fraction and a control of the control of th For the great majority of the Nation's other people, the year of definent majority of the Nation's other people, the year of definent majority, however, while sell malarised molecular require modest assistance in one or more unjoin aspects of their dish (wither, however, while sell malarised may need being in preparature and secure final physically and may need being in preparature metals, earning for British and may need being in preparature metals, earning for British and may need being in preparature metals, earning for British and may need being in preparature metals, earning for British may need being in preparature metals, earning for British and may need they may be ensured in the community with considerable implementary on white the privacy in a diffusion, and only many analysis for surface from a metals there from the many analysis for surface to the majority of many part of them. The precision of work fortility with houselooping many than a many many and promising power than the metals of the control from the major and plants and all the special need of this greate, earliers, and many many angree should be needed as outstraction of many unreveloud.

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For those who are unable to det their corn housekeeping but who can meat it to pay to have at drone, a housekeeping gratics as withinks by meat is by the hour and is handle beeven the termit and the house \$1.500, a househouse extress is a tablish through the wellars effect.

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To be eligible or extra an apartment, the applicant must meet the fol-toning representation to the folial must be at least 62 years of age, (1) May Come member of the family must be at least 62 years of age, (2) Theorem Innies, Maximum income for one person is \$3.500 per years for two presents, \$3.000 per years, (3) No need Innie,

The project consists of 10 medified ann-bedroom units one-bedroom units (larger), and two 2-bedroom units.

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15 of each year theoretier to long as a this contract remains in effect,
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thin are failure to Complete Construction. In the for are vessed identitions, our fails to complete the Project, the State shall have the right to receive funds advanced under the provisions of this count of the transaction fulfilling the election shall mut be from the

Vandinstandation: There shall be no discrimination by reason of nex-treel, olon, or national origin against any employee or applied for employement, qualified by training and experience for any cord under this contract.

Housing Authority of the City of Alma, Georgia (L. S.)
Chairman of the Board

CONGREGATE HOUSING FOR OLDER ADULTY
By Marie McDuire Thompson\*
Commissioner, U.S. Posite Insuing Administration, 1981-67
INTRODUCTION

"(12) The Seventry shall encourage public hasting agen-cies in providing boung predominantly of capitals, older-sis. Or busingsped founders to design develop or otherwise and, stevere practicals, the special bracked the compari-cutation for the total amount of contract for a mutal contribu-tion settled into the total amount of contract for a mutal contribu-tion of the total amount of contract for a mutal contrib-tion of the total amount of contract for a mutal contrib-ciance of the total amount of the repetition of the new property and to the research of the contribution of the con-tract of the contribution of the property of the con-tract of the contribution of the property of the con-sensate for extend into with report to contribute under tran-sours and recentification of the contribution of the project. At use of the costs of statistical contribution of a settral dis-tinctive by a public agency in the operation of a settral dis-tinctive by a public agency in the operation of a settral dis-increased by the installity of the contribution of the project. Settiatry ambierty was non-provided for cover any defici-cienced by the installity of the consense of the statistical program which includes (coverage of the conference of the project of their need for businessy coffice ones of the stingsy to define one of the costs of admissional contract and con-cerned by the installity of the income of the sing of the curse of by the installity of the coverage of the con-cerned by the installity of the coverage of the cover-age of their need for businessy with services. This feet, as well as well-ced to the coverage of the coverage of the cover-age of the coverage of the coverage of the curse of by the installity of the coverage of the curse of by the installity of the coverage of the cover-age of the coverage of the coverage of the cover-tical for the well delay as a value of the cover-gent of the covergent of the cover-gent of the covergent of the cover-tical covergent to the covergent of the cover

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I'rejared by Marie McDuire Thempson, Commissioner Housing Administration, 1931-67

the constructed Such buildings can be small, with facilities for group dising accounting an least such accounting the such such such as the such such as the such such as the such such as the such as

Following this Presidential directive, the Housing and Hone Finner, Agency, the Public Housing Administration, and the Department of Health Kalenstion, and Welfare cooperated in Germulating Opin politics on the State Land Administration to such grapher of early given politics and the Health Kalenstick, Administration to work angelow of the Holds Housing Administration to work angelow the support efforts by local housing may well as effects agencies to implement a congregate housing program. The relationship of the support efforts by health housing the most selection of the Holds Housing and veltare agencies to implement a congregate housing project in Minn. 3c.; Housing the Holds Housing Housing the Housing the project of the Columbus, Ohio-all of them communities where Satte and healt among project in think 3c.; Housing hospital provided has made and due sextlees. In all cases, local hospital provided has made and due sextlees. In all cases, local hospital provided has made and due sextlees. In all cases, local hospital provided has made and due sextlees. In all cases, local hospital provided and Gundines, Ohio, accommodated delety patients reheated from State mental institutions as well as delety presents from the community. The State accepted responsibility for the additional provided and Gundines, Ohio, accommodated delety patients reheated from the provision of supportive services for the full thywar financing periods of the development all jew visible to make as nower flat housemakers also assist with habing or dressing upon request. Approximately Stream for the containing the following the containing and managed and proper provided the properties are tricks for the development all jew visible to make as now as Theorem as reversed in and event for the case and an one of Housen adverse also assist with habing or dressing upon request. Approximately Stream and managed to the state of the development of the second properties of the second properties are seen to see a figure and second properties are as the s

OHIO DEPARTMENT OF MENTAL HYGIENE AND CORRECTION dedged in TOLEDO METROPOLITAN HOUSING AUTHORITY has caused its name to be signed to this lease by its Director day and year above written.

