



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

August 9, 2016

Richard Matz, P.E., Vice President
Colbert Matz Rosenfelt, Inc.
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209

RE: Spirit and Intent Request, Zoning Case # 1995-0438-SPHX and 1981-0003-XASPH, Proposed Building (Sun Room) Additions for Augsburg Village, Augsburg Lutheran Nursing Home, 6825 Campfield Road, 3rd Election District

Dear Mr. Matz:

Your recent letter to Arnold Jablon, Director of Permits, Approvals and Inspections, was forwarded to me for reply. Based upon the information and site plan provided therein and my review of the above referenced zoning cases, the following has been determined:

1. The proposed modifications to the site plan included with your letter, specifically the proposed building (sun room) additions, are approved as being in the spirit and intent of the Baltimore County Zoning Regulations (BCZR) and the orders in Zoning Case # 1995-0438-SPHX and 1981-0003-XASPH.
2. A copy of your request letter and the modified site plan, as well as a copy of this response, will be recorded and made a permanent part of the zoning case files.
3. You must place a verbatim copy of your request letter (outlining the zoning history of the referenced property), as well as a copy of this response letter, in the details of the spirit and intent plan (aka the Eleventh Amended CRG Plan) and in all building permit application plans. Please submit the updated plan to my attention once completed.
4. This approval is for zoning purposes only, and you may need to contact Jan Cook of our Development Management Division regarding possible signature approval of the Eleventh Amended CRG Plan (DRC approval may also be required). You will also be required to comply with all other County and State regulations relative to this property.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey N. Perlow".

Jeffrey N. Perlow, Planner II
Zoning Review

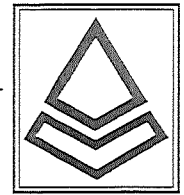
Zoning Review | County Office Building

111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048

www.baltimorecountymd.gov

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



July 28, 2016

Mr. Arnold Jablon
Baltimore County Office of Permits and
Development Management
111 West Chesapeake Avenue
Towson, Maryland. 21204

Re: Augsburg Lutheran Nursing Home,
Augsburg Village
6825 Campfield Road
Spirit and Intent Approval
CMR Job No. 96153.13

Dear Mr. Jablon,

We hereby request approval of the construction of building additions (sun rooms), for the "Augsburg Village" for Augsburg Lutheran Nursing Home as within the Spirit and Intent of the First Consolidated Refinement Plan of Special Exception Plan, in Case No. 95-438-SPHX.

The following is the zoning history of this project:

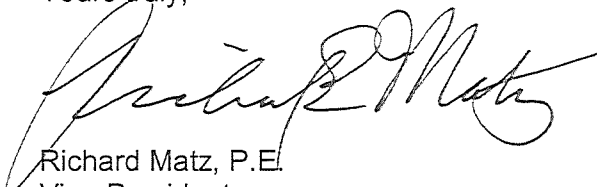
- In 1981 (Case No. 81-3-XASPH), Special Exception approval was granted for expansion of the existing convalescent home. That plan also included a number of proposed buildings for independent living (apartment) units. For the independent living units, variances were granted for building length greater than 300 feet, for parking spaces more than 300 feet from the buildings they serve, and for the total number of parking spaces.
- In 1995 (Case No. 95-438-SPHX), Special Exception approval was granted for further expansion of the convalescent home. There were no changes to the proposal for independent living units.
- In 1997 (First Consolidated Refinement Plan of Special Exception Plan, Case No. 95-438-SPHX), Zoning Commissioner Schmidt approved the reconfiguration of four of the independent living unit buildings (8 units in each) into two (16 units in each), to be known as Buildings #9 and #10. The Refinement Plan also incorporated several "Spirit and Intent" changes to the convalescent home that had been granted following the approval in Case 95-438-SPHX. The parking for Buildings 9 and 10 was reconfigured in the Refinement Plan, with no net decrease in the total amount of parking.
- In May, 1999 the Zoning Office granted "Spirit and Intent" approval to modify the building configuration of Building #10 and to permit Building #10 to be 19 units in lieu of 16 units approved previously.
- In November, 1999 the Zoning Office approved a minor expansion of the nursing home building, stating that a "Spirit and Intent" approval was not required.

- In September, 2001, the Zoning Office granted "Spirit and Intent" approval to substitute two 2-story buildings with 16-20 units each for an equivalent number of one-story buildings on the original plan. The new buildings were identified as Buildings #11 and #12.
- In April, 2004, the Zoning Office granted "Spirit and Intent" approval for a modification of the 2001 plan, to replace proposed Buildings #11 and #12 with a single building, Building #11, a two-story building with 36 apartment units. The total number of independent living units on the site did not change, and a variance for overall building length greater than 300 feet had already been granted in Case No. 81-3-XASPH.
- In May, 2008, the Zoning Office granted "Spirit and Intent" approval for a modification of the 2004 plan, for a minor expansion "Skilled Care Wing" of the nursing home building for the Augsburg Lutheran Nursing Home. No additional parking spaces were required, as no new beds were added. And although the expansion proposed to eliminate 11 parking spaces, there are 390 parking spaces required and 500 parking spaces provided. After a decrease of 11 spaces to 489 provided, there are still an excess of 99 spaces provided.

We are now requesting approval of construction of building additions (sun rooms), for the "Augsburg Village" for Augsburg Lutheran Nursing Home. The enclosed plan shows the proposed building addition. No additional parking spaces are required.

We look forward to your approval of this "Spirit and Intent" request.

Yours truly,



Richard Matz, P.E.
Vice-President
COLBERT MATZ ROSENFELT, INC.

enc.: "Spirit and Intent" Redline Plan
cc: Glen Scherer

To: JAP
8/2/16 ca

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners 2835 Smith Avenue, Suite G Baltimore, MD 21209

LETTER OF TRANSMITTAL

#16-276
\$150.00

To:	Baltimore County	Date:	August 2, 2016	Job No.	96153.13
	Zoning	Attn:	Arnold Jablon		
	111 W. Chesapeake Ave., Suite 111	Re:	Augsburg LOT 111 CRG PLAN Spirit and Intent Letter 11 th Amended CRG Plan		
	Towson, MD. 21204	Cc:	Glen Scherer		

We are forwarding

☒ Attached
☒ Prints

☐ Under Separate Cover
☐ Originals

No.	Date	Description
1	08/02/2016	1 copy of the 11 th Amended CRG Plan
1	08/02/2016	1 copy of the Spirit and Intent letter request for the 11 th Amended CRG Plan
1	08/02/2016	1 copy of the approved Spirit and Intent Letter for 10 th Amended CRG Plan
1	08/02/2016	Check for \$150.00 for S&I Letter

These are transmitted as checked below:

☐ Information Only ☐ As Requested ☐ For Approval ☒ Review & Comment ☒ For your use

Message:

Signed: _____

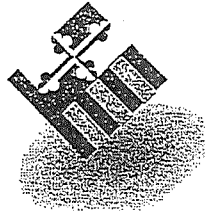
Jick Matz

If enclosures are not as noted, kindly notify me at once.

Telephone: 410-653-3838

Fax: 410-653-7953

96-153.11



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

RECEIVED

5/28/08

JUN 02 2008

Mr. Robert Rosenfelt, P.E.
Colbert, Matz, Rosenfelt
2835 Smith Avenue, Suite G
Baltimore, MD 21209

Colbert Matz Rosenfelt, Inc.

Re: Zoning Spirit and Intent Review
Augsburg Lutheran Nursing Home
6811 Campfield Road.
Case # 95-438-X
ED 3

Dear Mr. Rosenfelt :

This is a response to your letter and plans dated 4/28/08 to Mr. Timothy Kotroco, Director of Permits Development Management, who has authorized this reply.

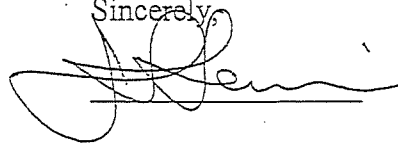
Pursuant to your provided information, you are requesting a zoning hearing/plan Spirit and Intent letter approval for the addition of a minor expansion of the nursing home building. This is shown with parking support calculations and height limits on revised plans received pursuant to my discussion with your staff on 5/16/08.

Based on the information, the plans are approved for zoning review and a new zoning hearing to approve the changes will not be necessary. The plans and this letter are being placed in the zoning case records for permanent inclusion. Please document this response on all future plans/permits submitted for future review or approval. Please also be aware that this Spirit and Intent approval is for zoning only and it is not intended for any other agency.

Augsburg, Page 2

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

Sincerely,

A handwritten signature in dark ink, appearing to read 'John Lewis', written over a horizontal line.

John Lewis
Planner II
Zoning Review

JLL/08-221

cc Letter file
cc 95-438-X

111 West Chesapeake Avenue
Town, MD 21204

Colbert Matz Rosenfelt, Inc.
Robert S. Rosenfelt
2835-Q South Avenue
Baltimore, MD 21209

Dear Mr. Rosenfelt:

Pursuant to Article 25A, Section 5 (f) of the Annotated Code of Maryland, and as provided in Section 02 (d) of the Baltimore County Charter, and Sections 32-1-101, 32-3-401, and 32-5-517 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are delegates of the directors of those departments. The purpose of the DRC is to ensure compliance with Section 32-4-106 and Section 32-4-202 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management (PDM).

The DRC has, in fact, met in an open meeting on January 18, 2005, and made the following recommendations:

The DRC has determined that your project meets the requirements of the DRC plan, under Section 32-4-262.

February 17, 2005
Page 2

After resolution of any outstanding issues, please submit a copy of this letter, and ten copies of the plan to this office, Room 123, for signature.

I have reviewed the recommendations of the DRC, and I have determined to adopt the recommendations as set forth above. It is this 17th day of February 2005, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, conditions, or site-specific permits that may be required in accordance with County, State, or Federal regulations.

Sincerely,

Timothy K. Koro
Timothy Koro
Director

TK-DRC-04
c: Kristin Wells
File

BALTIMORE COUNTY MD. COUNTY REVIEW GROUP

This Plan Was Reviewed By The CRG On

With The Following Action Taken

Plan Approved DPW *DPW Approved*

Plan Approved OPZ *OPZ Approved*

Approval Expiration Date *12/31/05*

Plan Disapproved

Continued Mtg. Required

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.

Plan Referred To Plan, Ed.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 17, 1999

Richard E. Matz, P.E.
Colbert Matz Rosenfelt, Inc.
2835 Smith Avenue, Suite G
Baltimore, MD 21209

Dear Mr. Matz:

RE: Spirit and Intent, Augsburg Lutheran Village, Building No. 10,
9th Election District

Upon review of your May 5, 1999 submittal regarding the above referenced property, specifically case 81-3-XASPH which granted variance relief for buildings in excess of 300 feet in length, it is my opinion that your proposal creating a minor deviation to the footprint of building number 10 (as depicted on your red-line) is within the spirit and intent of the Baltimore County Zoning Regulations and the zoning case history on this property. This letter must be placed on any future building permits filed with this office for building number 10.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph C. Merrey".

Joseph C. Merrey
Planner II
Zoning Review

JCM:ggs

Enclosure

Come visit the County's Website at www.co.ba.md.us



Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



May 5, 1999

Mr. Carl Richards, Director
Baltimore County Office of Zoning
111 West Chesapeake Avenue
Towson, Md. 21204

to JCM
5/11/99
B. Cashe

Re: Augsburg Lutheran Village, Building 10
CMR Job No. 96153.2

Dear Mr. Richards,

This letter is to clarify our previous Spirit and Intent request, dated February 18, 1999 and to provide additional information about the project history. To summarize the history of this project:

- In 1981 (Case No. 81-3-XASPH), Special Exception approval was granted for expansion of the existing convalescent home. That plan also included a number of proposed buildings for independent living units. For the independent living units, variances were granted for building length greater than 300 feet, for parking spaces more than 300 feet from the buildings they serve, and for the total number of parking spaces.
- In 1995 (Case No. 95-438-SPHX), Special Exception approval was granted for further expansion of the convalescent home. There were no changes to the independent living units in this Case.
- In 1997 (First Consolidated Refinement Plan of Special Exception Plan, Case No. 95-438-SPHX), Zoning Commissioner Schmidt approved the reconfiguration of four of the independent living unit buildings (8 units in each) into two (16 units in each), to be known as Buildings #9 and #10. The Refinement Plan also incorporated several "Spirit and Intent" changes to the convalescent home that had been granted following the approval in Case 95-438-SPHX. The parking for Buildings 9 and 10 was reconfigured in the Refinement Plan, with no net decrease in the total amount of parking.

We are now requesting "Spirit and Intent" approval for a minor modification to the First Consolidated Refinement Plan. This request is only to modify the building configuration of Building #10 and to permit Building #10 to be 19 units in lieu of 16 units approved previously. Per the requirement of the Fire Prevention Plans Review Department, we will also be adding a fire access lane in the vicinity of Building #10. Building #9 and the parking lot serving Buildings 9 and 10 have already been built, so this approval is **only** for the construction of Building #10.

Mr. Carl Richards

5/5/99

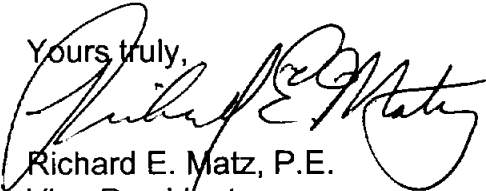
page -2-

The total number of allowable independent living units on the site will not change. Since Building #10 has 3 more units than previously we are modifying the approved site plan to show 5 units in Future Building 3-7 in lieu of 8 units approved in Case No. 81-3-XASPH.

Variance approval for overall building length greater than 300 feet, which we had discussed with you previously, has already been granted in Case No. 81-3-XASPH.

We look forward to your approval of this "Spirit and Intent" request.

Yours truly,

A handwritten signature in black ink, appearing to read "Richard E. Matz", written over the typed name.

Richard E. Matz, P.E.

Vice-President

Colbert Matz Rosenfelt, Inc.

Enclosures: Redline Plan – First Consolidated Refinement, Case No. 95-438-SPHX
Order, Case No. 95-438-SPHX
Order, Case No. 81-3-XASPH

COLBERT MATZ ROSENFELT, INC.2835 Smith Avenue Suite G
BALTIMORE, MARYLAND 21209**LETTER OF TRANSMITTAL****(410) 653-3838**
FAX (410) 653-7953TO Balt. County zoning Office
111 W. Chesapeake Ave.
Towson, Md. 21204

DATE	5/5/99	JOB NO.	96153.2
ATTENTION	Carl Richards		
RE:	Angsburg Village		

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

- ☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
1			Spent & Student Refile
1			Attachments
1			Plan
			fee (\$40.)

THESE ARE TRANSMITTED as checked below:

- ☒ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ _____
☐ FOR BIDS ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS

Carl
As discussed with Rob Haffman, we
are resubmitting this request at your
suggestion.

COPY TO

Carl

SIGNED:

Judy Sloan

If enclosures are not as noted, kindly notify us at once.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **067036**

DATE 5/14/99 ACCOUNT 001-6150

AMOUNT \$ 40.00 (JCM)

RECEIVED FROM: Colbert Matz Rosenfelt

FOR: Augsburg Lutheran Village

Building 10

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
5/17/1999 5/14/1999 15:56:10
REG MODE CASHIER LMD USE DINNER 2
DEPT 5 BGR /DINING HALL/CAUTION
Receipt # (1726) 0711
CR NO. 067036

Receipt To: 40.00
40.00 BY .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 4, 1997

Revised May 1, 1997 *Colbert Matz Rosenfelt, Inc.*

Ms. Judith M. Floam
Richard E. Matz, P.E.
Colbert Matz Rosenfelt, Inc.
3723 Old Court Road, Suite 206
Baltimore, MD 21208

RE: Spirit & Intent Revised May 1, 1997
6811 Campfield Road
Augsburg Lutheran Home
Zoning Case #95-438-SPHX
3rd Election District

Dear Ms. Floam & Mr. Matz:

This letter is in response to your request and revised (May 1, 1997) red-lined plan for a zoning determination that the proposed changes to the approved plan in zoning case #95-438-SPHX can be approved as being within the spirit and intent of said plan.

With these changes you propose to replace four (4) of the 14 one story planned buildings with two (2) two-story buildings with no change in the number of units. The proposal also includes reconfiguration of a parking area for an additional 16 parking spaces.

The staff reviewed this proposal and you also discussed these changes with the zoning commissioner (Larry Schmidt) and the following has been determined.

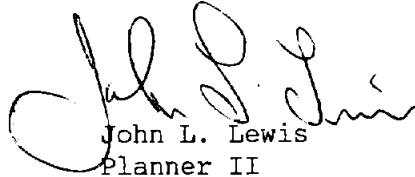
The zoning commissioner has indicated that he has accepted the changes as shown on the first consolidated refinement plan as red-lined as being within the spirit and intent of the approved plan in zoning case #95-438-SPHX. Please document this response on all and any future plans submitted for zoning review or approval.



Ms. Judith M. Floam
Richard E. Matz, P.E.
April 4, 1997
Revised May 1, 1997
Page 2

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

Very truly yours,



John L. Lewis
Planner II
Zoning Review

JLL:rye

c: zoning case 95-438-SPHX

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 16, 1994

Paul E. Joyce
Executive Director
Augsburg Lutheran Home
6811 Campfield Road
Baltimore, MD 21207

RE: Zoning Review - Proposed Expansions
of Buildings and Uses
Augsburg Lutheran Home
3rd Election District

Dear Mr. Joyce:

This letter addresses your request for a zoning determination concerning compliance with the Baltimore County Zoning Regulations (BCZR) requirements concerning certain proposed expansion of existing uses at the above referenced site.

Based on the information provided and as discussed in our recent contacts, there appears to be two procedures to follow for zoning approval of this expansion.

The first suggested by this office is the PUD approval process, which has been discussed with you and the Augsburg representatives in some detail already. The staff still believes this is the best procedure. However, since this process is not one which you desire to follow, the other alternative is as follows: Request a zoning special hearing for a determination that the proposed expansion of the existing uses on the site are within the limits of the existing approved non-conforming use and the special exception granted under zoning case #81-3-XASPH. A request to amend the previously approved zoning plan and to amend the final development plan should also be requested as part of the special hearing.

Please be aware that it is possible that zoning variances may be required as part of the hearing process if certain deficiencies are created as part of the expansion. This can be determined upon review of the future plans to be submitted in accordance with the zoning public hearing petition checklist.

Paul E. Joyce
September 16, 1994
Page 2

A copy of the zoning public hearing checklist is provided with this letter. Please contact John Lewis at 887-3391 in advance of any zoning petition filing for a preliminary review appointment.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 887-3391 (FAX - 887-5708).

Very truly yours,

John L. Lewis
Planner II

JLL:scj

Enclosure (checklist)

cc: zoning hearing file #81-3-XASPH



68-3-4504 149 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

AUGSBURG LUTHERAN HOME
OF MARYLAND, INC.
I, or we, _____, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof,

(1) Section 1802.2 to permit 240 parking spaces, instead of the required 360 spaces; (2) Section 409.2a, to permit parking more than 300 feet from the building; and (3) Section 500.7 as implemented by Section III.F.3 of the Baltimore County Comprehensive Manual of Development, to permit parking to be located such that the distance from the general street curb to the doors of those living units; (4) Section 1801.2B.1.8.2 to the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) strict compliance with the requirements would create an unreasonable hardship in view of the needs of a total care community for the elderly as proposed, all as more fully specified in the Brief filed together herewith and by this reference incorporated herein.

* permit all living unit clusters within the development to be connected by covered passageways resulting in a building in excess of 300 feet in width, subject to evidence in conformance with Special Exception procedures.

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

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

Contract purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner:
Robert B. Haldeman, Donald L. Bradfield
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Petitioner's Attorney:
Donald L. Bradfield
Address: _____
City and State: _____
Protestant's Attorney:

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

of _____ April _____, 1978, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1978, at 10:15 o'clock A.M.

Zoning Commissioner of Baltimore County.

(over)

68-3-4504 149 **PETITION FOR SPECIAL EXCEPTION**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property _____ for a CONVALESCENT HOME.

* (saving and excepting therefrom that portion thereof lying within the Residential Transition Area as defined by §1801.1.B of the Baltimore County Zoning Regulations.)

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

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

I, or we, do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Legal Owner(s):
Augsburg Lutheran Home of Maryland, Inc.
(Type or Print Name)
By: _____
Signature: _____
Ronald F. Heemann
(Type or Print Name)
President, Board of Directors
Signature: _____

Attorney for Petitioner:
Robert B. Haldeman, Donald L. Bradfield
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Name and telephone number of legal owner, contract purchaser or representative to be contacted:
Donald L. Bradfield
Name: _____
Address: _____
City and State: _____
Telephone No.: 539-5040
Telephone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

of _____ April _____, 1980, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1980, at 10:15 o'clock A.M.

Zoning Commissioner of Baltimore County.

X.C.O.-No. 1

(over)

68-3-4504 149 **PETITION FOR SPECIAL HEARING**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, _____, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing Under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve Interpretation of Section 1801.1.B that the following are permitted in a Residential Transition Area: (1) continuation of lawful nonconforming use as a Convalescent Home; (2) renovation of and additions to lawful nonconforming use as a Convalescent Home necessary to update the facilities and to connect such facilities with a conforming extension thereof, which additions in the aggregate do not exceed 25% of the ground floor area of the existing building; (3) improvement and redesign of existing parking area as a lawful nonconforming use; and (4) construction of a gatehouse, fence (not to exceed 8 feet in height), lighting (not to exceed 175 watts per fixture) and sign as uses or structures normally accessory to a single family dwelling or to a local open space tract.

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

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

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Legal Owner:
Augsburg Lutheran Home of Maryland, Inc.
(Type or Print Name)
By: _____
Signature: _____
Ronald F. Heemann
(Type or Print Name)
Contract Purchaser:
Donald L. Bradfield
Signature: _____
Address: _____
City and State: _____
Petitioner's Attorney:
Robert B. Haldeman, Donald L. Bradfield
Signature: _____
Address: _____
City and State: _____
Protestant's Attorney:

ORDERED By the Zoning Commissioner of Baltimore County, this _____ day of _____ April _____, 1980, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1980, at 10:15 o'clock A.M.

Zoning Commissioner of Baltimore County

(over)

and added such uses as being subject to Special Use Permits. Therefore, the latest date upon which the petitioner can rely for the establishment of the "nonconforming footprint" would be July 2, 1953. The same would be true for the parking area used since 1946. Any improvements to the subject property constructed after July 2, 1953, would, therefore, be considered extensions under Section 104 as it read prior to the 1955 amendment, as well as subsequent thereto, and not as part of the footprint upon which the present extension is predicated. In other words, the 25% extension of the nonconforming use is determined by ascertaining the existing ground floor area and deducting therefrom the ground floor area of those improvements made after July 2, 1953. The difference is the footprint upon which the extension is to be calculated. To conclude otherwise would allow an extension of the nonconforming use on part of an extension that occurred previously, thereby giving recognition to "tacking" of extensions of nonconformance. Since the site plan does not delineate the history of additions to the nonconforming use, it is impossible to determine the percentage of past extensions which occurred between 1953 and 1955 and from 1955 to the date of the hearing. It may well be that the 25% extension has already occurred and the proposed additions therefor precluded. As a result, this Order will have to be conditioned, as to the extension proposed, upon an amended site plan being filed showing the specific uses of the improvements on the subject property and the dates of the additions made between 1953 and 1955 and those made from 1955 to the present, as well as the basis for determining that the proposed additions to the existing improvements do not exceed the 25% extension allowance.

It is clear that the two sections involved are not in conflict with one another and should be read together in order to provide for a 25% extension of a nonconforming use, respectively, of the residential transition zone, since it is a right that is vested in the owner at the time the use became nonconforming and may only be divested by a change of use, termination of the use for one year, or damage by fire or other casualty to the extent of 75% of its replacement cost at the time of such loss. In any event, all subsequent improvements or uses of the property would be limited by application of the residential transition area limitations.

To the extent that the proposed gatehouse, eight foot high fence, and sign do not fall within the established criteria of nonconformance, they must be addressed separately. Since the hearing, the petitioner, through its attorney, has advised that the gatehouse and entrance are to be moved from the residential transition area indicated on Petitioner's Exhibit I-A to the northwest end of the property, opposite the Campfield Elementary School. Out of necessity, the proposed sign will be located at the entrance to the site and the gatehouse. Therefore, the fence remains the sole improvement to be erected in the residential transition area and is hereby determined not to be the type of improvement to be excluded from a residential transition area.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of May, 1981, that the areas and improvements existing prior to July 2, 1953, as a convalescent home and parking therefor, are recognized as nonconforming uses and, as such, are subject to be extended 25% in conformity with the terms, provisions, and limitations contained in Section 104 of the Baltimore County Zoning Regulations, subject, however, to the following restrictions:

- The filing of a revised site plan to reflect:
 - the relocation of the entrance to the subject site, the gatehouse, and the sign to an area outside the residential transition area,
 - the improvements, including the parking area, existing as of July 2, 1953 and March 30, 1955, and those constructed subsequent to March 30, 1955, indicating in detail the ground floor area of each improvement and parking area, in order to determine the extent of addition(s), if any, which can be added to the existing improvements, including the parking area,
 - the reduction or deletion of the proposed addition(s) to comply with the 25% extension of the nonconforming uses should it be determined that a part or all of the extension provided for in Section 104 has been utilized since March 30, 1955.
- The revised site plan shall be subject to approval by the Department of Public Works, the Department of Traffic Engineering, and the Office of Planning and Zoning, including landscaping and screening approval by the Current Planning and Development Division.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

property, to wit, a chapel and parking—the latter is shown as the area colored orange on Petitioner's Exhibit I-A and was first used in 1946. It is to be noted that the orange parking area and portions of the existing buildings, including the chapel, shown as the tan areas, are located in the residential transition area, i.e., within 300 feet of any point on a dwelling other than an apartment building. The existence of these improvements prior to the enactment of Section 1801.1.B (residential transition areas) in 1970 does not seriously impair their continued use, subject to those limitations imposed by Section 104. However, there are additions proposed to be made to those existing improvements, indicated on Petitioner's Exhibit I-A in yellow, within the residential transition area. Testimony by Mr. William Fred Walker of Daft-McCune-Walker, Inc., was to the effect that the proposed additions marked in yellow represent 900 square feet within the residential transition area and that they constitute less than a 25% expansion in total area.

At this point, two questions arise—first, when did the use become nonconforming and, second, are residential transition area requirements in conflict with Section 104 or, rephrased, is Section 104 further conditioned by the residential transition area criteria.

The first question becomes significant because the testimony indicated that improvements were made subsequent to the adoption of the Baltimore County Zoning Regulations in 1945 and because Petitioner's Exhibit I-A indicates proposed additions to be made to the existing improvements. Thus, it is necessary to determine the ground floor area of the use and/or the building(s) used in the nonconforming use so as to determine the 25% extension allowed by Section 104. A review of the 1945 zoning regulations fails to disclose either in the definitions or in the text of the regulations any reference to a nursing or convalescent home as either a permitted use or a use by way of special exception; however, in 1953, the then County Commissioners adopted amendments to Section XIII, Paragraph A, whereby five new subparagraphs were added, one of which reads as follows:

"25. Convalescent Home, Nursing Home or Orphanage".

Baltimore County
Department of Traffic Engineering
TOWSON, MARYLAND 21204
(301) 994-3550
STEPHENE COLLINS
DIRECTOR

June 27, 1980

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 199 - ZAC - April 15, 1980
Property Owner: Augsburg Lutheran Home of Maryland, Inc.
Location: SW/C Campfield Road 495' NW Southern Cross Dr.
Existing Zoning: D.R. 3.5, D.R. 5.5, D.R. 16
Proposed Zoning: Special Exception for a convalescent home, Special Hearing to allow the continuation of a lawful nonconforming use as a convalescent home, renovation of and additions to convalescent home necessary to update the facilities and to connect such facilities with a conforming extension, these additions will not exceed 25% of the ground floor area of the existing building, improvement and redesign of existing parking area as a lawful nonconforming use and construction of a gatehouse, and fence, not to exceed 8 feet in height, lighting and sign as uses or structures normally accessory to a single family dwelling or to a local open space tract. Variance to permit 240 spaces in lieu of the required 360 spaces, to permit parking more than 300 feet from the building, to permit parking to be located such that the distance from the parking to the doors of certain living units is greater than the distance from the general street curb to the doors of those living units, to permit all living unit clusters within the development to be connected by covered passageways resulting in a building in excess of 300 feet in width.

Acres: 51.70
District: 3rd

Dear Mr. Hammond:

The existing convalescent home generates about 300 trips per day and with the proposed expansion of the home it will generate approximately 640 trips per day.

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the petitioner and the granting of the variance will not adversely affect the health, safety, and general welfare of the community, the variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of May, 1981, that the herein Petition for Variances to permit 240 parking spaces in lieu of the required 360 spaces; to permit the required parking spaces shown in orange on the site plan prepared by Daft-McCune-Walker, Inc., dated March 21, 1980, and marked Petitioner's Exhibit II-A, to be located more than 300 feet, but not more than 400 feet, from the buildings they serve; to permit parking distances to the doors of certain living units to be greater than the distance from the general street curb to the doors of those same living units, as set forth in the Baltimore County Comprehensive Manual of Development Policies; and, having submitted evidence of conformance with the special exception procedures provided for in Section 502, to permit all living unit clusters to exceed the 300 foot maximum width of an elevation of a group of attached buildings, all in accordance with the aforementioned site plan, should be and the same is GRANTED, from and after the date of this Order, subject, however, to the terms, provisions, and conditions set forth in the accompanying Special Hearing and Special Exception Orders.

[Signature]
Zoning Commissioner of
Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of May, 1981, that the herein Petition for Special Exception for a convalescent home on that portion of the petitioner's property lying outside the residential transition area, in accordance with the site plan prepared by Daft-McCune-Walker, Inc., dated March 21, 1980, and marked Petitioner's Exhibit II-A, should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Compliance with the terms, provisions, and conditions set forth in the accompanying Special Hearing Order, relative to the required revisions to the site plan, in the same manner and to the same extent as if fully set forth herein.
2. All exterior lighting shall be regulated as to location, direction, hours of illumination, glare, and intensity in order to minimize the effect upon the adjacent residences.
3. Compliance with the applicable subdivision regulations.
4. Submittal of a revised site plan, incorporating the restrictions contained herein, for approval by the Department of Public Works, the Department of Traffic Engineering, and the Office of Planning and Zoning, including landscaping and screening approval by the Current Planning and Development Division.
5. Utilization of the special exception within five years.

[Signature]
Zoning Commissioner of
Baltimore County

Pursuant to the advertisement and posting of property, this hearing was held on three petitions and will, therefore, be addressed in the same manner as the testimony was developed for each petition.

The subject property consists of 51.70 acres of land and is bounded on the east by Campfield Road and the subdivisions of Oak Grove Heights and Campfield Gardens, Section 2, all of which are zoned D.R.3.5 and D.R.5.5; on the southeast and south side, in part, by a D.R.3.5 and D.R.5.5 zone line and also by D.R.5.5 zoned residences and the Lochearn Community Club, Inc.; on the north and west by the subdivision of Villa Nova, zoned D.R.3.5; and also on the west by Westmount Apartments, zoned D.R.16, with the majority of the site being zoned D.R.3.5. A small portion of the rear of the site is also within the floodplain of the Gwynns Falls. The proposed use of the subject site is a convalescent home, which is further described as a "life care facility".

Testimony presented by the petitioner first addressed the issue of the Petition for Special Hearing, which requests that Section 1B01.1.B of the Baltimore County Zoning Regulations be interpreted to allow for the continuation of a lawful nonconforming use as a convalescent home, to allow for renovations to update the facilities comprising the nonconforming use, to allow for an extension of the nonconforming use to an extent not exceeding 25% of the ground floor area of the buildings constituting the nonconforming use, to redesign the existing parking areas which served the lawful nonconforming use, and to construct or erect other improvements, to wit, a gatehouse, fence (not in excess of eight feet), lighting (not to exceed 175 watts per fixture), and sign, as uses or structures normally accessory to a single-family dwelling or to a local open space tract. In relation thereto, the site plan prepared by Daft-McCune-Walker, Inc., dated March 21, 1980, and marked Petitioner's Exhibit I-A, sets forth the total acreage as 5.66 acres zoned D.R.3.5, 5.14 acres zoned D.R.5.5, and 0.90 of an acre zoned D.R.16 and depicts the various improvements as they presently exist, proposed improvements, and parking, as well as how each is effected by the "residential transition area" requirements.

Mr. Ronald F. Heeman testified that he has been on the petitioner's Board of Directors since 1947 and that the Augsburg Lutheran Home has been on the subject property since 1929. During this period of time, there have been some additions made to the

June 27, 1980
Page 2

The proposed development of the site can be expected to generate 1670 trips per day and if developed to its fullest zoning, the site can be expected to generate 2,350 trips per day.

Convalescent homes and housing for senior citizens have shown less need for parking than required and the requested variance to parking is not expected to cause any problems.

This department has no comment on the other requested variances.

This department has experienced very few problems with convalescent homes due to the fact that their work force is spread out over three shifts and arrive and depart during off traffic peak hours.

Sidewalks should be provided along the roadway in front of the site.

Very truly yours,

[Signature]
Michael S. Flanigan
Engineer Associate II

MSF/mjm

cc: Councilman Gary Huddles

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 25, 1980

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

cc: Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Robert B. Halderman, Esquire
Donald L. Bradfield, Esquire
10 Light Street
Baltimore, Maryland 21202

RE: Item No. 199
Petitioner - Augsburg Lutheran Home
Special Hearing and Variance Petitions

Gentlemen:

Enclosed is a comment from the Planning Office that was forwarded to this office on June 24, 1980, subsequent to my letter of June 19, 1980.

If you have any question, please contact me at 494-3391.

Very truly yours,

[Signature]
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:hk

Enclosures

cc: Daft Mc Cune Walker Inc.
530 E. Joppa Rd.
Towson, Md. 21204

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 19, 1980

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

cc: Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Robert B. Halderman, Esquire
Donald L. Bradfield, Esquire
10 Light Street
Baltimore, Maryland 21202

RE: Item No. 199
Petitioner - Augsburg Lutheran Home
of Maryland, Inc.
Special Hearing and Variance Petitions

Gentlemen:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

The subject property, currently zoned D.R.3.5 in its majority and also D.R.5.5 and D.R.16, is located on the southwest side of Campfield Road between Essex Road and Southern Cross Drive in the 3rd Election District. It is presently improved with the facilities of a convalescent home and accessory parking area, which has apparently existed prior to the adoption of the zoning regulations. Properties completely surrounding this site are improved with individual dwellings.

Because of your client's proposal to construct a 120 bed addition to the existing convalescent home and provide separate apartment units connected with covered passageways, this combination hearing is required. The Special Hearing is included in order to clarify certain questions that have arisen concerning the proposed expansion of the convalescent home and parking area and the construction of structures within 300 feet of the individual dwellings surrounding this site.

Item No. 199
Special Hearing and Variance Petitions
June 19, 1980

As indicated in conversations with Mr. Bradfield, I instructed him to contact representatives of the Department of Permits and Licenses and the Fire Department in order to discuss their comments. In view of the fact that he indicated that this was done by your architect and there appeared to be no particular problem in satisfying their comments, I scheduled this petition for a hearing.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

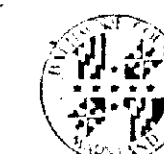
Very truly yours,

[Signature]
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:hk

Enclosures

cc: Daft McCune Walker Inc.
530 E. Joppa Rd.
Towson, Md. 21204



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

DIRECTOR

May 9, 1980

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #199 (1979-1980)
Property Owner: Augsburg Lutheran Home of Maryland, Inc.
S/WS Campfield Rd. 495' N/S Southern Cross Rd Drive
Existing Zoning: DR 3.5, DR 5.5, DR 16
Proposed Zoning: Special Exception for a convalescent home, Special Hearing to allow the continuation of a lawful non-conforming use as a convalescent home, renovation of and additions to convalescent home necessary to update the facilities and to connect such facilities with a conforming extension, those additions will not exceed 25% of the ground floor area of the existing building, improvement and redesign of existing parking area as a lawful non-conforming use and construction of a gatehouse and fence, not to exceed 8 feet in height, lighting and sign as uses or structures normally accessory to a single family dwelling or to a local open space tract. Variance to permit 240 parking spaces in lieu of the required 360 spaces, to permit parking more than 300 feet from the building, to permit parking to be located such that the distance from the parking to the doors of certain living units is greater than the distance from the general street curb to the doors of those living units, to permit all living unit clusters within the development to be connected by covered passageways resulting in a building in excess of 300 feet in width.
Acres: 51.70 District: 3rd

Dear Mr. Hammond:

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

Highways:

Campfield Road, an existing public road, is proposed to be improved in the future as a 40-foot closed section roadway on a 60-foot right-of-way. Highway right-of-way widenings, including any necessary reversible easements for slopes, will be required in connection with any grading or building permit or further development of this property.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Item #199 (1979-1980)
Property Owner: Augsburg Lutheran Home of Maryland, Inc.
Page 2
May 9, 1980

Sediment Control:

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

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

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

A portion of this property as indicated, is subject to flooding along Gwynns Falls, see Baker-Wilberly Study July 19, 1975. Further construction is not permitted within established 100-year design storm flood plains in Baltimore County.

Additional storm drains required in connection with further development of this property, are to be designed and constructed in accordance with Baltimore County Standards and Specifications.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

There is a public 8-inch water main in Campfield Road. The submitted plan does not indicate the present or proposed method of sewage disposal. The 33-inch Gwynns Falls Sanitary Interceptor Sewer traverses the southerly portion of this property, as indicated.

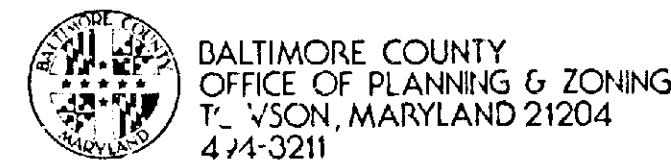
Very truly yours,

Edward N. Diver
EDWARD N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Trenner, J. Somers, D. Grise, S. Bellestri

L-NE Key Sheet
18-20 NW 21 & 22 Pos. Sheets
NW 5 F Taps
/8 & 88 Tax Maps



JOHN D. SEYFFERT
DIRECTOR

June 24, 1980

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #199, Zoning Advisory Committee Meeting, April 15, 1980, are as follows:

Property Owner: Augsburg Lutheran Home of Maryland, Inc.
Location: SW/S Campfield Road 495' NW Southern Cross Drive
Existing Zoning: D.R.3.5, D.R.5.5, D.R.16
Proposed Zoning: Special Exception for a convalescent home, Special Hearing to allow the continuation of a lawful non-conforming use as a convalescent home, renovation of and addition to convalescent home necessary to update the facilities and to connect such facilities with a conforming extension, those additions will not exceed 25% of the ground floor area of the existing building, improvement and redesign of existing parking area as a lawful nonconforming use and construction of a gatehouse and fence, not to exceed 8 feet in height, lighting and sign as uses or structures normally accessory to a single family dwelling or to a local open space tract. Variance to permit 240 parking spaces in lieu of the required 360 spaces, to permit parking more than 300 feet from the building, to permit parking to be located such that the distance from the parking to the doors of certain living units is greater than the distance from the general street curb to the doors of those living units, to permit all living unit clusters within the development to be connected by covered passageways resulting in a building in excess of 300 feet in width.

Acres: 51.70
District: 3rd

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

If the petition is granted, it will be subject to the Baltimore County Subdivision Regulations.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development



STEPHEN E. COLLINS
DIRECTOR

May 7, 1980

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 199 - ZAC - April 15, 1980

PROPERTY OWNER: Augsburg Lutheran Home of Maryland, Inc.
Location: SW/C Campfield Road 495' NW Southern Cross Drive
Existing Zoning: D.R. 3.5, D.R. 5.5, D.R. 16
Proposed Zoning: Special Exception for a convalescent home, Special Hearing to allow the continuation of a lawful non-conforming use as a convalescent home, renovation of and additions to convalescent home necessary to update the facilities and to connect such facilities with a conforming extension, those additions will not exceed 25% of the ground floor area of the existing building, improvement and redesign of existing parking area as a lawful nonconforming use and construction of a gatehouse and fence, not to exceed 8 feet in height, lighting and sign as uses or structures normally accessory to a single family dwelling or to a local open space tract. Variance to permit 240 parking spaces in lieu of the required 360 spaces, to permit parking more than 300 feet from the building, to permit parking to be located such that the distance from the parking to the doors of certain living units is greater than the distance from the general street curb to the doors of those living units, to permit all living unit clusters within the development to be connected by covered passageways resulting in a building in excess of 300 feet in width.

Acres: 51.70
District: 3rd

Dear Mr. Hammond:

The requested Special Exception for a convalescent home is expected to generate about 640 trips per day. The variance to parking is not expected to be a major traffic problem.

This department has no comment for the other Variances.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Engineer Associate II

MSF/hmd



DONALD I. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

May 12, 1980

Mr. William R. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #199, Zoning Advisory Committee Meeting of April 15, 1980, are as follows:

Property Owner: Augsburg Lutheran Home of Maryland, Inc.
Location: SW/S Campfield Rd. 495' NW Southern Cross Dr.
Existing Zoning: D.R. 3.5, D.R. 5.5, D.R. 16
Proposed Zoning: Special Exception for a convalescent home, Special Hearing to allow the continuation of a lawful non-conforming use as a convalescent home, renovation of and additions to convalescent home necessary to update the facilities and to connect such facilities with a conforming extension, those additions will not exceed 25% of the ground floor area of the existing building, improvement and redesign of existing parking area as a lawful nonconforming use and construction of a gatehouse and fence, not to exceed 8 feet in height, lighting and sign as uses or structures normally accessory to a single family dwelling or to a local open space tract. Variance to permit 240 parking spaces in lieu of the required 360 spaces, to permit parking more than 300 feet from the building, to permit parking to be located such that the distance from the parking to the doors of certain living units is greater than the distance from the general street curb to the doors of those living units, to permit all living unit clusters within the development to be connected by covered passageways resulting in a building in excess of 300 feet in width.

Acres: 51.70
District: 3rd

Mr. William R. Hammond

2

May 12, 1980

Item #199 (continued)

Metropolitan water and sewer exist.