Signed and Acknowledged in TOLEDO METROPOL, the presence of: Chairman signed and Acknowledged in the presence of:

STATE OF OHIO COUNTY OF LUCAS 8:

Before me, a Notary Public, in and for said County, personally appeared.—Ginnium, and—Scoreary, who a chowledged that the did sign said increment as each Chair and the below Metropolitan Bensaga Authority, and that and instrument at least from two political Robinstra, Marking and the said Tobelo Meropolitan Bensaga Authority, and there for an originate and a state of the said Tobelo Meropolitan Bensaga Authority, and there for an originate at and steed of said Howing Authority and Housing Authority.

INTERINORY WHEREOF, I have bereamto subscribed in National Authority and original said this — day of — day of — 19—

Notary Public, Lucas County, Ohio

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Favor Current, Chairman

Special Committee on Aging.

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Three factors determine the vent; (1) size of spariment; (2) number of or of person in family; and (3) income. Event, based on 25 persons of digitsed income, includes all milities much as less; destrictly, wester, garbes are reice, maintainers, and few similaries, but does not include beliefs. But and the similaries but analysis of the case of the lawing and to keep the walfs and drives free from now.

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APPENDIXIS

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OHIO STATE DEPARTMENT OF MENTAL HYGIENE AND CORRECTION

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Director
TOLEDO METROPOLITAN HOUSING AUTHORITY

Chairman

OST SAMPLES, CONGREGATE MEALS FACILITY, HOUSING AUTHORITY OF THE CITY OF ALMA, ALM, GA.

M.M.A., ton.

Charts on the following pages include:

Charts on the following pages include:

- Rainment of Operations for the Year, January 1, 1974-Doembers, 11, 1974.

- Reconciliation of Changes in Congregate Meals Trust Advances Heals by the Housing Authority of the City of Man. Year Ended Howelth of the Lipt. A subnoring of the City of Alms. Year Ended CON IMPACT and Lipt. A subnoring of the City of Alms. Year Ended CON IMPACT and Libr. A subnoring of the City of Alms. Year Ended CON IMPACT AND ALL AND ADMINISTRATION OF A SUBNOR AND A SUBNOR A SUBNOR AND A SUBNOR AND A SUBNOR AND A SUBNOR AND A SUBNOR A

RECONCULATION OF CHANGES IN CONCRECATE WEALS TIMES ACHANGES HELD BY THE MOD APPROXITY OF THE CITY OF AUXA, TIME ENDID DEE, IT, 1874

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Section 15 of the United States Housing Act of 1997 is amended by adding at the end thereof a new paragraph as follows:

cost of the food service program. Some sources of regular subsish—
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ration of bids for the construction contracts by the Local Authority; and that if the Local Authority; and that if the Local and the latest modeling mean callined in Exhibit "A most first be submitted to such Director at 2. Fronkled in Linear the repetion of the charge of the latest and provide a maximum code of \$10,000. If equipment for the "amounting space to a H is further promised and covenanted by and between the parties as follows:

This Instrument of lease executed this — day of [197]. The Instrument of lease executed this Astropolina Relaxing ambority, by—by and lexers on the "look Astropolina Relaxing and the Ohio Papert and the Astropolina Relaxing the Papert and Correction, Columba, Ohio herein Malla Process, and the Correction Columba, Ohio herein Malla Process, that I cold, Astropolity, in consideration of relax coverants and agreement hereinstance at a performed by the State, does hereby lease to the State the following described property: The Community Realine Section known and referred to as the Community Realine Section known and referred to as the Community Realine Section known and referred to as the Community Realine Section known and referred to as the Community Realine of Project OHIO 6-13 and for boungs are accessively grounds and sto improvements, all of which are self-orthogonal to a proproved plans and specification on the in the office of the To have and to hold the above described premise with all the apportenances therete for and during a term of forty-four (44) years,

SAMPLE OF THE LEASE AGREEMENT BETWEEN THE STATE AND THE LOCAL HOUSING AUTHORITY (TOLEDO)

with the ability of trains to pay.

SENTITION AUTHORITY FOR A NATIONAL PROGRAM
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repression was until 1970 that a maiorable congrugate public housing
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for those not needing or defining and the SPO Housing and U-housing
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Provisions in the law relating to low rent public housing read as
follows:

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Administration, \$50,507 times 6 percent.
Planning, \$102,003 times 6 percent.
Site improvement, \$54,800 times 6 percent.

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PART 3
GENERAL PLANNING AND DESIGN
CONSIDERATIONS

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sons, congregate public housing is one answer. It should be made available in some relative proportion to the number of dwellings for fully independent living and be located in the same neighborhood.

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KITCHENS AND BATHING ARRANGEMENTS

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APPENDIXES

CONGREGATE HOUSING DEVELOPMENTS IN

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Ohio, have several experimental or repleated spaces:

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ability and costs, if any, as well as assurance of continuing support.
Knowledge of all local and State program potentials to achieve a
feasible operation should be explored.

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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 management 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, tenents 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. loving, and living.

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, concernate bousing and its management should provide epportunity to maintain relationships with the community and should serve as a shield from the stresses of interconcrational 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 wheetion 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 closer to the need for a carn or medical facility. Tenant induction connect then be a receive process haved solely on use income. or other level eligibility criteria. The major determinant instead most be a judgment on the appleant's ability to remain self-reliant with the aid of services offered in the housing development. Since each emplicant will see his or her own state of health and competence differently, a careful and objective acreening process is required.

Since the characteristics of tenants in congregate housing will vary tramendously, and no precise general definition is possible, we can ascume 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-

soral 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 shility 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 easure 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 depend more discouraged for any length of time if the residential character of the facility is to be maintained.

Unless bousekeeping aid is a traveling service, another staff person may be a "metron" 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 art'critic arms 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 evens, the housekeeping aid should be carefully schooluled 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 serviceto their neighbors. This buddy system may sometimes be more stricture. 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 tenant; them

As the paysical or mental capacity of the tenant lessons, comischingbecomes more significant for meeting financial, health, legal, barral, or other y ds, with the management substituting for the family if none is available or calling upon local specialists to landle situations as they grise. At least one private connseling room should be provided and be large enough to accommodate family members. If this is not no eible, the marge r's offer should be used to ensure privacy.

nee programs in congruente bousing will be on Tue from - ! eving in order to offset reliance on medical faciliases where the individual's bealth has deteriorated time except in f ity of the nonprofescional, in house health unit or staff to reso . The type and limitation on services should be clearly ourlined to the applicant and his or her family prior to occure to Careful but dling is needed when a tenant must 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.

#### TERRITATING OCCUPANCY

Permanent relocation outside the development is a sad and difficult period. Family, friends, coinisters, 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 belp in the disposition of the tenant's possessions. Most probably a physician should make the anal decision on relocation. It should never be necessary to resort to leval 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 polification when the waiting period is over. If there is a possibility that the tenant may return, 3 months is suggested as a min mum 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 notential new occupant.

In summary although there is no sharp line between strength and fruity, the presence of services which characterize congregate bousing 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 scurity. Management and staff will soon be aware that the elderly. destrite 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 whather or not some of the dwellings have kit there. Whereas housit & for the well elderly may include some meals service at the discretion of tenants, it must be remembered that in congregate housing balanced, putritious 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 lessing,

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 specially 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

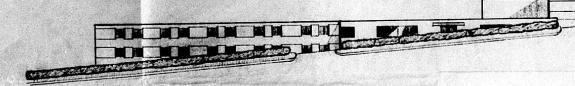
Because congregate housing is designed to provide a residential environment in which older people can receive services to sustain independent living, its management and staff will assume roles and functions different from their counterparts in the management of housing for the well olderly. In addition 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 leigure time activities related to tenant expecities and local resources.
- Arrangements for 94-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-year 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