Prior to approval of a building permit for renovations to the existing structure and construction of new buildings, complete plans and specifications must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene, for review and approval.

Prior to new installation/s of fuel burning equipment or incinerators, the owner should contact the Division of Air Pollution Control, 194-3775, before work begins.

Connection to public sewer is subject to the Gwynns Falls Sewer Moratorium.

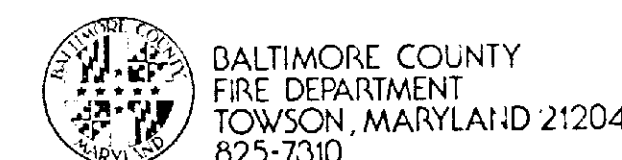
Very truly yours,

Ian J. Forrest
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/ith

cc: Plans Review

Air Pollution



PAUL H. REINCKE
CHIEF

May 14, 1980

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

Re: Property Owner: Augsburg Lutheran Home of Maryland, Inc.

Location: SW/C Campfield Road 495' NW Southern Cross Drive

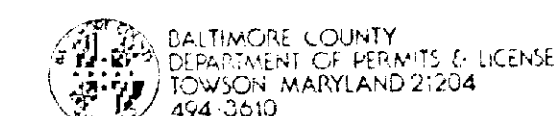
Item No: 199 Zoning Agency: Meeting of April 15, 1980

Gentlemen:

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

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 200 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. For Nursing Home and 750' intervals for individual homes.
- (X) 2. A second means of vehicle access is required for the site. Minimum 16 ft. paved roadway is required for single dwellings for fire apparatus access.
- () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Charles E. Burman* Noted and Approved: *Charles E. Burman*
Planning Group Fire Prevention Bureau
Special Inspection Division



TED ZAKESKI JR.
DIRECTOR

April 14, 1980

Mr. William R. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #199 Zoning Advisory Committee Meeting, April 15, 1980 are as follows:

Property Owner: Augsburg Lutheran Home of Maryland, Inc.
Location: SW/C Campfield Road 495' NW Southern Cross Drive
Existing Zoning: D.R. 3.5, D.R. 5.5, D.R. 16
Proposed Zoning: See Page (2)

Acres: 51.70
District: 3rd

The items checked below are applicable:

- A. All structures shall conform to the Baltimore County Building Code 1976, the State of Maryland Code for the Handicapped and Aged, and other applicable Codes.
 - B. A building/ permit shall be required before beginning construction.
 - C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.
 - D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
 - E. In wood frame construction an exterior wall erected within 6' 0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3' 0" of lot line. A minimum 8" masonry firewall is required if construction is on the lot line.
 - F. Requested variance conforms with the Baltimore County Building Code, Section 9.
 - G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
 - X H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 305 and the required construction classification of Table 214.
 - X I. Comments - Please review Section 106.6 of the 1978 I.O.C.A. Code. Additionally - compliance to the State Handicapped Code will be required. If structure can comply, Items A,B,C,G above will be applicable.
- NOTE: These comments reflect only on the information provided by the drawing submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burman
Charles E. Burman, Chief
Plans Review

CEB:ijf

-2-

April 14, 1980

Comment #199 Zoning Advisory Committee Meeting, April 15, 1980

Augsburg Lutheran Home of Maryland, Inc.

Proposed Zoning: Special Exception for a convalescent home, Special Hearing to allow the continuation of a lawful non-conforming use as a convalescent home, renovation of and additions to convalescent home necessary to update the facilities to connect such facilities with a conforming extension, those additions will not exceed 25% of the ground floor area of the existing building, improvement and redesign of existing parking areas as a lawful nonconforming use and construction of a gatehouse and fence, not to exceed 8 feet in height, lighting and sign as uses or structures normally accessory to a single family dwelling or to a local open space tract. Variance to permit 240 parking spaces in lieu of the required 360 spaces, to permit parking more than 300 feet from the building, to permit parking to be located such that the distance from the parking to the doors of certain living units is greater than the distance from the general street curb to the doors of those living units, to permit all living unit clusters within the development to be connected by covered passageways resulting in a building in excess of 300 feet in width.

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: April 14, 1980

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: April 15, 1980

RE: Item No: 197, 198, 199, 200, 201, 202, 203
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,
Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

July 21, 1981

Ms. Cynthia Sommer Wilner
6808 Campfield Road
Baltimore, Maryland 21207

Re: Augsburg Lutheran Home
Case #81-3XASPH

Dear Ms. Wilner:

The purpose of this letter is to inform you that a revised site plan for the above property was filed with the Zoning Office on July 15, 1981. The revised plan shows a right of way width of 50 feet and a paving width of 30 feet for Campfield Road along the frontage of the Augsburg property. The entrance location has also been revised. The plan appears to satisfy the items of concern in your letter, and it is currently being reviewed by the Zoning Office for conformance with the Zoning Commissioner's Order dated May 28, 1981.

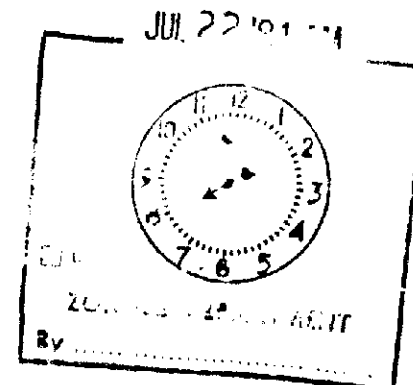
The plan is on file in the Zoning Office for your inspection. I suggest that you contact the Zoning Office at 494-3391 for detailed information regarding the revised plan.

Very truly yours,

Norman E. Gerber
Norman E. Gerber
Director of Planning and Zoning

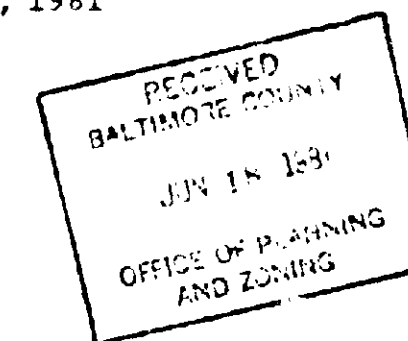
NEG:rh

cc: Mr. William E. Hammond
Mr. Eugene A. Bober



Cynthia Sommer Wilner
6808 Campfield Road
Baltimore, Maryland 21207

June 16, 1981



Mr. Norman Gerber, Director
Office of Planning and Zoning
Baltimore County
401 Borley Avenue
Towson, Maryland 21204

Dear Mr. Gerber:

On July 1, 1980, a hearing was held before the Zoning Commissioner of Baltimore County in connection with certain petitions filed by the Augsburg Lutheran Home of Maryland, Inc. seeking appropriate permits to undertake a major expansion of its facilities at 6811 Campfield Road. I and a number of other area residents appeared at the hearing in opposition to certain features of the proposed plan. Specifically, we objected to the then-current proposal to widen Campfield Road to a width of sixty feet and to take part of our property lying on the east side of Campfield Road for that purpose.

I understand through Mr. Hessian, the People's Counsel, that your office had been consulted about this proposal prior to the hearing. It was agreed at the hearing that the site plan would be revised to locate the entrance to the facility farther north and that, as a result, (1) Campfield Road would be widened to no more than thirty feet, (2) all of the land necessary for such widening would come from the Augsburg property, and (3) it would therefore not be necessary to take any of our property (or any property on the east side of Campfield Road) for the purpose of widening that street.

On May 28, 1981, the Zoning Commissioner issued his order granting Augsburg's petitions, subject to the filing of a revised site plan, which would be subject to approval by the Department of Public Works, the Department of Traffic Engineering, and the Office of Planning and Zoning. I can only assume

June 4, 1980

Robert B. Haldeman, Esquire
Donald L. Bradfield, Esquire
10 Light Street
Baltimore, Maryland 21202

NOTICE OF HEARING

RE: Petition for Special Exception, Variances and Special Hearing -
SW/S Campfield Rd., 195' NW Southern Cross Dr -
Augsburg Lutheran Home of Maryland, Inc. - Case No. 80-266-XASPH

TIME: 10:15 A.M.

DATE: Tuesday, July 1, 1980

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

William E. Hammond
WILLIAM E. HAMMOND
ZONING COMMISSIONER OF
BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. W. E. Hammond
Zoning Commissioner
TO: _____ Date: June 24, 1980
FROM: John D. Seiffert, Director
Office of Planning and Zoning
SUBJECT: Petition No. 81-3-XASPH Item 199

Petition for Special Exception, Variances and Special Hearing
Southwest side of Campfield Road, 495 feet Northwest of Southern Cross Drive
Petitioner- Augsburg Lutheran Home of Maryland, Inc.

Third District

HEARING: Tuesday, July 1, 1980 (10:15 A.M.)

This office is supportive of the petitioner's request. The need is an obvious one and the "Total Care Community" concept a well thought out response to it. If granted, it is requested that the Division of Current Planning and Development review and approve details of landscaping along the periphery of the property.

John D. Seiffert
John D. Seiffert, Director
Office of Planning and Zoning

JDS:JGH:ab

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

May 28, 1981

Robert B. Haldeman, Esquire
10 Light Street
Baltimore, Maryland 21202

RE: Petitions for Special Exception,
Variances, and Special Hearing
SW/S of Campfield Road, 495' NW
of Southern Cross Drive - 3rd
Election District
Augsburg Lutheran Home -
Petitioner
NO. 81-3-XASPH (Item No. 199)

Dear Mr. Haldeman:

I have this date passed my Orders in the above referenced matter in accordance with the attached.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH/srl

Attachments

cc: Ms. Cynthia Wilner
6808 Campfield Road
Baltimore, Maryland 21207

Ms. Margaret Koppleman
4118 Villa Nova Road
Baltimore, Maryland 21207

Ms. Susan Silppongee
6719 Campfield Road
Baltimore, Maryland 21207

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

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

June 23, 1980

Robert B. Haldeman, Esquire
Donald L. Bradfield, Esquire
10 Light Street
Baltimore, Maryland 21202

RE: Petition for Special Exception, Variance
and Special Hearing
SW/S Campfield Rd., 495' NW Southern
Cross Drive - Augsburg Lutheran Home
Case No. 81-3-XASPH

Dear Sir:

This is to advise you that \$121.03 is due for advertising and posting of the above-property.

Please make check payable to Baltimore County, Maryland and remit to Sondra Jones, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:ej

vide three distinct levels of care for long-term nursing patients defined by state law as Comprehensive Care, Intermediate B and Domiciliary Care. The foregoing levels of care fall within the concepts of convalescent and chronic care referred to in the definition of Convalescent Home in the Regulations.

An out-patient center also will be included in the licensed nursing facility to meet the medical needs of persons living in the independent living units. It is anticipated that there will be 240 persons in the independent living units with an average age initially of 76 and an average age after eight years of operation of 83 years. Services and facilities available to the Community residents will include examining rooms, an in-house pharmacy, physical therapy, occupational therapy and restorative center.

The nursing facility of the Community will be an integral part of a single building which houses the general community facilities for the benefit of all residents of the Community. Services within the Convalescent Home will be available to nursing patients and residents of the independent living units.

The concept of a total care community is to provide a broad range of services to older persons on the site on which they reside. However, while the primary purpose of the Community is to meet the needs of those living within that community, the presence of first-class nursing facilities with full restorative services will be a positive resource for Baltimore County since nursing rooms not required for use by Community residents will be available to persons in the general community.

The foregoing services are within the definition of Convalescent Home as described in Section 101 of the Regulations and are not precluded by any of the limitations of Section 502.1 of the Regulations. In fact, the total thrust of the special exception request for the Augsburg Community is directed toward creating a

- 5 -

of respects (particularly as applied to independent living units): walkways are often covered in their entirety; units are of an unusually small scale; provisions for transportation do not emphasize the usual American dependence on the automobile. Because of the unique design questions and the uncertainty of the intent of certain provisions of the Regulations as applied to them, Part III of this Brief discusses a request for variances from certain regulations and policies, to the extent required. The requests are proceeding simultaneously to assure that the Plat covering the special exception parcel and the independent living units will conform to all requirements of the Regulations once conformed to a final Order of the Zoning Commissioner. Each of the variance requests are taken up in the following sections of this Brief and are separately described in the Petitions.

A. REDUCTION IN THE NUMBER OF REQUIRED PARKING SPACES

The Regulations, in view of the definition of "Housing for the elderly" contained in Bill No. 178-79 (the "Growth Management Ordinance"), require 360 parking spaces for the 180 independent living units on the Community site. (The "Community Site" herein-after is used to refer to the 51.7 acre tract exclusive of the special exception parcel.) As presently planned, 240 parking spaces are to be constructed for the independent living units.

The Community will be occupied by persons whose average age upon entering will be approximately 76 years. With such a resident population, the typical experience for the number of cars upon opening of a community has been somewhat under 0.75 cars per unit. After nine years of operation the number drops significantly to 0.5 cars per unit. Augsburg proposes to construct approximately 1.33 parking spaces per independent living unit. This ratio will be more than enough to handle the occupants of the units, their guests

- 9 -

facility which will contribute to the health, safety and general welfare of present and future Baltimore County residents. Before and after construction, the facilities will be subject to review by state and federal agencies responsible for the licensing of such facilities and for the certification of expenses for reimbursement through Medicaid and Medicare. The special exception facilities will not be detrimental to the health, safety or general welfare of the locality involved.^{1/} This conclusion is supported by the following facts.

(1) Limited Traffic Generation

In contrast to almost any other plan for development of this size tract, the Augsburg Community will produce an absolute minimum of traffic. The proposed development is highly self-contained. The proposed use generates only 25% of the average daily trips normally attributed to a single family development of a comparable number of units.

(2) Absence of Fire Hazards, etc.

The proposed Community does not create potential hazards from fire, panic or other dangers. The licensing requirements for convalescent homes are more stringent than requirements for other types of buildings in the community at large. In addition, special fire alarm system and security system measures will be a part of the Community's operations. Special training programs also will be conducted for residents of the Community to encourage safety and fire prevention.

(3) Maximized Open Space

The design of the Community provides approximately 24 acres

^{1/} Although the special exception relates only to the 3.17 acre parcel, where appropriate, we also have discussed the effects of the total Community on the matters covered by §502.1 of the Regulations, since the Community will function as an integrated unit.

- 6 -

and delivery persons. Specific reference is made to the experience of another lifetime care community called Foulkeways, in Gwynedd, Pa., which at the present time (after more than eleven years of operation) has 0.5 vehicles per unit. Foulkeways opened with approximately 0.60 vehicles per unit. Medford Leas, located in Medford, New Jersey, after six years of operation, has 0.6 vehicles per unit. Medford Leas originally opened with a ratio of 0.7 vehicles per unit.

Because of the increased run-off created by large parking areas, Augsburg believes that it would be a mistake to design more parking for the Community Site than actually will be needed. Should parking in addition to the 240 spaces be required, areas are available for the development of additional parking.

B. LOCATION OF THE PARKING AREAS

Section 409.2a of the Regulations sets forth standards which may be interpreted by planning staff to require parking to be within 300 feet of each unit. Certain of the independent living units will be more than 300 feet (but less than 400 feet) from the units. In the event that the Commissioner should construe the Regulations to require that parking under Section 409.2a must be within 300 feet of each living unit, Augsburg has asked that a variance be granted to permit the construction of parking spaces more than 300 feet, but no more than 400 feet, from the independent living units and for approval of the location of the parking areas in the manner shown on the Plat.

The uncertainty in the Regulations arises from the fact that Section 409.2a provides that the parking spaces prescribed for dwellings (including apartment houses)

shall be provided on the same lot with the building which it serves or within 300 feet thereof.

- 10 -

of the site as open space.^{2/} In contrast to the approximately 24 acres of open space available on the site, the required open space is approximately 1.7 acres.

(4) Limited Demand on Public Facilities

The Community obviously will impose no load on public schools. According to the experience of other lifetime care communities, the requirements of the total Community for sewer and water facilities will be approximately 70% less than those of a standard housing project of 180 units. The difference in demand arises out of the anticipated difference in population per unit and the difference in the patterns of use. The Community will require no other public improvements.

(5) Optimum Access to Light and Air

The construction of the Community will not interfere with the access of other property owners to adequate light and air. The portion of the Convalescent Home to be constructed will be located behind the existing structure, removed from properties fronting on the Community and otherwise oriented so that it does not interfere with light or air available to any of the surrounding structures within the Community. Total care communities are designed to maximize privacy for each resident by clustering units in small groups and maximizing access to light and air by maintaining single story, small scale buildings. Unit clusters are located to maximize scenic views on the property. The small scale units are designed in relationship to each other and to external site conditions so as to maximize all other positive environmental conditions. Substantial portions of existing wooded areas will

^{2/} The reference here is to open space as computed under the Regulations. The actual land area which will not be covered by actual buildings or paving is, of course, much greater.

- 7 -

The use of the word "or" in the Regulation seems to make the standards in the sentence disjunctive. However, Section 101 of the Regulations defines "or" as meaning "and/or" unless modified by use of the word "either", or unless the context clearly indicates another meaning. Even if the units in the Community plan are located on the same lot owned by Augsburg. Therefore, since all independent units meet the lot requirement, it may be unnecessary to locate the parking spaces within 300 feet of the individual living units. It is our understanding that in the case of a number of units under common ownership located on the same tract but used by different families, the Regulation has been read so as to make the requirements disjunctive.

If the 300 feet limitation applies, a variance is justified in this instance. As indicated previously, a number of independent living units will be more than 300 feet from the nearest parking space. However, it is anticipated that these units will be selected by persons who do not drive and, therefore, have no need for parking areas. The needs of these persons for mobility within the Community will be met through the installation of an interior walkway system. In addition, staff persons will be available to provide delivery, housekeeping and other services as needed. Such services are normally incident to the operation of a total care community.

Paragraph III.F.3. of the Baltimore County Comprehensive Manual of Development Policy (the "Manual") states that:

Parking spaces required by the Zoning Regulations should be closer or more conveniently related to the door of the home than to the general street curb. Where this condition is not met, wider streets may be required.

The Manual's illustration of this concept shows a building closer to the street than the parking area designated for use of its occupants. The building entrance, however, is closer to the park-

- 11 -

remain around the perimeter on three sides of the proposed project to serve as a buffer between the Community and the surrounding residential areas.

(6) Additional Benefits

The Community will enhance the health, safety and general welfare of Baltimore County residents since the provision of community facilities for such activities as recreation, food services, arts and crafts and on-site management of the independent living units are intended to make available the very amenities which professional planners and persons who care for the aging desire to have in such a community setting. All of such facilities, including the offices, are limited to servicing the Community. In addition, based upon the experience of the limited number of similar communities in the Baltimore metropolitan area, there appears to be a substantial demand for a community like that proposed by Augsburg in this area.

The facts supporting the request for this special exception more than meet the limited tests required for the granting of a special exception in Baltimore County. It is clear that the special exception requested by Augsburg should be permitted.³

III.

REQUEST FOR VARIANCE

Design criteria for a total care community serving persons whose average age is over 76 years are atypical in a number

^{3/} The applicant is required to show to the satisfaction of the zoning authority only that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. *Rockville Fuel v. Board of Appeals*, 257 Md. 153, 262 A.2d 499 (1970). The foregoing materials demonstrate that there will be no real detriment to the area surrounding the special exception. In fact, the community most closely affected (the independent living units) need the special exception to better preserve their health and welfare.

- 8 -

ing lot. The Manual indicates that the design is in compliance with the Regulation. This conclusion is based on the convenience of actual access. In a residential community like the Community, it is unlikely that residents will park their cars in areas which do not have direct access to the interior walkways linking the parking area to the units. Experience in other lifetime care communities has demonstrated strict use of the parking areas by community residents. In addition, since there is staff help available to carry packages for the community resident from cars to units, the usual motivation for parking close to the independent living unit is absent. Therefore, Augsburg believes that the location of the parking lots in relation to the curb line is within the requirement of the Manual and Regulations.

In the event that the Regulations are read to require units to be constructed nearer to parking areas than to the closest curb, Augsburg has requested that a variance be granted permitting the parking spaces to be located generally in the manner shown on the Plat. As we have noted, persons residing in a total care community tend to use their cars infrequently. Such residents also tend to be persons of habit who routinely will park their cars in assigned spaces. In addition, since the covered walkways will connect the parking area with each of the units, the most convenient means for an individual resident to get to his or her unit will be to utilize the interior walkways. As stated above, we believe that this convenience factor brings the locations within the Regulations. However, if the Commissioner should disagree on this interpretation, we believe the variance request for location of the parking as shown on the Plat in relation to the units is justified.

C. VARIANCE AS TO A SINGLE "BUILDING" IN EXCESS OF 300 FEET

Section 1801.2.B.1 provides that where buildings are

- 12 -

DESCRIPTION

48.53 Acre Parcel for Variances and Special Hearing
in DR-16, DR-5.5 and DR-3.5 Zone
Third Election District, Baltimore County, Maryland

Beginning for the same at a point in the center of Campfield Road at the distance of 495 feet more or less northwesterly from the center of Southern Cross Drive, and running thence, leaving Campfield Road, (1) South 46° 31' 00" West 365.40 feet and (2) South 35° 00' 00" East 585.99 feet to a point in the center of Campfield Road, thence binding thereon (3) South 44° 12' 00" West 14.25 feet, thence leaving Campfield Road the following eight (8) courses and distances, viz.: (4) North 35° 00' 00" West 306.82 feet, (5) South 59° 41' 20" West 710.41 feet, (6) North 34° 39' 40" West 219.50 feet, (7) South 75° 18' 00" West 575.00 feet, (8) North 11° 12' 00" West 350.26 feet, (9) North 47° 22' 26" East 321.24 feet, (10) North 42° 37' 34" West 759.94 feet and (11) North 46° 38' 43" East 1,647.50 feet to the aforesaid center of Campfield Road, thence binding thereon (12) South 26° 40' 30" East 41.75 feet, (13) South 20° 03' 26" East 654.07 feet, (14) South 20° 11' 20" East 608.95 feet and (15) South 19° 10' 00" East 147.96 feet to the place of beginning, containing 51.70 acres of land, more or less.

SAVING AND EXCEPTING THEREFROM, all that parcel of land containing 3.17 acres of land, more or less, heretofore described as special exception for convalescent home.

Wilson F. Outen
Wilson F. Outen
Reg. Land Surveyor No. 2493



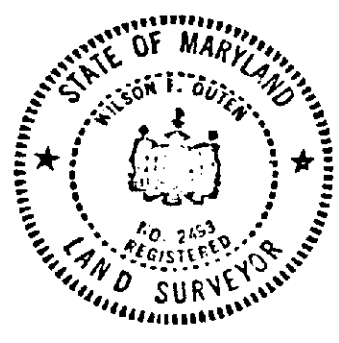
March 21, 1980
Job Order No. B-7957

DESCRIPTION

3.17 Acre Parcel for Special Exception for
Convalescent Home in DR-3.5 Zone
Third Election District, Baltimore County, Maryland

Beginning for the same at a point located North 76° 47' 27" West 174.88 feet from the southeast corner of the whole tract of which the parcel now being described is a part, said southeast corner being located in the center of Campfield Road at a distance of 495 feet more or less northwesterly, as measured along the center of Campfield Road, from the center of Southern Cross Drive, and running thence the following fifteen (15) courses and distances, viz.: (1) South 52° 56' 28" West 254.85 feet, (2) North 37° 03' 32" West 169.13 feet, (3) North 89° 40' 00" West 54.94 feet, (4) North 39° 40' 00" West 52.22 feet, (5) North 00° 20' 00" East 84.36 feet, (6) North 19° 40' 00" West 31.72 feet, (7) North 39° 40' 00" West 124.36 feet, (8) North 50° 20' 00" East 149.00 feet, (9) South 39° 40' 00" East 75.61 feet, (10) North 70° 11' 11" East 207.46 feet, (11) South 18° 48' 49" East 227.38 feet, (12) North 70° 11' 11" East 34.57 feet, (13) South 37° 03' 32" East 55.00 feet, (14) South 52° 56' 28" West 70.20 feet and (15) South 37° 03' 32" East 63.50 feet to the place of beginning, containing 3.17 acres of land, more or less.

Wilson F. Outen
Wilson F. Outen
Reg. Land Surveyor No. 2493



March 21, 1980
Job Order No. B-7957

PETITION FOR SPECIAL EXCEPTION, VARIANCES AND SPECIAL HEARING

3rd District
ZONING: Petition for Special Exception, Variances and Special Hearing
LOCATION: Southwest side of Campfield Road, 495 feet Northwest of Southern Cross Drive
DATE & TIME: Tuesday, July 1, 1980 at 10:15 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a convalescent home (saving and excepting therefrom that portion thereof lying within the Residential Transition Area as defined by B1B01.1.B of the Baltimore County Zoning Regulations.)
Petition for Variances to permit 240 parking spaces instead of the required 300 spaces, to permit parking more than 300 feet from the building and Section 504 as implemented by Section III.F.3 of the Baltimore County Comprehensive Manual of Development, to permit parking to be located such that the distance from that parking to the doors of certain living units is greater than the distance from the general street curb to the doors of those living units and to permit all living unit clusters within the development to be connected by covered passageways resulting in a building in excess of 300 feet in width, subject to evidence in conformance with Special Exception procedures and Petition for Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the interpretation of Section 1B01.1.B that the following are permitted in a residential transition area: (1) continuation of lawful nonconforming use as a Convalescent Home; (2) renovation of lawful nonconforming use as a Convalescent Home; (3) improvement and redesign of existing parking area as a lawful nonconforming use; and (4) construction of a gatehouse, fence (not to exceed 8 feet in height), lighting (not to exceed 175 watts per fixture) and sign as uses or structures normally accessory to a single family dwelling or to a local open space tract

The Zoning Regulations to be excepted as follows:

Section 1B01.1.B - Residential Transition Area
Section 1B02.2 - Parking
Section 409.2a - Parking space
Section 1B01.2B.1k2 - Bulk Regulations

All that parcel of land in the Third District of Baltimore County

Being the property of Augsburg Lutheran Home of Maryland, Inc., as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, July 1, 1980 at 10:15 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

SEMME, BOWEN & SEMME

ATTORNEYS AT LAW

DAVID H. OWEN
JOHN H. HILD
THOMAS E. CANNARD
GEORGE D. LUNNARD
JAMES F. BURNINGHAM
JAMES D. REACOCK
DAVID M. BURNINGHAM
WILLIAM P. HURLEY, III
THOMAS J. CANNARD, JR.
A. MACDONALD PLANT
CLEAVLAND D. MILLER
BENJAMIN A. GOERTCHILLER
E. THOMAS HOBBS
DAVID E. REICHER
ROBERT F. MITCHELL
WILLIAM B. LEVANSKY
THOMAS W. HAINES
ALAN D. GANSE
SUNNY G. LEECH

BALTIMORE, MARYLAND 21202
TELEPHONE 301-539-5040
TELECOPIER 301-519-5223

CABLE: TREVILAC

TELE 87-478

TOWSON OFFICE

P.O. BOX 8708

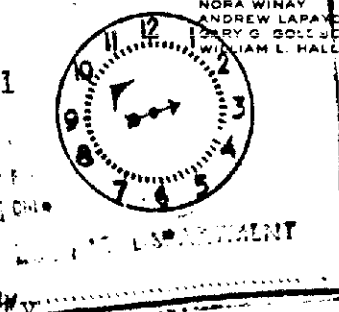
401 WASHINGTON AVE

TOWSON, MD. 21204

301-296-4480

JUN 8 '81

JUN 4, 1981



Mr. William E. Hammond
Zoning Commissioner for Baltimore County
County Office Building
111 Chesapeake Avenue
Towson, Maryland 21204

Re: Petitions for Special Exception, Variances,
and Special Hearing
Third Election District, No. 81-3-
Augsburg Lutheran Home - Petitioner
No. 81-3-XASPH (Item No. 199)

Dear Mr. Hammond:

Thank you for forwarding to us your Orders in connection with the above-referenced matter.

In order to be certain that we correctly address the conditions which you raised in your Orders, I would like to confirm my understanding of your Orders as well as our telephone discussion of a few days ago. Specifically, I would like to confirm my understanding of the method by which the areas of post-1953 expansion and the proposed expansion are to be determined for purposes of meeting the 25% limitation set forth in Section 104 of the County Zoning Regulations.

It is my understanding that the following standards are applicable:

1. In determining the "footprint" area of the existing structure as it existed in 1953, the date in which the non-conforming use provisions became applicable, the footprint area of all structures existing as of that date may be aggregated, i.e., not only the

SEMME, BOWEN & SEMME

Mr. William E. Hammond
June 4, 1981
Page 2

footprint area of the main convalescent home, but also the footprint area of the detached residence of the Executive Director as well as the detached pavilion located in the back of the existing convalescent home. (The term "footprint" as used in this context means the square footage of "ground floor area.")

2. In measuring post-1953 expansion, as well as the additions which are proposed to be made in connection with the presently contemplated project, only the footprint areas are to be calculated; e.g., if there is, for example, to be the addition of a two-story stairwell, only the square foot area of the footprint of that stairwell must be included for purposes of measuring the 25% limitation.

3. Since the Petition and your Order addressed a Special Exception for all of the nursing home lying outside of the residential area, only those portions of the proposed additions to the existing nursing home which will be located in the residential transition area need be included for purposes of meeting the 25% limitation.

If my understanding of your interpretation of Section 104 of the Zoning Regulations and of our previous conversation is not correct, please let me know; otherwise, we will proceed with preparing the revised site plan in accordance with your Orders and the standards set forth in this letter.

Incidentally, I assume that in your Order conditionally granting the Petition for Special Hearing, your requirement that the "entrance", gatehouse and sign be relocated to an area outside of the residential transition area does not extend to the entrance roadway given that the subject property is completely bounded by the residential transition area and access from public roads by necessity has to be across the residential transition area.

Thank you for your cooperation.

Very truly yours,

Donald L. Bradfield
Donald L. Bradfield

DLB/bjm

SEMME, BOWEN & SEMME

ATTORNEYS AT LAW

DAVID H. OWEN
JOHN H. HILD
THOMAS E. CANNARD
GEORGE D. LUNNARD
JAMES F. BURNINGHAM
JAMES D. REACOCK
DAVID M. BURNINGHAM
WILLIAM P. HURLEY, III
THOMAS J. CANNARD, JR.
A. MACDONALD PLANT
CLEAVLAND D. MILLER
BENJAMIN A. GOERTCHILLER
E. THOMAS HOBBS
DAVID E. REICHER
ROBERT F. MITCHELL
WILLIAM B. LEVANSKY
THOMAS W. HAINES
ALAN D. GANSE
SUNNY G. LEECH

BALTIMORE, MARYLAND 21202
TELEPHONE 301-539-5040
TELECOPIER 301-519-5223

CABLE: TREVILAC

TELE 87-478

TOWSON OFFICE

P.O. BOX 8708

401 WASHINGTON AVE

TOWSON, MD. 21204

301-296-4480

JUN 11 1981

Mr. William E. Hammond
Zoning Commissioner for Baltimore County
County Office Building
111 Chesapeake Avenue
Towson, Maryland 21204

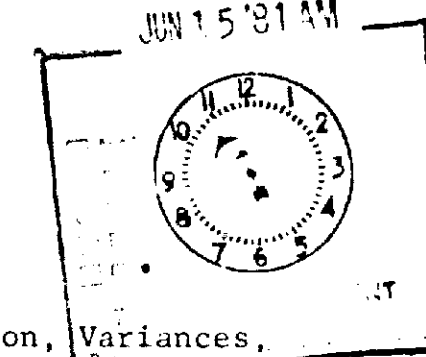
Re: Petitions for Special Exception, Variances,
and Special Hearing
Third Election District
Augsburg Lutheran Home - Petitioner
No. 81-3-XASPH (Item No. 199)

Dear Mr. Hammond:

In follow-up to your Orders issued in connection with the above-referenced matter, I have met with the architect and landscape architect for Augsburg to discuss the preparation of the required revised site plan. Based upon your Order and what I understand to be your interpretation of the relevant sections of the zoning regulations as summarized in my June 4, 1981, letter to you, I believe that the proposed additional expansion of the existing nursing facility in the residential transition area as well as all post-1953 expansion to the nursing facility falls well within the 25% limitation of Section 104 of the Zoning Regulations. We hope to be in a position to file the revised site plan within the next two weeks.

A question has arisen with respect to the Order on the Petition for Special Hearing as it relates to the location of the entrance, gatehouse and sign.

As you are aware, the original Petition requested an interpretation that a gatehouse, fence and sign were not items that would be excluded from a residential transition area. Subsequent to the hearing, Augsburg indicated that it would be willing to



SEMME, BOWEN & SEMME

Mr. William E. Hammond
June 11, 1981
Page 2

relocate the entrance down Campfield Road and locate the gatehouse outside of the residential transition area. This location would place the gatehouse in excess of 200 feet from Campfield Road. It would not serve any purpose if the sign also had to be located outside of the transition area and therefore not within view of the public road rather than within the proximity of Campfield Road.

Your opinion on this point specifically states "Out of necessity, the proposed sign will be located at the entrance to the site and the gatehouse." I believe that the logical construction of this sentence is that the sign may be located along Campfield Road at the entrance to the site which leads to the gatehouse and then into the development. This interpretation, however, is at variance with the specific language of paragraph 1.a. of your Order. I would appreciate it if you could clarify this point.

Thank you for your cooperation.

Very truly yours,

Donald L. Bradfield
Donald L. Bradfield

DLB/bjm

THE VILLA NOVA COMMUNITY CLUB
BALTIMORE, MARYLAND 21207

July 1, 1980

Zoning Commissioner
Baltimore County

Re: 81-3-XASPH
Augsburg Lutheran Home
Campus of Total Care

Dear Sir:

1. The Villa Nova Community Club, on behalf of its residents in close proximity to the Augsburg Lutheran Home, calls particular attention to the transition belt surrounding the expanded facility. It is understood, through conference with representatives, that this belt shall be at least 250' wide allowing present trees to remain there. The service road (called the loop road in design study) and parking areas will be held to the designated perimeter with an 8 foot high security fence on the outer edge of this service road. Lighting on this fence will be held at the eight foot level and directed away from surrounding properties. It is requested that evergreen landscaping be included where the fence is clearly visible to persons outside the Augsburg property.

2. It is further requested that land, as may be required for the widening of Campfield Road, be ceded to Baltimore County by the Augsburg Home as part of this plan.

3. Should persistent parking problems arise from visitors to the Augsburg Home, we ask that they be alleviated by improvements within the project.

4. It is understood that storm drainage which exceeds present flows will be directed to a pond where it will be delayed and automatically released into Gwynns Falls after storm levels have receded.

5. It is urgent that strict compliance with the specific requirements of the plan as to occupancy and capacity be observed without inherent privilege for further expansion by annexation or addition.

6. We feel it is imperative that the Zoning Commissioner will not permit any acceptance of the Augsburg Home's proposals to be used as a precedent for allowing further construction of nursing home facilities in this area. This is a quiet residential neighborhood, and we would not like to see any proliferation of this type of land use.

Very truly yours,

Margaret P. Koppleman,
Margaret P. Koppleman, President
VILLA NOVA COMMUNITY CLUB

PROTESTANT'S
EXHIBIT 1

PROTESTANT'S
EXHIBIT 2

81-3X-ASPH

My name is Cynthia Wilner. My husband and I live at

6808 Campfield Road, directly across the street from the main entrance to the Augsburg Lutheran Home. I also speak on behalf of Mr. and Mrs. Sherman Lewis, who reside at 6810 Campfield Road and who are unable to be at this hearing. Other residents of Campfield Road are here with me today and they are:

Although we have no objection to the general proposal before you -- that is, to develop the property as a community for older people -- we have some very deep concerns and objections to certain features of the proposal. Most of these objections are interrelated and are easy to resolve.

Our first and principal objection is to the proposed widening of Campfield Road. We were shocked to learn just the other day that part of this proposal involves the taking of nearly half of our front lawn -- and the front lawns of nearly every home on the east side of Campfield Road -- in order to widen the street to 60 feet and install sidewalks.

This would require the destruction of seven large, mature trees that now screen our home and would absolutely destroy the landscaping of the property. I daresay it would lessen the value of our home by a third or more. All unnecessarily.

It seems to me, FIRST, that there is no need to widen the street at that point to 60 feet, and, SECOND, if the street needs widening at all in order to accommodate the Augsburg's construction, let Augsburg provide the land for the street and sidewalks.

-2-

It is unfair and unnecessary to take our land and destroy our property to support their project. We have just a half acre; they have hundreds.

In this regard, we also object to the proposal to have but one access to the development, and to have that access directly in front of our driveway. At present, with only about 200 trips a day in and out of the property, there are two access points.

The "main" entrance is really not the busy one. Some delivery trucks use it, as do cars occasionally. The employees and visitors use the parking lot entrance forty or fifty yards to the south.

This proposed expansion of the facility would increase the traffic in and out of the campus enormously -- from 200 trips to 1,600 trips per day, as estimated by the County traffic report. That's an 800% increase.

Most of the proposed living units will be located more toward the north end of the property. From the point of view of fire protection, convenience to visitors, eliminating congestion, and traffic safety, it would make far more sense to have another access to Campfield Road at that end of the property.

A third objection has to do with the gatehouse proposed to be built within the transition area -- just inside the property line. If the purpose of this is to provide security, it's an expensive farce. People bent of mischief or worse can park their cars outside the property and easily scale a perimeter fence.

If the gatehouse will be used to stop cars and identify

-3-

their occupants, one can only imagine the terrible congestion that will be created on Campfield Road. This proposal allows no room for vehicle storage. If more than one car is entering at a time, the backup will be on Campfield Road.

If they want a gatehouse, let them put it on an access road further north, where it can be located further onto their property and outside the transition zone. That would at least avoid backing up cars on the public street. There is room for another road and a gatehouse in that area of the property.

Indeed, I question the legality of putting the gatehouse where the plans now show it. It does not strike me as the type of accessory building that would be permitted within a transition zone.

We are also concerned, Mr. Commissioner, about the parking variance sought. Keep in mind that this is not just a retirement community. It is also a 220-bed hospital that will require a lot of employees, a lot of supplies delivered (food, etc.), and a lot of visits, quite apart from the individual living units.

I understand that the zoning law requires 360 parking spaces for a development such as this. They want to provide only 240.

Suppose they and the county have miscalculated. Once the variance is granted, that's it! The extra cars will then park along Campfield or Essex Roads, and along already narrow, crowded side streets, which are not equipped to handle them.

Lastly, it is impossible to tell from the plans just how effective the proposed screening will be; and that is something that is absolutely critical. It involves the type and height of

-4-

the shrubbery as well as the placement and direction of the lighting.

In summary, Mr. Commissioner, we insist that the requests before you be denied unless the plans are modified to take account of these concerns. Specifically, the plans must be amended to ensure:

1. That no part of our property is taken in connection with this project -- not a foot of it.
2. That there is another access to Campfield Road.
3. That Campfield Road not be widened near our property; it isn't necessary.
4. That the gatehouse be moved further away from the street -- more into the Augsburg property -- or dispensed with altogether.
5. That truly adequate off-street parking be provided, and that in designing the project, the need be overestimated rather than underestimated.
6. That all lighting called for be directed inwardly and that the proposed screening be examined to ensure that it will be adequate.

Thank you for your patience.

We, the undersigned, support
the statement made by Mr. Wilner

Name	Address
C. E. MOERS	6715 CAMPFIELD RD
Mr. & Mrs. Dale M. Murrell	6810 Campfield Rd.
Mrs. James S. Mueller	6810 Campfield Rd.
John C. Davis	6824 Campfield Rd.
Mrs. James S. Murrell	6810 Campfield Rd.
Ray R. H. R. H. H.	6810 Campfield Rd.
Vernon A. Jenkins	6810 Campfield Rd.
Nathaniel K. Karanik	6816 CAMPFIELD RD

PROTESTANT'S
EXHIBIT 3

SEMME, BOWEN & SEMME

ATTORNEYS AT LAW
10 LIGHT STREET
BALTIMORE, MARYLAND 21202

TELEPHONE
301 519-1100
TELETYPE
519-5223
CABLE ADDRESS: TREVAL
TELEX 87-478

January 8, 1981

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office of
Planning and Zoning
County Office Building
Towson, MD 21204

Re: Petition for Special Exception,
Variance and Special Hearing,
Case No. 81-3-XASPH

Dear Mr. Hammond: AUGSBURG LUTHERAN HOME OF MD, INC.

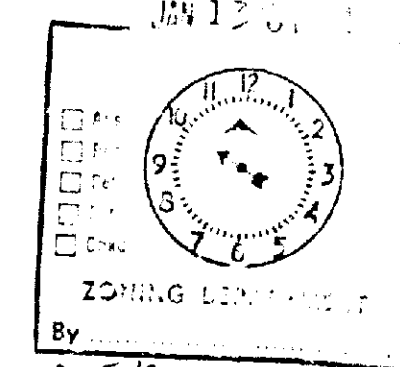
With reference to the above-captioned case presently under your consideration, it was agreed at the hearing by the applicant that an effort would be made to relocate the major entrance to the project from its location as shown on the plat to the northwest end of the site opposite the Campfield Elementary School. This relocation would also have the affect of removing the proposed Gatehouse from the Transition zone.

This letter is to advise you that after consultation with the Department of Public Works (including the Traffic Department), the Department of Recreation and Parks and the Bureau of Public Services, the applicant has been advised that the County has no objection to such a relocation of the entrance and the gatehouse. I am authorized to advise you that the site plan will be changed accordingly and that your zoning decision should be based on that assumption. We respectfully request that you consider your findings in light of the above and ask that you render a decision as soon as possible to enable the project to proceed.