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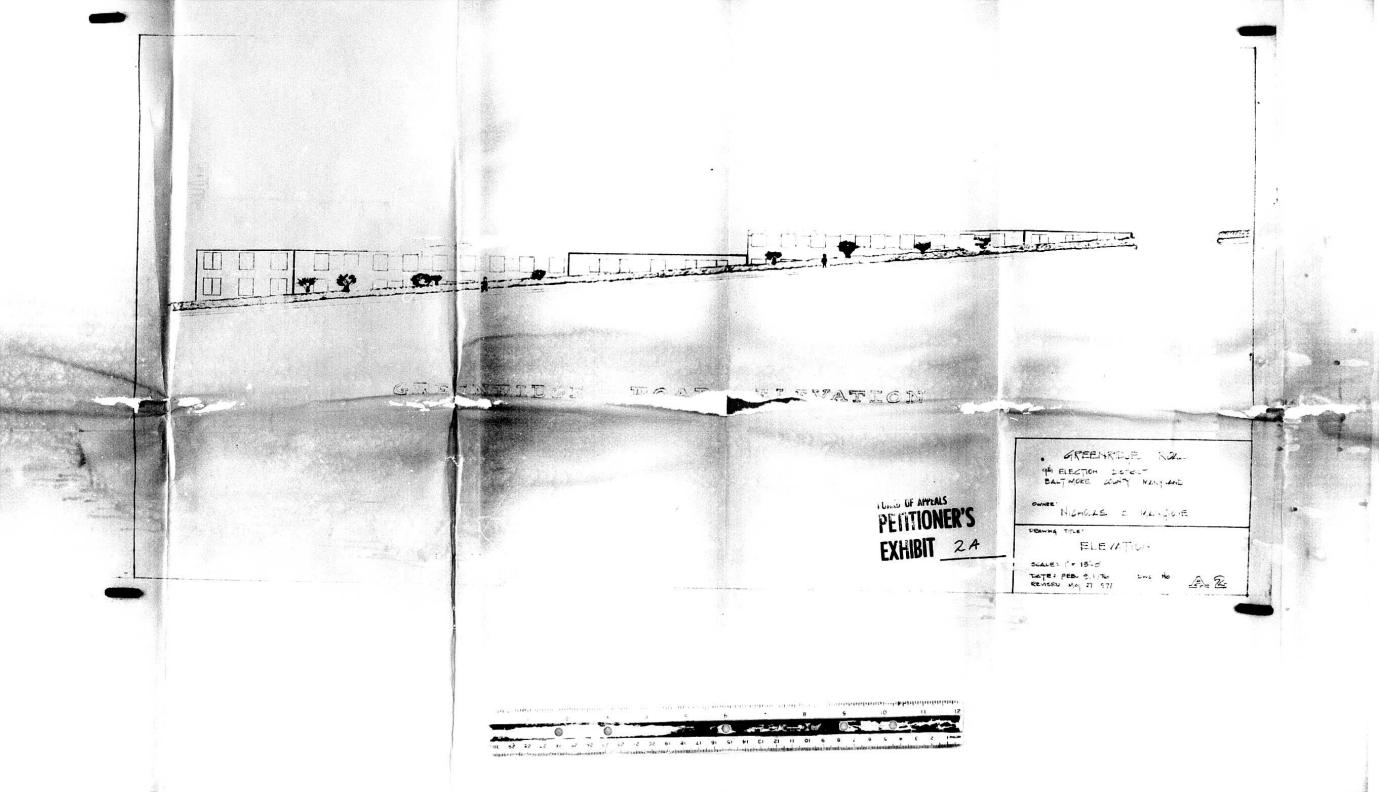
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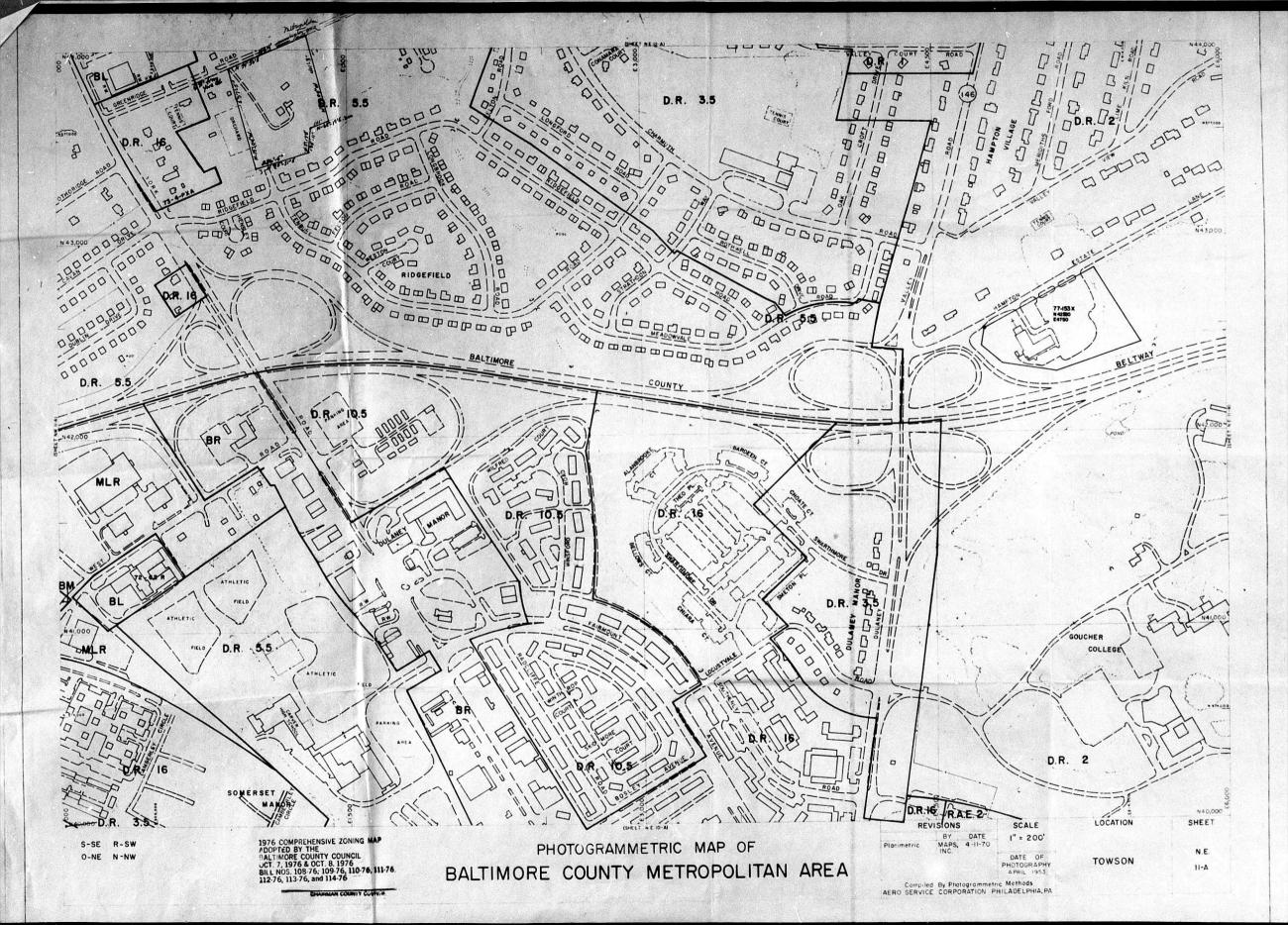