I have copied in Mr. Hession, People's Counsel, to keep him advised of this change. If you have any questions, perhaps

ROBERT L. ROSE
JAMES J. MARINO, JR.
ROBERT A. MONTGOMERY
JAMES W. BARTLETT, III
CHRISTOPHER B. WEST
DAVID M. WILLIAMS
PAUL A. WAGSMAN
BERNARD B. ROSENTHAL
DAVID W. ALLEN
JONAS J. BRADFIELD
JEROME N. BRADFIELD
ANTHONY A. KRAVITZ
STEVEN J. FATHIN
JAMES E. ROSENTHAL
MICHAEL C. KILPATRICK
JAMES L. SHEA
PATRICIA M. HOWARD
BRUCE R. PARKER
THOMAS W. TREEST
LYNN WINTRESS
NORA WINTRESS
ANDREW LAMOTHE
GARY G. GOLDBERGER
ALLISON M. BOWEN
THOMAS V. MONAHAN, JR.
SCOTT E. BIERMAN
STEPHEN M. SILVERSTEIN
RODOLPH WEST

COUNSEL
RICHARD W. BALOWIN
JOHN E. SEMME (1981-1987)



SEMME, BOWEN & SEMME

Mr. William E. Hammond
Page 2
January 8, 1981

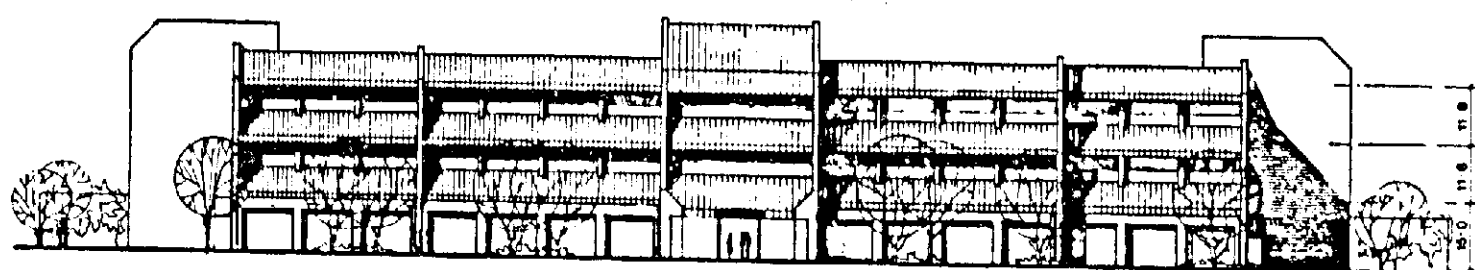
the three of us can meet to discuss same.

Very truly yours,

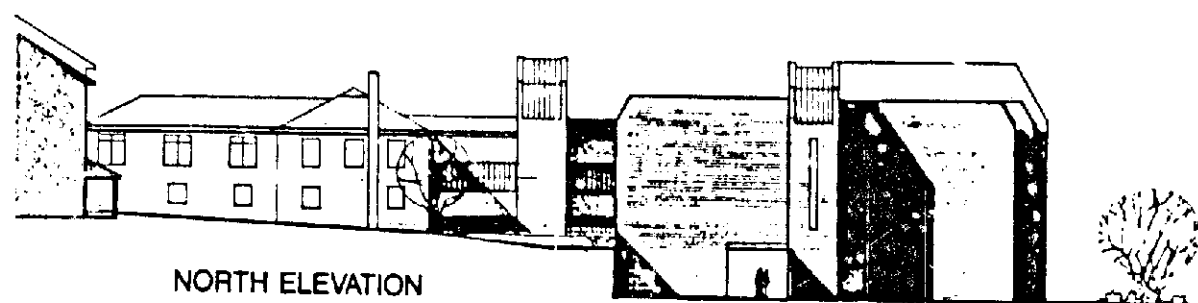
Robert B. Hession
Robert B. Hession

RPH/km

cc: J. Hession, Esquire



WEST ELEVATION



NORTH ELEVATION

COMMUNITY/HEALTH CENTER

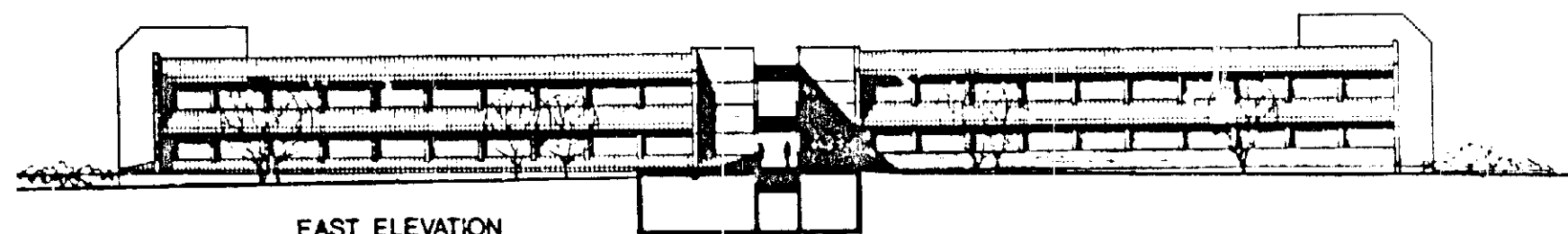
0 8 16 32 48

III-12

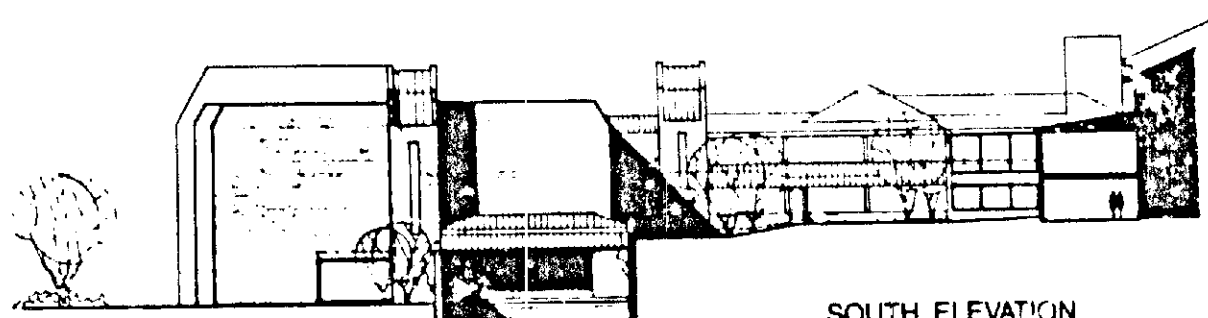
AUGSBURG LUTHERAN HOME

Concept Plans
indicating the general character of
proposed and existing structures

PETITIONER'S
EXHIBIT *UP*



EAST ELEVATION

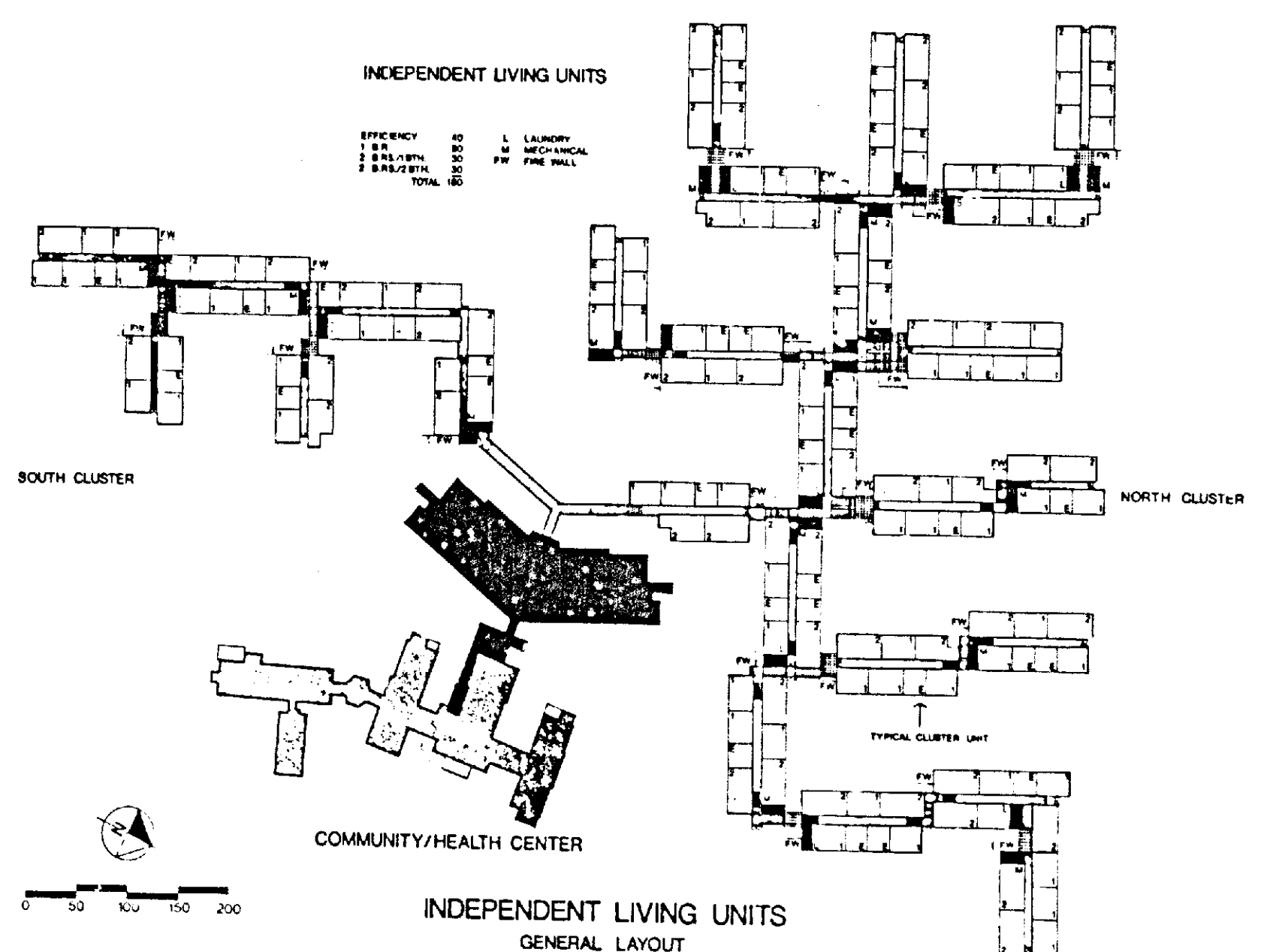


SOUTH ELEVATION

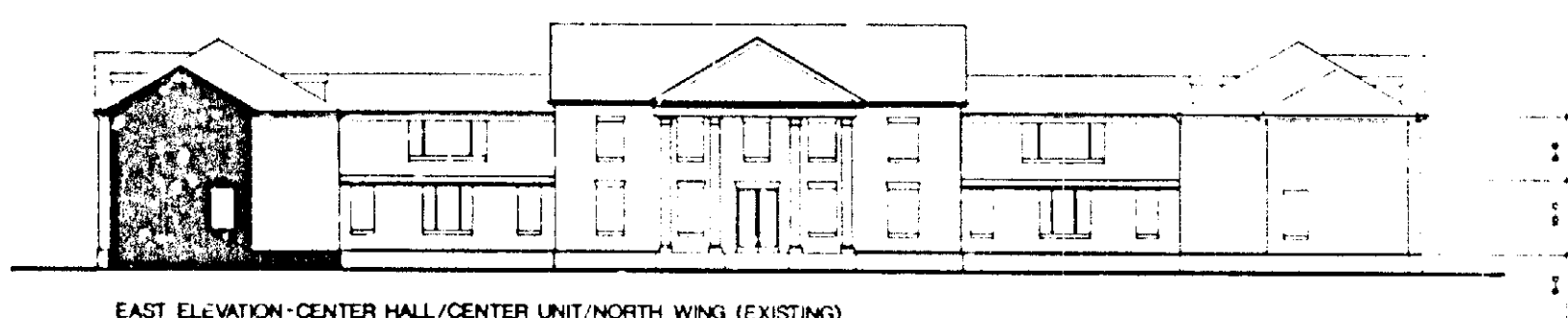
COMMUNITY/HEALTH CENTER

0 8 16 32 48

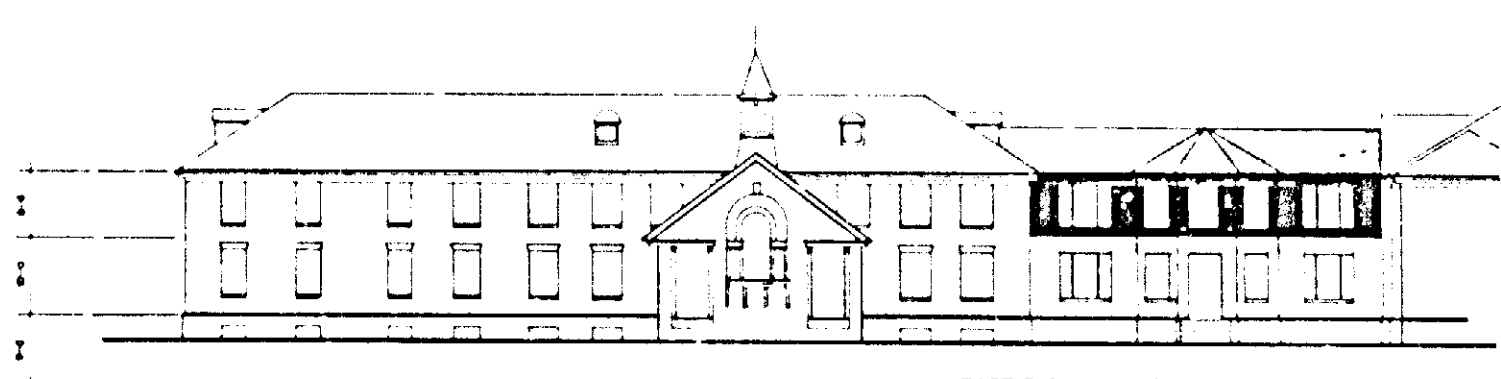
III-13



III-18



EAST ELEVATION-CENTER HALL/CENTER UNIT/NORTH WING (EXISTING)

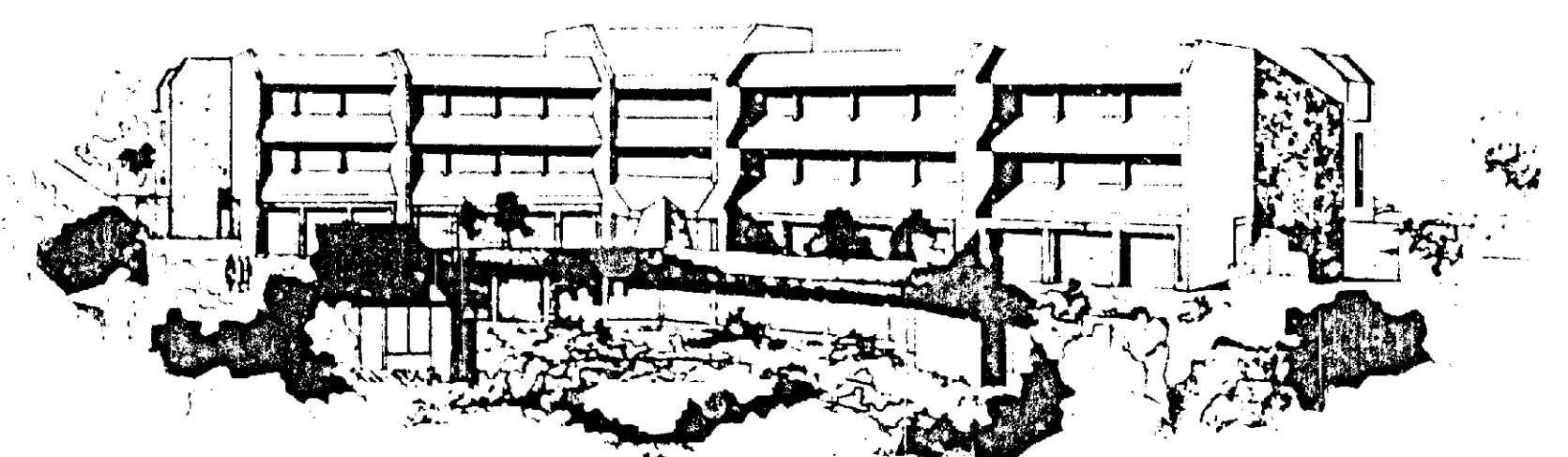


EAST ELEVATION-SOUTH WING (EXISTING)

COMMUNITY/HEALTH CENTER

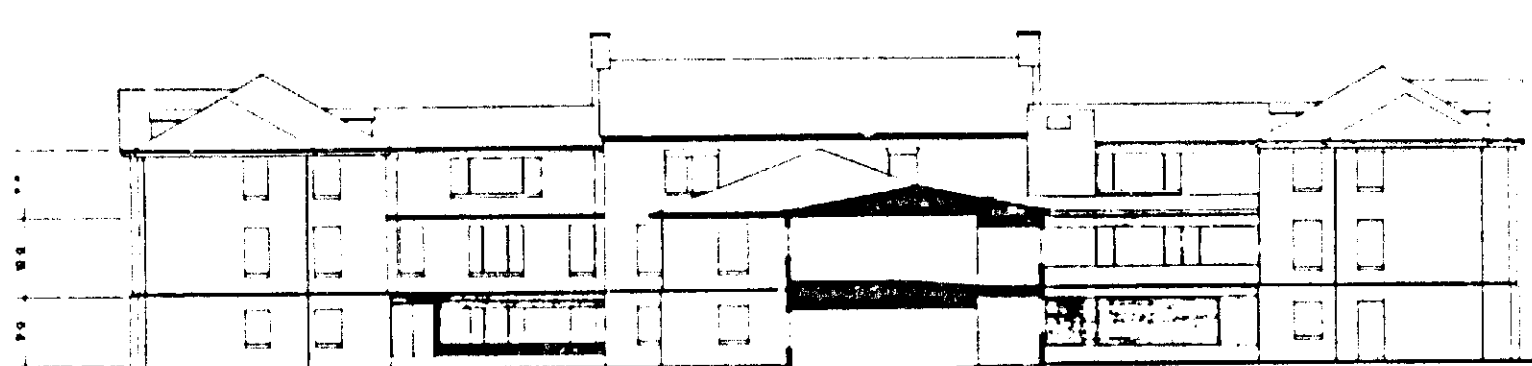
0 4 8 12 24

III-14

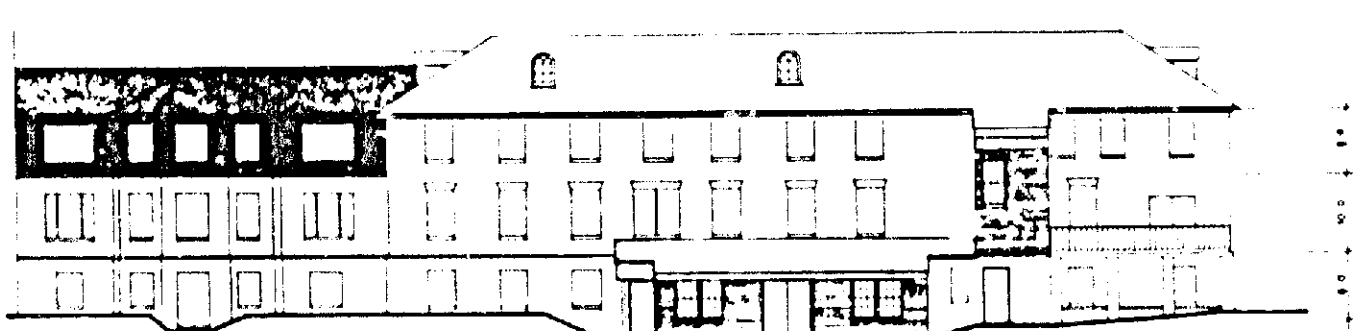


COMMUNITY/HEALTH CENTER
WEST VIEW

III-16



WEST ELEVATION-NORTH WING/CENTRAL UNIT/CENTER HALL (EXISTING)

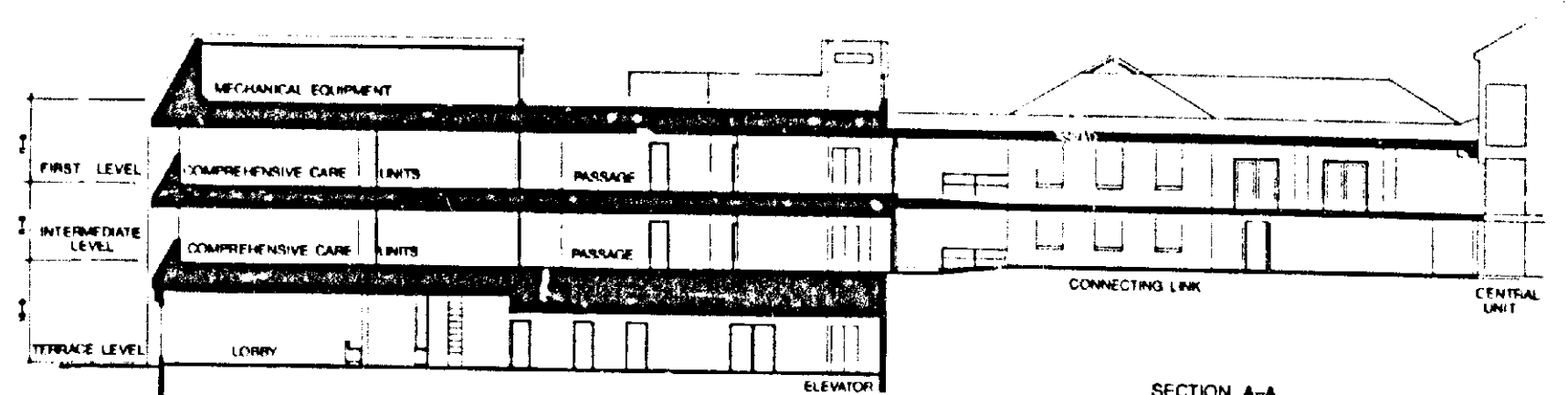


WEST ELEVATION-SOUTH WING (EXISTING)

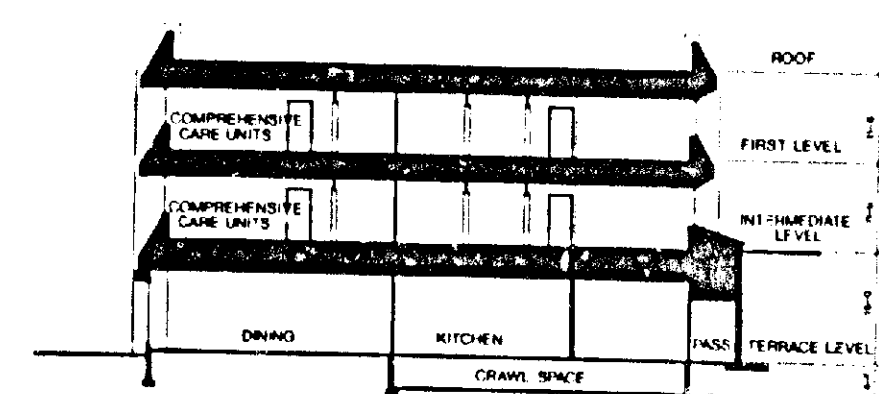
COMMUNITY/HEALTH CENTER

0 4 8 12 24

III-15



SECTION A-A

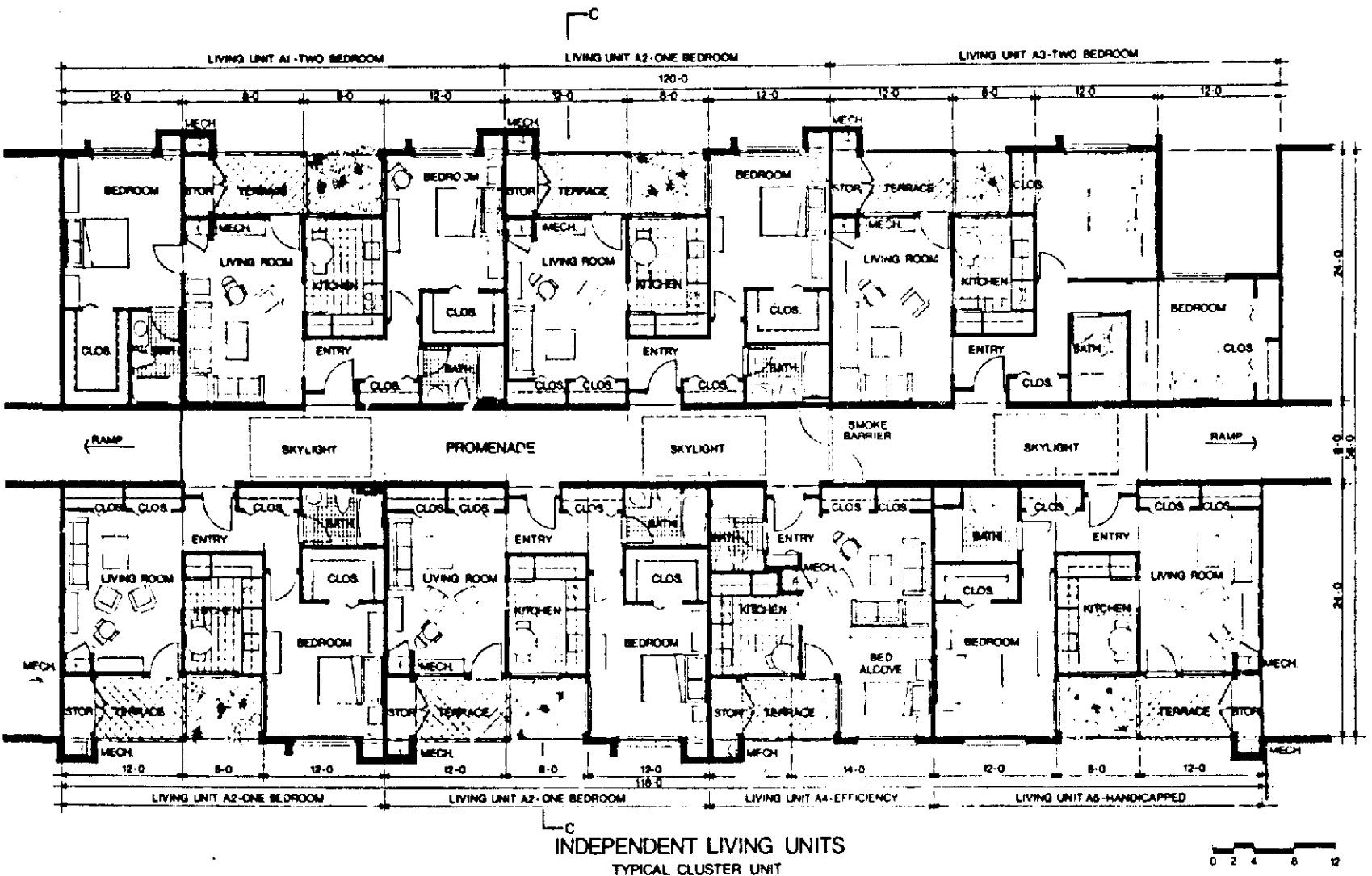


SECTION B-B

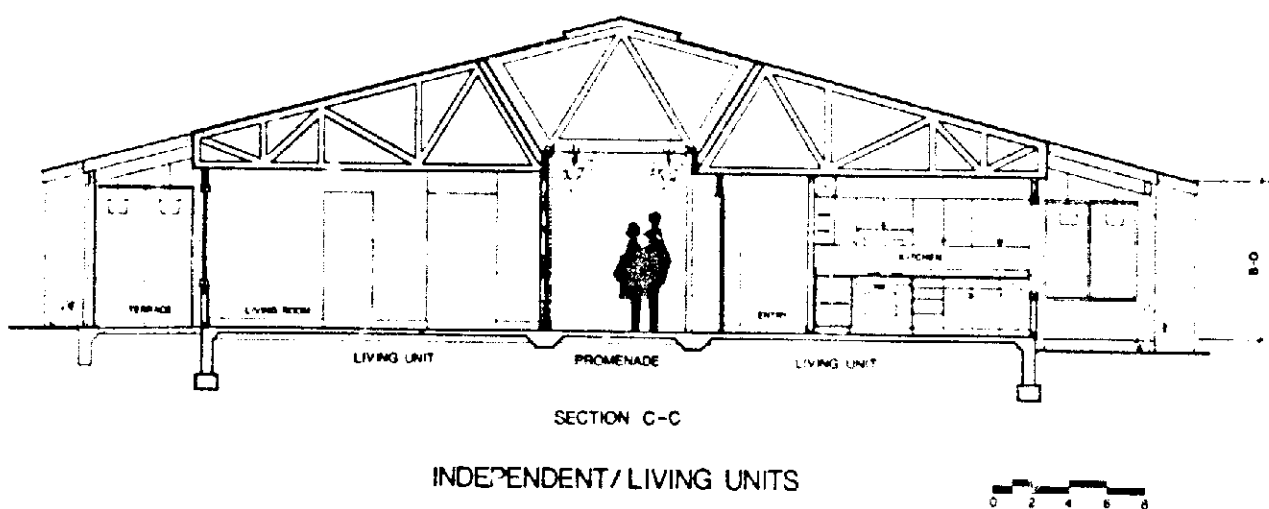
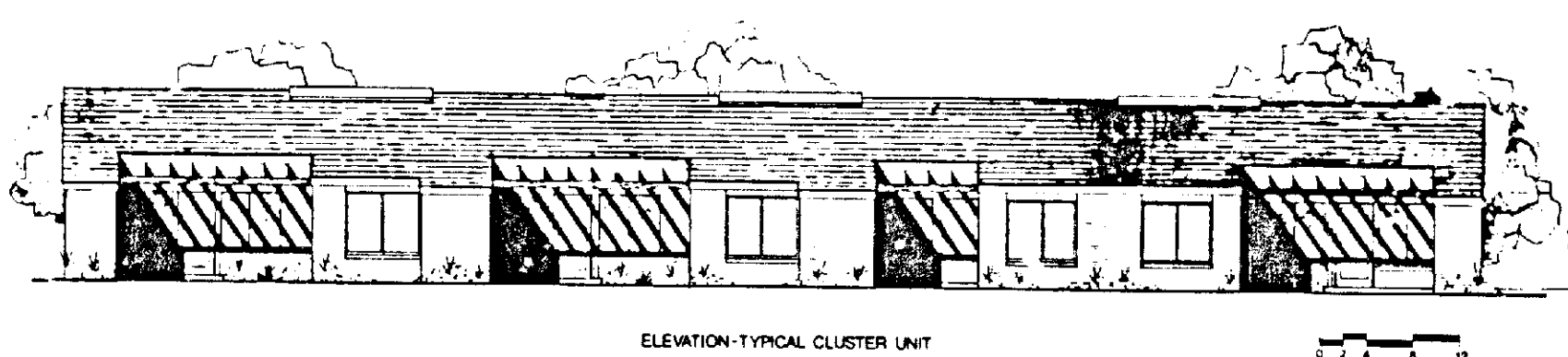
COMMUNITY/HEALTH CENTER

0 4 8 12 24

III-17



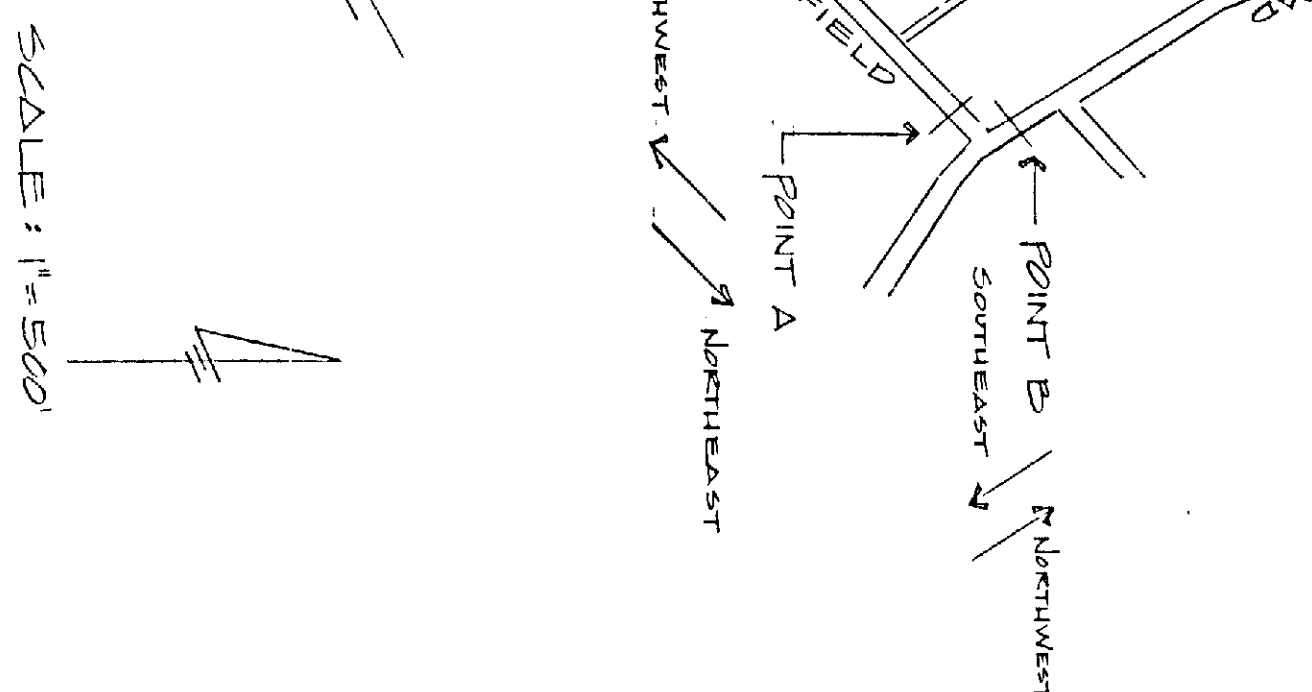
III-19



III-20

TRAFFIC COUNT

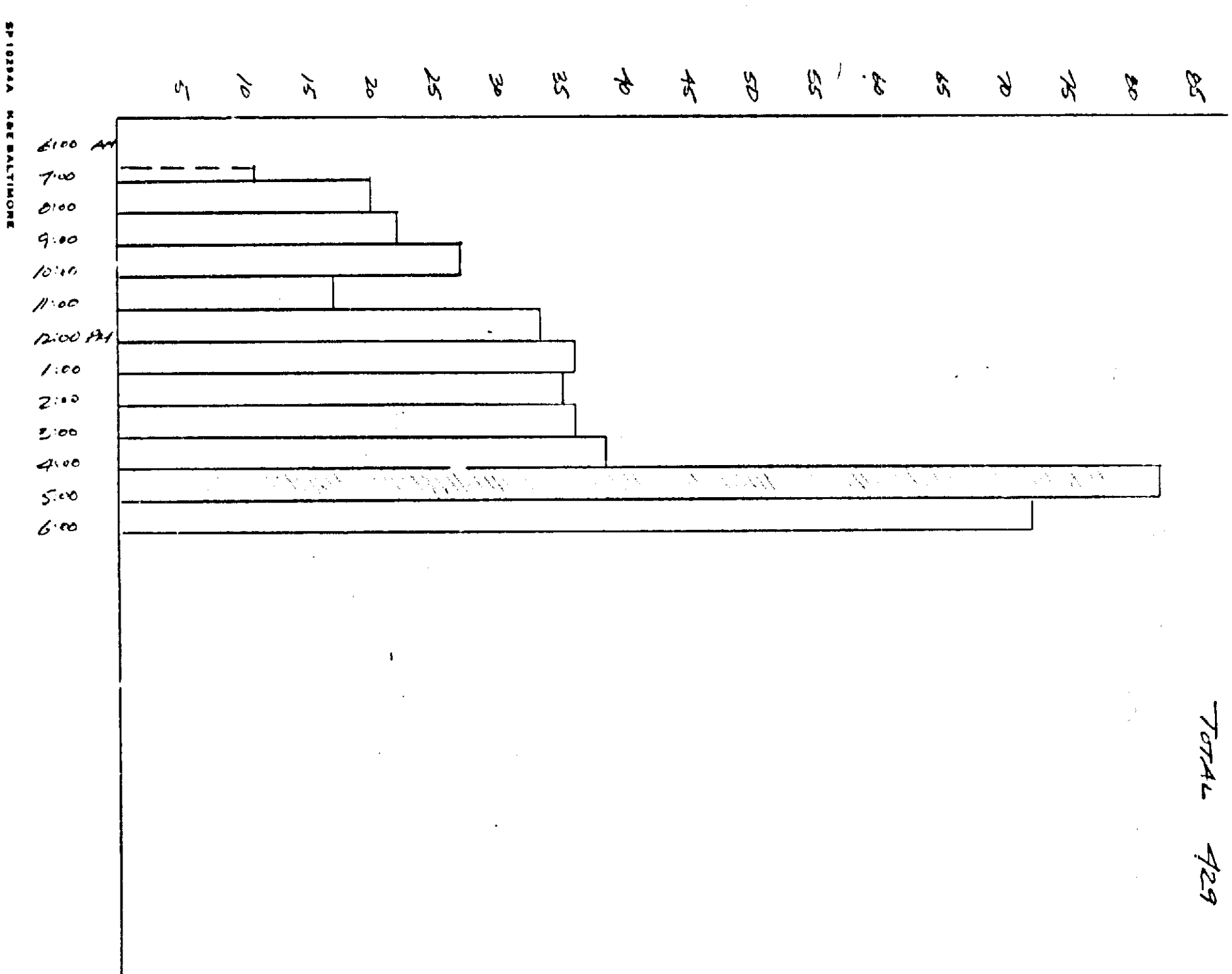
POINT A	NE HEADQ. 429
SW HEADQ.	792
TOTAL	1221
POINT B	NW HEADQ. 510
SE HEADQ.	542
TOTAL	1052



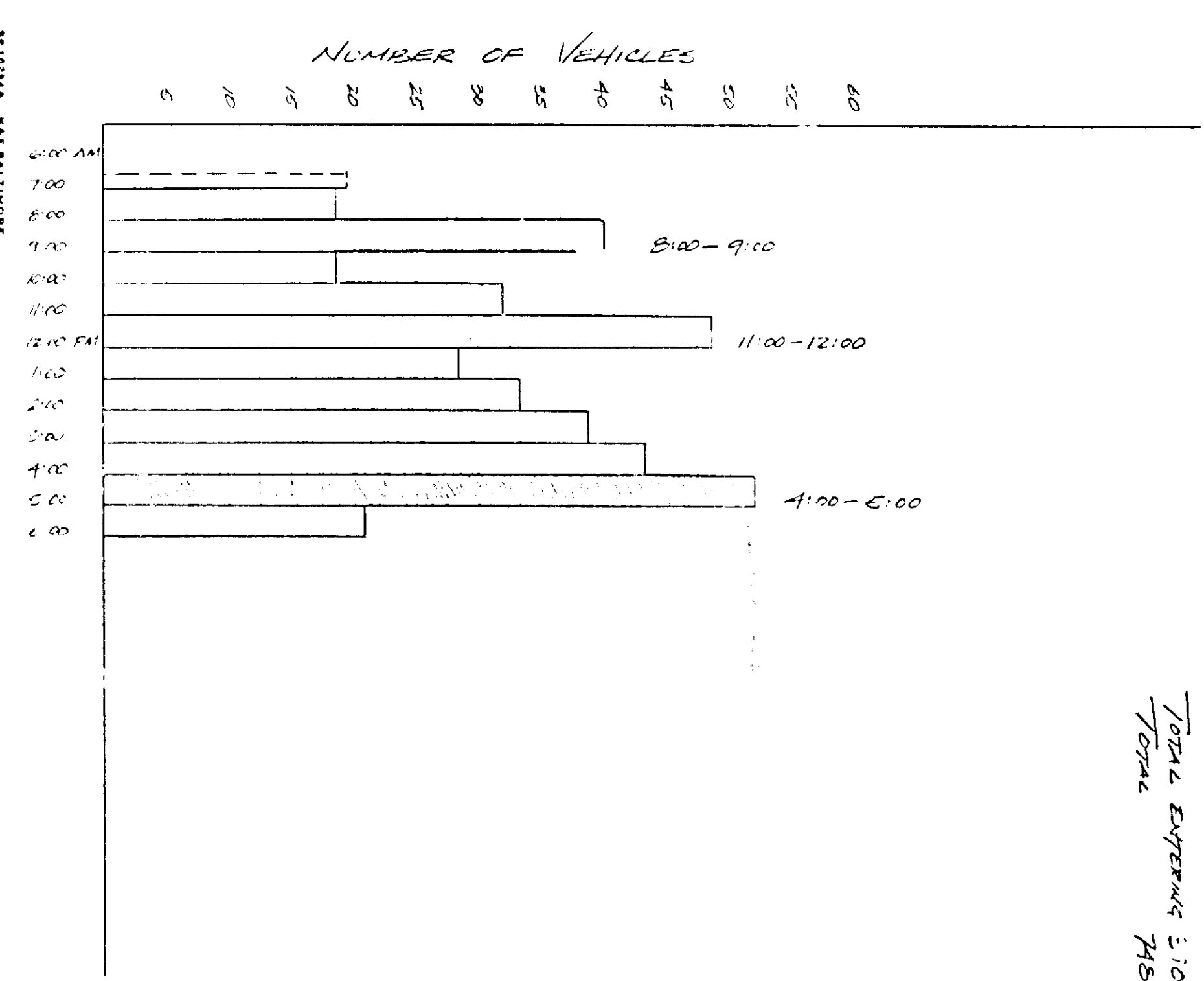
SCALE: 1"=500'

PAUL TRUESCHLER 6/23/80 6:30 AM - 6:00 PM

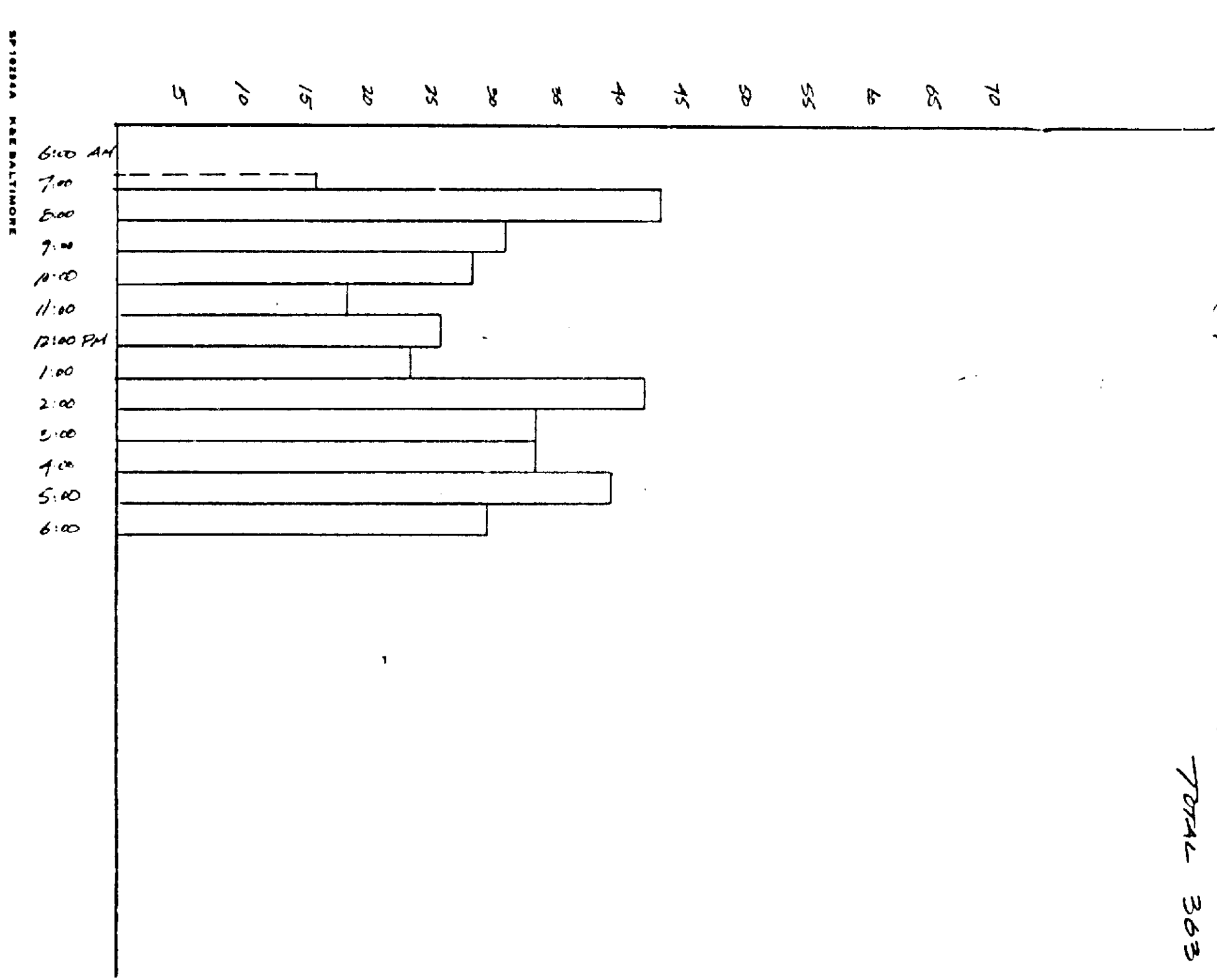
DAFT • MCCUNE • WALKER INC. • 330 EAST JOPPA ROAD • TOWSON, MARYLAND 21204
Design Computation
By: PAUL A. WALKER J.O.
Subject: CHANDLER TRUCKS SITE Sheet 01
Date: 6/23/80 Total 429



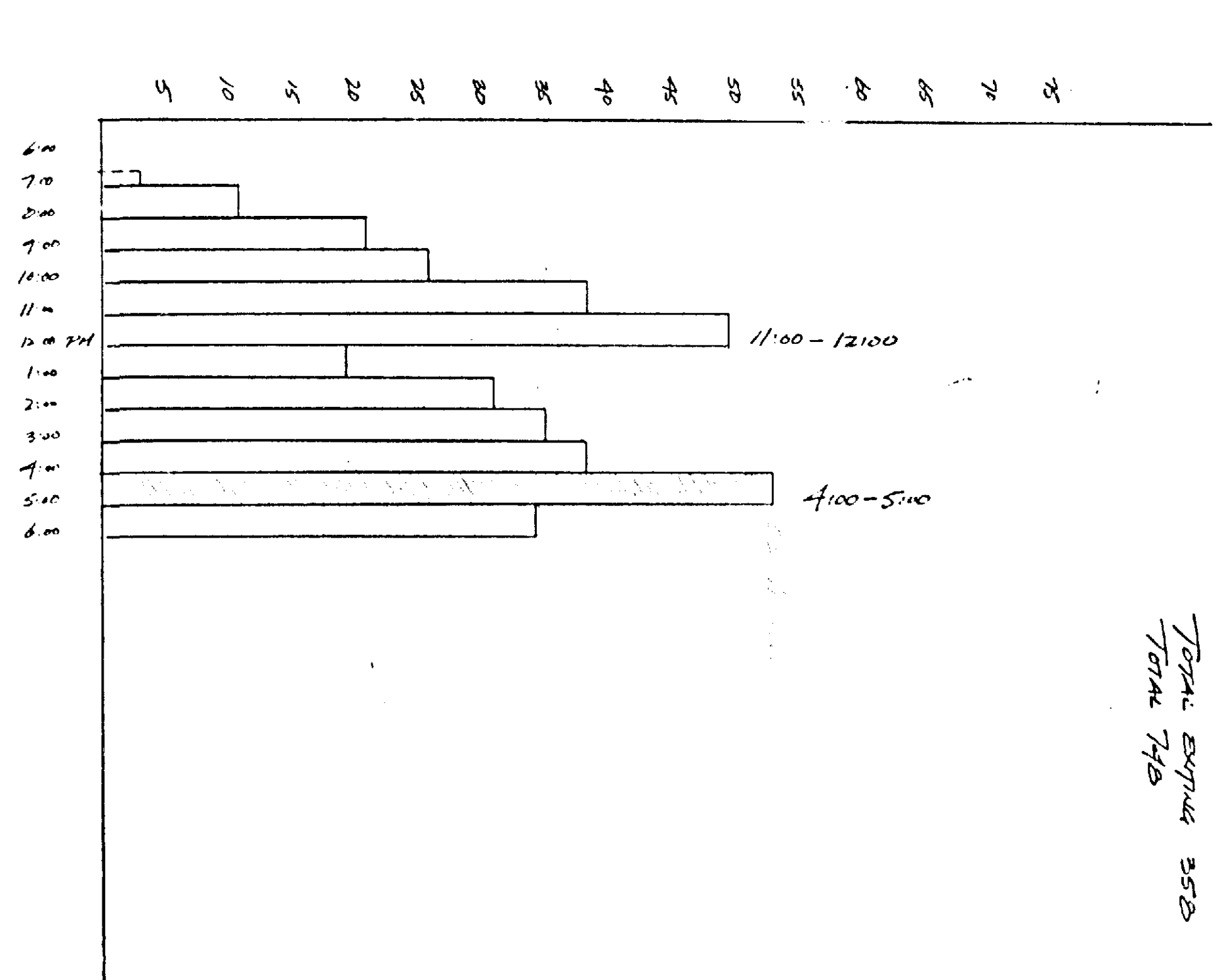
DAFT • MCCUNE • WALKER INC. • 330 EAST JOPPA ROAD • TOWSON, MARYLAND 21204
Design Computation
By: TRUESCHLER J.O.
Subject: CHANDLER TRUCKS TRAFFIC ANALYSIS (ENTERING)
Date: 6/23/80 Sheet 01
Total 429



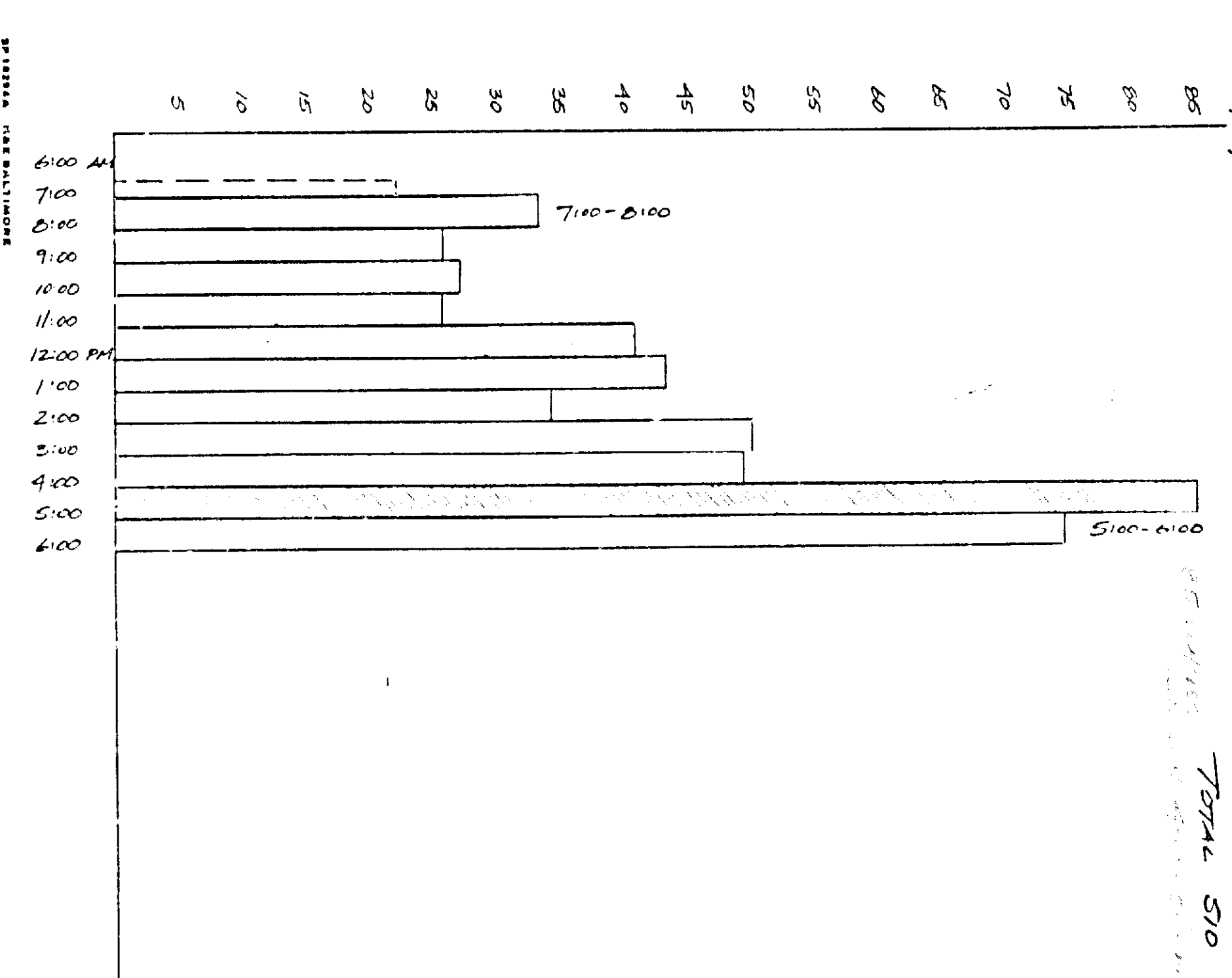
DAFT • MCCUNE • WALKER INC. • 330 EAST JOPPA ROAD • TOWSON, MARYLAND 21204
Design Computation
By: TRUESCHLER J.O.
Subject: CHANDLER TRUCKS TRAFFIC ANALYSIS (EXITING)
Date: 6/23/80 Sheet 01
Total 303



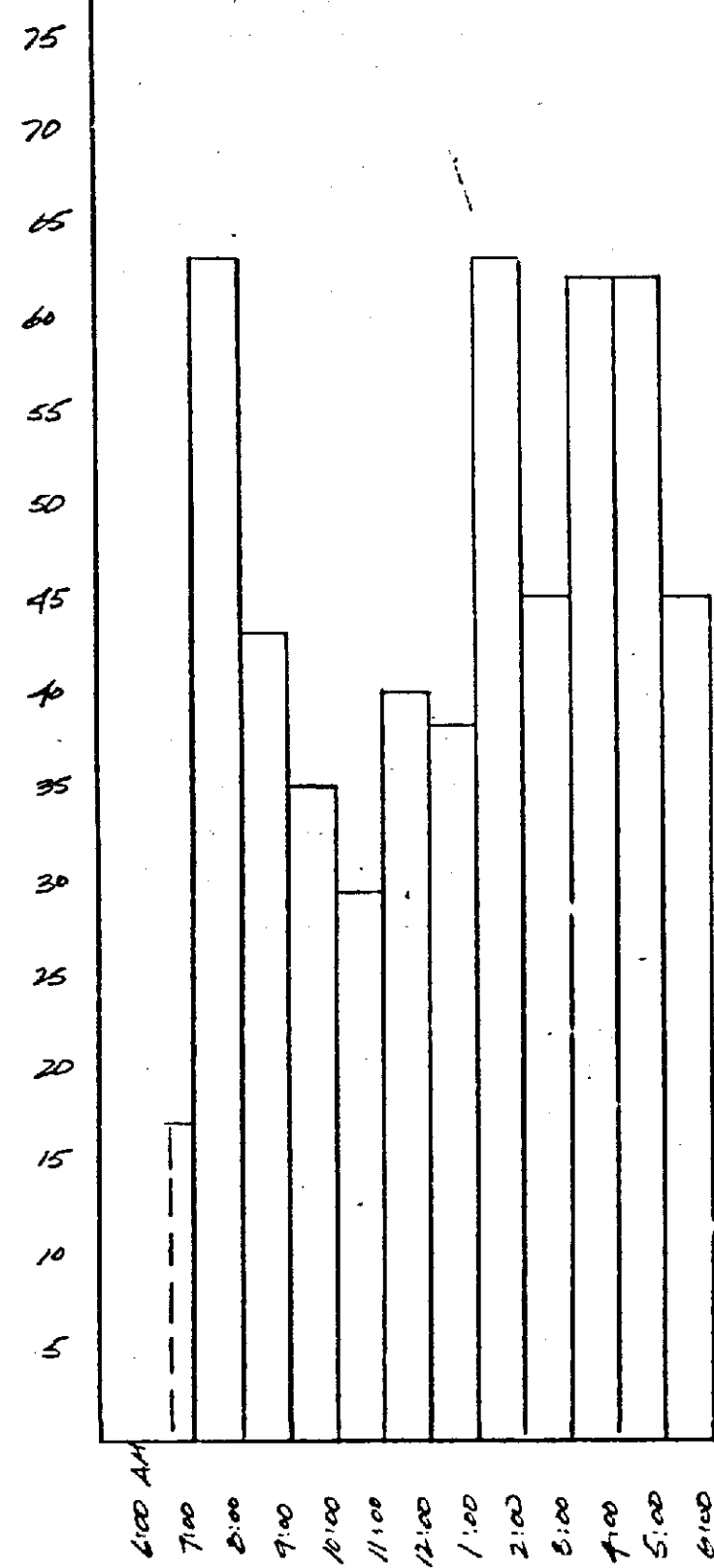
DAFT • MCCUNE • WALKER INC. • 330 EAST JOPPA ROAD • TOWSON, MARYLAND 21204
Design Computation
By: TRUESCHLER J.O.
Subject: CHANDLER TRUCKS TRAFFIC ANALYSIS (EXITING)
Date: 6/23/80 Sheet 01
Total 303



DAFT • MCCUNE • WALKER INC. • 330 EAST JOPPA ROAD • TOWSON, MARYLAND 21204
Design Computation
By: TRUESCHLER J.O.
Subject: CHANDLER TRUCKS TRAFFIC ANALYSIS (ENTERING)
Date: 6/23/80 Sheet 01
Total 510



Design Computation
By Subject POINT B. SOUTHEAST CAMPFIELD J.O.
Date (CLEARING AWAY FROM SITE) Sheet 1 Of 1
TOTAL 542



SP 10224A KNE BALTIMORE

ZONING COMMISSIONER
OF BALTIMORE COUNTY

BRIEF IN SUPPORT OF PETITIONS FOR SPECIAL EXCEPTION,
VARIANCES AND A SPECIAL HEARING FOR AUGSBURG LUTHERAN HOME

Augsburg Lutheran Home of Maryland, Inc. ("Augsburg") simultaneously with this Brief has filed Petitions (the "Petitions") requesting that the Zoning Commissioner of Baltimore County (i) grant a special exception for a "convalescent home" as that term is defined under the Baltimore County Zoning Regulations (the "Regulations"), (ii) grant certain variances from applicable off-street parking regulations with respect to the number of parking spaces, and to the extent required, the locations of parking spaces, (iii) grant a variance to permit all unit clusters within the development to be connected by covered passageways thereby resulting in a single "building" in excess of 300 feet in width, and (iv) find, based on interpretation of the Regulations, that the continuation, renovation and improvement of existing, lawful nonconforming uses in a residential transition area are permitted and that the construction of certain accessory improvements are permitted in a residential transition area.

I.

GENERAL DESCRIPTION OF CAMPUS OF TOTAL CARE

Augsburg is the owner of approximately 51.70 acres of land as shown on a Plat entitled "Plat to Accompany Hearing for Special Exception, Variances and Special Hearing, Augsburg Lutheran Home, Inc." dated March 21, 1980 (the "Plat") submitted with the Petitions. The total tract of land as shown on the Plat is made up of a combination of approximately 45.66 acres of DR-3.5 land, 5.14 acres of DR-5.5 land and .90 acres of DR-16 land. All development is proposed to be located in the DR-3.5 land except for the construction of a maintenance building, recreation shelter and some parking in the DR-5.5 land.

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR SPECIAL HEARING : OF BALTIMORE COUNTY
PETITION FOR VARIANCES
SW/S of Campfield Rd., 495' NW of :
Southern Cross Dr., 3rd District :
AUGSBURG LUTHERAN HOME OF : Case No. 81-3-XASPH
MARYLAND, INC., Petitioner

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.

Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 20th day of June, 1980, a copy of the foregoing Order was mailed to Robert B. Haldeman, Esquire, and Donald L. Bradfield, Esquire, 10 Light Street, Baltimore, Maryland 21202, Attorneys for Petitioner.

John W. Hession, III

Augsburg presently operates a 99 bed nursing facility on the property housed in a single building, the central portion of which was constructed in 1928, with subsequent additions being added thereto in 1948 and 1958. In addition to the nursing beds, the existing building also contains dining/food service and laundry facilities as well as administrative and other support facilities. Parking for both employees and visitors presently is provided on an unpaved portion of the property lying to the east of the existing building. The existing facilities were used continually as a nursing home - orphanage from the date of their construction until 1973, and, since 1973, have been used solely as a nursing home. Since the use of the present facilities pre-dated the Regulations, no special exception ever has been sought or obtained with respect thereto and they constitute an existing, lawful nonconforming use. As shown on the Plat, a portion of the existing nursing home structure as well as the existing parking lie within a residential transition area as defined in Section 1B01.1.B of the Regulations.

Augsburg proposes to construct on its land a "Campus of Total Care." Such a community (herein called the "Community") is designed to extend the period of independent living for older persons while at the same time maintaining their access to helping resources. It is designed to provide special help and protection to them in times of health crises. The proposed Augsburg Community will consist of a complex of 180 single-story independent living units in clusters of five to nine units each connected by covered walkways, together with a nursing care center or "Convalescent Home" providing a range of health services. The "Convalescent Home" will consist of a 100 bed facility to be housed in the presently existing structure after substantial renovation thereto, a 120 bed facility to be housed in a newly constructed building to be located to the rear of and to be adjacent to and connected to the existing building, and an out-patient treatment center. In

a. Name & Title Mr. Fred Walker, IV, President	
b. Project Assignment: Principal-in-Charge	
c. Name of Firm with which associated: DAFT-MCCUNE-WALKER, Inc.	
d. Years associated with this firm: 11	With Other Firms: 0
e. Education: Degrees/Variation/Specialization B.S. Landscape Architecture - 1969 West Virginia University	
f. Active Registration: Year/First Registered/Discipline 1972 - Maryland Landscape Architect RLA 9263 1978 - CLAS Certification	
g. Other Experience and Qualifications relevant to the proposed project:	
EDUCATIONAL COURSES AND SEMINARS Office Park Comprehensive Course - three-day seminar sponsored by the National Association of Office and Industrial Parks Small Non-Residential Business Opportunities - three-day seminar sponsored by the National Association of Home Builders 18 Credit Hours toward a Masters Degree in Urban Planning from Towson State University 9 Credit Hours from Towson State University - Department of Business Administration	
ORGANIZATIONS American Society of Landscape Architects Urban Land Institute National Association of Cemetery, Associate National Association of Office and Industrial Parks National Association of Home Builders National Assoc. of Home Builders and Home Builders Association of Maryland Greater Baltimore Board of Realtors, Associate	
CURRENT BUSINESS VENTURES Executive Vice President - Housing Alternatives, Inc. (Title Care Consultants) General Partner - 330 East Associates (Office Building) Managing Partner - Linden Terrace Joint Venture (Apartment Building) Managing Partner - Middlebrook Road Joint Venture (Christmas Tree Farm)	
CIVIC Baltimore County Chamber of Commerce Towson Development Corporation, Director First Lutheran Church of Towson, Treasurer Towson Honor Imperium Association, Past President Towson Business Association, Past Director	

EXHIBIT 1A

In addition, the Convalescent Home structures will contain administrative offices for both the nursing facilities and the independent living units, dining/food service facilities, recreational and crafts facilities and other amenities. The Convalescent Home, together with the ancillary facilities to be contained therein, and the independent living units will constitute a single integrated Community.

The majority of future residents of the Community, whose average age upon entrance is expected to be 76 or older, will live in independent living units and lead independent lives. The Community's maintenance services will free residents from the normal cares of home ownership and apartment living. The amenities within the Community are intended to encourage enriched and creative living. In addition to independent living units, there will be a dining room where three meals a day will be served, recreation rooms, a TV room, library, lounge, craft rooms and beauty salon. Specialized services for each independent living unit will include a medical alert switch in each bedroom and bath, heat-smoke sensitive fire alarm devices and an optional intrusion alarm. Covered walkways will connect the various unit clusters with one another and with the Convalescent Home where the dining and other amenity rooms will be located.

The request for special exception for the Community covers the proposed Convalescent Home incorporating licensed nursing facilities, recreation facilities and a dining hall and facilities to provide administrative office space and other amenities. The special exception parcel is approximately 3.17 acres in size. All parking required for the special exception facilities will be provided within the special exception parcel. Densities for the overall project are computed without including acreage in the special exception parcel.

Outline of Zoning Petitions

Augsburg Lutheran Home of Maryland, Inc.

- I. Petition for Special Hearing - Interpretation of Section 1B01.1.B - Residential Transition Area.
 - A. Continuation of use as Convalescent Home of portion of existing building.
 - B. Renovation of and additions to lawful nonconforming use as Convalescent Home.
 1. To upgrade facilities and bring into compliance with applicable codes.
 2. To connect with confirming extension of facilities outside transition area.
 - C. Improvement and redesign of existing parking area.
 - D. Construction of gatehouse, fence, lighting and sign as uses or structures normally accessory to single family dwelling or local open space tract.
- II. Petition for Special Exception - Convalescent Home.
 - A. For portion of existing facility outside transition area.
 - B. For addition of new wing.
- III. Petition for Variance.
 - A. To permit parking on same lot but more than 300 feet from certain living units as shown on Plat.
 - B. To permit certain parking to be located such that distance from parking to doors of certain living units is greater than distance from curb to doors of those living units.
 - C. To permit 240 parking spaces.
 - D. To permit connection of living units by covered walkways making connected structures more than 300 feet in length.

Augsburg respectfully requests that the Zoning Commissioner grant the special exception and variances more specifically described hereunder and further requests that the Commissioner approve the continuation, renovation and improvement of the existing, lawful nonconforming uses and construction of accessory structures in a residential transition area as more fully described hereinafter, all as being within the provisions of the Regulations.

II.

SPECIAL EXCEPTION FOR THE CONVALESCENT HOME

As defined under Section 101 of the Regulations, a convalescent home includes rest homes, nursing homes and homes providing chronic and convalescent care. In addition, Sections 1B01.1A - 1 and - 14 of the Regulations permit as of right dwellings together with accessory uses. Such accessory uses would include offices for the conduct of business incidental to the rental, operation, servicing and maintenance of the independent living units as well as those incidental to the Convalescent Home. Since the Community is a total care community which includes the independent living units, the convalescent home portion of the Community becomes the center for facilities providing recreational and educational activities as well as health and food services for the total Community. These activities are all commonly incidental and accessory to the convalescent home of a total care community. The integration of the general facilities for the independent living units in the convalescent center is important both to facilitate restorative therapy for patients in the licensed nursing facilities who otherwise become isolated from active living situations and to minimize problems of transition from the independent living units to the nursing facilities when such transition becomes medically necessary.

The Convalescent Home contemplated on the special exception parcel includes a licensed nursing facility designed to pro-

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

PERMIT # 6 PROPERTY ADDRESS 6811 CAMPFIELD RD. YES ☐ NO ☐
RECEIPT # 6 SUBDIV: DO NOT KNOW
CONTROL # 6 TAX ACCOUNT # 20-00-011055 DISTRICT/PRECINCT 03 01
XREF # 140-004560 NAME: AUGSBURG LUTHERAN HOME
PAID: 145.00 ADDR: 6811 CAMPFIELD RD, BALTO. 21207
PAID BY: BMC

INSPECTOR: DELBERT REINER
I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.
BUILDING 1 or 2 FAM. CODE BOCA CODE
TYPE OF IMPROVEMENT
1. ☒ NEW BLDG CONST
2. ☐ ADDITION
3. ☐ ALTERATION
4. ☐ REPAIR
5. ☐ WRECKING
6. ☐ MOVING
7. ☐ OTHER

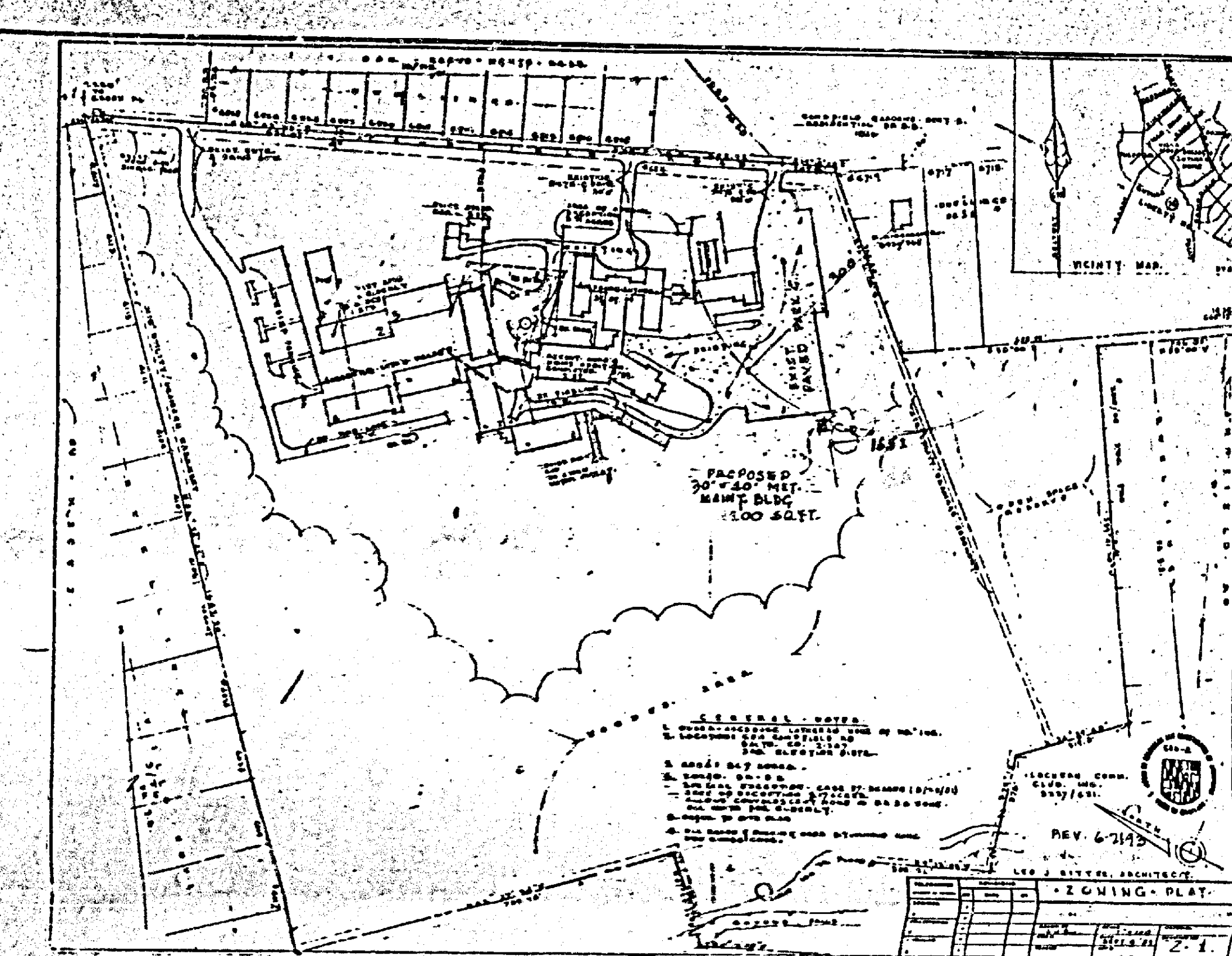
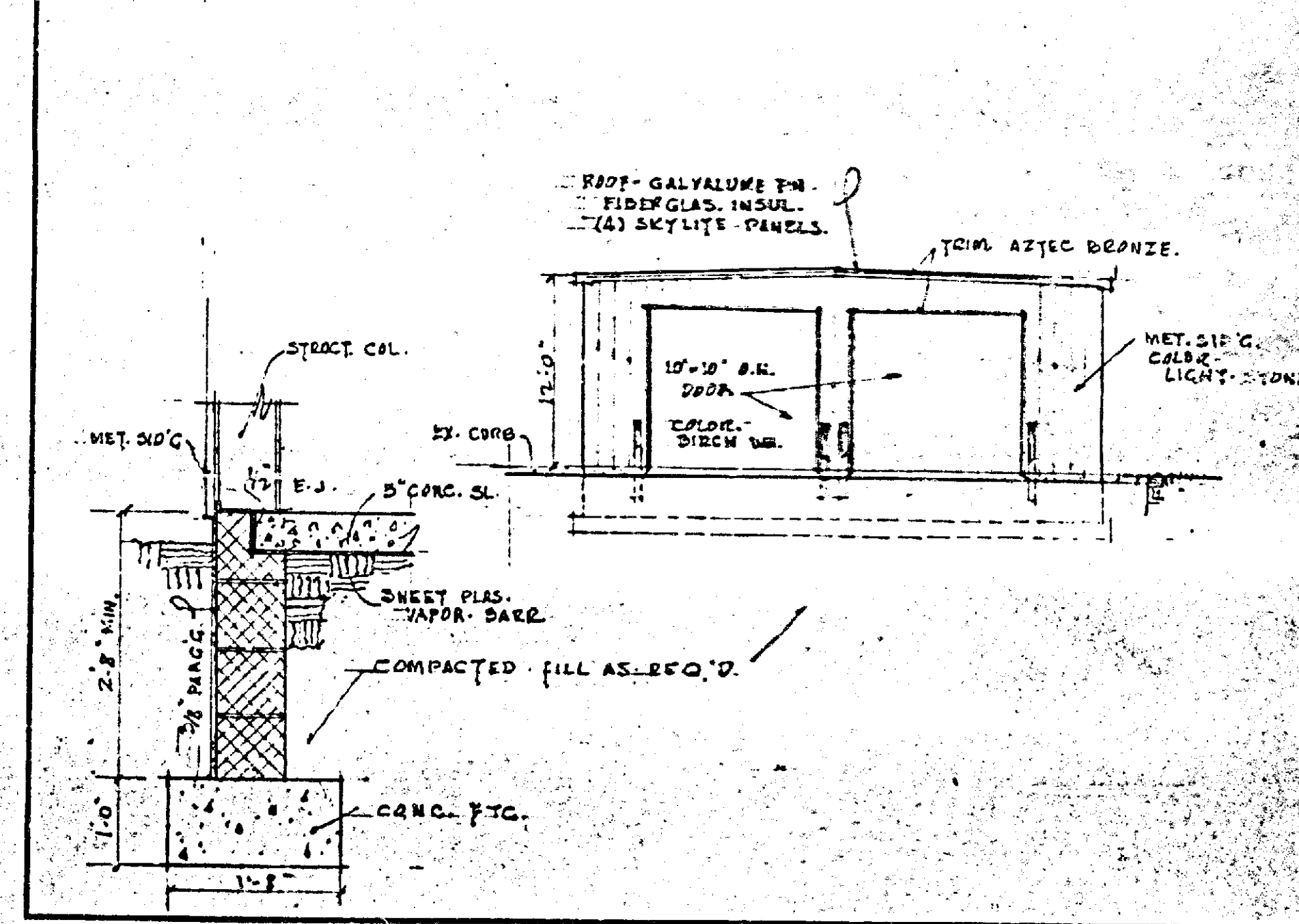
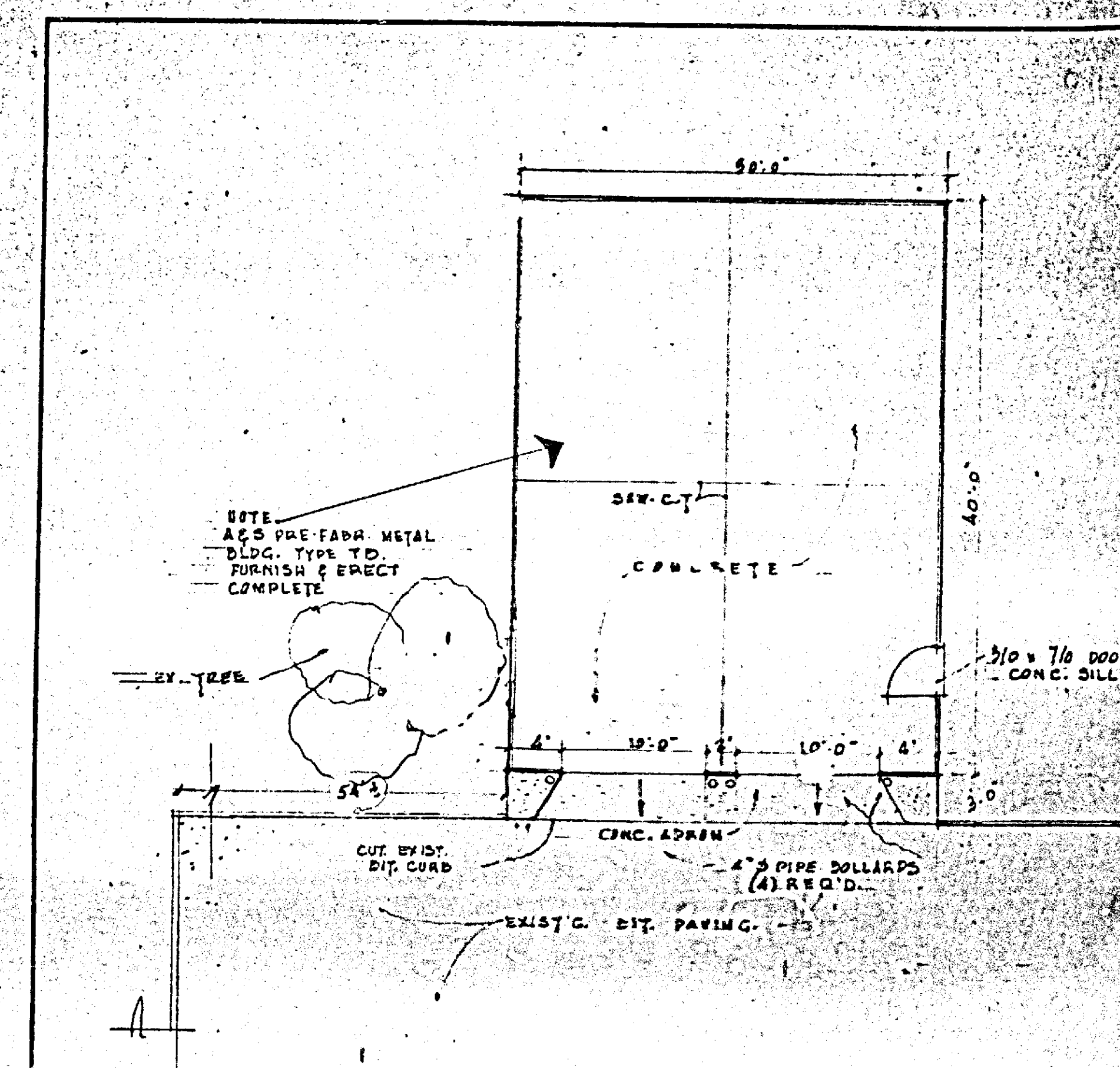
DESCRIBE PROPERTY WORK:
ERECT METAL STORAGE BLDG ON CONCRETE SLAB 30X40X12" = 1200 SF.

TYPE OF USE
RESIDENTIAL
01. ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY
05. SWIMMING POOL
06. GARAGE
07. OTHER
TYPE FOUNDATION
1. ☒ SLAB
2. ☐ BLOCK
3. ☐ CONCRETE
NON-RESIDENTIAL
08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. CHURCH, OTHER RELIGIOUS BUILDING
10. FENCE (LENGTH HEIGHT)
11. ☒ STORAGE BUILDING
12. PARKING GARAGE
13. SERVICE STATION, REPAIR GARAGE
14. HOSPITAL, INSTITUTIONAL, NURSING HOME
15. OFFICE, BANK, PROFESSIONAL
16. PUBLIC UTILITY
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. SIGN
19. STORE, MERCANTILE, RESTAURANT
20. SWIMMING POOL
21. TANK, TOWER
22. TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. OTHER

TYPE OF CONSTRUCTION
1. MASONRY
2. WOOD FRAME
3. ☒ STRUCTURE STEEL
4. REINF. CONCRETE
TYPE OF HEATING FUEL
1. GAS
2. OIL
3. ELECTRICITY
4. COAL
TYPE OF SEWAGE DISPOSAL
1. ☒ PUBLIC SEWER
2. PRIVATE SYSTEM
3. SEPTIC
4. PRIVY
CENTRAL AIR: 1. ☐ 2. ☐
ESTIMATED COST: 25,000.00
OF MATERIALS AND LABOR
PROPOSED USE: STORAGE OF EQUIPMENT - RETIREMENT HOME
EXISTING USE: CHURCH
OWNERSHIP
1. ☒ PRIVATELY OWNED
2. PUBLICLY OWNED
3. SALE
4. RENTAL
RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS 6. HIRISE
1 FAMILY BEDROOMS
BATHROOMS
KITCHENS
CLASS
FOLIO

APPROVAL SIGNATURES
BUILDING SIZE LOT SIZE AND SETBACKS
FLOOR 1200 SF SIZE
WIDTH 30 FT FRONT STREET
DEPTH 40 FT SIDE STREET
HEIGHT 12 FT FRONT SETBK 150
STORIES 1 SIDE SETBK 150
LOT # 3 SIDE STR SETBK
CORNER LOT REAR SETBK 150
1. ☐ Y 2. ☒ N ZONING

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED
FOR SITE PLAN (Amended) Case 81-3-KASPH
Plan to Archives and permit.



BUILDING AREA DATA	
A. BLDG. TOTAL FOOTPRINT AREA BUILT PRIOR TO JULY 2, 1955.	
ORIGINAL 1929 - 20,735	20,735
FIRST PHASE SOUTH WING - 1948 - 4,000	4,000
PAVILION - 1959 - 1,900	1,900
ALLOWABLE 25% EXP.	26,635
	6658.75 SQ. FT.
B. CONSTR. SINCE 1955.	
1959 EXP. SOUTH WING - 1465	1465
1973 STAIRS WING - (185 + 190)	375
1973 ELEV. ADD.	192
1978 STAIR AND CENTE. HALL	175
1993 STAIR ADD.	2213
TOTAL INCR. IN FOOTPRINT AREA	2378
EXCESS ALLOW. AREA REMAINING	6659 - 2378 = 4281
PROPOSED MAINT. BLDG.	1200

THIS SITE PLAN CONFORMS WITH THE SPIRIT AND INTENT OF ZONING CASE 81-3-KASPH

APPROVED: _____

DIRECTOR OF ZADM. _____ DATE: _____

METAL MAINTENANCE BUILDING

SCALE: 1/8" = 1'-0" APPROVED BY: _____

DATE: 8 MAY 1993 REVISED: 6/28/93 DRAWN BY: LJR

AUGSBURG LUTHERAN HOME
6811 CAMPFIELD RD. BALTO. CO. MD. 21207

REV. 6/28/93
LJO J. BUTTIG, ARCHITECT

DRAWING NUMBER
A-101

structurally connected above grade they shall be considered as one building if situated on a single lot. Section 1801.2.7.2 states that the maximum width of any elevation of a building shall be 300 feet, except that a greater width may be authorized under special exception procedures if such width is in accordance with standards adopted under the authority of Section 504. As shown on the Plat, the separate clusters of independent living units and the Convalescent Home are to be interconnected by enclosed walkways. Therefore, the buildings located on the Community Site will constitute a single "building" as defined in the Regulations in excess of 300 feet width.

As stated above, the Community is designed as an integrated community with the health, dining, recreational and other facilities being housed in the Convalescent Home. The sheltered walkways are extremely important to the concept of total care community. Older persons of the type residing in the Augsburg Community require sheltered walkways in order to travel to and from the various portions of the Community. Many persons who will reside in the Community will not have vehicles and would feel insecure walking in exposed areas on snow and ice during the winter and in the rain during the remainder of the year. The enclosed walkways will provide an established route sheltered from rain, snow and ice, thereby permitting the individual to maintain independent living at an age and in a physical condition in which he or she otherwise might require sheltered care.

D. GENERAL SUPPORT FOR THE VARIANCE REQUESTS

In each of the foregoing variance requests with respect to off-street parking, the requirements of the grant of a variance under Baltimore County law are met. Section 307 of the Regulations permits grant of a variance from parking regulations where:

- 13 -

tifying the Community be installed, all as shown on the Plat. The fence, lighting, guardhouse and sign would be located in the Residential Transition Area.

The fence would not exceed 8 feet in height. The lighting would be located at 200 foot intervals along the fence at a height of 14 feet with each light fixture focused toward the Community Site and away from adjoining properties and not exceeding 175 watts per fixture. The greater portion of such fencing and lighting would lie between the development and existing trees on the Community Site which are to be preserved and therefore would not be readily visible by adjoining property owners.