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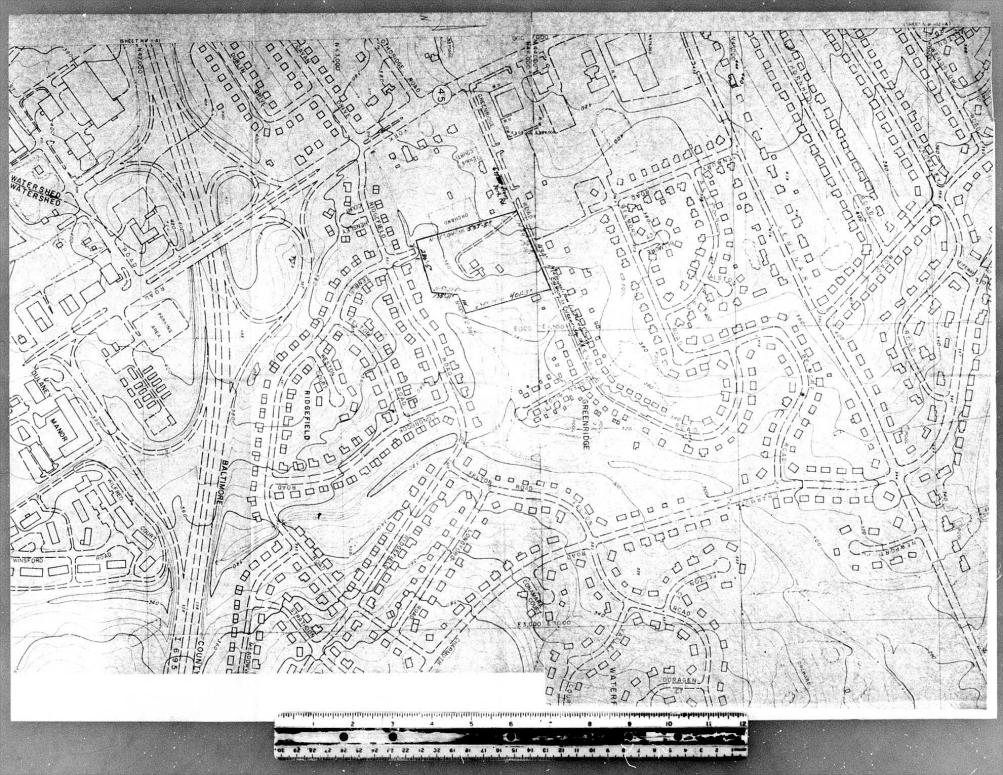
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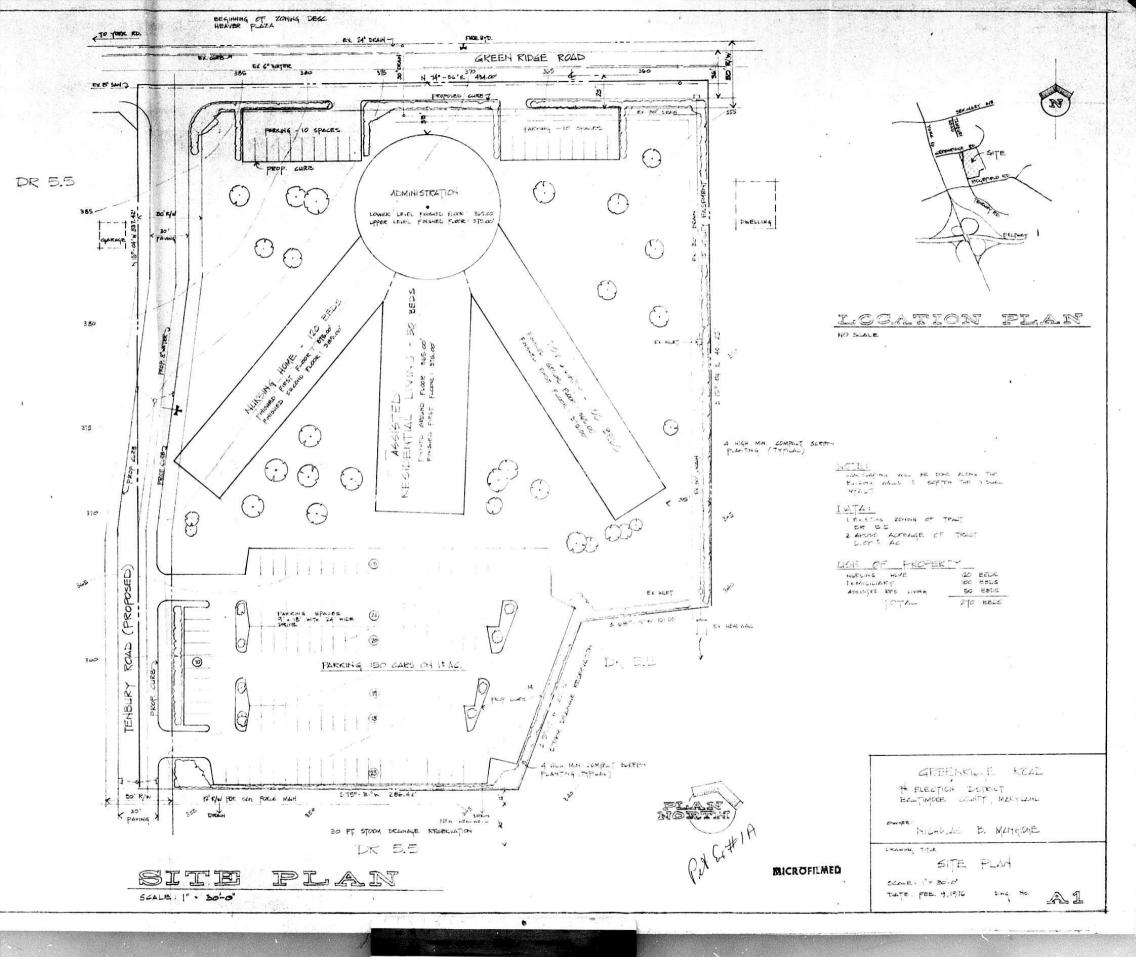