The Community will be located just to the east of the Liberty Road corridor, a densely developed and highly used commercial area. As indicated above, the average age of residents upon entrance into the Community is expected to be 76 years or older. Physical security in both person and property is essential for such individuals' health as well as peace of mind.

Fencing, security lighting and a means of regulating access such as the proposed guardhouse, as well as an identifying sign, are uses and structures commonly accessory to one-family detached dwellings or to local open space tracts. Augsburg respectfully requests that the Zoning Commissioner confirm its conclusions that the installation of a fence, security lighting, guardhouse and sign in the Residential Transition Area on the Community Site is permitted under the Regulations.

V. REQUEST FOR CONSOLIDATED AND EXPEDITED HEARING

Section 22-26 of the Baltimore County Code, as amended, and Sections 307 and 500.5 of the Regulations, respectively, provide for public notice and hearing on petitions for variances and special

- (i) application of the parking requirements would result in practical difficulty or unreasonable hardship; and
- (ii) the resulting development is in strict harmony with the spirit and intent of said regulations; and
- (iii) the resulting development will not result in substantial injury to public health, safety and general welfare.

Each request for a variance in the parking provided for the Community described above meets the three tests of the Regulations. The facts stated demonstrate that the needs of this unique setting vary distinctly from those of the general community. To break up open space, increase on-off, and destroy the clustering concept of the design would have an adverse effect on the aesthetic appeal of the Community and the conservation objectives of the County. Strict conformity with the narrowest interpretation of the Regulations further would result in needless expense and unnecessary hardship to Augsburg and the future residents of the Community.

There is ample support for granting the requested variances since (i) reduction of the parking will not result in a parking overload, (ii) reduction of the parking will further environmental objectives, (iii) the convenience of the parking area to the units is governed by proximity of the parking to the walkways and not to the living units, and (iv) the rationale for location of the parking nearer to given units than particular roadways is not applicable to a total care community.

As to the variance from the restriction on a building in excess of 300 feet, the requirement of Section 1801.2.P.2 that such greater width be in accordance with the standards adopted under the authority of Section 504 also is satisfied since the community has

- 14 -

exceptions. Section 500.6 of the Regulations provides for a hearing on the proper interpretation of the Regulations. Because of the importance to Augsburg as a non-profit corporation of minimizing the costs of development, Augsburg respectfully requests that the four Petitions be consolidated for a single hearing and, to the extent reasonably possible, that an expedited hearing date be set.

Robert B. Halderman
Robert B. Halderman

Donald L. Bradfield
Donald L. Bradfield

James Bowen & Sonnes
Semmes, Bowen & Sonnes
10 Light Street
Baltimore, Maryland 21202
(301) 539-5040

been designed to be in compliance with the Comprehensive Manual of Development Policies, which manual has been adopted pursuant to such authority.

IV. SPECIAL HEARING FOR DETERMINATION THAT THE CONTINUATION, RENOVATION AND IMPROVEMENT OF CERTAIN LAWFUL NONCONFORMING USES ARE PERMITTED IN A RESIDENTIAL TRANSITION AREA AND THAT CERTAIN IMPROVEMENTS ARE PERMITTED IN A RESIDENTIAL TRANSITION AREA.

Pursuant to Section 500.6 of the Regulations:

...the Zoning Commissioner shall have the power, upon notice to the parties in interest, to conduct hearings involving any zoning regulations, or the proper interpretation thereof, and to pass his Order thereon, subject to the right of appeal to the Board of Zoning Appeals....

A portion of the subject property lies within a Residential Transition Area as defined in Section 1801.1.B of the Regulations. As shown on the Plat, the Residential Transition Area line runs through the existing facility. Under Section 1801.1.B as applied to the subject property, only "Group I uses" - that is, one-family detached dwellings, local open space tracts or other common amenity open space, and uses and buildings accessory to those uses - are permitted in the Residential Transition Area.

As part of the development of the Community, it is proposed that the existing building be renovated. Such renovation would include the construction of a stair tower to meet fire code requirements as well as the addition of certain hallways, rooms and alcoves, portions of which renovation fall within the Residential Transition Area as shown on the Plat. The aggregate square footage of such additions equals approximately 9% of the ground floor area of the existing building. Further, it is proposed that the presently existing parking area, which lies in the Residential Transition Area, be improved by paving and the addition of curbing and designated parking lines. With the exception of the construction of a guardhouse, fence and sign (discussed below), no other

- 15 -

portion of the Community (other than access roads) will lie within the Residential Transition Area.

As stated previously, Augsburg has operated a nursing home - orphanage and nursing home at the subject location continuously since the initial building was completed in 1928. Parking also has been provided continuously on the unpaved portion of the subject property lying to the east of the existing facility. Because of such established uses, both the existing building and the present parking constitute a "nonconforming use" as defined in Section 101 of the Regulations.

Section 104.1 of the Regulations provides in part that:

A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue.... No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used.

It is a general rule of statutory construction that all parts of a statute should be given effect and that, if possible, no part should be rendered inoperative. Section 1801.1.B, dealing with Residential Transition Areas, does not exclude, by its terms, the operation and effect of the nonconforming use provision contained in Section 104.1. As an existing, lawful nonconforming use, the continuation, renovation and improvement of the existing structure and redesign and improvement of the present parking area lying in the Residential Transition Area as proposed are permitted under the above-quoted provisions of Section 104.1.

Therefore, Augsburg respectfully requests that the Zoning Commissioner confirm its conclusions that the continuation, renovation and improvement of the existing lawful nonconforming uses in compliance with Section 104.1 are permitted.

It further is proposed that the entire Community Site be surrounded by a fence and security lighting, that access to the site be regulated by means of a guardhouse, and that a sign identifying

- 16 -

Robert B. Halderman, Esquire
Donald L. Bradfield, Esquire
10 Light Street
Baltimore, Maryland 21202

cc: Daft McCune Walker Inc.
530 E. Joppa Rd.
Towson, Md. 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing this 15th day of April, 1980.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner Augsburg Lutheran Home of Md.

Petitioner's Attorney Halderman & Bradfield

Reviewed by: *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received this 2 day of April, 1980.

Filing Fee \$ 50 Received: ☒ Check ☐ Cash ☐ Other

199

William E. Hammond
William E. Hammond, Zoning Commissioner

Petitioner Augsburg Lutheran Home of Md.

Petitioner's Attorney D. Bradfield

Reviewed by: *W. E. Hammond*

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

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		2nd Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>W. E. Hammond</i>										
Revised Plans: Change in outline or description										
Previous case: _____										
Map # _____										

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 32d Date of Posting: June 13, 1980
Posted for: PETITION FOR SPECIAL EXCEPTION VARIANCE AND ZONING HEARING
Petitioner: AUGSBURG LUTHERAN HOME OF MD. INC.
Location of property: 5412 CAMPFIELD RD. 495 NW OF SOUTHERN CROSS DR.
Location of Signs: 5412 CAMPFIELD RD. 820 TD-1 NW OF SOUTHERN CROSS DR.
Remarks: POSTED AT ENTRANCE DRIVE
Posted by: *William E. Hammond* Date of return: June 26, 1980
Number of Signs: ONE

FOR BALTIMORE COUNTY, IN EQUITY

Defendant

5.

CERTIFICATE OF PUBLICATION OF

[illegible][illegible]

Office of
COLUMBIA
Publishing Corp.
10750 Little Patuxent Pkwy
Columbia, MD 21044

19

IFY, that the annexed advertisement of
SPECIAL EXCEPTION VARIANCES AND
1/3 RD DISTRICT SOUTHWEST SIDE OF
494 FT NORTHWEST OF SOUTHERN CROSS
the following: DRIVE

Times
times
papers published in Baltimore County, Maryland,
for ONE successive weeks before
day of JUNE 1980, that is to say,
inserted in the issues of
6/12/80

COLUMBIA PUBLISHING CORP.

By Nancy Knowles

**PETITION FOR SPECIAL
EXCEPTION, VARIANCES AND
SPECIAL HEARING
2nd DISTRICT**

NOTING: Petition for Special
Exception, Variances and Special
Hearing

LOCATION: Southwest side of
Campfield Road, 456 feet North
East of Southern Cross Drive

D & TIME: Tuesday, July 1
1st 10:30 A.M.

PUBLIC HEARING: Room 108
County Office Building, 111 W
Chesapeake Avenue, Town of
Maryland

The zoning commission of Baltimore County by authority of the Board of Zoning Appeals and regulations of Baltimore County will hold a public hearing:

Petition for Special Exemption from a convalescent home (nursing and accepting therefrom that portion thereof lying within the Residential District Area as defined by §1-201.1(b) of the Baltimore County Zoning Regulations.)

Petition for Variance to permit 240 parking spaces instead of the required 860 spaces, to permit parking more than 300 feet from the building and Section 904 as implemented by Section 1-203 of the Baltimore County Comprehensive Manual of Development, no new construction.

that parking to the doors of various living units is greater than the distance from the general street curb to the doors of the units, and to permit all living unit clusters within the development to be nonconforming with respect to setbacks resulting in a building in excess of 300 feet in width, subject to exception in conformance with Special Evidence of Need. The Board of Planning and Special Hearing under Section 560.7 of the Zoning Regulations of Baltimore, Maryland, determined whether or not the Zoning Commission and/or Deputy Zoning Commissioner should approve the interpretation of Section 560.7 of the Zoning Regulations as permitted in a residential transition area: (1) continuation of law-abiding use of the existing nonconformant home; (2) renovation of the nonconformant home to conform to additions to lawful nonconformant use; (3) conversion of the nonconformant home necessary to use the home for a lawful use; (4) connecting such facilities with a conforming extension thereof, which extension is not aggregated so as to exceed 25% of the total floor area of the existing building; (5) improvement and redesign of existing parking areas for use in the proposed parking use; and (6) construction of a new house, lot (not to exceed 178 square feet), structure (not to exceed 178 square feet), or fixture (not to exceed 178 square feet) designed as uses of structures normally not subject to a single family dwelling.

Section 1801.1.2—Residential Trans-Section 1802.2—Parking
Section 409.2—Parking spaces
Section 1801.1B.1.2—Bulk Regulations

All that parcel of land in the Third Class, Baltimore County, Maryland, known as Parcel 3.17 Acre Parcel, Baltimore County, Maryland, except for Consequential Home in D-3.5 Zone

Third, Elevation Station, Baltimore County, Maryland, Beginning for the same at a point of Beginning North 17° 00' 00" E 0.383 feet from the southeast corner of whole tract of which the parcel is a part, and running thence south 89° 59' 00" E 0.383 feet to the southeast corner being located in the center of Campfield Road at the intersection of Campfield Road and North 17° 00' 00" E 0.383 feet, and running thence the following distances: (a) courses and distances: (1) North 17° 00' 00" E 0.383 feet, (2) North 37° 00' 00" E 0.383 feet, (3) North 17° 00' 00" E 0.383 feet, (4) North 17° 00' 00" E 0.383 feet, (5) North 17° 00' 00" E 0.383 feet, (6) North 17° 00' 00" E 0.383 feet, (7) North 17° 00' 00" E 0.383 feet, (8) North 17° 00' 00" E 0.383 feet, (9) North 17° 00' 00" E 0.383 feet, (10) North 17° 00' 00" E 0.383 feet, (11) North 17° 00' 00" E 0.383 feet, (12) North 17° 00' 00" E 0.383 feet, (13) North 17° 00' 00" E 0.383 feet, (14) North 17° 00' 00" E 0.383 feet, (15) North 17° 00' 00" E 0.383 feet, (16) North 17° 00' 00" E 0.383 feet, (17) North 17° 00' 00" E 0.383 feet, (18) North 17° 00' 00" E 0.383 feet, (19) North 17° 00' 00" E 0.383 feet, (20) North 17° 00' 00" E 0.383 feet, (21) North 17° 00' 00" E 0.383 feet, (22) North 17° 00' 00" E 0.383 feet, (23) North 17° 00' 00" E 0.383 feet, (24) North 17° 00' 00" E 0.383 feet, (25) North 17° 00' 00" E 0.383 feet, (26) North 17° 00' 00" E 0.383 feet, (27) North 17° 00' 00" E 0.383 feet, (28) North 17° 00' 00" E 0.383 feet, (29) North 17° 00' 00" E 0.383 feet, (30) North 17° 00' 00" E 0.383 feet, (31) North 17° 00' 00" E 0.383 feet, (32) North 17° 00' 00" E 0.383 feet, (33) North 17° 00' 00" E 0.383 feet, (34) North 17° 00' 00" E 0.383 feet, (35) North 17° 00' 00" E 0.383 feet, (36) North 17° 00' 00" E 0.383 feet, (37) North 17° 00' 00" E 0.383 feet, (38) North 17° 00' 00" E 0.383 feet, (39) North 17° 00' 00" E 0.383 feet, (40) North 17° 00' 00" E 0.383 feet, (41) North 17° 00' 00" E 0.383 feet, (42) North 17° 00' 00" E 0.383 feet, (43) North 17° 00' 00" E 0.383 feet, (44) North 17° 00' 00" E 0.383 feet, (45) North 17° 00' 00" E 0.383 feet, (46) North 17° 00' 00" E 0.383 feet, (47) North 17° 00' 00" E 0.383 feet, (48) North 17° 00' 00" E 0.383 feet, (49) North 17° 00' 00" E 0.383 feet, (50) North 17° 00' 00" E 0.383 feet, (51) North 17° 00' 00" E 0.383 feet, (52) North 17° 00' 00" E 0.383 feet, (53) North 17° 00' 00" E 0.383 feet, (54) North 17° 00' 00" E 0.383 feet, (55) North 17° 00' 00" E 0.383 feet, (56) North 17° 00' 00" E 0.383 feet, (57) North 17° 00' 00" E 0.383 feet, (58) North 17° 00' 00" E 0.383 feet, (59) North 17° 00' 00" E 0.383 feet, (60) North 17° 00' 00" E 0.383 feet, (61) North 17° 00' 00" E 0.383 feet, (62) North 17° 00' 00" E 0.383 feet, (63) North 17° 00' 00" E 0.383 feet, (64) North 17° 00' 00" E 0.383 feet, (65) North 17° 00' 00" E 0.383 feet, (66) North 17° 00' 00" E 0.383 feet, (67) North 17° 00' 00" E 0.383 feet, (68) North 17° 00' 00" E 0.383 feet, (69) North 17° 00' 00" E 0.383 feet, (70) North 17° 00' 00" E 0.383 feet, (71) North 17° 00' 00" E 0.383 feet, (72) North 17° 00' 00" E 0.383 feet, (73) North 17° 00' 00" E 0.383 feet, (74) North 17° 00' 00" E 0.383 feet, (75) North 17° 00' 00" E 0.383 feet, (76) North 17° 00' 00" E 0.383 feet, (77) North 17° 00' 00" E 0.383 feet, (78) North 17° 00' 00" E 0.383 feet, (79) North 17° 00' 00" E 0.383 feet, (80) North 17° 00' 00" E 0.383 feet, (81) North 17° 00' 00" E 0.383 feet, (82) North 17° 00' 00" E 0.383 feet, (83) North 17° 00' 00" E 0.383 feet, (84) North 17° 00' 00" E 0.383 feet, (85) North 17° 00' 00" E 0.383 feet, (86) North 17° 00' 00" E 0.383 feet, (87) North 17° 00' 00" E 0.383 feet, (88) North 17° 00' 00" E 0.383 feet, (89) North 17° 00' 00" E 0.383 feet, (90) North 17° 00' 00" E 0.383 feet, (91) North 17° 00' 00" E 0.383 feet, (92) North 17° 00' 00" E 0.383 feet, (93) North 17° 00' 00" E 0.383 feet, (94) North 17° 00' 00" E 0.383 feet, (95) North 17° 00' 00" E 0.383 feet, (96) North 17° 00' 00" E 0.383 feet, (97) North 17° 00' 00" E 0.383 feet, (98) North 17° 00' 00" E 0.383 feet, (99) North 17° 00' 00" E 0.383 feet, (100) North 17° 00' 00" E 0.383 feet, (101) North 17° 00' 00" E 0.383 feet, (102) North 17° 00' 00" E 0.383 feet, (103) North 17° 00' 00" E 0.383 feet, (104) North 17° 00' 00" E 0.383 feet, (105) North 17° 00' 00" E 0.383 feet, (106) North 17° 00' 00" E 0.383 feet, (107) North 17° 00' 00" E 0.383 feet, (108) North 17° 00' 00" E 0.383 feet, (109) North 17° 00' 00" E 0.383 feet, (110) North 17° 00' 00" E 0.383 feet, (111) North 17° 00' 00" E 0.383 feet, (112) North 17° 00' 00" E 0.383 feet, (113) North 17° 00' 00" E 0.383 feet, (114) North 17° 00' 00" E 0.383 feet, (115) North 17° 00' 00" E 0.383 feet, (116) North 17° 00' 00" E 0.383 feet, (117) North 17° 00' 00" E 0.383 feet, (118) North 17° 00' 00" E 0.383 feet, (119) North 17° 00' 00" E 0.383 feet, (120) North 17° 00' 00" E 0.383 feet, (121) North 17° 00' 00" E 0.383 feet, (122) North 17° 00' 00" E 0.383 feet, (123) North 17° 00' 00" E 0.383 feet, (124) North 17° 00' 00" E 0.383 feet, (125) North 17° 00' 00" E 0.383 feet, (126) North 17° 00' 00" E 0.383 feet, (127) North 17° 00' 00" E 0.383 feet, (128) North 17° 00' 00" E 0.383 feet, (129) North 17° 00' 00" E 0.383 feet, (130) North 17° 00' 00" E 0.383 feet, (131) North 17° 00' 00" E 0.383 feet, (132) North 17° 00' 00" E 0.383 feet, (133) North 17° 00' 00" E 0.383 feet, (134) North 17° 00' 00" E 0.383 feet, (135) North 17° 00' 00" E 0.383 feet, (136) North 17° 00' 00" E 0.383 feet, (137) North 17° 00' 00" E 0.383 feet, (138) North 17° 00' 00" E 0.383 feet, (139) North 17° 00' 00" E 0.383 feet, (140) North 17° 00' 00" E 0.383 feet, (141) North 17° 00' 00" E 0.383 feet, (142) North 17° 00' 00" E 0.383 feet, (143) North 17° 00' 00" E 0.383 feet, (144) North 17° 00' 00" E 0.383 feet, (145) North 17° 00' 00" E 0.383 feet, (146) North 17° 00' 00" E 0.383 feet, (147) North 17° 00

[illegible]

**DUPLICATE
CERTIFICATE OF PUBLICATION**

TOWSON, MD., June 12 _____, 1980

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., ~~on~~
of one time ~~on~~ before the 1st
day of July, 1980, the ~~last~~ publication
appearing on the 12th day of May
1980.

THE JEFFERSONIAN,
L. Frank Strickland

 Manager.
 Cost of Advertisement, \$ *61*^{*25*}-----

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

No. 088860

DATE June 4, 1980 ACCOUNT 01-662
AMOUNT \$25.00
RECEIVED
FROM: Semmes, Royen & Semmes
FOR: Filing Fee for Case No. 80-266-XASPH
48256711 5 25.00



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

DATE 4-2-81 ACCOUNT 01-662

AMOUNT 121.03

RECEIVED FROM _____

FOR Payroll

10175 ST
4-11-81

1210300

VALIDATION OR SIGNATURE OF CASHIER

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

DATE June 1, 1960 ACCOUNT 01-662

AMOUNT \$25.00

RECEIVED FROM: Sammes, Bowen & Ames

FOR: Filing Fee for Ch. No. 80-266-XASPH

8637 June 5 2500 net

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, _____, legal owner, of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the zoning Commission and/or Deputy Zoning Commissioner should approve Interpretation of Section 1801.1.B that the following are permitted in a Residential Transition Area: (1) continuation of lawful nonconforming use as a Conventional Home; (2) renovation of and additions to lawful nonconforming use as a Conventional Home necessary to update the facilities and to correct such facilities with a conforming extension thereof; which additions in the aggregate do not exceed 25% of the ground floor area of the existing building; (3) improvement and redesign of existing parking area as a lawful nonconforming use; and (4) construction of a gatehouse, fence (not to exceed 8 feet in height), lighting (not to exceed 175 watts per fixture) and sign as uses or structures normally accessory to a single family dwelling or to a local open space tract.

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

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

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City or town: _____
State: _____
Zip: _____
Address: 6811 Campfield Road
Baltimore, Maryland 21207
Robert B. Haldeman, Donald L. Bradfield
Petitioner's Attorney
Protestant's Attorney
Address: 10 Light Street, Baltimore, MD 21202

ORDERED By the Zoning Commissioner of Baltimore County, this 15th day of April, 1980, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of April, 1980, at 10:15 a.m.

Zoning Commissioner of Baltimore County

(over)

MICROFILMED

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a _____ use.
* Having and excepting therefrom that portion thereof lying within the Residential Transition Area as defined by 1801.1.B of the Baltimore County Zoning Regulations.

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

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

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City or town: _____
State: _____
Zip: _____
Address: 6811 Campfield Road
Baltimore, Maryland 21207
Robert B. Haldeman, Donald L. Bradfield
Petitioner's Attorney
Protestant's Attorney
Address: 10 Light Street, Baltimore, MD 21202

ORDERED By the Zoning Commissioner of Baltimore County, this 15th day of April, 1980, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of April, 1980, at 10:15 a.m.

Zoning Commissioner of Baltimore County

(over)

MICROFILMED

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, _____, legal owner, of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.2 to permit 240 parking spaces instead of the required 360 spaces; (2) Section 409.2a, to permit parking more than 300 feet from the building; and (3) Section 300, as implemented by Section III F of the Baltimore County Comprehensive Manual of Development, to permit parking to be located such that the distance from the street curb to the doors of these living units is greater than the distance from the general street curb to the doors of these living units; (4) Section 1801.1.B.2 to use the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County for the following reasons: (indicate hardship or practical difficulty of compliance with the requirements would create an unreasonable hardship in view of the needs of a total care community for the elderly as proposed, all as more fully specified in the Brief filed together herewith and by this reference incorporated herein.

* permits all living unit clusters within the development to be connected by covered passageways resulting in a building in excess of 300 feet in width, subject to evidence in conformance with Special Exception procedures.

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

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

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City or town: _____
State: _____
Zip: _____
Address: 6811 Campfield Road
Baltimore, Maryland 21207
Robert B. Haldeman, Donald L. Bradfield
Petitioner's Attorney
Protestant's Attorney
Address: 10 Light Street, Baltimore, MD 21202

ORDERED By the Zoning Commissioner of Baltimore County, this 15th day of April, 1980, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of April, 1980, at 10:15 a.m.

Zoning Commissioner of Baltimore County

(over)

MICROFILMED

BALTIMORE COUNTY

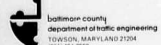
ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS



STEPHEN COLLINS
DIRECTOR

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 199 - ZAC - April 15, 1980
Property Owner: _____
Location: 88/C Campfield Road 495' NW Southern Cross Dr.
D.R. 3.5, D.R. 5.5, D.R. 16
Existing Zoning: _____
Proposed Zoning: _____
Special Exception for a convalescent home, Special Hearing to allow the continuation of a lawful nonconforming use as a convalescent home, renovation of and additions to convalescent home necessary to update the facilities and to correct such facilities with a conforming extension, those additions will not exceed 25% of the ground floor area of the existing building, improvement and redesign of existing parking area as a lawful nonconforming use and construction of a gatehouse and fence, not to exceed 8 feet in height, lighting and sign as uses or structures normally accessory to a single family dwelling or to a local open space tract. Variance to permit 240 spaces in lieu of the required 360 spaces, to permit parking more than 300 feet from the building, to permit parking to be located such that the distance from the general street curb to the doors of these living units, to permit all living unit clusters within the development to be connected by covered passageways resulting in a building in excess of 300 feet in width.
51.70
3rd
Access: _____
District: _____
Dear Mr. Hammond:

The existing convalescent home generates about 300 trips per day and with the proposed expansion of the home it will generate approximately 640 trips per day.

MICROFILMED

June 27, 1980
Page 2

The proposed development of the site can be expected to generate 1600 trips per day and if developed to its fullest zoning, the site can be expected to generate 2,350 trips per day.

Convalescent homes and housing for senior citizens have shown less need for parking than required and the requested variance to parking is not expected to cause any problems.

This department has no comment on the other requested variances.

This department has experienced very few problems with convalescent homes due to the fact that their work force is spread out over three shifts and arrive and depart during off traffic peak hours.

Sidewalks should be provided along the roadway in front of the site.

Very truly yours,

Michael B. Flannigan
Engineer Associate II

MBF/wjm

cc: Councilman Gary Huddles

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 25, 1980

CITY OFFICE Bldg.
111 W. CONGRESS
Towson, Maryland 21204

Nicholas B. Commodari
Chairman

Members:
Bureau of Engineering
Department of Traffic Engineering
Statewide Commission
Bureau of Planning
Health Department
Project Planning
Building Department
Bureau of Recreation
Police Administration
Industrial Development

Robert B. Haldeman, Esquire
Donald L. Bradfield, Esquire
10 Light Street
Baltimore, Maryland 21202

RE: Item No. 199

Petitioner - Augsburg Lutheran Home
Special Hearing and Variance Petitions

Settlement:

Enclosed is a comment from the Planning Office that as forwarded to title office on June 24, 1980, subsequent to my letter of June 19, 1980.

If you have any questions, please contact me at 494-3391.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:hkh

Enclosures

cc: Deit Mc Cune Walker Inc.
510 E. Joppa Rd.
Towson, Md. 21204

MICROFILMED

Pursuant to the advertisement and posting of property, this hearing was held on three petitions and will, therefore, be addressed in the same manner as the testimony was developed for each petition.

The subject property consists of 51.70 acres of land and is bounded on the east by Campfield Road and the subdivisions of Oak Grove Heights and Campfield Gardens, Section 2, all of which are zoned D.R.3.5 and D.R.5.5; on the southeast and south side, in part, by a D.R.3.5 and D.R.5.5 zone line and also by D.R.5.5 zoned residences and the Lochearn Community Club, Inc.; on the north and west by the subdivision of Villa Nova, zoned D.R.3.5; and also on the west by Westmont Apartments, zoned D.R.16, with the majority of the site being zoned D.R.3.5. A small portion of the rear of the site is also within the floodplain of the Gwynne Falls. The proposed use of the subject site is a convalescent home, which is further described as a "life care facility".

Testimony presented by the petitioner first addressed the issue of the Petition for Special Hearing, which requests that Section 1901.1.B of the Baltimore County Zoning Regulations be interpreted to allow for the continuation of a lawful nonconforming use as a convalescent home, to allow for renovations to update the facilities comprising the nonconforming use, to allow for an extension of the nonconforming use to an extent not exceeding 25% of the ground floor area of the buildings constituting the nonconforming use, to redesign the existing parking areas which served the lawful nonconforming use, and to construct or erect other improvements, to wit, a gatehouse, fence (not in excess of eight feet), lighting (not to exceed 175 watts per fixture), and sign, as uses or structures normally accessory to a single-family dwelling or to a local open space tract. In relation thereto, the site plan prepared by Daft-McCune-Walker, Inc., dated March 21, 1980, and marked Petitioner's Exhibit I-A, sets forth the total area of 51.70 acres zoned D.R.3.5, 5.14 acres zoned D.R.5.5, and 0.90 of an acre zoned D.R.16 and depicts the various improvements as they presently exist, proposed improvements, and parking, as well as how each is effected by the "residential transition area" requirements.

Mr. Donald F. Heenan testified that he has been on the petitioner's Board of Directors since 1947 and that the Augsburg Lutheran Home has been on the subject property since 1949. During this period of time, there have been some additions made to the

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of the requirements of Section 501.1 of the Baltimore County Zoning Regulations having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of May, 1981, that the herein Petition for Special Exception for a convalescent home on that portion of the petitioner's property lying outside the residential transition area, in accordance with the site plan prepared by Daft-McCune-Walker, Inc., dated March 21, 1980, and marked Petitioner's Exhibit II-A, should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Compliance with the terms, provisions, and conditions set forth in the accompanying Special Hearing Order, relative to the required revisions to the site plan, in the same manner and to the same extent as if fully set forth herein.
2. All exterior lighting shall be regulated as to location, direction, hours of illumination, glare, and intensity in order to minimize the effect upon the adjacent residences.
3. Compliance with the applicable subdivision regulations.
4. Submittal of a revised site plan, incorporating the restrictions contained herein, for approval by the Department of Public Works, the Department of Traffic Engineering, and the Office of Planning and Zoning, including landscaping and screening approval by the Current Planning and Development Division.
5. Utilization of the special exception within five years.

Michael J. Hammond
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE May 21, 1981
BY [Signature]
[Signature]

ORDER RECEIVED FOR FILING

DATE May 21, 1981
BY [Signature]
[Signature]

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the petitioner and the granting of the variance will not adversely affect the health, safety, and general welfare of the community, the variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of May, 1981, that the herein Petition for Variances to permit 240 parking spaces in lieu of the required 360 spaces; to permit the required parking spaces shown in orange on the site plan prepared by Daft-McCune-Walker, Inc., dated March 21, 1980, and marked Petitioner's Exhibit II-A, to be located more than 300 feet, but not more than 400 feet, from the buildings they serve; to permit parking distances to the doors of certain living units to be greater than the distance from the general street curb to the doors of those same living units, as set forth in the Baltimore County Comprehensive Manual of Development Policies; and, having submitted evidence of conformance with the special exception procedures provided for in Section 502, to permit all living unit clusters to exceed the 300 foot maximum width of an elevation of a group of attached buildings, all in accordance with the aforementioned site plan, should be and the same is GRANTED, from and after the date of this Order, subject, however, to the terms, provisions, and conditions set forth in the accompanying Special Hearing and Special Exception Orders.

Michael J. Hammond
Zoning Commissioner of
Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 19, 1980

COUNTY OFFICE Bldg.,
111 W. Greenbaum Ave.,
Towson, Maryland 21204

Chairman
Nicholas B. Commodari
Chairman

Members
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Bureau of Economic
Planning Administration
Industrial
Development

RE: Item No. 199
Petitioner - Augsburg Lutheran Home
of Maryland, Inc.
Special Hearing and Variance Petitions

Gentlemen:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commission with recommendations as to the suitability of the requested zoning.

The subject property, currently zoned D.R.3.5 in its majority and also D.R.5.5 and D.R.16, is located on the southwest side of Campfield Road between Essex Road and Southern Cross Drive in the 3rd Election District. It is presently improved with the facilities of a convalescent home and accessory parking area, which has apparently existed prior to the adoption of the zoning regulations. Properties completely surrounding this site are improved with individual dwellings.

Because of your client's proposal to construct a 120 bed addition to the existing convalescent home and provide separate apartment units connected with covered passageways, this combination hearing is required. The Special Hearing is included in order to clarify certain questions that have arisen concerning the proposed expansion of the convalescent home and parking area and the construction of structures within 300 feet of the individual dwellings surrounding this site.

MICROFILMED

Item No. 199
Special Hearing and Variance Petitions
June 19, 1980

As indicated in conversations with Mr. Bradfield, I instructed him to contact representatives of the Department of Permits and Licenses and the Fire Department in order to discuss their comments. In view of the fact that he indicated that this was done by your architect and there appeared to be no particular problem in satisfying their comments, I scheduled this petition for a hearing.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
Chairman
Zoning Plans Advisory Committee

NBC:hk

Enclosures

cc: Daft McCune Walker Inc.
530 E. Joppa Rd.
Towson, MD 21204



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY P. PIVEL P.E.
DIRECTOR

May 9, 1980

Mr. William F. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #199 (1979-1980)

Property Owner: Augsburg Lutheran Home of Maryland, Inc.
5700 Campfield Rd. 495 NW Southern Cross Drive
Existing Zoning: DR 3.5, DR 5.5, DR 16
Proposed Zoning: Special Exception for a convalescent home, Special Hearing to allow the continuation of a lawful non-conforming use as a convalescent home, renovation of and addition to convalescent home necessary to update the facilities and to connect such facilities with a conforming extension, those additions will not exceed 25% of the ground floor area of the existing building; improvement and redesign of existing parking area as a lawful non-conforming use and construction of a gatehouse and fence, not to exceed 8 feet in height, lighting and sign as uses or structures normally accessory to a single family dwelling or to a local open space tract. Variance to permit 240 parking spaces in lieu of the required 360 spaces; to permit parking more than 300 feet from the building; to permit parking to be located such that the distance from the parking to the doors of certain living units is greater than the distance from the general street curb to the doors of those living units, to permit all living unit clusters within the development to be connected by covered passageways resulting in a building in excess of 300 feet in width.
Acres: 51.70 District: 3d

Dear Mr. Hammond:

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

Highways:

Campfield Road, an existing public road, is proposed to be improved in the future as a 40-foot cased section roadway on a 6' foot right-of-way. Highway right-of-way widening, including any necessary rework to easements for slopes, will be required in connection with any grading or building plan or further development of this property.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

MICROFILMED

Item #199 (1979-1980)

Property Owner: Augsburg Lutheran Home of Maryland, Inc.
Page 2
May 9, 1980

Sediment Control:

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

Storm Drainage:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.
In accordance with the drainage policy, the petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water runoff through the property to be developed to a suitable outfall.

A portion of this property as indicated, is subject to flooding along Gwynne Falls, see Baker-Kibbey study July 19, 1979. Further construction is not permitted within established 100-year design storm flood plains in Baltimore County.

Additional storm drains required in connection with further development of this property, are to be designed and constructed in accordance with Baltimore County standards and specifications.

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent erosion, any nuisance or damage to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

Water and Sanitary Sewer:

There is a public 8-inch water main in Campfield Road. The submitted plan does not indicate the present or proposed method of sewage disposal. The 3rd & Gwynne Falls Sanitary Interceptor Sewer traverses the southern portion of this property, as indicated.

Very truly yours,

Michael J. Hammond
Chairman, Bureau of Engineering

END:EXH:PW:ISS

cc: J. Tremmer, J. Boners, D. Criss, S. Belasistr

L-10 Key Sheet
10-20 NW 21 & 22 Nos. Sheets
NW 5 P Wops
70 & 88 The Mags

MICROFILMED



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3241

JOHN D. BEFFERT
DIRECTOR

June 24, 1980

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #199, Zoning Advisory Committee Meeting, April 15, 1980, are as follows:

Property Owner: Augsburg Lutheran Home of Maryland, Inc.
Location: SW/3 Campfield Road 495 NW Southern Cross Drive
Existing Zoning: D.R.3.5, D.R.5.5, D.R.16
Proposed Zoning: Special Exception for a convalescent home, Special Hearing to allow the continuation of a lawful non-conforming use as a convalescent home, renovation of and addition to convalescent home necessary to update the facilities and to connect such facilities with a conforming extension, those additions will not exceed 25% of the ground floor area of the existing building; improvement and redesign of existing parking area as a lawful non-conforming use and construction of a gatehouse and fence, not to exceed 8 feet in height, lighting and sign as uses or structures normally accessory to a single family dwelling or to a local open space tract. Variance to permit 240 parking spaces in lieu of the required 360 spaces; to permit parking more than 300 feet from the building; to permit parking to be located such that the distance from the parking to the doors of certain living units is greater than the distance from the general street curb to the doors of those living units, to permit all living unit clusters within the development to be connected by covered passageways resulting in a building in excess of 300 feet in width.
Acres: 51.70
District: 3d

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

If the petition is granted, it will be subject to the Baltimore County Subdivision Regulations.

Very truly yours,

John L. Winkler
Planner III
Current Planning and Development

MICROFILMED

May 7, 1980

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 199 - ZAC - April 14, 1980
PROPERTY OWNER: Augsburg Lutheran Home of Maryland, Inc.
Location: 8970 Campfield Road 495' NW Southern Cross Drive
D.R. 3.5, D.R. 5.5, D.R. 16
Re: The Zoning: Special Exception for a convalescent home, renovation of and additions to convalescent home necessary to update the facilities and to connect such facilities with a conforming extension, those additions will not exceed 25% of the ground floor area of the existing building. Improvement and redesign of existing parking area as a lawful nonconforming use and construction of a passageway and fence, not to exceed 8 feet in height, lighting and sign as uses or structures normally necessary to a single family dwelling or to a local open space tract. Variance to permit 240 parking spaces in lieu of the required 360 spaces, to permit parking more than 300 feet from the building, to permit parking to be located such that the distance from the parking to the doors of certain living units is greater than the distance from the general street curb to the doors of those living units, to permit all living unit clusters within the development to be connected by covered passageways resulting in a building in excess of 300 feet in width.
Acre: 51.70
District: 3rd

Dear Mr. Hammond:
The requested Special Exception for a convalescent home is expected to generate about 640 trips per day. The variance to parking is not expected to be a major traffic problem.

This department has no comment for the other Variances.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Engineer Associate II

HSF/hmd

May 12, 1980

Mr. William H. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #199, Zoning Advisory Committee Meeting of April 15, 1980, are as follows:

Property Owner: Augsburg Lutheran Home of Maryland, Inc.
Location: 8970 Campfield Road 495' NW Southern Cross Drive
D.R. 3.5, D.R. 5.5, D.R. 16
Re: The Zoning: Special Exception for a convalescent home, renovation of and additions to convalescent home necessary to update the facilities and to connect such facilities with a conforming extension, those additions will not exceed 25% of the ground floor area of the existing building. Improvement and redesign of existing parking area as a lawful nonconforming use and construction of a passageway and fence, not to exceed 8 feet in height, lighting and sign as uses or structures normally necessary to a single family dwelling or to a local open space tract. Variance to permit 240 parking spaces in lieu of the required 360 spaces, to permit parking more than 300 feet from the building, to permit parking to be located such that the distance from the parking to the doors of certain living units is greater than the distance from the general street curb to the doors of those living units, to permit all living unit clusters within the development to be connected by covered passageways resulting in a building in excess of 300 feet in width.
Acre: 51.70
District: 3rd

Acre: 51.70
District: 3rd

MICROFILMED

-2-

April 14, 1980

Comment #199 Zoning Advisory Committee Meeting, April 15, 1980

Augsburg Lutheran Home of Maryland, Inc.

Proposed Zoning: Special Exception for a convalescent home, Special Hearing to allow the continuation of a lawful nonconforming use as a convalescent home, renovation of and additions to convalescent home necessary to update the facilities to connect such facilities with a conforming extension, those additions will not exceed 25% of the ground floor area of the existing building. Improvement and redesign of existing parking area as a lawful nonconforming use and construction of a passageway and fence, not to exceed 8 feet in height, lighting and sign as uses or structures normally necessary to a single family dwelling or to a local open space tract. Variance to permit 240 parking spaces in lieu of the required 360 spaces, to permit parking more than 300 feet from the building, to permit parking to be located such that the distance from the parking to the doors of certain living units is greater than the distance from the general street curb to the doors of those living units, to permit all living unit clusters within the development to be connected by covered passageways resulting in a building in excess of 300 feet in width.

TED FAIRWEATHER
DIRECTOR

April 14, 1980

Mr. William H. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #199 Zoning Advisory Committee Meeting, April 15, 1980, are as follows:
Property Owner: Augsburg Lutheran Home of Maryland, Inc.
Location: 8970 Campfield Road 495' NW Southern Cross Drive
D.R. 3.5, D.R. 5.5, D.R. 16
Re: The Zoning: Special Exception for a convalescent home, renovation of and additions to convalescent home necessary to update the facilities to connect such facilities with a conforming extension, those additions will not exceed 25% of the ground floor area of the existing building. Improvement and redesign of existing parking area as a lawful nonconforming use and construction of a passageway and fence, not to exceed 8 feet in height, lighting and sign as uses or structures normally necessary to a single family dwelling or to a local open space tract. Variance to permit 240 parking spaces in lieu of the required 360 spaces, to permit parking more than 300 feet from the building, to permit parking to be located such that the distance from the parking to the doors of certain living units is greater than the distance from the general street curb to the doors of those living units, to permit all living unit clusters within the development to be connected by covered passageways resulting in a building in excess of 300 feet in width.
Acre: 51.70
District: 3rd

Acre: 51.70
District: 3rd

The items checked below are applicable:

- All structures shall conform to the Baltimore County Building Code 1978, the State of Maryland Code for the Handicapped and Age and other applicable Codes.
- A building/_____ permit shall be required before beginning construction.
- Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required.
- Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer seal are required to file a permit application.
- In and from construction an exterior wall erected within 6' 0" of an adjacent lot line shall be of one hour fire resistance construction, no openings permitted within 7' 0" of lot line. A minimum 8" masonry firewall is required if construction is on the lot line.
- Requested variance conflict with the Baltimore County Building Code, Section 1-1.
- A change of occupancy shall be applied for, along with an alteration permit application, and three required set of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- Before this office can comment on the above structure, please have the owner, thru the services of a Registered Architect or Engineer certify to this office that the structure for which a proposed change in use is proposed con comply with the height/area requirements of Table 302 and the required construction classification of Public Use.
- Comments: Please review Section 106.6 of the 1978 B.O.C.A. Code. Additionally - compliance to the State Handicapped Code will be required. If structure can comply, Item A1-C10 above will be applicable.
NOTE: These comments reflect only on the information provided by the drawing submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit.
(For detailed additional information may be obtained by visiting Room #12 (Plans Review) at 111 West Chesapeake Ave., Towson.

Very truly yours,
Donald J. Bock
Donald J. Bock, Chief
Plans Review

MICROFILMED

Mr. William H. Hammond 2 May 12, 1980

Item #199 (continued)

Metropolitan water and sewer exist.

Prior to approval of a building permit for renovations to the existing structure and construction of new buildings, complete plans and specifications must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene, for review and approval.

Prior to new installation/s of fuel burning equipment or incinerators, the owner should contact the Division of Air Pollution Control, 100-3775, before work begins.

Connection to public sewer is subject to the Guytons Falls Sewer Masterplan.

Very truly yours,

Jan J. Petrovich
Jan J. Petrovich, Assistant
Bureau of Environmental Services

137/fin

cc: Plans Review
Air Pollution

MICROFILMED

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: April 14, 1980

Mr. William H. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: April 15, 1980

RE: Item No. 197, 198, 199, 200, 201, 202, 203
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,

Don Wick
Don Wick, Assistant
Department of Planning

MICROFILMED

DALE H. RENCKE
CHIEF

May 14, 1980

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Attention: Rick Comodo, Chairman
Zoning Plans Advisory Committee

Re: Property Owners: Augsburg Lutheran Home of Maryland, Inc.

Location: 8970 Campfield Road 495' NW Southern Cross Drive

q Item No: 199 Zoning Agenda: Meeting of April 15, 1980

Comments:

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

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. For Sprinkling Riser and 750' intervals for individual 1 House.
2. A second vehicle access is required for the site. Minimum 16 ft. paved roadway is required for single dwellings for fire apparatus access.
3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
6. Site plans are approved as drawn.
7. The Fire Prevention Bureau has no comments, at this time.

Reviewed by: *George M. Genger*
Special Inspection Division
Not a Department of Fire Prevention Bureau

MICROFILMED

NORMAN E. GENDER
DIRECTOR

July 21, 1981

Ms. Cynthia Somers Wilner
6808 Campfield Road
Baltimore, Maryland 21207

Re: Augsburg Lutheran Home
Case F81-23A(SPH)

Dear Ms. Wilner:

The purpose of this letter is to inform you that a revised site plan for the above property was filed with the Zoning Office on July 15, 1981. The revised plan shows a right of way width of 50 feet and a paving width of 30 feet for Campfield Road along the frontage of the Augsburg property. The entrance location has also been revised. The plan appears to satisfy the items of concern in your letter, and it is currently being reviewed by the Zoning Office for conformance with the Zoning Commissioner's Order dated May 28, 1981.

The plan is on file in the Zoning Office for your inspection. I suggest that you contact the Zoning Office at 494-3391 for detailed information regarding the revised plan.

Very truly yours,

Norman E. Gender
Norman E. Gender
Director of Planning and Zoning

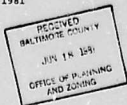
NEG:rh

cc: Mr. William E. Hammond
Mr. Eugene A. Babor



MICROFILMED

Cynthia Sommer Wilner
6808 Campfield Road
Baltimore, Maryland 21207
June 16, 1981



Mr. Norman Gerber, Director
Office of Planning and Zoning
Baltimore County
401 Boxley Avenue
Towson, Maryland 21204

Dear Mr. Gerber:

On July 1, 1980, a hearing was held before the Zoning Commissioner of Baltimore County in connection with certain petitions filed by the Augsburg Lutheran Home of Maryland, Inc. seeking appropriate permits to undertake a major expansion of its facilities at 6811 Campfield Road. I and a number of other area residents appeared at the hearing in opposition to certain features of the proposed plan. Specifically, we objected to the then-current proposal to widen Campfield Road to a width of sixty feet and to take part of our property lying on the east side of Campfield Road for that purpose.

I understand through Mr. Hession, the People's Counsel, that your office had been consulted about this proposal prior to the hearing. It was agreed at the hearing that the site plan would be revised to locate the entrance to the facility farther north and that, as a result, (1) Campfield Road would be widened to no more than thirty feet, (2) all of the land necessary for such widening would come from the Augsburg property, and (3) it would therefore not be necessary to take any of our property for any property on the east side of Campfield Road for the purpose of widening that street.

On May 28, 1981, the Zoning Commissioner issued his order granting Augsburg's petitions, subject to the filing of a revised site plan, which would be subject to approval by the Department of Public Works, the Department of Traffic Engineering, and the Office of Planning and Zoning. I can only assume

Mr. Norman Gerber

-2-

June 16, 1981

that the revised plan will be in accordance with the agreement that was reached at the zoning hearing -- that Campfield Road would be widened to no more than thirty feet and that all of the land necessary for that widening would come from the Augsburg property. I do not know when such a revised plan might be filed or what notice I may be entitled to when it is filed.

On behalf of myself and my husband and most of the people living along the east side of the 6800 block of Campfield Road, I take this opportunity to request notice of the filing of any such revised plan for your approval in order that we can make certain that the agreement reached at the zoning hearing is implemented. I also wish to place on record a protest in the event the revised plan calls for the taking or disruption of any of our property.

Very truly yours,

Cynthia Sommer Wilner
Cynthia Sommer Wilner

cc: Mr. William Hammond
Zoning Commissioner

Robert B. Haldeman, Esquire

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
474-3333

WILLIAM E. HAMMOND
ZONING COMMISSIONER

May 28, 1981

Robert B. Haldeman, Esquire
10 Light Street
Baltimore, Maryland 21202

RE: Petitions for Special Exception,
Variances, and Special Hearing
SW/8 of Campfield Road, 495' NW
of Southern Cross Drive - 3rd
Election District
Augsburg Lutheran Home -
Petitioner
NO. 81-3-XASPH (Item No. 199)

Dear Mr. Haldeman:

I have this date passed my Orders in the above referenced matter in accordance with the attached.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WCH/arl

Attachments

cc: Ms. Cynthia Wilner
6808 Campfield Road
Baltimore, Maryland 21207

Ms. Margaret Koppleman
4118 Villa Nova Road
Baltimore, Maryland 21207

Ms. Susan Silppongee
6719 Campfield Road
Baltimore, Maryland 21207

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

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
474-3333

WILLIAM F. OUTEN
ZONING COMMISSIONER

June 23, 1980

Robert B. Haldeman, Esquire
Donald L. Readfield, Esquire
10 Light Street
Baltimore, Maryland 21202

RE: Petition for Special Exception, Variance
and Special Hearing
SW/8 Campfield Rd., 105' NW Southern
Cross Drive - Augsburg Lutheran Home
Case No. 80-266-XASPH

Dear Sir:

This is to advise you that \$121.03 is due for advertising and posting of the above-property.

Please make check payable to Baltimore County, Maryland and remit to Sandra Jones, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

William F. Outen
WILLIAM F. OUTEN
Zoning Commissioner

WCH/arl

June 4, 1980

Robert B. Haldeman, Esquire
Donald L. Readfield, Esquire
10 Light Street
Baltimore, Maryland 21202

NOTICE OF HEARING

RE: Petition for Special Exception, Variances and Special Hearing -
SW/8 Campfield Rd., 105' NW Southern Cross Dr. -
Augsburg Lutheran Home of Maryland, Inc. - Case No. 80-266-XASPH

TIME: 10:15 A.M.

DATE: Tuesday, July 1, 1980

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. W. E. Hammond
Zoning Commissioner
John D. Seyffert, Director
FROM: Office of Planning and Zoning
SUBJECT: Petition No. 81-3-XASPH Item 199

Date: June 24, 1980

Petition for Special Exception, Variances and Special Hearing
Southwest side of Campfield Road, 495 feet Northwest of Southern Cross Drive
Petitioner- Augsburg Lutheran Home of Maryland, Inc.

Third District

HEARING: Tuesday, July 1, 1980 (10:15 A.M.)

This office is supportive of the petitioner's request. The need is an obvious one and the "Total Core Community" concept a well thought out response to it. If granted, it is requested that the Division of Current Planning and Development review and approve details of landscaping along the periphery of the property.

JDS:JGHab

DAFT-McCLINE, LKER, INC.

530 E. Joppa Road
Towson, Md. 21204
Telephone: 301-296-3333
Land Planning Consultants
Landscape Architects
Engineers

DESCRIPTION

48.53 Acre Parcel for Variances and Special Hearing
in DR-16, DR-5.5 and DR-3.5 Zone
Third Election District, Baltimore County, Maryland

Beginning for the same at a point in the center of Campfield Road at the distance of 495 feet more or less northwesterly from the center of Southern Cross Drive, and running thence, leaving Campfield Road, (1) South 46° 31' 00" West 385.40 feet and (2) South 35° 00' 00" East 685.99 feet to a point in the center of Campfield Road, thence leaving Campfield Road the following eight (8) courses and distances, viz.: (4) North 35° 00' 00" West 306.82 feet, (5) South 59° 41' 20" West 710.41 feet, (6) North 34° 39' 40" West 218.50 feet, (7) South 75° 18' 00" West 575.00 feet, (8) North 11° 12' 00" West 358.26 feet, (9) North 47° 22' 26" East 321.24 feet, (10) North 42° 37' 34" West 795.94 feet and (11) North 65° 38' 43" East 1,647.50 feet to the aforesaid center of Campfield Road, thence leaving thereon (12) South 28° 40' 30" East 41.75 feet, (13) South 20° 03' 26" East 654.07 feet, (14) South 20° 11' 20" East 600.95 feet and (15) South 19° 10' 00" East 147.96 feet to the place of beginning, containing 51.70 acres of land, more or less.

SAVING AND EXCEPTING THEREFROM, all that parcel of land containing 3.17 acres of land, more or less, heretofore described as special exception for convalescent home.

William F. Outen
William F. Outen
Reg. Land Surveyor No. 2493



March 21, 1980
Job Order No. 8-7957

DAFT-McCLINE, LKER, INC.

530 E. Joppa Road
Towson, Md. 21204
Telephone: 301-296-3333
Land Planning Consultants
Landscape Architects
Engineers

DESCRIPTION

3.17 Acre Parcel for Special Exception for
Convalescent Home in DR-3.5 Zone
Third Election District, Baltimore County, Maryland

Beginning for the same at a point located North 76° 47' 27" West 174.88 feet from the southeast corner of the whole tract of which the parcel now being described is a part, said southeast corner being located in the center of Campfield Road at a distance of 495 feet more or less northwesterly, as measured along the center of Campfield Road, from the center of Southern Cross Drive, and running thence the following fifteen (15) courses and distances, viz.: (1) South 52° 56' 28" West 254.85 feet, (2) North 37° 03' 32" West 169.13 feet, (3) North 09° 40' 00" West 54.84 feet, (4) North 38° 40' 00" West 82.22 feet, (5) North 00° 20' 00" East 84.36 feet, (6) North 19° 40' 00" West 31.72 feet, (7) North 39° 40' 00" West 124.36 feet, (8) North 50° 20' 00" East 149.00 feet, (9) South 38° 40' 00" East 75.61 feet, (10) North 70° 11' 11" East 207.46 feet, (11) South 19° 48' 49" East 227.38 feet, (12) North 70° 11' 11" East 34.57 feet, (13) South 37° 03' 32" East 55.00 feet, (14) South 52° 56' 28" West 70.20 feet and (15) South 37° 03' 32" East 63.50 feet to the place of beginning, containing 3.17 acres of land, more or less.

William F. Outen
William F. Outen
Reg. Land Surveyor No. 2493



March 21, 1980
Job Order No. 8-7957

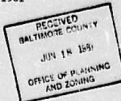
MICROFILMED

MICROFILMED

MICROFILMED

MICROFILMED

Cynthia Sommer Wilner
6808 Campfield Road
Baltimore, Maryland 21207
June 16, 1981



Mr. Norman Gerber, Director
Office of Planning and Zoning
Baltimore County
401 Bosley Avenue
Towson, Maryland 21204

Dear Mr. Gerber:

On July 1, 1980, a hearing was held before the Zoning Commissioner of Baltimore County in connection with certain petitions filed by the Augsburg Lutheran Home of Maryland, Inc. seeking appropriate permits to undertake a major expansion of its facilities at 6811 Campfield Road. I and a number of other area residents appeared at the hearing in opposition to certain features of the proposed plan. Specifically, we objected to the then-current proposal to widen Campfield Road to a width of sixty feet and to take part of our property lying on the east side of Campfield Road for that purpose.

I understand through Mr. Hession, the People's Counsel, that your office had been consulted about this proposal prior to the hearing. It was agreed at the hearing that the site plan would be revised to locate the entrance to the facility farther north and that, as a result, (1) Campfield Road would be widened to no more than thirty feet, (2) all of the land necessary for such widening would come from the Augsburg property, and (3) it would therefore not be necessary to take any of our property for any property on the east side of Campfield Road for the purpose of widening that street.

On May 28, 1981, the Zoning Commissioner issued his order granting Augsburg's petitions, subject to the filing of a revised site plan, which would be subject to approval by the Department of Public Works, the Department of Traffic Engineering, and the Office of Planning and Zoning. I can only assume

Mr. Norman Gerber -2- JUN 16, 1981

that the revised plan will be in accordance with the agreement that was reached at the zoning hearing -- that Campfield Road would be widened to no more than thirty feet and that all of the land necessary for that widening would come from the Augsburg property. I do not know when such a revised plan might be filed or what notice I may be entitled to when it is filed.

On behalf of myself and my husband and most of the people living along the east side of the 6800 block of Campfield Road, I take this opportunity to request notice of the filing of any such revised plan for your approval in order that we can make certain that the agreement reached at the zoning hearing is implemented. I also wish to place on record a protest in the event the revised plan calls for the taking or disruption of any of our property.

Very truly yours,

Cynthia Sommer Wilner
Cynthia Sommer Wilner

cc: Mr. William Hammond
Zoning Commissioner

Robert B. Haldeman, Esquire

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353
WILLIAM E. HAMMOND
ZONING COMMISSIONER

May 28, 1981

Robert B. Haldeman, Esquire
10 Light Street
Baltimore, Maryland 21202

RE: Petitions for Special Exception,
Variances, and Special Hearing
SW/S of Campfield Road, 495' NW
of Southern Cross Drive - 3rd
Election District
Augsburg Lutheran Home -
Petitioner
NO. 81-3-XASPH (Item No. 195)

Dear Mr. Haldeman:

I have this date passed my Orders in the above referenced matter in accordance with the attached.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH/srl

Attachments

cc: Ms. Cynthia Wilner
6808 Campfield Road
Baltimore, Maryland 21207

Ms. Margaret Koppleman
4118 Villa Nova Road
Baltimore, Maryland 21207

Ms. Susan Sillpooe
6719 Campfield Road
Baltimore, Maryland 21207

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

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353
WILLIAM E. HAMMOND
ZONING COMMISSIONER

June 23, 1980

Robert B. Haldeman, Esquire
Donald L. Westfield, Esquire
10 Light Street
Baltimore, Maryland 21202

RE: Petition for Special Exception, Variance
and Special Hearing
SW/S of Campfield Rd., 495' NW Southern
Cross Drive - Augsburg Lutheran Home
Case No. 81-3-XASPH

Dear Sir:

This is to advise you that \$121.03 is due for
advertising and posting of the above-proposed.

Please make check payable to Baltimore County, Maryland and
sent to Sandra Jones, Room 113, County Office Building, Towson,
Maryland 21204, before the hearing.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WMH:sj

June 4, 1980

Robert B. Haldeman, Esquire
Donald L. Westfield, Esquire
10 Light Street
Baltimore, Maryland 21202

NOTICE OF HEARING

RE: Petition for Special Exception, Variance and Special Hearing -
SW/S of Campfield Rd., 495' NW Southern Cross Dr -
Augsburg Lutheran Home of Maryland, Inc. - Case No. 80-366-XASPH

TO: 10:15 A.M.

DATE: Tuesday, July 1, 1980

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 V. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

Mr. W. E. Hammond

TO: Zoning Commissioner
John D. Sayfert, Director

Date: June 24, 1980

FROM: Office of Planning and Zoning

SUBJECT: Petition No. 81-3-XASPH Item 199

Petition for Special Exception, Variances and Special Hearing
Southern side of Campfield Road, 495 feet Northwest of Southern Cross Drive
Petitioner: Augsburg Lutheran Home of Maryland, Inc.

Third District

HEARING: Tuesday, July 1, 1980 (10:15 A.M.)

This office is supportive of the petitioner's request. The need is an obvious one
and the "Total Core Community" concept a well thought out response to it.
If granted, it is requested that the Division of Current Planning and Development
review and approve details of landscaping along the periphery of the property.

John D. Sayfert, Director
Office of Planning and Zoning

JDS:JGHab

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DAT-McCUNE, CLARK, INC.

530 E. Joppa Road
Towson, MD 21204
Telephone: 301-296-3333
Land Planning Consultants
Landscape Architects
Engineers

DESCRIPTION

48.53 Acre Parcel for Variances and Special Hearing
in RD-16, DB-S-5 and DB-S-3 Zone
Third Election District, Baltimore County, Maryland

Beginning for the same at a point in the center of Campfield
Road at the distance of 495 feet more or less northeasterly from
the center of Southern Cross Drive, and running thence, leaving
Campfield Road, (1) South 46° 31' 00" West 305.40 feet and (2) South
35° 00' 00" East 605.99 feet to a point in the center of Campfield
Road, thence binding thereon (3) South 44° 12' 00" West 14.25 feet,
thence leaving Campfield Road the following eight (8) courses and
distances, viz.: (4) North 35° 00' 00" West 306.55 feet, (5) South
59° 41' 20" West 710.41 feet, (6) North 34° 39' 40" West 219.50
feet, (7) South 75° 18' 00" West 375.00 feet, (8) North 11° 12' 00"
West 358.26 feet, (9) North 47° 22' 26" East 321.24 feet, (10) North
42° 37' 34" West 759.94 feet and (11) North 46° 38' 45" East
1,647.50 feet to the aforesaid center of Campfield Road, thence
binding thereon (12) South 26° 40' 30" East 41.76 feet, (13) South
20° 03' 26" East 654.07 feet, (14) South 20° 11' 00" East 608.95
feet and (15) South 19° 10' 00" East 147.96 feet to the place of
beginning, containing 51.70 acres of land, more or less.

SAVING AND EXCEPTING THEREFROM, all that parcel of land con-
taining 3.17 acres of land, more or less, heretofore described as
special exception for convalescent home.

Wilson F. Outen
Wilson F. Outen
Reg. Land Surveyor No. 2493



March 21, 1980
Job Order No. 8-7957

DAT-McCUNE, CLARK, INC.

530 E. Joppa Road
Towson, MD 21204
Telephone: 301-296-3333
Land Planning Consultants
Landscape Architects
Engineers

DESCRIPTION

3.17 Acre Parcel for Special Exception for
Convalescent Home in DB-S-3 Zone
Third Election District, Baltimore County, Maryland

Beginning for the same at a point located North 76° 47' 27"
West 174.88 feet from the southeast corner of the whole tract of
which the parcel now being described is a part, said southeast
corner being located in the center of Campfield Road at a distance
of 495 feet more or less northeasterly, as measured along the
center of Campfield Road, from the center of Southern Cross Drive,
and running thence the following fifteen (15) courses and distances,
viz.: (1) South 52° 56' 28" West 354.85 feet, (2) North 37° 03' 32"
West 169.13 feet, (3) North 89° 40' 00" West 54.94 feet, (4) North
39° 40' 00" West 52.22 feet, (5) North 60° 20' 00" East 84.36 feet,
(6) North 19° 40' 00" West 31.72 feet, (7) North 39° 40' 00" West
124.36 feet, (8) North 50° 20' 00" East 149.00 feet, (9) South
39° 40' 00" East 75.81 feet, (10) North 70° 11' 11" East 207.46
feet, (11) South 19° 48' 49" East 227.38 feet, (12) North 70° 11' 11"
East 94.57 feet, (13) South 37° 03' 32" East 55.00 feet, (14) South
52° 56' 28" West 10.20 feet and (15) South 37° 03' 32" East 63.50
feet to the place of beginning, containing 3.17 acres of land, more
or less.

Wilson F. Outen
Wilson F. Outen
Reg. Land Surveyor No. 2493



March 21, 1980
Job Order No. 8-7957

SEMMES, BOWEN & SEMMES

ATTORNEYS AT LAW

BALTIMORE, MARYLAND 20002
TELEPHONE 301-558-8000
TELEFAX 301-558-8000

CABLE TELETYPE
"S-B-S-B"
400 BALTIMORE AVENUE
BALTIMORE, MD 21202
TELEPHONE 301-558-8000

June 11, 1981

Mr. William E. Hammond
Zoning Commissioner for Baltimore County
County Office Building
11 Chesapeake Avenue
Towson, Maryland 21204

Re: Petitions for Special Exception,
and Special Hearing,
Third Election District
Augsburg Lutheran Home - Petitioner
No. 81-3-XASPH (Item No. 199)

Dear Mr. Hammond:

In follow-up to your Orders issued in connection with the above-referenced matter, I have met with the architect and landscape architect for Augsburg to discuss the preparation of the revised site plan. Based upon your Order and what I understand to be your interpretation of the relevant sections of the zoning regulations as summarized in my June 4, 1981, letter to you, I believe that the proposed additional expansion of the existing nursing facility in the residential transition area as well as all post-1953 expansion to the nursing facility falls well within the 25% limitation of Section 104 of the Zoning Regulations. We hope to be in a position to file the revised site plan within the next two weeks.

A question has arisen with respect to the Order on the Petition for Special Hearing as it relates to the location of the entrance, gatehouse and sign.

As you are aware, the original Petition requested an interpretation that a gatehouse, fence and sign were not items that would be excluded from a residential transition area. Subsequent to the hearing, Augsburg indicated that it would be willing to

MICROFILMED

SEMMES, BOWEN & SEMMES

Mr. William E. Hammond
June 11, 1981
Page 2

relocate the entrance down Campfield Road and locate the gatehouse outside of the residential transition area. This location would place the gatehouse in excess of 200 feet from Campfield Road. It would not serve any purpose if the sign also had to be located outside of the transition area and therefore not within view of the public road rather than within the proximity of Campfield Road.

Your opinion on this point specifically states "Out of necessity, the proposed sign will be located at the entrance to the site and the gatehouse." I believe that the logical construction of this sentence is that the sign may be located along Campfield Road at the entrance to the site which leads to the gatehouse and then into the development. This interpretation, however, is at variance with the specific language of paragraph 1.a. of your Order. I would appreciate it if you could clarify this point.

Thank you for your cooperation.

Very truly yours,

Donald L. Bradfield
Donald L. Bradfield

DLS/bjs

MICROFILMED

THE VILLA NOVA COMMUNITY CLUB

BALTIMORE, MARYLAND 21207

July 1, 1980

Zoning Commissioner
Baltimore County

Re: 81-3-XASPH
Augsburg Lutheran Home
Campus of Total Care

Dear Sir:

1. The Villa Nova Community Club, on behalf of its residents in close proximity to the Augsburg Lutheran Home, calls particular attention to the transition belt surrounding the expanded facility. It is understood, through conference with representatives, that this belt shall be at least 250' wide allowing present trees to remain there. The service road (called the loop road in design study) and parking areas will be held to the designated perimeter with an 8 foot high security fence on the outer edge of this service road. Lighting on this fence will be held at the eight foot level and directed away from surrounding properties. It is requested that evergreen landscaping be included where the fence is clearly visible to persons outside the Augsburg property.
2. It is further requested that land, as may be required for the widening of Campfield Road, be ceded to Baltimore County by the Augsburg Home as part of this plan.
3. Should persistent parking problems arise from visitors to the Augsburg Home, we ask that they be alleviated by improvements within the project.
4. It is understood that storm drainage which exceeds present flows will be directed to a pond where it will be delayed and automatically released into Oyama Falls after storm levels have receded.
5. It is urgent that strict compliance with the specific requirement of the plan as to occupancy and capacity be observed without inherent privilege for further expansion by annexation or addition.
6. We feel it is imperative that the Zoning Commissioner will not permit any acceptance of the Augsburg Home's proposals to be used as a precedent for allowing further construction of nursing home facilities in this area. This is a quiet residential neighborhood, and we would not like to see any proliferation of this type of land use.

Very truly yours,

Margaret P. Koppelman
Margaret P. Koppelman, President
VILLA NOVA COMMUNITY CLUB

PROTESTANT'S
EXHIBIT 1

MICROFILMED

PROTESTANT'S EXHIBIT 2

81-3X-ASPH

My name is Cynthia Wilner. My husband and I live at 6809 Campfield Road, directly across the street from the main entrance to the Augsburg Lutheran Home. I also speak on behalf of Mr. and Mrs. Sherman Lewis, who reside at 6819 Campfield Road and who are unable to be at this hearing. Other residents of Campfield Road are here with me today and they are:

Although we have no objection to the general proposal before you -- that is, to develop the property as a community for older people -- we have some very deep concerns and objections to certain features of the proposal. Most of these objections are interrelated and are easy to resolve.

Our first and principal objection is to the proposed widening of Campfield Road. We were shocked to learn just the other day that part of this proposal involves the taking of nearly half of our front lawn -- and the front lawns of nearly every home on the east side of Campfield Road -- in order to widen the street to 60 feet and install sidewalks.

This would require the destruction of seven large, mature trees that now screen our home and would absolutely destroy the landscaping of the property. I dare say it would lessen the value of our home by a third or more. All unnecessarily.

It seems to me, FIRST, that there is no need to widen the street at that point to 60 feet, and, SECOND, if the street needs widening at all in order to accommodate the Augsburg's construction, let Augsburg provide the land for the street and sidewalks.

MICROFILMED

-2-

It is unfair and unnecessary to take our land and destroy our property to support their project. We have just a half acre; they have hundreds.

In this regard, we also object to the proposal to have but one access to the development, and to have that access directly in front of our driveway. At present, with only about 200 trips a day in and out of the property, there are two access points.

The "main" entrance is really not the busy one. Some delivery trucks use it, as do cars occasionally. The employees and visitors use the parking lot entrance forty or fifty yards to the south.

This proposed expansion of the facility would increase the traffic in and out of the campus enormously -- from 200 trips to 1,600 trips per day, as estimated by the County traffic report. That's an 800% increase.

Most of the proposed living units will be located more toward the north end of the property. From the point of view of fire protection, convenience to visitors, eliminating congestion, and traffic safety, it would make far more sense to have another access to Campfield Road at that end of the property.

A third objection has to do with the gatehouse proposed to be built within the transition area -- just inside the property line. If the purpose of this is to provide security, it's an expensive farce. People bent on mischief or worse can park their cars outside the property and easily scale a perimeter fence.

If the gatehouse will be used to stop cars and identify

MICROFILMED

-3-

their occupants, one can only imagine the terrible congestion that will be created on Campfield Road. This proposal allows no room for vehicle storage. If more than one car is entering at a time, the backup will be on Campfield Road.

If they want a gatehouse, let them put it on an access road further north, where it can be located further onto their property and outside the transition zone. That would at least avoid backing up cars on the public street. There is room for another road and a gatehouse in that area of the property.

Indeed, I question the legality of putting the gatehouse where the plans now show it. It does not strike me as the type of accessory building that would be permitted within a transition zone.

We are also concerned, Mr. Commissioner, about the parking variance sought. Keep in mind that this is not just a retirement community. It is also a 220-bed hospital that will require a lot of employees, a lot of supplies delivered (food, etc.), and a lot of visits, quite apart from the individual living units.

I understand that the zoning law requires 360 parking spaces for a development such as this. They want to provide only 240.

Suppose they and the county have miscalculated. Once the variance is granted, that's it! The extra cars will then park along Campfield or Essex Roads, and along already narrow, crowded side streets, which are not equipped to handle them.

Lastly, it is impossible to tell from the plans just how effective the proposed screening will be; and that is something that is absolutely critical. It involves the type and height of

MICROFILMED

-4-

the shrubbery as well as the placement and direction of the lighting.

In summary, Mr. Commissioner, we insist that the requests before you be denied unless the plans are modified to take account of these concerns. Specifically, the plans must be amended to ensure:

1. That no part of our property is taken in connection with this project -- not a foot of it.
2. That there is another access to Campfield Road.
3. That Campfield Road not be widened near our property; it isn't necessary.
4. That the gatehouse be moved further away from the street -- more into the Augsburg property -- or dispensed with altogether.
5. That truly adequate off-street parking be provided, and that in designing the project, the need be overestimated rather than underestimated.
6. That all lighting called for be directed inwardly and that the proposed screening be examined to ensure that it will be adequate.

Thank you for your patience.

MICROFILMED

We, the undersigned, support the statement made by Mrs. Wilner

Name	Address
C. C. Moore	6715 CAMPFIELD RD
Mr. & Mrs. Dale Murrell	6826 Campfield Rd.
Mr. & Mrs. James S. Murrell	6812 Campfield Rd.
John C. Sevin	6824 Campfield Rd.
Mr. James P. Sevin	6819 Campfield Rd.
Mr. & Mrs. H. P. Sevin	6818 Campfield Rd.
William S. Sevin	6820 Campfield Rd.
Nathan K. Sevin	6816 Campfield Rd.

PROTESTANT'S
EXHIBIT 3

MICROFILMED

Mr. William E. Hammond
Zoning Commission
Baltimore County Office of
County Office Building
Towson, MD 21204

Re: Petition for Special Exception,
Case No. 81-2-253501, 1 unit, 100
AUGSBURG LUTHERAN HOME

January 8, 1981

Very truly yours,
Robert E. Halldeman

cc: J. Hession, FKF/8

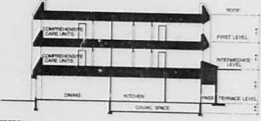
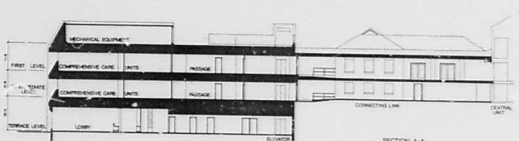


With reference to the above-captioned case, I am writing to inform you that the proposed special exception is not in accordance with the provisions of the Baltimore County Zoning Ordinance, Article 21, Section 21-101, which requires that any special exception be made to the provisions of the ordinance which are not in accordance with the provisions of the ordinance. The proposed special exception is not in accordance with the provisions of the ordinance, and therefore, it is not in accordance with the provisions of the ordinance. The proposed special exception is not in accordance with the provisions of the ordinance, and therefore, it is not in accordance with the provisions of the ordinance.

MICROFILMED



MICROFILMED

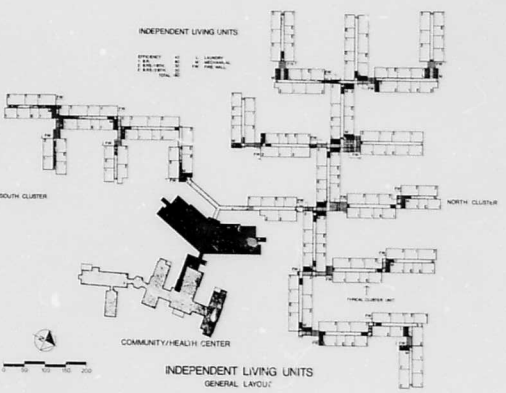


MICROFILMED

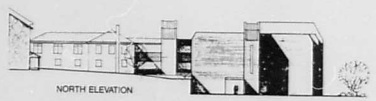
AUGSBURG LUTHERAN HOME

Concept Plans
indicating the general character of
proposed and existing structures

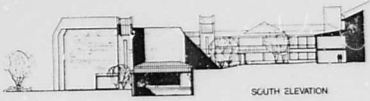
PETITIONER'S EXHIBIT 10



MICROFILMED



COMMUNITY/HEALTH CENTER

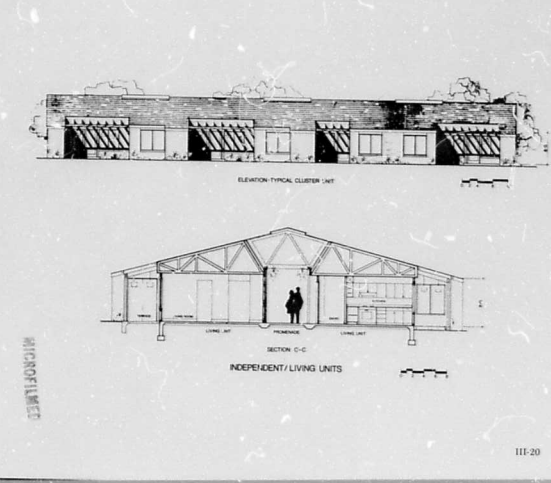
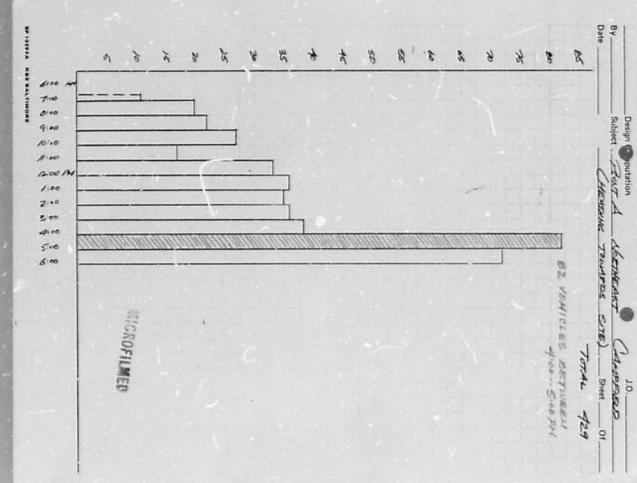
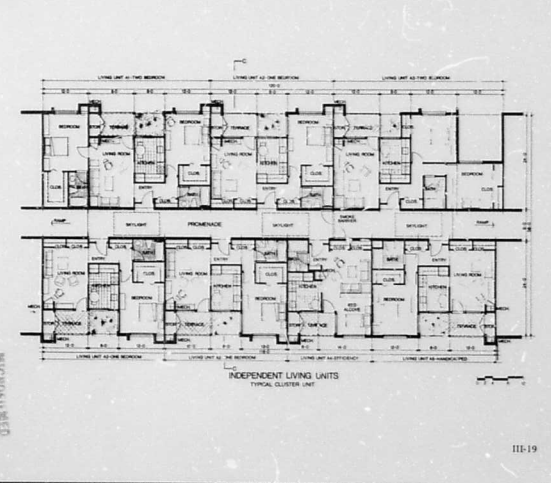
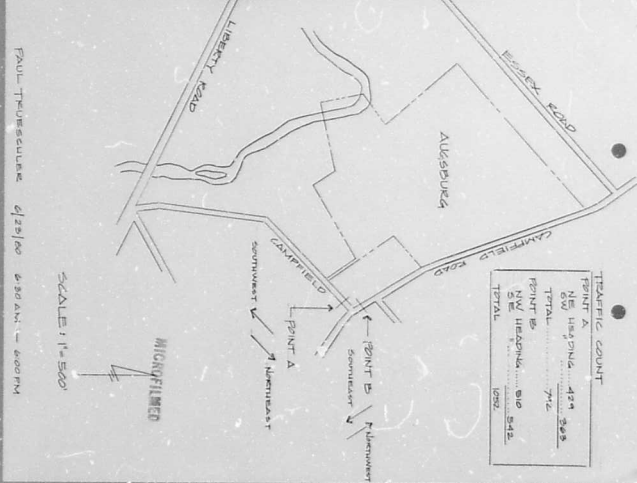
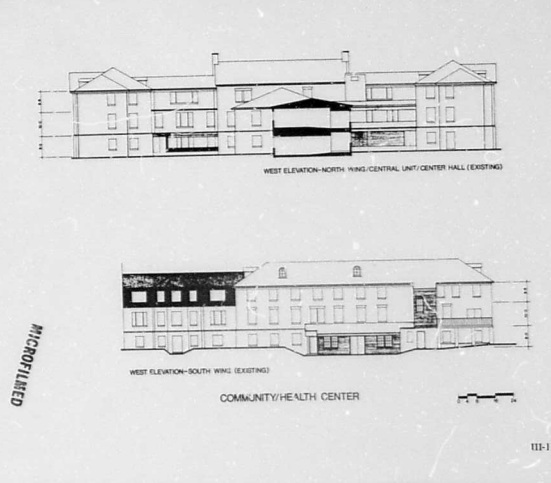
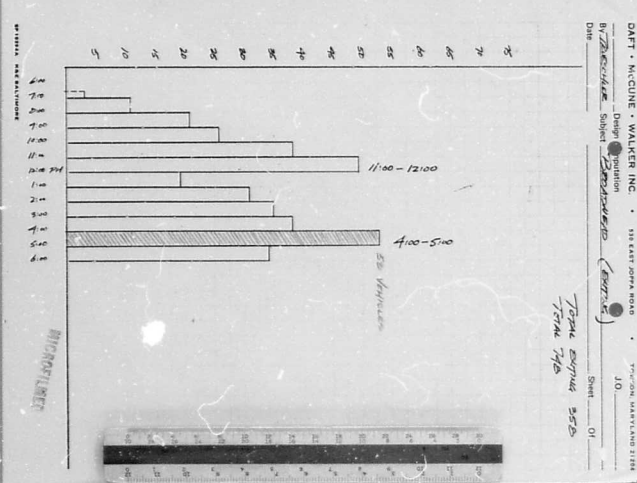
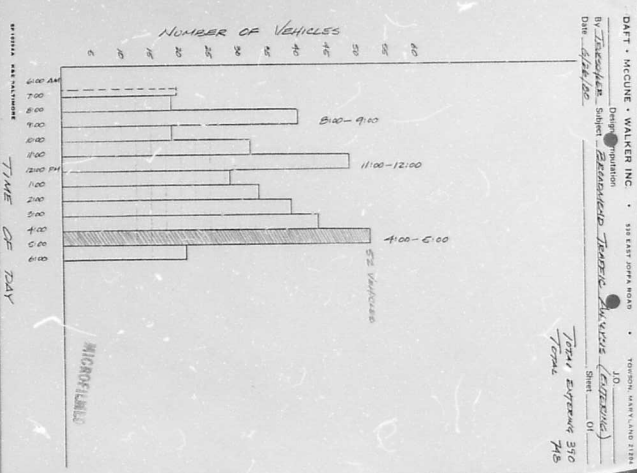


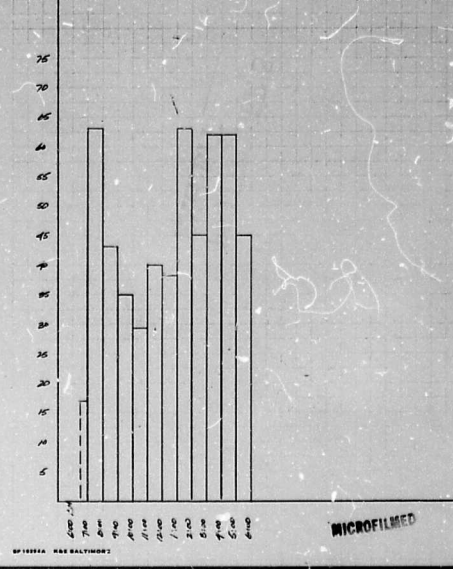
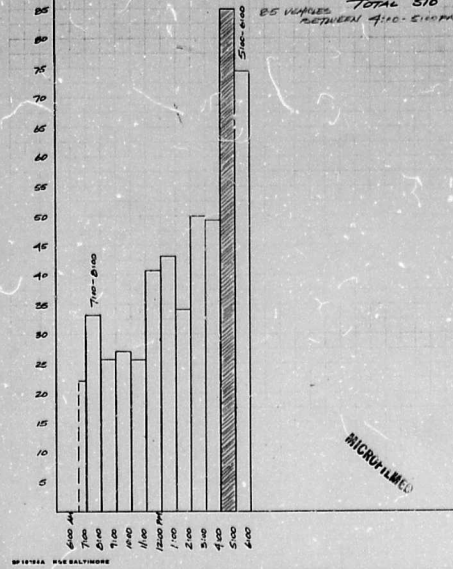
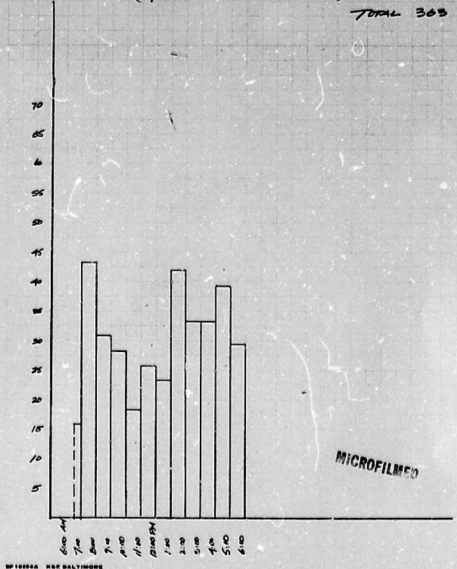
COMMUNITY/HEALTH CENTER



MICROFILMED

MICROFILMED





81-1468
 81-3-XASPH
 Cynthia Sommer Wilner
 6808 Campfield Road
 Baltimore, Maryland 21207
 June 16, 1981

Mr. Stephen E. Collins, Director
 Department of Traffic Engineering
 Baltimore County
 401 Bosley Avenue
 Towson, Maryland 21204

Dear Mr. Collins:

On July 1, 1980, a hearing was held before the Zoning Commissioner of Baltimore County in connection with certain petitions filed by the Augsburg Lutheran Home of Maryland, Inc. seeking appropriate permits to undertake a major expansion of its facilities at 6811 Campfield Road. I and a number of other area residents appeared at the hearing in opposition to certain features of the proposed plan. Specifically, we objected to the then-current proposal to widen Campfield Road to a width of sixty feet and to take part of our property lying on the east side of Campfield Road for that purpose.

I understand through Mr. Hessian, the People's Counsel, that your office had been consulted about this proposal prior to the hearing. It was agreed at the hearing that the site plan would be revised to locate the entrance to the facility farther north and that, as a result, (1) Campfield Road would be widened to no more than thirty feet, (2) all of the land necessary for such widening would come from the Augsburg property, and (3) it would therefore not be necessary to take any of our property (or any property on the east side of Campfield Road) for the purpose of widening that street.

On May 28, 1981, the Zoning Commissioner issued his order granting Augsburg's petitions, subject to the filing of a revised site plan, which would be subject to approval by the Department of Public Works, the Department of Traffic Engineering, and the Office of Planning and Zoning. I can only assume that the revised plan will be in accordance with the agreement that was reached at the zoning hearing -- that Campfield Road

MICROFILMED

Mr. Stephen E. Collins -2- June 16, 1981

would be widened to no more than thirty feet and that all of the land necessary for that widening would come from the Augsburg property. I do not know when such a revised plan might be filed or what notice I may be entitled to when it is filed.

On behalf of myself and my husband and most of the people living along the east side of the 6800 block of Campfield Road, I take this opportunity to request notice of the filing of any such revised plan for your approval in order that we can make certain that the agreement reached at the zoning hearing is implemented. I also wish to place on record a protest in the event the revised plan calls for the taking or disruption of any of our property.