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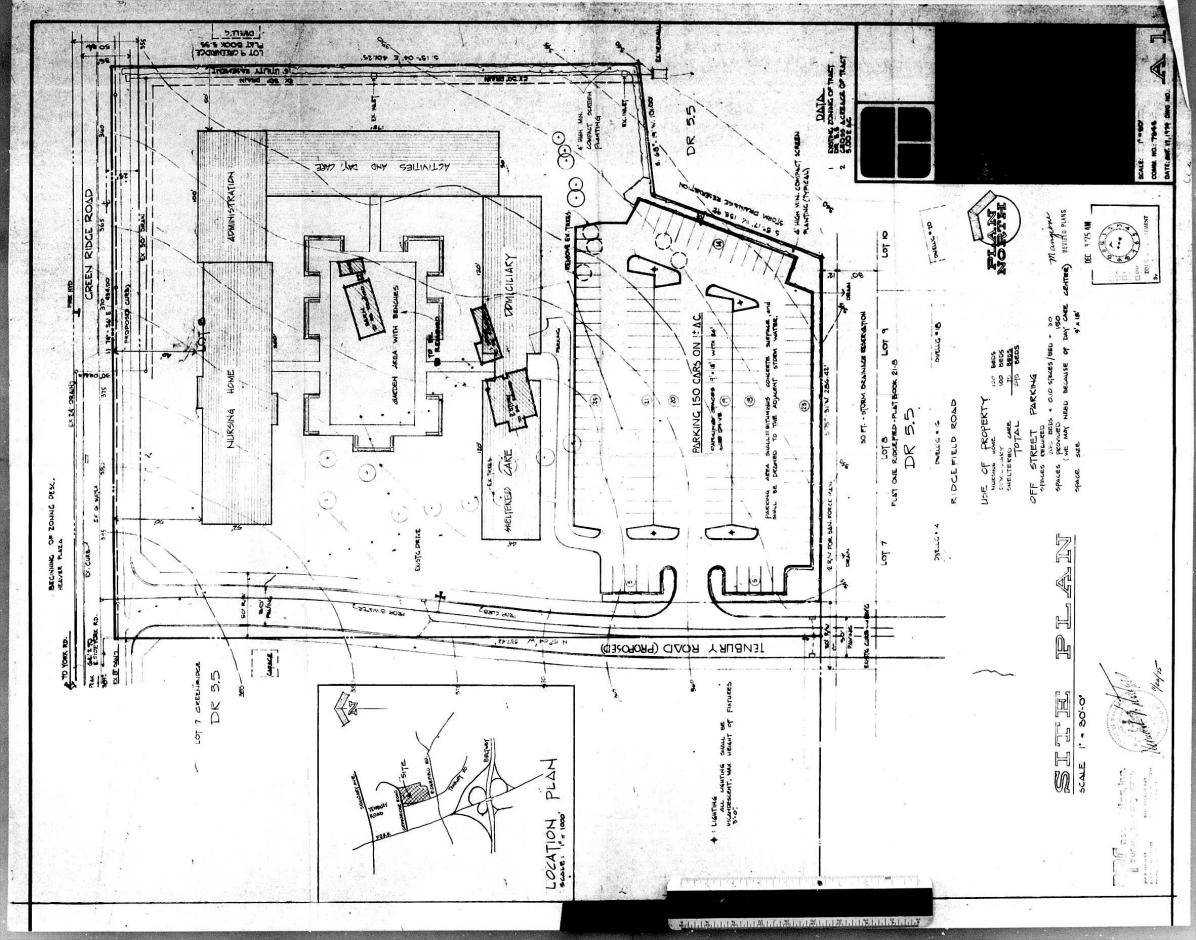
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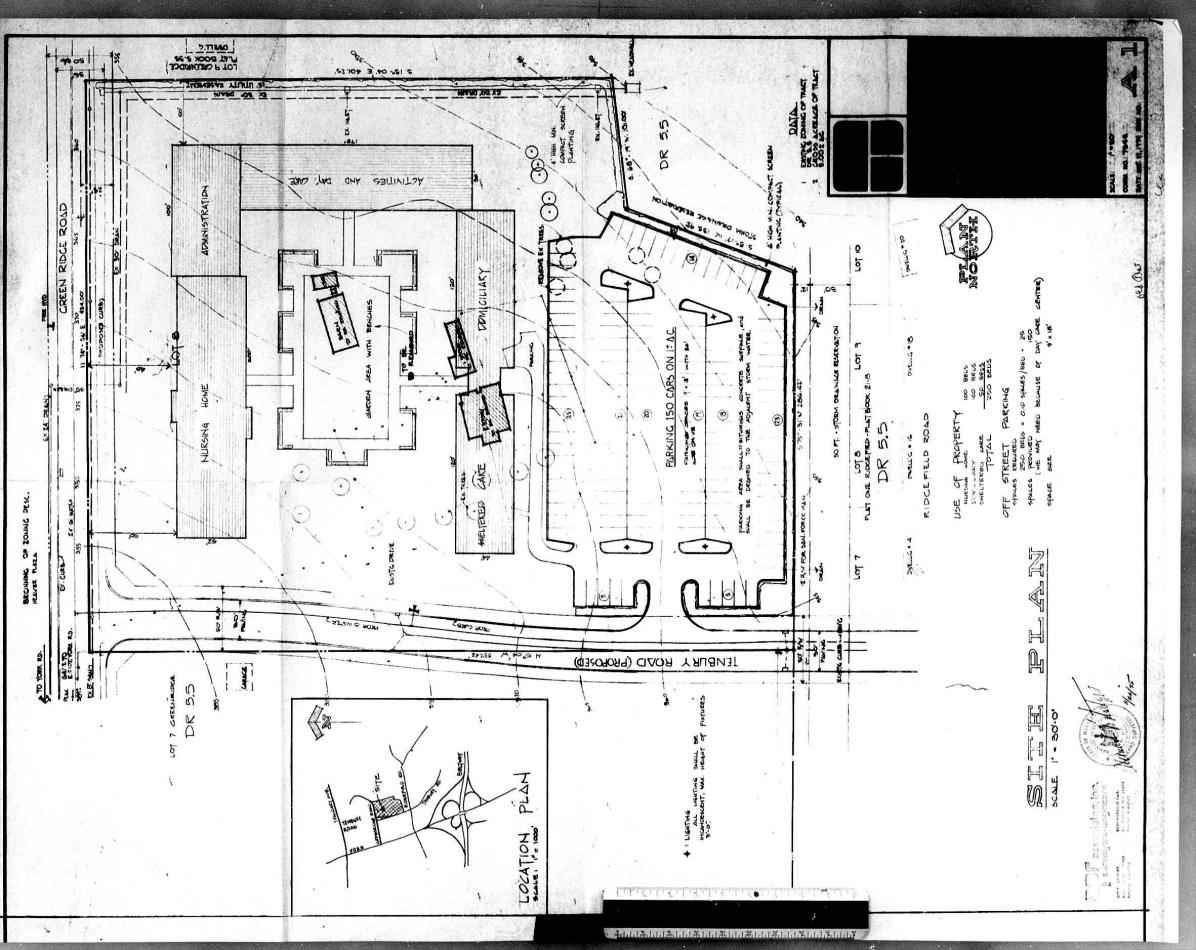