Very truly yours,
 Cynthia Sommer Wilner

cc: Mr. William Hammond
 Zoning Commissioner
 Robert B. Haldeman, Esquire

Cynthia Sommer Wilner
 6808 Campfield Road
 Baltimore, Maryland 21207
 June 16, 1981



Mr. Harry J. Pistel, Director
 Department of Public Works
 Baltimore County
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

Dear Mr. Pistel:

On July 1, 1980, a hearing was held before the Zoning Commissioner of Baltimore County in connection with certain petitions filed by the Augsburg Lutheran Home of Maryland, Inc. seeking appropriate permits to undertake a major expansion of its facilities at 6811 Campfield Road. I and a number of other area residents appeared at the hearing in opposition to certain features of the proposed plan. Specifically, we objected to the then-current proposal to widen Campfield Road to a width of sixty feet and to take part of our property lying on the east side of Campfield Road for that purpose.

I understand through Mr. Hessian, the People's Counsel, that your office had been consulted about this proposal prior to the hearing. It was agreed at the hearing that the site plan would be revised to locate the entrance to the facility farther north and that, as a result, (1) Campfield Road would be widened to no more than thirty feet, (2) all of the land necessary for such widening would come from the Augsburg property, and (3) it would therefore not be necessary to take any of our property (or any property on the east side of Campfield Road) for the purpose of widening that street.

On May 28, 1981, the Zoning Commissioner issued his order granting Augsburg's petitions, subject to the filing of a revised site plan, which would be subject to approval by the Department of Public Works, the Department of Traffic Engineering, and the Office of Planning and Zoning. I can only assume that the revised plan will be in accordance with the agreement

MICROFILMED

Mr. Harry J. Pistel -2- June 16, 1981

that was reached at the zoning hearing -- that Campfield Road would be widened to no more than thirty feet and that all of the land necessary for that widening would come from the Augsburg property. I do not know when such a revised plan might be filed or what notice I may be entitled to when it is filed.

On behalf of myself and my husband and most of the people living along the east side of the 6800 block of Campfield Road, I take this opportunity to request notice of the filing of any such revised plan for your approval in order that we can make certain that the agreement reached at the zoning hearing is implemented. I also wish to place on record a protest in the event the revised plan calls for the taking or disruption of any of our property.

Very truly yours,
 Cynthia Sommer Wilner

cc: Mr. William Hammond
 Zoning Commissioner
 Robert B. Haldeman, Esquire

Cynthia Sommer Wilner
 6808 Campfield Road
 Baltimore, Maryland 21207
 June 16, 1981

Mr. Norman Gerber, Director
 Office of Planning and Zoning
 Baltimore County
 401 Bosley Avenue
 Towson, Maryland 21204

Dear Mr. Gerber:

On July 1, 1980, a hearing was held before the Zoning Commissioner of Baltimore County in connection with certain petitions filed by the Augsburg Lutheran Home of Maryland, Inc. seeking appropriate permits to undertake a major expansion of its facilities at 6811 Campfield Road. I and a number of other area residents appeared at the hearing in opposition to certain features of the proposed plan. Specifically, we objected to the then-current proposal to widen Campfield Road to a width of sixty feet and to take part of our property lying on the east side of Campfield Road for that purpose.

I understand through Mr. Hessian, the People's Counsel, that your office had been consulted about this proposal prior to the hearing. It was agreed at the hearing that the site plan would be revised to locate the entrance to the facility farther north and that, as a result, (1) Campfield Road would be widened to no more than thirty feet, (2) all of the land necessary for such widening would come from the Augsburg property, and (3) it would therefore not be necessary to take any of our property (or any property on the east side of Campfield Road) for the purpose of widening that street.

On May 28, 1981, the Zoning Commissioner issued his order granting Augsburg's petitions, subject to the filing of a revised site plan, which would be subject to approval by the Department of Public Works, the Department of Traffic Engineering, and the Office of Planning and Zoning. I can only assume

MICROFILMED

June 4, 1981

that the revised plan will be in accordance with the agreement that was reached at the zoning hearing - that Campfield Road would be widened to no more than thirty feet and that all of the land necessary for that widening would come from the Augsburg property. I do not know when such a revised plan might be filed or what notice I may be entitled to when it is filed.

On behalf of myself and my husband and most of the people living along the east side of the 6800 block of Campfield Road, I take this opportunity to request notice of the filing of any such revised plan for your approval in order that we can make certain that the agreement reached at the zoning hearing is implemented. I also wish to place on record protest in the event the revised plan calls for the taking or disruption of any of our property.

Very truly yours,

Cynthia Sommer Wilner

Cynthia Sommer Wilner

cc:

Mr. William Hammond
Zoning Commissioner

Robert B. Haldeman, Esquire

PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING

3rd District

SUBJECT: Petition for Special Exception, Variances and Special Hearing
LOCATION: Southwest side of Campfield Road, 105 feet Northwest of Southern Cross Drive
DATE & TIME: Tuesday, July 1, 1980 at 10:15 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a convalescent home lying within the Residential Transition Area as defined by B1001.1.B of the Baltimore County Zoning Regulations.)
Petition for Variances to permit 300 parking spaces instead of the required 360 spaces, to permit parking more than 300 feet from the building and Section 504 as implemented by Section III.P.3 of the Baltimore County Comprehensive Manual of Development, to permit parking to be located such that the distance from that parking to the doors of certain living units is greater than the distance from the general street curb to the doors of those living units and to permit all living unit clusters within the development to be connected by covered passageways resulting in a building in excess of 300 feet in width, subject to evidence in conformance with Special Exception procedures and Petition for Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the interpretation of Section 1201.1.B that the following are permitted in a residential transition area: (1) continuation of lawful nonconforming use as a convalescent home; (2) renovation of and additions to lawful nonconforming use as a convalescent home necessary to update the facilities and to connect such facilities with a conforming extension thereof, which additions in the aggregate do not exceed 25% of the ground floor area of the existing building; (3) improvement and redesign of existing parking area as a lawful nonconforming use; and (4) construction of a gatehouse, fence (not to exceed 8 feet in height), lighting (not to exceed 175 watts per fixture) and sign as used or structures normally necessary to a single family dwelling or to a local open space tract

The Zoning Regulations to be excepted are as follows:

Section 1201.1.B - Residential Transition Area
Section 1202.2 - Parking
Section 1202.2a - Parking space
Section 1201.2B.1d - Bulk Regulations

MICROFILMED

SEMMESE, BOWEN & SEMMES

Mr. William E. Hammond
June 4, 1981
Page 2

footprint area of the main convalescent home, but also the footprint area of the detached residence of the Executive Director as well as the detached pavilion located in the back of the existing convalescent home. (The term "footprint" as used in this context means the square footage of ground floor area.)

2. In measuring post-1953 expansion, as well as the additions which are proposed to be made in connection with the presently contemplated project, only the footprint areas are to be calculated; e.g., if there is, for example, to be the addition of a two-story stairwell, only the square foot area of the footprint of that stairwell must be included for purposes of measuring the 25% limitation.

3. Since the Petition and your Order addressed a Special Exception for all of the nursing home lying outside of the residential area, only those portions of the proposed additions to the existing nursing home which will be located in the residential transition area need be included for purposes of measuring the 25% limitation.

If my understanding of your interpretation of Section 104 of the Zoning Regulations and of our previous conversation is not correct, please let me know; otherwise, we will proceed with preparing the revised site plan in accordance with your Orders and the standards set forth in this letter.

Incidentally, I assume that in your Order conditionally granting the Petition for Special Exception, the gatehouse and sign be relocated to an area outside of the residential transition area does not extend to the entrance of the residential transition area which is completely bounded by the residential transition area and access from public roads by necessity has to be across the residential transition area.

Thank you for your cooperation.

Very truly yours,

Donald L. Bradfield
Donald L. Bradfield

DLB/vjm

MICROFILMED

ORDER RECEIVED FOR FILING

DATE MAY 28 1981

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

BY

MICROFILMED

All that parcel of land in the Third District of Baltimore County

Being the property of Augsburg Lutheran Home of Maryland, Inc., as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, July 1, 1980 at 10:15 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

MICROFILMED

and added such uses as being subject to Special Use Permits. Therefore, the latest date upon which the petitioner can rely for the establishment of the "nonconforming footprint" would be July 2, 1953. The same would be true for the parking area used since 1946. Any improvements to the subject property constructed after July 2, 1953, would, therefore, be considered extensions under Section 104 as it read prior to the 1955 amendment, as well as subsequent thereto, and not as part of the footprint upon which the present extension is predicated. In other words, the 25% extension of the nonconforming use is determined by ascertaining the existing ground floor area and deducting therefrom the ground floor area of those improvements made after July 2, 1953. The difference is the footprint upon which the extension is to be calculated. To conclude otherwise would allow an extension of the nonconforming use on part of an extension that occurred previously, thereby giving recognition to "tacking" of extensions of nonconformance. Since the site plan does not delineate the history of additions to the nonconforming use, it is impossible to determine the percentage of past extensions which occurred between 1953 and 1955 and from 1955 to the date of the hearing. It may well be that the 25% extension has already occurred and the proposed additions thereto precluded. As a result, this Order will have to be conditioned, as to the extension proposed, upon an amended site plan being filed showing the specific uses of the improvements on the subject property and the dates of the additions made between 1953 and 1955 and those made from 1955 to the present, as well as the basis for determining that the proposed additions to the existing improvements do not exceed the 25% extension allowance.

It is clear that the two sections involved are not in conflict with one another and may be read together in order to provide for a 25% extension of a nonconforming use, regardless of the residential transition area, since it is a right that is vested in the owner at the time the use became nonconforming and may only be divested by a change in use, termination of the use for one year, or damage by fire or other casualty to the extent of 25% of the replacement cost at the time of such loss. In any event, all subsequent improvements or uses of the property would be limited by application of the residential transition area limitations.

MICROFILMED

SEMMESE, BOWEN & SEMMES

ATTORNEYS AT LAW

10 LIGHT STREET
BALTIMORE, MARYLAND 21201
TELEPHONE 301-338-9293
TELETYPE 301-338-9293

June 4, 1981



Mr. William E. Hammond
Zoning Commissioner for Baltimore County
County Office Building
111 Chesapeake Avenue
Towson, Maryland 21204

Re: Petitions for Special Exception, Variances, and Specific Hearing
Third Election District
Augsburg Lutheran Home of Maryland, Inc.
81-37-245PH (Item No. 199)

Dear Mr. Hammond:

Thank you for forwarding to us your Orders in connection with the above-referenced matter.

In order to be certain that we correctly address the conditions which you raised in your Orders, I would like to confirm my understanding of your Orders as well as our telephone discussion of a few days ago. Specifically, I would like to confirm my understanding of the method by which the areas of post-1953 expansion and the proposed expansion are to be determined for purposes of meeting the 25% limitation set forth in Section 104 of the County Zoning Regulations.

It is my understanding that the following standards are applicable:

1. In determining the "footprint" area of the existing structure as it existed in 1953, the date in which the non-conforming use provisions became applicable, the footprint area of all structures existing as of that date may be aggregated, i.e., not only the

To the extent that the proposed gatehouse, eight foot high fence, and sign do not fall within the established criteria of nonconformance, they must be addressed separately. Since the hearing, the petitioner, through its attorney, has advised that the gatehouse and entrance are to be moved from the residential transition area indicated on Petitioner's Exhibit I-A to the northwest end of the property, opposite the Campfield Elementary School. Out of necessity, the proposed sign will be located at the entrance to the site and the gatehouse. Therefore, the fence remains the sole improvement to be erected in the residential transition area and is hereby determined not to be the type of improvement to be excluded from a residential transition area.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of May, 1981, that the areas and improvements existing prior to July 2, 1953, as a convalescent home and parking therefor, are recognized as non-conforming uses and, as such, are subject to be extended 25% in conformity with the terms, provisions, and limitations contained in Section 104 of the Baltimore County Zoning Regulations, subject, however, to the following restrictions:

1. The filing of a revised site plan to reflect:

a. the relocation of the entrance to the subject site, the gatehouse, and the sign to an area outside the residential transition area,

b. the improvements, including the parking area, existing as of July 2, 1953 and March 30, 1955, and those constructed subsequent to March 30, 1955, indicating in detail the ground floor area of each improvement and parking area, in order to determine the extent of addition(s), if any, which can be added to the existing improvements, including the parking area,

c. the reduction or deletion of the proposed addition(s) to comply with the 25% extension of the nonconforming use should it be determined that a part or all of the extension provided for in Section 104 has been utilized since March 30, 1955.

2. The revised site plan shall be subject to approval by the Department of Public Works, the Department of Traffic Engineering, and the Office of Planning and Zoning, including landscaping and screening approval by the Current Planning and Development Division.

Zoning Commissioner of
Baltimore County

MICROFILMED

**BRIEF IN SUPPORT OF PETITIONS FOR SPECIAL EXCEPTION,
VARIANCES AND A SPECIAL HEARING FOR AUGSBURG LUTHERAN HOME**

Augsburg Lutheran Home of Maryland, Inc. ("Augsburg") simultaneously with this Brief has filed Petitions (the "Petitions") requesting that the Zoning Commissioner of Baltimore County (1) grant a special exception for a "convalescent home" as that term is defined under the Baltimore County Zoning Regulations (the "Regulations"), (ii) grant certain variances from applicable off-street parking regulations with respect to the number of parking spaces, and to the extent required, the locations of parking spaces, (iii) grant a variance to permit all unit clusters within the development to be connected by covered passageways thereby resulting in a single "building" in excess of 300 feet in width, and (iv) find, based on interpretation of the Regulations, that the continuation, renovation and improvement of existing, lawful nonconforming uses in a residential transition area are permitted and that the construction of certain accessory improvements are permitted in a residential transition area.

I.

GENERAL DESCRIPTION OF CAMPUS OF TOTAL CARE

Augsburg is the owner of approximately 51.70 acres of land as shown on a Plat entitled "Plat to Accompany Hearing for Special Exception, Variances and Special Hearing, Augsburg Lutheran Home, Inc." dated March 21, 1980 (the "Plat") submitted with the Petitions. The total tract of land as shown on the Plat is made up of a combination of approximately 5.66 acres of DR-3.5 land, 5.14 acres of DR-5.5 land and .90 acres of DR-16 land. All development is proposed to be located in the DR-3.5 land except for the construction of a maintenance building, recreation shelter and some parking in the DR-5.5 land.

MICROFILMED

vide three distinct levels of care for long-term nursing patients defined by state law as Comprehensive Care, Intermediate B and Domiciliary Care. The foregoing levels of care fall within the concepts of convalescence and chronic care referred to in the definition of Convalescent Home in the Regulations.

An out-patient center also will be included in the licensed nursing facility to meet the medical needs of persons living in the independent living units. It is anticipated that there will be 240 persons in the independent living units with an average age initially of 76 and an average age after eight years of operation of 83 years. Services and facilities available to the Community residents will include examining rooms, an in-house pharmacy, physical therapy, occupational therapy and restorative center. The nursing facility of the Community will be an integral part of a single building which houses the general community facilities for the benefit of all residents of the Community. Services within the Convalescent Home will be available to nursing patients and residents of the independent living units.

The concept of a total care community is to provide a broad range of services to older persons on the site on which they reside. However, while the primary purpose of the Community is to meet the needs of those living within that community, the presence of first-class nursing facilities with full restorative services will be a positive resource for Baltimore County since nursing rooms not required for use by Community residents will be available to persons in the general community.

The foregoing services are within the definition of Convalescent Home as described in Section 101 of the Regulations and are not precluded by any of the limitations of Section 502.1 of the Regulations. In fact, the total thrust of the special exception request for the Augsburg Community is directed toward creating a

MICROFILMED

Augsburg presently operates a 99 bed nursing facility on the property housed in a single building, the central portion of which was constructed in 1928, with subsequent additions being added thereto in 1948 and 1958. In addition to the nursing beds, the existing building also contains dining/food service and laundry facilities as well as administrative and other support facilities. Parking for both employees and visitors presently is provided on an unpaved portion of the property lying to the east of the existing building. The existing facilities were used continually as a nursing home - orphanage from the date of their construction until 1973, and, since 1973, have been used solely as a nursing home. Since the use of the present facilities pre-dated the Regulations, no special exception ever has been sought or obtained with respect thereto and they constitute an existing, lawful nonconforming use. As shown on the Plat, a portion of the existing nursing home structure as well as the existing parking lie within a residential transition area as defined in Section 1801.1.B of the Regulations.

Augsburg proposes to construct on its land a "Campus of Total Care." Such a community (herein called the "Community") is designed to extend the period of independent living for older persons while at the same time maintaining their access to helping resources. It is designed to provide special help and protection to them in times of health crises. The proposed Augsburg Community will consist of a complex of 180 single-story independent living units in clusters of five to nine units each connected by covered walkways, together with a nursing care center or "Convalescent Home" providing a range of health services. The "Convalescent Home" will consist of a 100 bed facility to be housed in the presently existing structure after substantial renovation thereto, a 120 bed facility to be housed in a newly constructed building to be located to the rear of and to be adjacent to and connected to the existing building, and an out-patient treatment center. In

MICROFILMED

facility which will contribute to the health, safety and general welfare of present and future Baltimore County residents. Before and after construction, the facilities will be subject to review by state and federal agencies responsible for the licensing of such facilities and for the certification of expenses for reimbursement through Medicaid and Medicare. The special exception facilities will not be detrimental to the health, safety or general welfare of the locality involved.^{1/} This conclusion is supported by the following facts.

(1) Limited Traffic Generation

In contrast to almost any other plan for development of this site tract, the Augsburg Community will produce an absolute minimum of traffic. The proposed development is highly self-contained. The proposed use generates only 25% of the average daily trips normally attributed to a single family development of a comparable number of units.

(2) Absence of Fire Hazards, etc.

The proposed Community does not create potential hazards from fire, panic or other dangers. The licensing requirements for convalescent homes are more stringent than requirements for other types of buildings in the community at large. In addition, special fire alarm system and security system measures will be a part of the Community's operations. Special training programs also will be conducted for residents of the Community to encourage safety and fire prevention.

(3) Maximized Open Space

The design of the Community provides approximately 24 acres

^{1/} Although the special exception relates only to the 3.17 acre parcel, where appropriate, we also have discussed the effects of the total Community on the matters covered by 502.1 of the Regulations, since the Community will function as an integrated unit.

MICROFILMED

addition, the Convalescent Home structures will contain administrative offices for both the nursing facilities and the independent living units, dining/food service facilities, recreational and crafts facilities and other amenities. The Convalescent Home, together with the ancillary facilities to be contained therein, and the independent living units will constitute a single integrated Community.

The majority of future residents of the Community, whose average age upon entrance is expected to be 76 or older, will live in independent living units and lead independent lives. The Community's maintenance services will free residents from the normal cares of home ownership and apartment living. The amenities within the Community are intended to encourage enriched and creative living. In addition to independent living units, there will be a dining room where three meals a day will be served, recreation rooms, a TV room, library, lounge, craft rooms and beauty salon. Specialized services for each independent living unit will include a medical alert switch in each bedroom and bath, heat-smoke sensitive fire alarm devices and an optional intrusion alarm. Covered walkways will connect the various unit clusters with one another and with the Convalescent Home where the dining and other amenity rooms will be located.

The request for special exception for the Community covers the proposed Convalescent Home incorporating licensed nursing facilities, recreation facilities and a dining hall and facilities to provide administrative office space and other amenities. The special exception parcel is approximately 3.17 acres in size. All parking required for the special exception facilities will be provided within the special exception parcel. Densities for the overall project are computed without including acreage in the special exception parcel.

MICROFILMED

of the site as open space.^{2/} In contrast to the approximately 24 acres of open space available on the site, the required open space is approximately 1.7 acres.

(4) Limited Demand on Public Facilities

The Community obviously will impose no load on public schools. According to the experience of other lifetime care communities, the requirements of the total Community for sewer and water facilities will be approximately 70% less than those of a standard housing project of 180 units. The difference in demand arises out of the anticipated difference in population per unit and the difference in the patterns of use. The Community will require no other public improvements.

(5) Optimum Access to Light and Air

The construction of the Community will not interfere with the access of other property owners to adequate light and air. The portion of the Convalescent Home to be constructed will be located behind the existing structure, removed from properties fronting on the Community and otherwise oriented so that it does not interfere with light or air available to any of the surrounding structures within the Community. Total care communities are designed to maximize privacy for each resident by clustering units in small groups and maximizing access to light and air by maintaining single story, small scale buildings. Unit clusters are located to maximize scenic views on the property. The small scale units are designed in relationship to each other and to external site conditions so as to maximize all other positive environmental conditions. Substantial portions of existing wooded areas will

^{2/} The reference here is to open space as computed under the Regulations. The actual land area which will not be covered by actual buildings or paving is, of course, much greater.

MICROFILMED

Augsburg respectfully requests that the Zoning Commissioner grant the special exception and variances more specifically described hereunder and further requests that the Commissioner approve the continuation, renovation and improvement of the existing, lawful nonconforming uses and construction of accessory structures in a residential transition area as more fully described hereinafter, all as being within the provisions of the Regulations.

II.

SPECIAL EXCEPTION FOR THE CONVALESCENT HOME

As defined under Section 101 of the Regulations, a convalescent home includes rest homes, nursing homes and homes providing chronic and convalescent care. In addition, Sections 1801.1A - 1 and - 14 of the Regulations permit as of right dwellings together with accessory uses. Such accessory uses would include offices for the conduct of business incidental to the rental, operation, servicing and maintenance of the independent living units as well as those incidental to the Convalescent Home. Since the Community is a total care community which includes the independent living units, the convalescent home portion of the Community becomes the center for facilities providing recreational and educational activities as well as health and food services for the total Community. These activities are all commonly incidental and accessory to the convalescent home of a total care community. The integration of the general facilities for the independent living units in the convalescent center is important both to facilitate restorative therapy for patients in the licensed nursing facilities who otherwise become isolated from active living situations and to minimize problems of transition from the independent living units to the nursing facilities when such transition becomes medically necessary.

The Convalescent Home contemplated on the special exception parcel includes a licensed nursing facility designed to pro-

MICROFILMED

remain around the perimeter on three sides of the proposed project to serve as a buffer between the Community and the surrounding residential areas.

(6) Additional Benefits

The Community will enhance the health, safety and general welfare of Baltimore County residents since the provision of community facilities for such activities as recreation, food services, arts and crafts and on-site management of the independent living units are intended to make available the very amenities which professional planners and persons who care for the aging desire to have in such a community setting. All of such facilities, including the offices, are limited to servicing the Community. In addition, based upon the experience of the limited number of similar communities in the Baltimore metropolitan area, there appears to be a substantial demand for a community like that proposed by Augsburg in this area.

The facts supporting the request for this special exception more than meet the limited tests required for the granting of a special exception in Baltimore County. It is clear that the special exception requested by Augsburg should be permitted.³

III.

REQUEST FOR VARIANCE

Design criteria for a total care community serving persons whose average age is over 76 years are atypical in a number

^{3/} The applicant is required to show to the satisfaction of the zoning authority only that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. Rockville Fuel v. Board of Appeals, 257 Md. 183, 262 A.2d 499 (1970). The foregoing materials demonstrate that there will be no real detriment to the area surrounding the special exception. In fact, the community most closely affected (the independent living units) need the special exception to better preserve their health and welfare.

MICROFILMED

of respects (particularly as applied to independent living units); walkways are often covered in their entirety; units are of an unusually small scale; provisions for transportation do not emphasize the usual American dependence on the automobile. Because of the unique design questions and the uncertainty of the intent of certain provisions of the Regulations as applied to them, Part III of this Brief discusses a request for variances from certain regulations and policies, to the extent required. The requests are proceeding simultaneously to assure that the Plat covering the special exception parcel and the independent living units will conform to all requirements of the Regulations once conformed to a final Order of the Zoning Commissioner. Each of the variance requests are taken up in the following sections of this Brief and are separately described in the Petitions.

A. REDUCTION IN THE NUMBER OF REQUIRED PARKING SPACES

The Regulations, in view of the definition of "Housing for the elderly" contained in Bill No. 178-79 (the "Growth Management Ordinance"), require 360 parking spaces for the 180 independent living units on the Community site. (The "Community Site" hereinafter is used to refer to the 51.7 acre tract exclusive of the special exception parcel.) As presently planned, 240 parking spaces are to be constructed for the independent living units.

The Community will be occupied by persons whose average age upon entering will be approximately 76 years. With such a resident population, the typical experience for the number of cars upon opening of a community has been somewhat under 0.75 cars per unit. After nine years of operation the number drops significantly to 0.5 cars per unit. Augsburg proposes to construct approximately 1.33 parking spaces per independent living unit. This ratio will be more than enough to handle the occupants of the units, their guests

- 9 -

MICROFILMED

structurally connected above grade they shall be considered as one building if situated on a single lot. Section 1801.2.B.2 states that the maximum width of any elevation of a building shall be 300 feet, except that a greater width may be authorized under special exception procedures if such width is in accordance with standards adopted under the authority of Section 504. As shown on the Plat, the separate clusters of independent living units and the Convalescent Home are to be interconnected by enclosed walkways. Therefore, the buildings located on the Community Site will constitute a single "building" as defined in the Regulations in excess of 300 feet width.

As stated above, the Community is designed as an integrated community with the health, dining, recreational and other facilities being housed in the Convalescent Home. The sheltered walkways are extremely important to the concept of total care community. Older persons of the type residing in the Augsburg Community require sheltered walkways in order to travel to and from the various portions of the Community. Many persons who will reside in the Community will not have vehicles and would feel insecure walking in exposed areas on snow and ice during the winter and in the rain during the remainder of the year. The enclosed walkways will provide an established route sheltered from rain, snow and ice, thereby permitting the individual to maintain independent living at an age and in a physical condition in which he or she otherwise might require sheltered care.

D. GENERAL SUPPORT FOR THE VARIANCE REQUESTS

In each of the foregoing variance requests with respect to off-street parking, the requirements of the grant of a variance under Baltimore County law are met. Section 307 of the Regulations permits grant of a variance from parking regulations where:

- 13 -

MICROFILMED

and delivery persons. Specific reference is made to the experience of another lifetime care community called Foulkeways, in Gwynedd, Pa., which at the present time (after more than eleven years of operation) has 0.5 vehicles per unit. Foulkeways opened with approximately 0.60 vehicles per unit. Medford Leas, located in Medford, New Jersey, after six years of operation, has 0.6 vehicles per unit. Medford Leas originally opened with a ratio of 0.7 vehicles per unit.

Because of the increased run-off created by large parking areas, Augsburg believes that it would be a mistake to design more parking for the Community Site than actually will be needed. Should parking in addition to the 240 spaces be required, areas are available for the development of additional parking.

B. LOCATION OF THE PARKING AREAS

Section 409.2a of the Regulations sets forth standards which may be interpreted by planning staff to require parking to be within 300 feet of each unit. Certain of the independent living units will be more than 300 feet (but less than 400 feet) from the units. In the event that the Commissioner should construe the Regulations to require that parking under Section 409.2a must be within 300 feet of each living unit, Augsburg has asked that a variance be granted to permit the construction of parking spaces more than 300 feet, but no more than 400 feet, from the independent living units and for approval of the location of the parking areas in the manner shown on the Plat.

The uncertainty in the Regulations arises from the fact that Section 409.2a provides that the parking spaces prescribed for dwellings (including apartment houses)

shall be provided on the same lot with the building which it serves or within 300 feet thereof.

- 10 -

MICROFILMED

- (i) application of the parking requirements would result in practical difficulty or unreasonable hardship; and
- (ii) the resulting development is in strict harmony with the spirit and intent of said regulations; and
- (iii) the resulting development will not result in substantial injury to public health, safety and general welfare.

Each request for a variance in the parking provided for the Community described above meets the three tests of the Regulations. The facts stated demonstrate that the needs of this unique setting vary distinctly from those of the general community. To break up open space, increase run-off, and destroy the clustering concept of the design would have an adverse effect on the aesthetic appeal of the Community and the conservation objectives of the County. Strict conformity with the narrowest interpretation of the Regulations further would result in needless expense and unnecessary hardship to Augsburg and the future residents of the Community.

There is ample support for granting the requested variances since (i) reduction of the parking will not result in a parking overload, (ii) reduction of the parking will further environmental objectives, (iii) the convenience of the parking area to the units is governed by proximity of the parking to the walkways and not to the living units, and (iv) the rationale for location of the parking nearer to given units than particular roadways is not applicable to a total care community.

As to the variance from the restriction on a building in excess of 300 feet, the requirement of Section 1801.2.B.2 that such greater width be in accordance with the standards adopted under the authority of Section 504 also is satisfied since the community has

- 14 -

MICROFILMED

The use of the word "or" in the Regulation seems to make the standards in the sentence disjunctive. However, Section 101 of the Regulations defines "or" as meaning "and/or" unless modified by use of the word "either", or unless the context clearly indicates another meaning. Each of the units on the Community Plan are located on the same lot owned by Augsburg. Therefore, since all independent units meet the lot requirement, it may be unnecessary to locate the parking spaces within 300 feet of the individual living units. It is our understanding that in the case of a number of units under common ownership located on the same tract but used by different families, the Regulation has been read so as to make the requirements disjunctive.

If the 300 feet limitation applies, a variance is justified in this instance. As indicated previously, a number of independent living units will be more than 300 feet from the nearest parking space. However, it is anticipated that these units will be selected by persons who do not drive and, therefore, have no need for parking areas. The needs of these persons for mobility within the Community will be met through the installation of an interior walkway system. In addition, staff persons will be available to provide delivery, housekeeping and other services as needed. Such services are normally incident to the operation of a total care community.

Paragraph III.F.3. of the Baltimore County Comprehensive Manual of Development Policy (the "Manual") states that:

Parking spaces required by the Zoning Regulations should be closer or more conveniently related to the door of the home than to the general street curb. Where this condition is not met, wider streets may be required.

The Manual's illustration of this concept shows a building closer to the street than the parking area designated for use of its occupants. The building entrance, however, is closer to the park-

- 11 -

MICROFILMED

been designed to be in compliance with the Comprehensive Manual of Development Policies, which manual has been adopted pursuant to such authority.

IV.
SPECIAL HEARING FOR DETERMINATION THAT THE CONTINUATION, RENOVATION AND IMPROVEMENT OF CERTAIN LAWFUL NONCONFORMING USES ARE PERMITTED IN A RESIDENTIAL TRANSITION AREA AND THAT CERTAIN IMPROVEMENTS ARE PERMITTED IN A RESIDENTIAL TRANSITION AREA.

Pursuant to Section 500.6 of the Regulations:

...the Zoning Commissioner shall have the power, upon notice to the parties in interest, to conduct hearings involving ... any zoning regulations, or the proper interpretation thereof, and to pass his Order thereon, subject to the right of appeal to the Board of Zoning Appeals....

A portion of the subject property lies within a Residential Transition Area as defined in Section 1801.1.B of the Regulations. As shown on the Plat, the Residential Transition Area line runs through the existing facility. Under Section 1801.1.B as applied to the subject property, only "Group I uses" - that is, one-family detached dwellings, local open space tracts or other common amenity open space, and uses and buildings accessory to those uses - are permitted in the Residential Transition Area.

As part of the development of the Community, it is proposed that the existing building be renovated. Such renovation would include the construction of a stair tower to meet fire code requirements as well as the addition of certain hallways, rooms and alcoves, portions of which renovation fall within the Residential Transition Area as shown on the Plat. The aggregate square footage of such additions equals approximately 95 of the ground floor area of the existing building. Further, it is proposed that the presently existing parking area, which lies in the Residential Transition Area, be improved by paving and the addition of curbing and designated parking lines. With the exception of the construction of a guardhouse, fence and sign (discussed below), no other

- 15 -

MICROFILMED

ing lot. The Manual indicates that the design is in compliance with the Regulation. This conclusion is based on the convenience of actual access. In a residential community like the Community, it is unlikely that residents will park their cars in areas which do not have direct access to the interior walkways linking the parking area to the units. Experience in other lifetime care communities has demonstrated strict use of the parking areas by community residents. In addition, since there is staff help available to carry packages for the community resident from cars to units, the usual motivation for parking close to the independent living unit is absent. Therefore, Augsburg believes that the location of the parking lots in relation to the curb line is within the requirement of the Manual and Regulations.

In the event that the Regulations are read to require units to be constructed nearer to parking areas than to the closest curb, Augsburg has requested that a variance be granted permitting the parking spaces to be located generally in the manner shown on the Plat. As we have noted, persons residing in a total care community tend to use their cars infrequently. Such residents also tend to be persons of habit who routinely will park their cars in assigned spaces. In addition, since the covered walkways will connect the parking area with each of the units, the most convenient means for an individual resident to get to his or her unit will be to utilize the interior walkways. As stated above, we believe that this convenience factor brings the locations within the Regulations. However, if the Commissioner should disagree on this interpretation, we believe the variance request for location of the parking as shown on the Plat in relation to the units is justified.

C. VARIANCE AS TO A SINGLE "BUILDING" IN EXCESS OF 300 FEET

Section 1801.2.B.1 provides that where buildings are

- 12 -

MICROFILMED

portion of the Community (other than access roads) will lie within the Residential Transition Area.

As stated previously, Augsburg has operated a nursing home - orphanage and nursing home at the subject location continuously since the initial building was completed in 1928. Parking also has been provided continuously on the unpaved portion of the subject property lying to the east of the existing facility. Because of such established uses, both the existing building and the present parking constitute a "nonconforming use" as defined in Section 101 of the Regulations.

Section 104.1 of the Regulations provides in part that:

A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue.... No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used.

It is a general rule of statutory construction that all parts of a statute should be given effect and that, if possible, no part should be rendered inoperative. Section 1801.1.B, dealing with Residential Transition Areas, does not exclude, by its terms, the operation and effect of the nonconforming use provision contained in Section 104.1. As an existing, lawful nonconforming use, the continuation, renovation and improvement of the existing structure and redesign and improvement of the present parking area lying in the Residential Transition Area as proposed are permitted under the above-quoted provisions of Section 104.1.

Therefore, Augsburg respectfully requests that the Zoning Commissioner confirm its conclusions that the continuation, renovation and improvement of the existing lawful nonconforming uses in compliance with Section 104.1 are permitted.

It further is proposed that the entire Community site be surrounded by a fence and security lighting, that access to the site be regulated by means of a guardhouse, and that a sign iden-

- 16 -

MICROFILMED

tifying the Community be installed, all as shown on the Plat. The fence, lighting, guardhouse and sign would be located in the Residential Transition Area.

The fence would not exceed 8 feet in height. The lighting would be located at 200 foot intervals along the fence at a height of 14 feet with each light fixture focused toward the Community Site and away from adjoining properties and not exceeding 175 watts per fixture. The greater portion of such fencing and lighting would lie between the development and existing trees on the Community Site which are to be preserved and therefore would not be readily visible by adjoining property owners.

The Community will be located just to the east of the Liberty Road corridor, a densely developed and highly used commercial area. As indicated above, the average age of residents upon entrance into the Community is expected to be 76 years or older. Physical security in both person and property is essential for such individuals' health as well as peace of mind.

Fencing, security lighting and a means of regulating access such as the proposed guardhouse, as well as an identifying sign, are uses and structures commonly accessory to one-family detached dwellings or to local open space tracts. Augsburg respectfully requests that the Zoning Commission confirm its conclusions that the installation of a fence, security lighting, guardhouse and sign in the Residential Transition Area on the Community Site is permitted under the Regulations.

V. REQUEST FOR CONSOLIDATED AND EXPEDITED HEARING

Section 22-26 of the Baltimore County Code, as amended, and Sections 307 and 500.5 of the Regulations, respectively, provide for public notice and hearing on petitions for variances and special

- 17 -

MICROFILMED

exceptions. Section 500.6 of the Regulations provides for a hearing on the proper interpretation of the Regulations. Because of the importance to Augsburg as a non-profit corporation of minimizing the costs of development, Augsburg respectfully requests that the four Petitioners be consolidated for a single hearing and, to the extent reasonably possible, that an expedited hearing date be set.

Robert B. Haldeman
Robert B. Haldeman

Donald L. Bradford
Donald L. Bradford

Samuel B. Brown & Son
Samuel B. Brown & Son
10 Light Street
Baltimore, Maryland 21202
(301) 539-5040

MICROFILMED

- 18 -

Robert B. Haldeman, Esquire
Donald L. Bradford, Esquire
10 Light Street
Baltimore, Maryland 21202

For: Daft McGee Walker Inc.
530 E. Joppa Rd.
Towson, Md. 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing this 12th day of April, 1980.

WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner: Augsburg Lutheran Home of Md.
Petitioner's Attorney: Haldeman & Bradford. Reviewed by: Nicholas S. Commodari
Chairman, Zoning Plans Advisory Committee

MICROFILMED

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received this 2 day of Apr, 1980.

Filing Fee \$ 50 Received: Cash Other

199

William E. Hammond, Zoning Commissioner

Petitioner: Augsburg Lutheran Home of Md. Submitted by: D. Bradford
Petitioner's Attorney: Haldeman & Bradford. Reviewed by: Nicholas S. Commodari

*This is to be interpreted as acceptance of the Petition for assignment of a hearing date.

MICROFILMED

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

Distric...
Date of Posting: June 13, 1980.
Posted for: AUGUSTINE LUTHERAN HOME OF MD. INC.
Petitioner: AUGUSTINE LUTHERAN HOME OF MD. INC.
Location of property: 5446 CAMPFIELD RD., 498 NW. of SOUTHERN CROSS DR.
Location of Sign: 5446 CAMPFIELD RD. 545 ft. NW. of SOUTHERN CROSS DR.
Remarks: PAVILION AT ENTRANCE DRIVE
Signed by: Nicholas S. Commodari
Date of return: June 26, 1980.
Number of Signs: ONE

MICROFILMED

PETITION MAPPING PROGRESS SHEET									
FUNCTION	Vail Map		Original		Duplifiers		Filing		200 Sheet
	date	by	date	by	date	by	date	by	
Descriptions checked and outline plotted on map									
Petition number added to outline									
Denied									
Granted by CC, HA, CC, CA									
Reviewed by: <i>ABC</i>									
Revised Plans: Change in outline or description									
Previous case:									
Map #									

MICROFILMED

1. Name of Petitioner: Mr. Frank Walker, Jr., President	2. Project Description: Physical-20-Change	3. Name of Firm with which associated: DAFT MCGEE WALKER, INC.	4. Date of Petition: June 11, 1980	5. Location: Baltimore, Maryland - 1989	6. Name of Petitioner: Mr. Frank Walker, Jr.	7. Name of Project: New Regional Development	8. Name of Project: New Regional Development	9. Name of Project: New Regional Development	10. Name of Project: New Regional Development
11. Name of Project: New Regional Development									
12. Name of Project: New Regional Development									
13. Name of Project: New Regional Development									
14. Name of Project: New Regional Development									
15. Name of Project: New Regional Development									
16. Name of Project: New Regional Development									
17. Name of Project: New Regional Development									
18. Name of Project: New Regional Development									
19. Name of Project: New Regional Development									
20. Name of Project: New Regional Development									

PETITIONERS
EXHIBIT 1A

MICROFILMED

Outline of Zoning Petitions Augsburg Lutheran Home of Maryland, Inc.

- Petition for Special Hearing - Interpretation of Section 1801.1.B - Residential Transition Area.
 - Continuation of use as Convalescent Home of portion of existing building.
 - Renovation of and additions to lawful nonconforming use as Convalescent Home.
 - To upgrade facilities and bring into compliance with applicable codes.
 - To connect with confirming extension of facilities outside transition area.
 - Improvement and redesign of existing parking area.
 - Construction of gatehouse, fence, lighting and sign as uses or structures normally accessory to single family dwelling or local open space tract.
- Petition for Special Exception - Convalescent Home.
 - For portion of existing facility outside transition area.
 - For addition of new wing.
- Petition for Variance.
 - To permit parking on same lot but more than 300 feet from certain living units as shown on Plat.
 - To permit certain parking to be located such that distance from parking to doors of certain living units is greater than distance from curb to doors of those living units.
 - To permit 240 parking spaces.
 - To permit connection of living units by covered walkways making connected structures more than 300 feet in length.

MICROFILMED

BALTIMORE COUNTY, MARYLAND OFFICE OF THE CLERK OF THE CIRCUIT COURT MISCELLANEOUS CASH RECEIPT	No. 03860
DATE: June 11, 1980	AMOUNT: \$25.00
RECEIVED FOR: Filing Fee for Case No. 80-06-0000	
PAID BY: AUGUSTINE LUTHERAN HOME OF MD. INC.	
VALIDATION OR SIGNATURE OF CLERK	

BALTIMORE COUNTY, MARYLAND OFFICE OF THE CLERK OF THE CIRCUIT COURT MISCELLANEOUS CASH RECEIPT	No. 03862
DATE: June 11, 1980	AMOUNT: \$25.00
RECEIVED FOR: Filing Fee for Case No. 80-06-0000	
PAID BY: AUGUSTINE LUTHERAN HOME OF MD. INC.	
VALIDATION OR SIGNATURE OF CLERK	

BALTIMORE COUNTY, MARYLAND OFFICE OF THE CLERK OF THE CIRCUIT COURT MISCELLANEOUS CASH RECEIPT	No. 037221
DATE: 6/11/80	AMOUNT: \$25.00
RECEIVED FOR: Filing Fee for Case No. 80-06-0000	
PAID BY: AUGUSTINE LUTHERAN HOME OF MD. INC.	
VALIDATION OR SIGNATURE OF CLERK	

Office of COLUMBIA 10780 Little Patuxent Parkway Columbia, MD 21041

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR SPECIAL EXCEPTION VARIANCES AND SPECIAL HEARING 3RD DISTRICT SOUTHWEST SIDE OF CAMPFIELD RD., 498 FT. NORTHWEST OF SOUTHERN CROSS WAS INSERTED IN THE FOLLOWING: DRIVE

Calonsville Times
Arbutus Times
weekly newspapers published in Baltimore County, Maryland, once a week for ONE successive weeks before the 12th day of JUNE, 1980, that is to say, the same was inserted in the issues of 6/12/80

COLUMBIA PUBLISHING CORP.
By: *Nancy J. Janssen*

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

vs.

Defendant

CERTIFICATE OF PUBLICATION OF

254.78

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 12, 1950, 19.00

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the day of June, 1950, the last publication appearing on the 37th day of May, 1950.