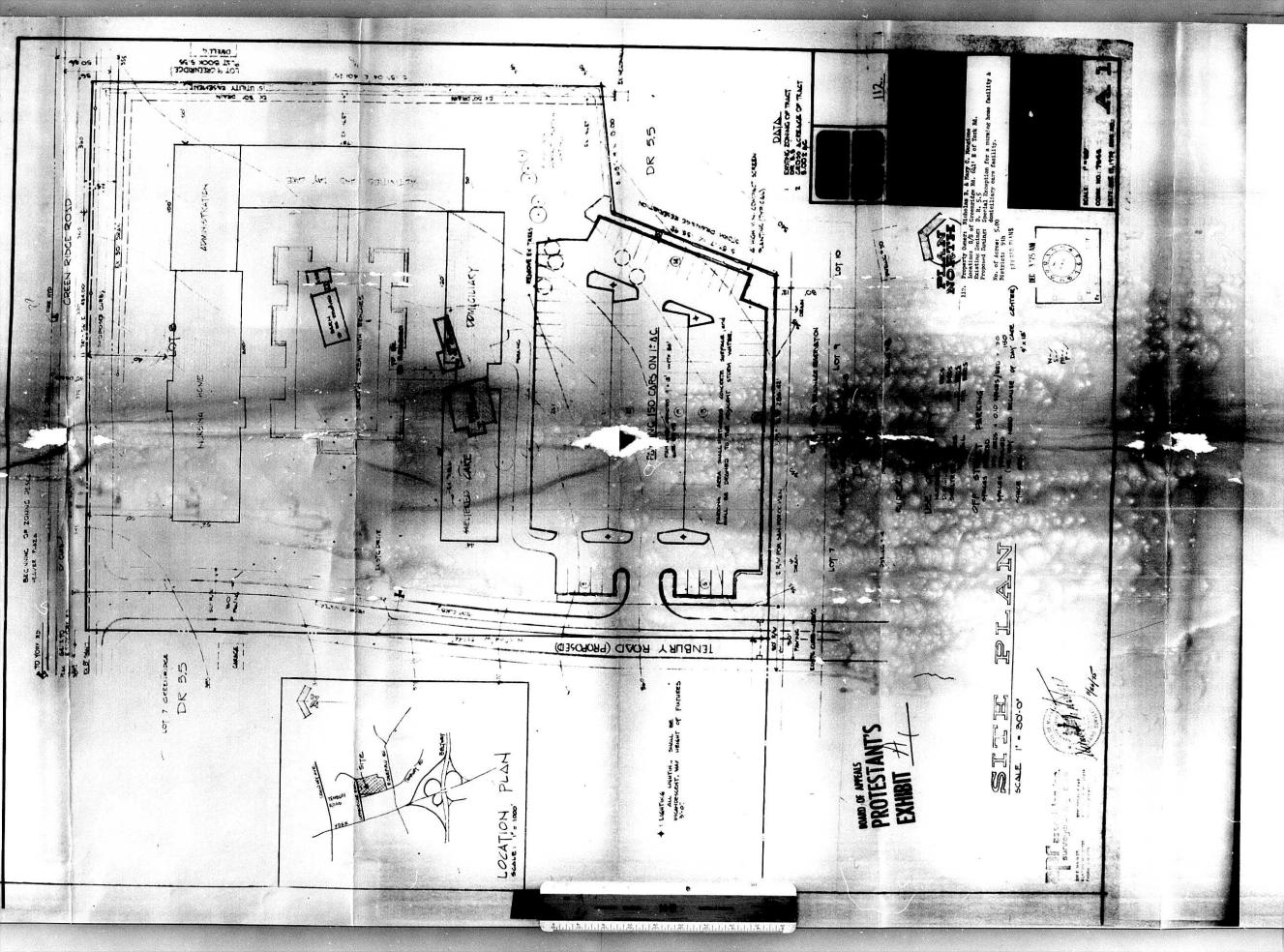


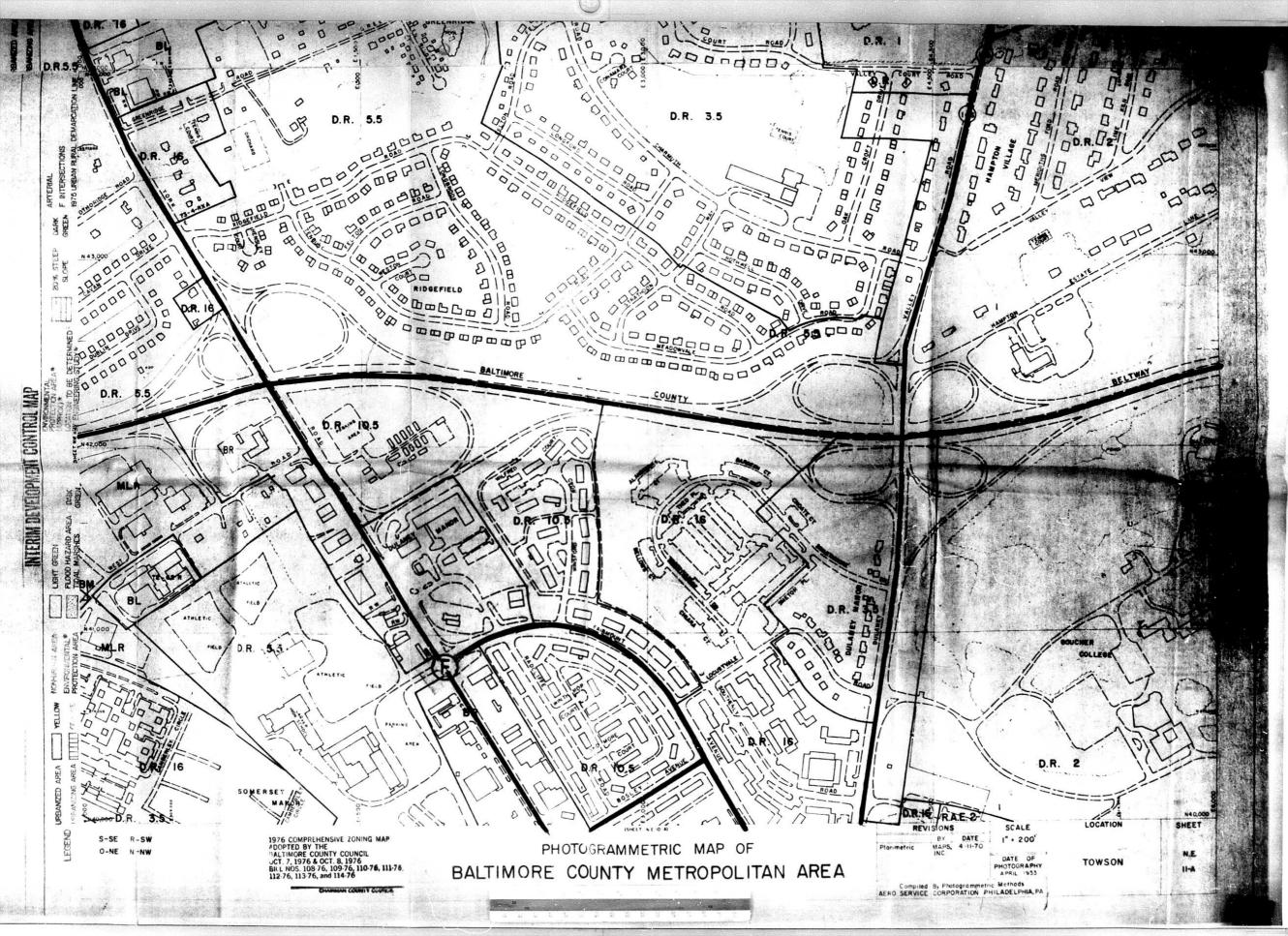


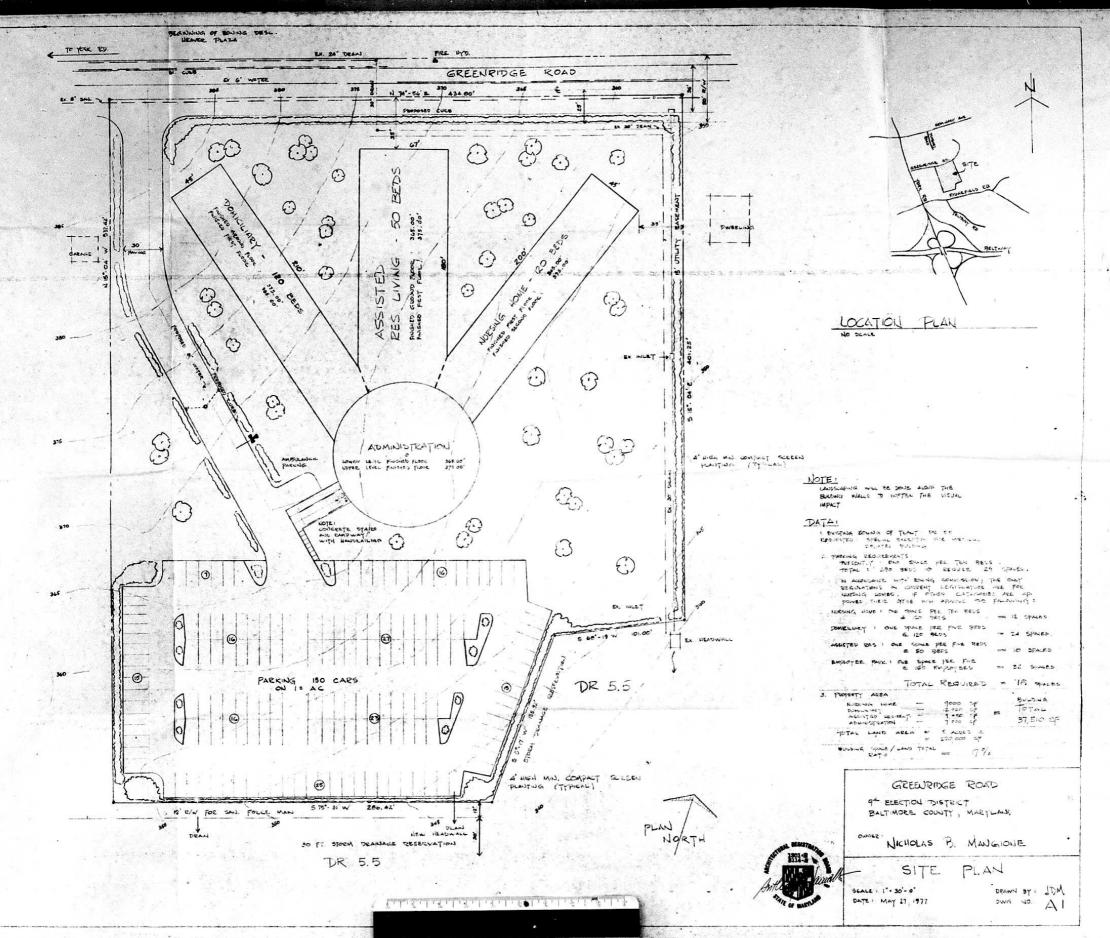












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