THE JEFFERSONIAN

Handwritten signature
Manager

Cost of Advertisement, \$ 6.15

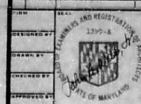


BUILDING AREA DATA:

A. TOTAL "FOOTPRINT" AREA OF ALL EXISTING BUILDINGS BUILT PRIOR TO JULY 2, 1955:		
EXISTING CONTIGUOUS BUILDINGS (ORIGINAL 1927,		20,755 SQ. FT.
FIRST PHASE SOUTH WING (1948)		4,000 SQ. FT.
PAVILION (COMPLETED SPRING 1950)		1,900 SQ. FT.
EXECUTIVE DIRECTOR'S RESIDENCE (CIRCA 1950)		
TOTAL "FOOTPRINT" AREA OF ALL BLDGS. BUILT PRIOR TO 7/2/50:		26,655 SQ. FT.
B. TOTAL EXPANSION OF "FOOTPRINT" AREA FROM JULY 2, 1955 TO DATE:		
1) EAST STAIR FOR NORTH WING (1975)	185 SQ. FT.	
2) WEST STAIR FOR NORTH WING (1975)	190 SQ. FT.	
3) ELEVATOR IN CENTRAL UNIT (1975)	195 SQ. FT.	
4) WEST STAIR FOR CENTER HALL (1975)	175 SQ. FT.	
5) ADDITION TO SOUTH WING (1955)	1,465 SQ. FT.	
		2,110 SQ. FT.
C. TOTAL PROPOSED EXPANSION WITHIN TRANSITION ZONE:		
1) 300 SQ. FT.		
2) 195 SQ. FT.		
		495 SQ. FT.
D. TOTAL EXPANSION AFTER JULY 2, 1955 PLUS TOTAL PROPOSED EXPANSION WITHIN TRANSITION ZONE (i.e., "B" + "C" ABOVE):		
		2,605 SQ. FT.
		2,711 SQ. FT.
E. PERCENTAGE OF PROPOSED TO PRE-JULY 2, 1955:		
		2,711 SQ. FT. ÷ 26,655 SQ. FT. = 10.2 %
(ACTUAL TOTAL EXPANSION ALLOWED = 25% X 26,655 SQ. FT. = 6,664 SQ. FT.)		

REVISIONS

NO.	DATE	BY	REVISION
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

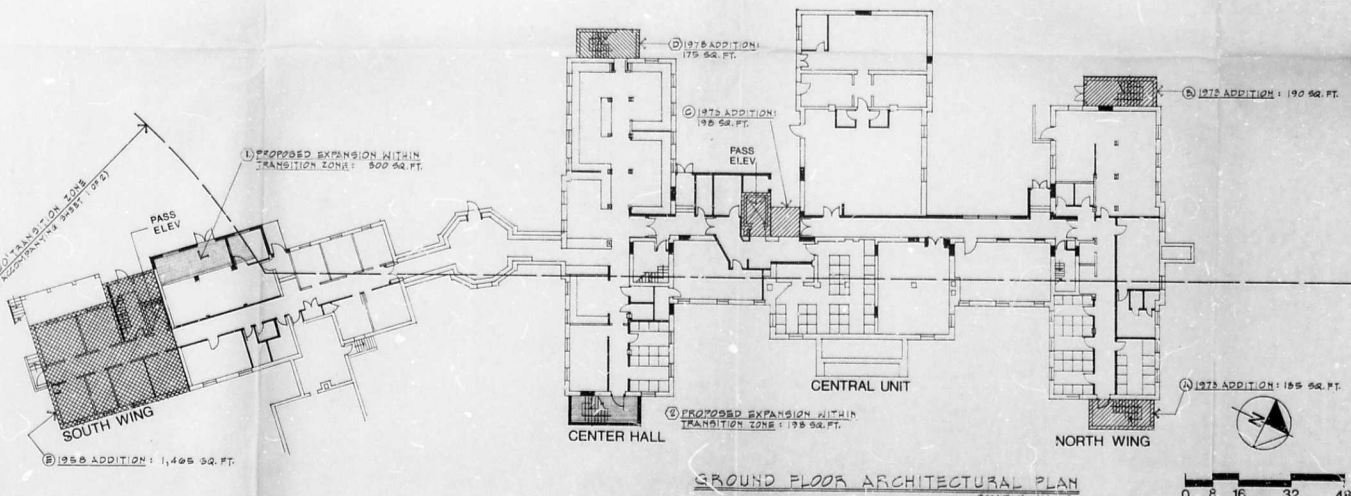


WR
WEBB-RATYCH, INC.
ARCHITECTS

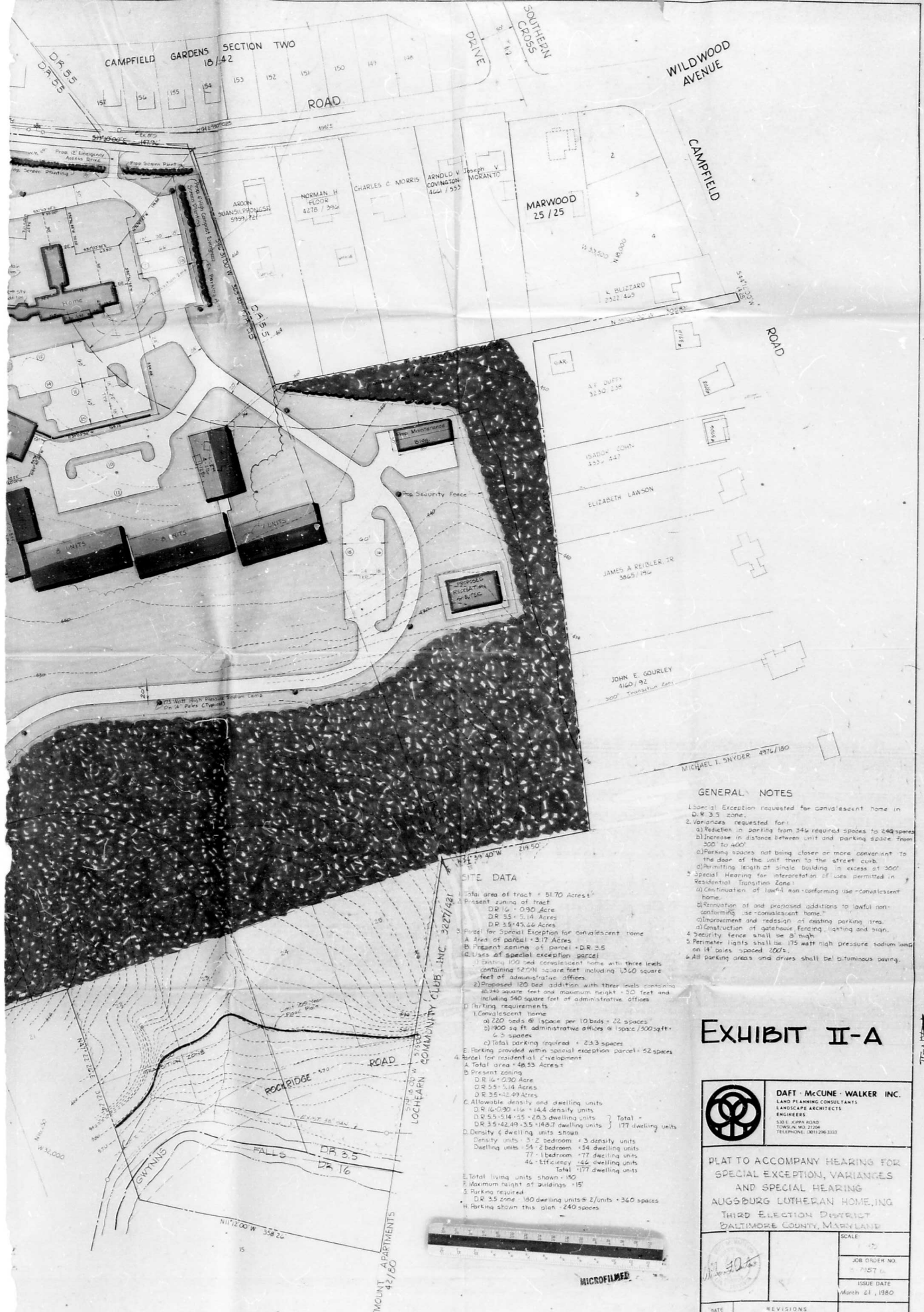
BUILDING AREA DATA
SHEET NO. 2
PLAT TO ACCOMPANY
HEARING FOR SPECIAL
EXCEPTION, VARIANCES
AND SPECIAL HEARING
**AUGSBURG
LUTHERAN
HOME, INC.**
8811 CAMPFIELD RD.
THIRD ELECTION DIST.
BALTIMORE COUNTY, MD.

BUILDING GROUND FLOOR PLAN

NO. 10004
DATE 6/17/51
SHEET 2 OF 2



GROUND FLOOR ARCHITECTURAL PLAN
SCALE: 1" = 16'-0"



GENERAL NOTES

1. Special Exception requested for convalescent home in D.R. 3.3 zone.
2. Variance requested for:
 - a) Reduction in parking from 344 required spaces to 240 spaces
 - b) Increase in distance between unit and parking space from 300' to 400'
 - c) Parking spaces not being closer or more convenient to the door of the unit than to the street curb.
 - d) Permitting length of single building in excess of 300'
3. Special Hearing for interpretation of uses permitted in Residential Transition Zone:
 - a) Continuation of lawful non-conforming use-convalescent home.
 - b) Renovation of and proposed additions to lawful non-conforming use-convalescent home.
 - c) Improvement and redesign of existing parking area.
 - d) Construction of gatehouse, fencing, lighting and sign.
4. Security fence shall be 8' high.
5. Perimeter lights shall be 175 watt high pressure sodium lamp on 14 poles spaced 200'.
6. All parking areas and drives shall be bituminous paving.

EXHIBIT II-A



DAFT, McCune, Walker, Inc.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
1301 KIRK ROAD
TOWSON, MD 21204
TELEPHONE: (410) 296-3332

PLAT TO ACCOMPANY HEARING FOR
SPECIAL EXCEPTION, VARIANCES
AND SPECIAL HEARING
AUGSBURG LUTHERAN HOME, INC.
THIRD ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND



SCALE
1" = 100'
JOB ORDER NO.
157
ISSUE DATE
March 21, 1980

DATE REVISIONS

~~GWYN~~

OAK GROVE HEIGHTS
13/112

DA 3.5

CAMPFIELD

DA 3.5

DA 3.5

DA 3.5

ESSEX

VILLA NOVA
3/76

DA 3.5

VACANT

ROAD

Elevations are based on
Baltimore County datum.

Boundary, lotline and topography shown herein are
taken from survey dated January 31, 1950 by
4PR Associates, Inc.
7427 Hartford Road
Baltimore, Maryland
21234

VILLA NOVA
3/76



GENERAL NOTES

1. Special Exception requested for convalescent home in D.R. 3.5 zone.
2. Variances requested for:
 - a) Reduction in parking from 346 required spaces to 240 spaces
 - b) Increase in distance between unit and parking space from 300' to 400'
 - c) Parking spaces not being closer or more convenient to the door of the unit than to the street curb.
 - d) Permitting length of single building in excess of 300'
3. Special Hearing for interpretation of use permitted in Residential Transition Zone:
 - a) Continuation of lawful non-conforming use - convalescent home.
 - b) Renovation of and proposed additions to lawful non-conforming use - convalescent home.
 - c) Improvement and redesign of existing parking area.
 - d) Construction of gatehouse, fencing, lighting and sign.
4. Security fence shall be 8' high.
5. Perimeter lights shall be 75 watt high pressure sodium and on 14' poles spaced 100'.
6. All parking areas and drives shall be bituminous paving.

SITE DATA

- A. Total area of tract = 51.70 Acres
- B. Present zoning of tract:
 - DR 16 = 0.90 Acres
 - DR 55 = 5.14 Acres
 - DR 35 = 45.66 Acres
- C. Parcel for Special Exception for convalescent home:
 - A. Area of parcel = 3.17 Acres
 - B. Present zoning of parcel = DR 3.5
 - C. Use of special exception parcel:
 - a) Existing 100' wide convalescent home with three levels containing 20,000 square feet including 1,500 square feet of administrative offices.
 - b) Proposed 120' bed addition with three levels containing 25,000 square feet and maximum height = 50 feet and including 540 square feet of administrative offices.
 - D. Parking requirements:
 - a) Convalescent home:
 - i) 220 beds @ 1 space per 10 beds = 22 spaces
 - ii) 1,900 sq ft administrative offices @ 1 space/400 sq ft = 5 spaces
 - b) Total parking required = 27 spaces
 - E. Parking provided within special exception parcel = 52 spaces
- D. Parcel for residential development:
 - A. Total area = 48.53 Acres
 - B. Present zoning:
 - DR 16 = 0.90 Acres
 - DR 55 = 5.14 Acres
 - DR 35 = 42.49 Acres
 - C. Allowable density and dwelling units:
 - DR 16 = 0.90 - 1.0 = 14.4 density units
 - DR 55 = 5.14 - 2.5 = 20.6 density units
 - DR 35 = 42.49 - 1.5 = 40.7 density units
 - Total = 75.7 density units
 - D. Density of dwelling units shown:
 - Density units = 2 bedroom = 3 density units
 - Dwelling units = 14 = 2 bedroom = 14 dwelling units
 - 77 = 1 bedroom = 77 dwelling units
 - 46 = Efficiency = 46 dwelling units
 - Total = 137 dwelling units
 - E. Total living units shown = 80
 - F. Maximum height of buildings = 15'
 - G. Parking required:
 - DR 35 zone = 100 dwelling units @ 2/units = 200 spaces
 - H. Parking shown this plan = 240 spaces

EXHIBIT III-A



DAFT & McCUNE-WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
5101 JORDAN ROAD
TOWSON, MD 21204
TELEPHONE (410) 966-3333

PLAT TO ACCOMPANY HEARING FOR
SPECIAL EXCEPTION, VARIANCES
AND SPECIAL HEARING
AUGSBURG LUTHERAN HOME, INC.
THIRD ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

SCALE
1" = 100'
JOB ORDER NO.

Areas between 300' - 100'

OAK GROVE HEIGHTS
13/112

DA 3.5

CAMPFIELD GARDENS SECTION T
10/42

CAMPFIELD

DA 3.5

DA 3.5
DA 3.5

152

153

154

155

156

157

15



OAK GROVE HEIGHTS
13/112

DA 3.5

DA 3.5

DA 3.5

CAMPFIELD

DA 3.5

ESSEX

VILLA NOVA
3/76

ROAD

VACANT

Elevations are based on
Baltimore County datum

Boundary outline and topography shown herein are
taken from survey dated January 31, 1980 by
APR Associates, Inc.
7927 Harford Road
Baltimore, Maryland
21234

VICINITY MAP

VILLA NOVA
3/76

OAK GROVE HEIGHTS
13/112

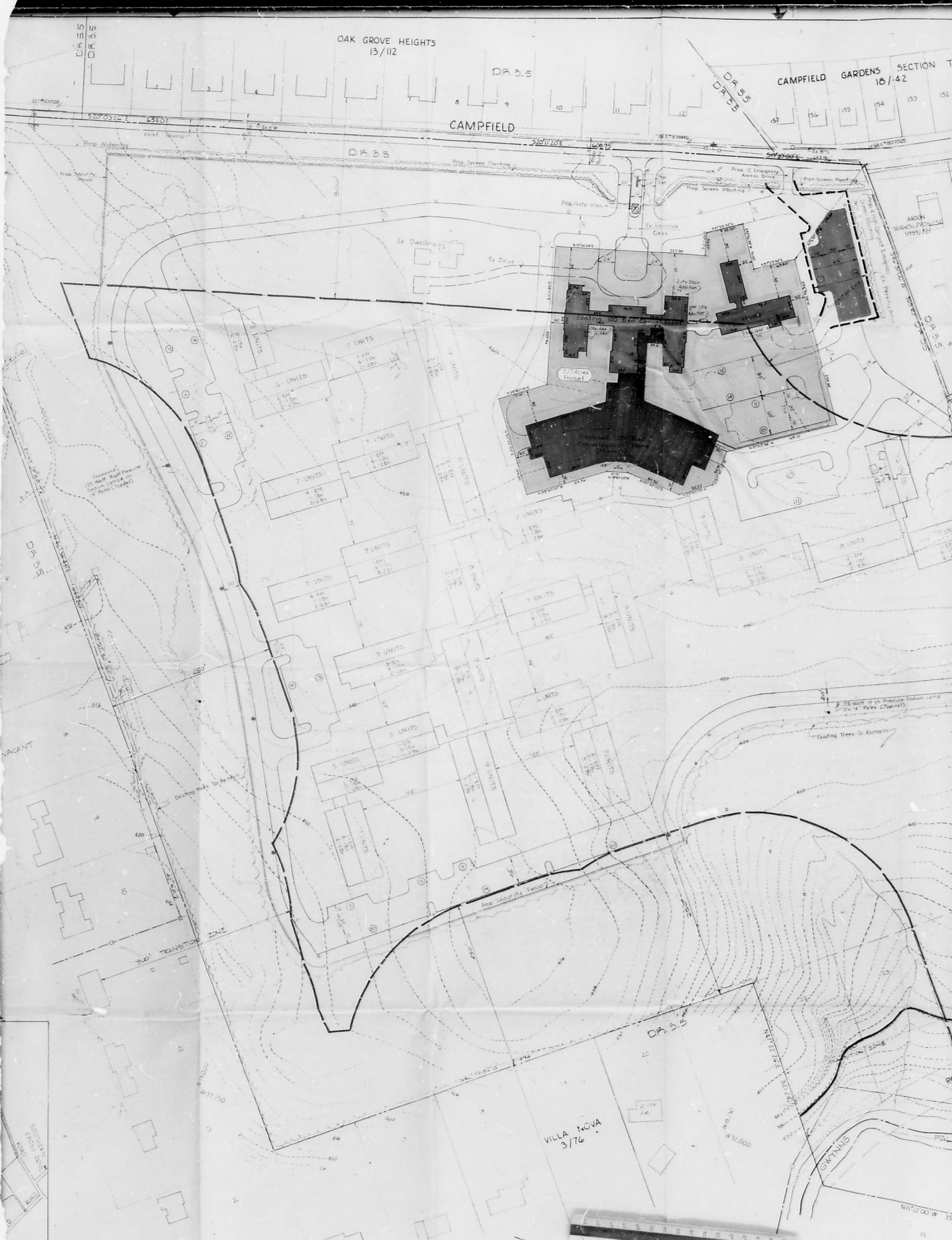
DA 3.5

CAMPFIELD GARDENS SECTION T
10/42

CAMPFIELD

DA 3.5

DA 3.5
DA 3.5



VILLA NOVA
3/76

SWYNNIS

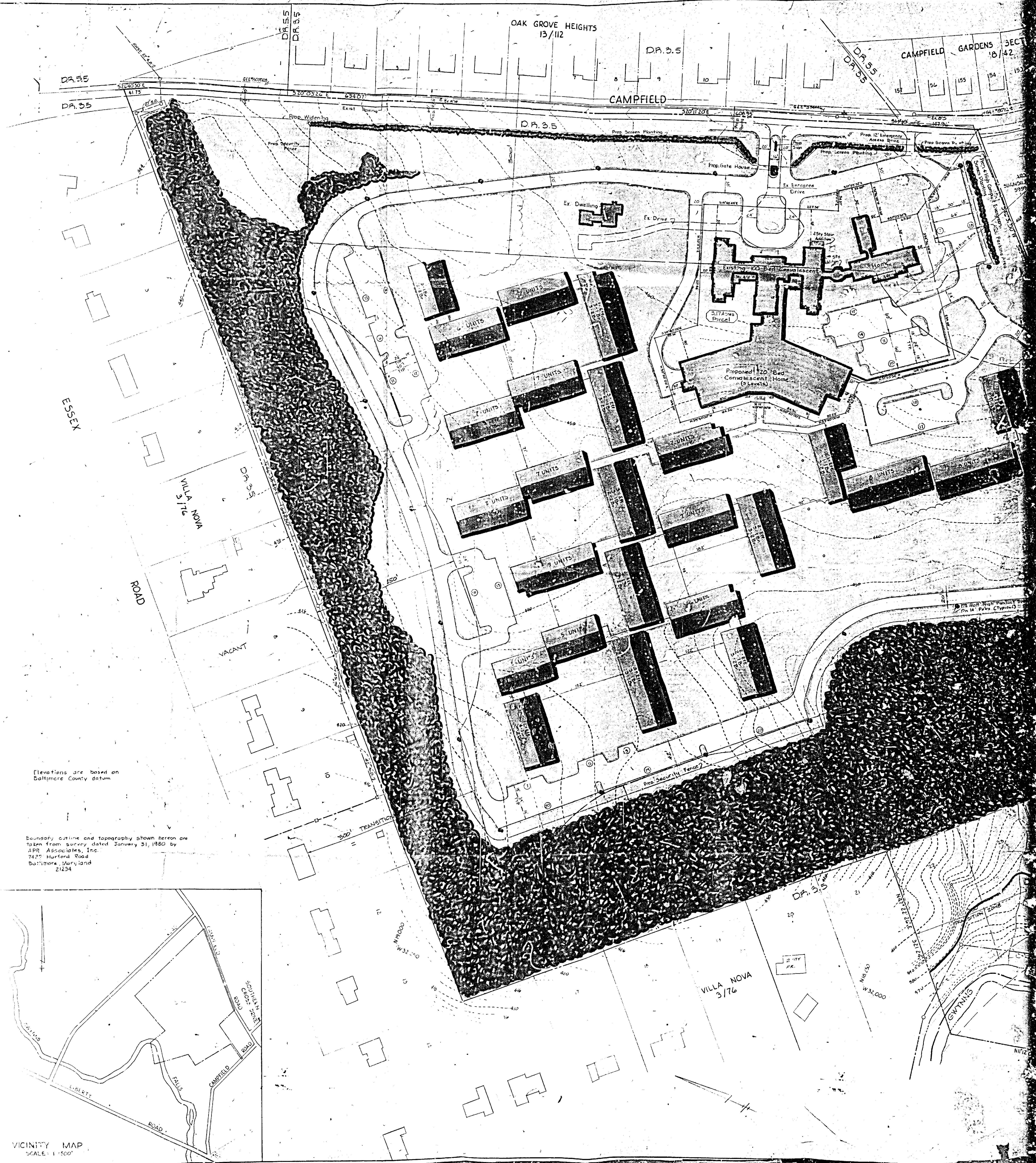
N 11° 20' W 35'



Elevations are based on
Baltimore County datum.

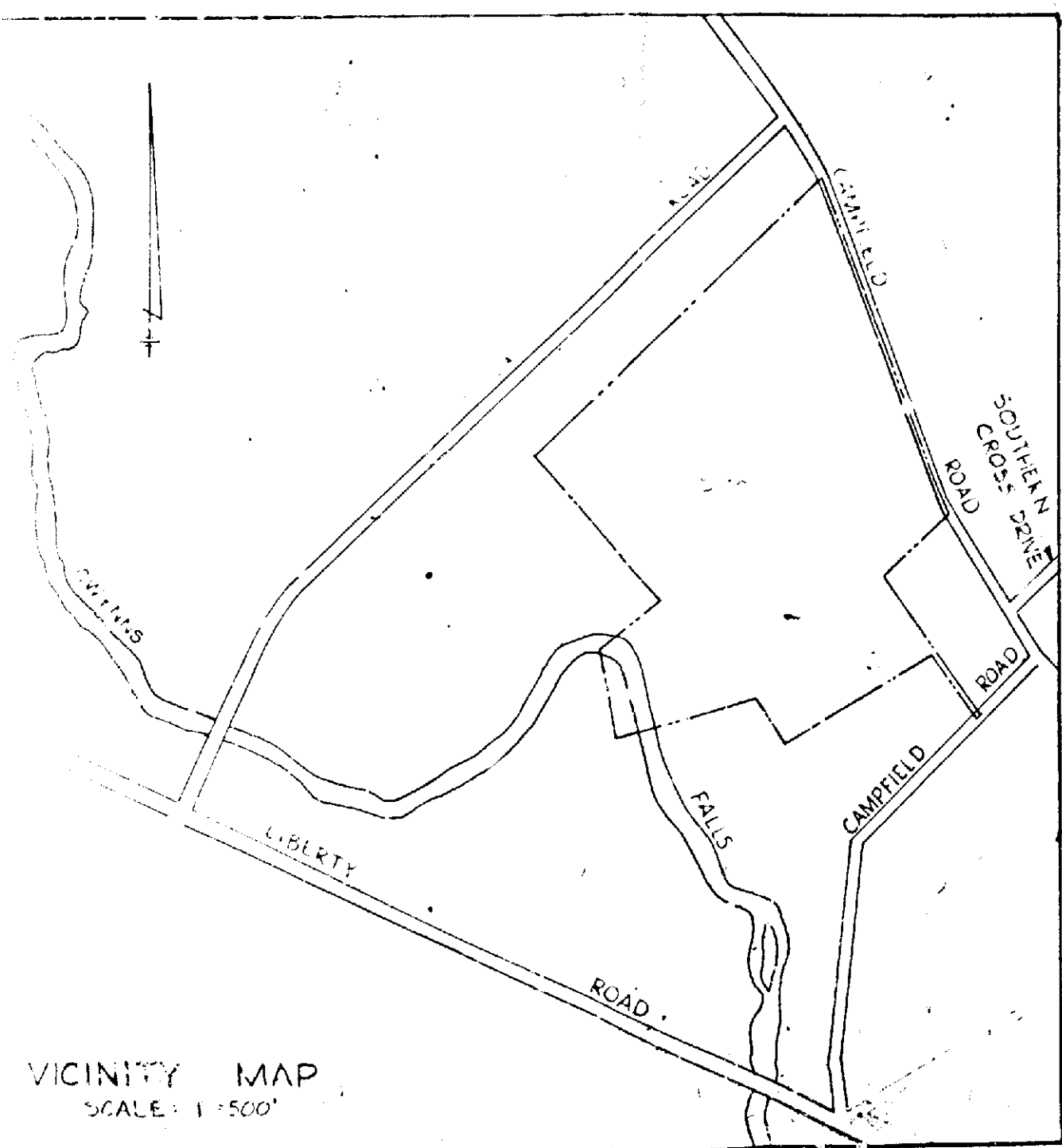
Boundary outline and topography shown herein are
taken from survey dated January 31, 1980 by
APR Associates, Inc.
7427 Northern Road
Baltimore, Maryland
21234



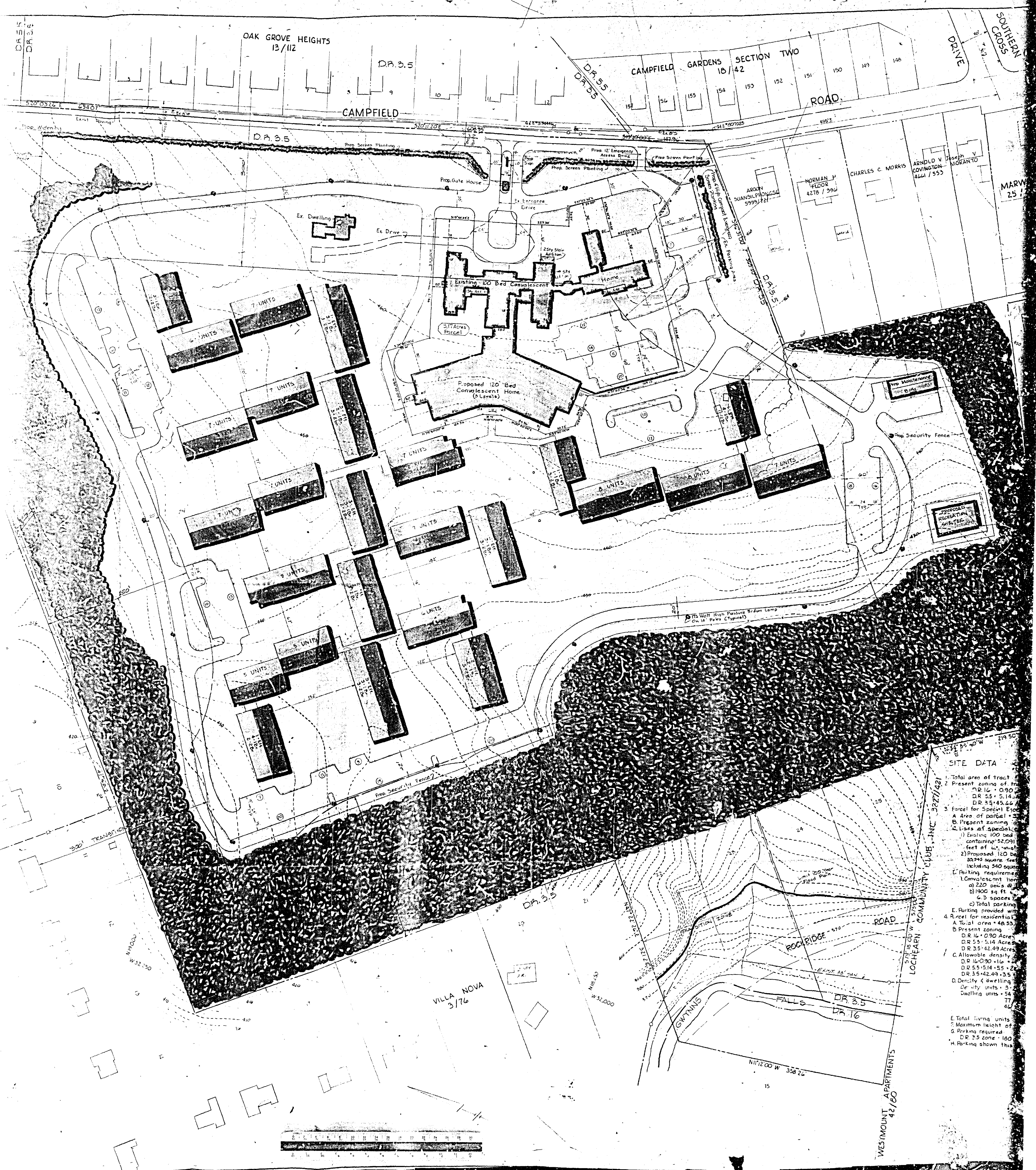


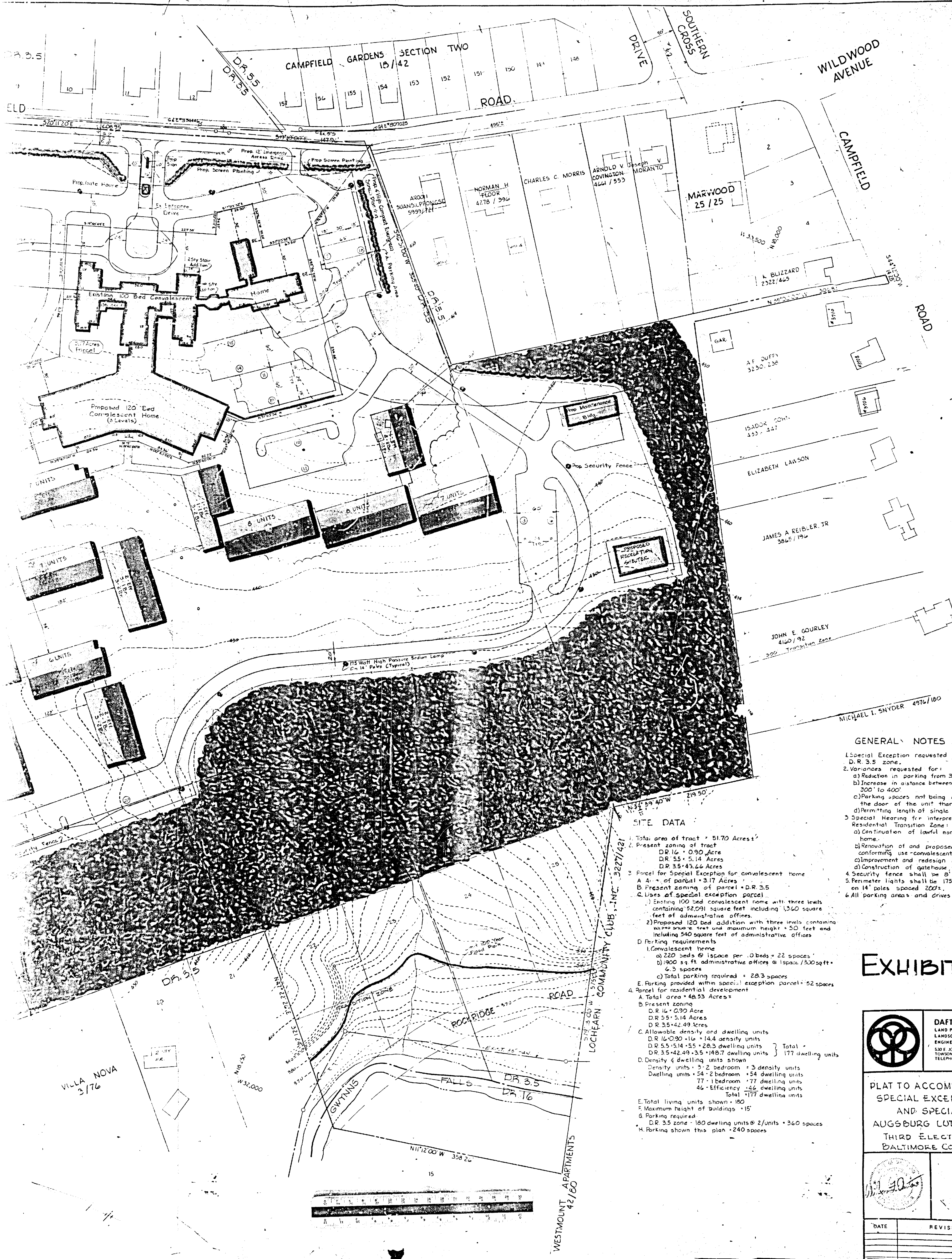
Elevations are based on
Baltimore County datum

Boundary, outline and topography shown hereon are
taken from survey dated January 31, 1980 by
APR Associates, Inc.
7425 Hurford Road
Baltimore, Maryland
21234



VICINITY MAP
SCALE: 1\"/>

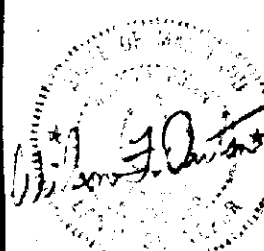




- GENERAL NOTES**
1. Special Exception requested for convalescent home in D.R. 3.5 zone.
 2. Variances requested for:
 - a) Reduction in parking from 346 required spaces to 242 spaces
 - b) Increase in distance between unit and parking space from 300' to 400'
 - c) Parking spaces not being closer or more convenient to the door of the unit than to the street curb.
 - d) Permitting length of single building in excess of 300'
 3. Special Hearing for interpretation of uses permitted in Residential Transition Zone:
 - a) Continuation of lawful non-conforming use - convalescent home.
 - b) Renovation of and proposed additions to lawful non-conforming use - convalescent home.
 - c) Improvement and redesign of existing parking area.
 - d) Construction of gatehouse, fencing, lighting and sign.
 4. Security fence shall be 8' high.
 5. Perimeter lights shall be 175 watt high pressure sodium lamp on 14' poles spaced 200'.
 6. All parking areas and drives shall be bituminous paving.

- SITE DATA**
1. Total area of tract = 51.70 Acres
 2. Present zoning of tract:
 - D.R. 16 = 0.90 Acre
 - D.R. 55 = 5.14 Acres
 - D.R. 35 = 43.66 Acres
 3. Parcel for Special Exception for convalescent home:
 - A. Area of parcel = 3.17 Acres
 - B. Present zoning of parcel = D.R. 3.5
 - C. Uses of special exception parcel:
 - 1) Existing 100 bed convalescent home with three levels containing 52,091 square feet including 1,360 square feet of administrative offices.
 - 2) Proposed 120 bed addition with three levels containing 62,200 square feet and maximum height = 50 feet and including 540 square feet of administrative offices.
 - D. Parking requirements:
 1. Convalescent home:
 - a) 220 beds @ 1 space per 10 beds = 22 spaces
 - b) 1900 sq ft administrative offices @ 1 space / 300 sq ft = 6.3 spaces
 - c) Total parking required = 28.3 spaces
 - E. Parking provided within special exception parcel = 52 spaces
4. Parcel for residential development:
 - A. Total area = 48.53 Acres
 - B. Present zoning:
 - D.R. 16 = 0.90 Acre
 - D.R. 55 = 5.14 Acres
 - D.R. 35 = 42.49 Acres
 - C. Allowable density and dwelling units:
 - D.R. 16 = 0.90 = 14.4 density units
 - D.R. 55 = 5.14 = 28.3 dwelling units
 - D.R. 35 = 42.49 = 148.7 dwelling unitsTotal = 177 dwelling units
 - D. Density & dwelling units shown:
 - Density units = 3-2 bedroom = 3 density units
 - Dwelling units = 54-2 bedroom = 54 dwelling units
 - 77-1 bedroom = 77 dwelling units
 - 46- Efficiency = 46 dwelling unitsTotal = 177 dwelling units
- E. Total living units shown = 180
- F. Maximum height of buildings = 15'
- G. Parking Required:
 - D.R. 3.5 zone = 180 dwelling units @ 2/units = 360 spaces
- H. Parking shown this plan = 240 spaces

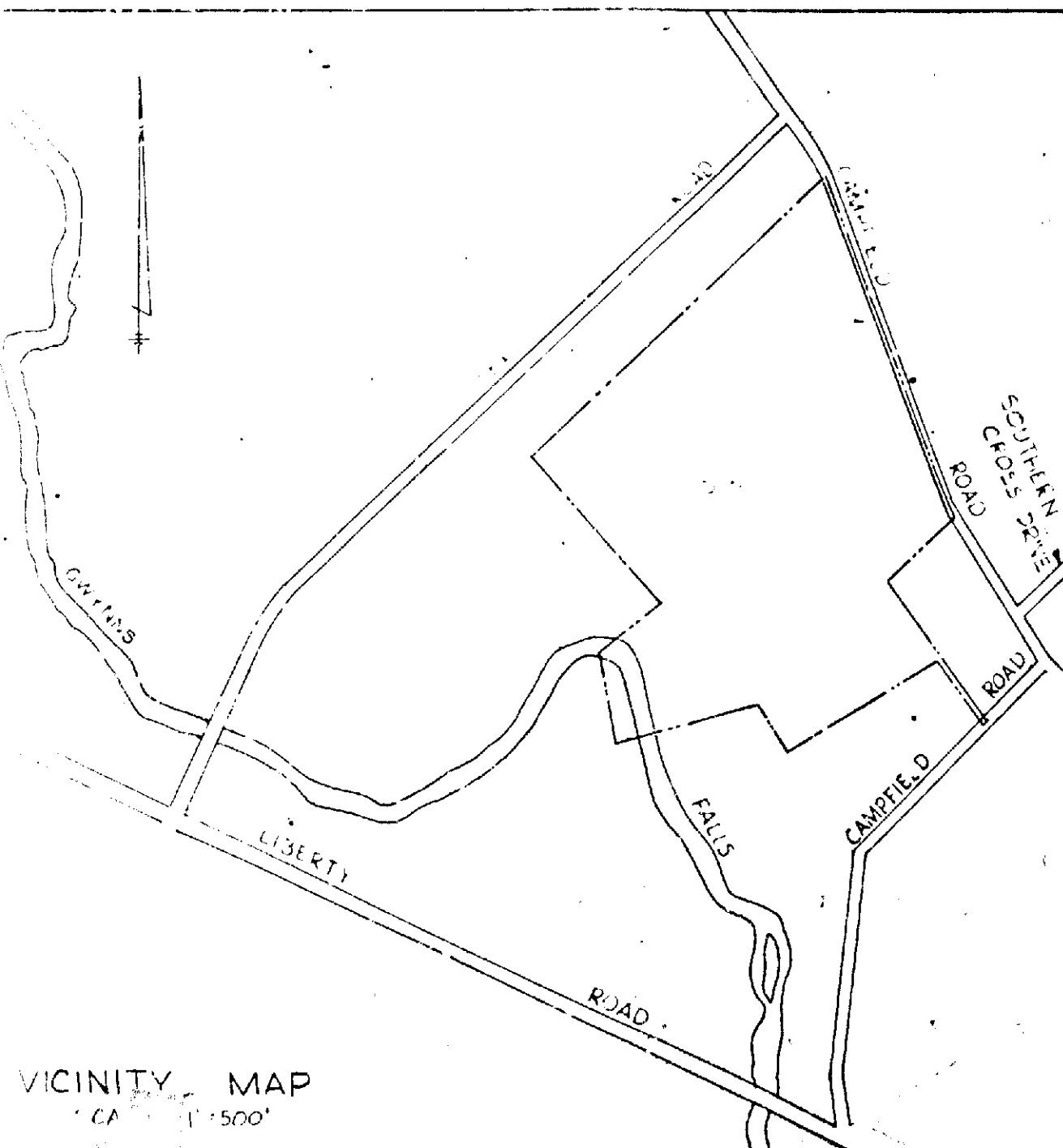
EXHIBIT II-A

		DAFT · McCUNE · WALKER INC. LAND PLANNING CONSULTANTS LANDSCAPE ARCHITECTS ENGINEERS 530 E. JCP&A ROAD TOWSON, MD 21204 TELEPHONE: (301) 296-3333	
PLAT TO ACCOMPANY HEARING FOR SPECIAL EXCEPTION, VARIANCES AND SPECIAL HEARING AUGSBURG LUTHERAN HOME, INC. THIRD ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND			
		SCALE: 1" = 100'	
		JOB ORDER NO. 7-7257 U.	
		ISSUE DATE March 21, 1980	
DATE	REVISIONS		



Elevations are Based on
Baltimore County datum

Boundary outline and topography shown herein are
taken from survey dated January 31, 1980 by
ATP Associates, Inc.
7427 Harford Road
Baltimore, Maryland
21236



VICINITY MAP
1" = 500'



SITE DATA

1. Total area of tract = 51.70 Acres
2. Present zoning of tract:
 - DR 16 = 0.90 Acres
 - DR 35 = 5.14 Acres
 - DR 35 = 45.66 Acres
3. Parcel for Special Exception for A Area of parcel = 3.17 Acres
4. Present zoning of parcel = DR 35
5. Uses of Special Exception:
 - a) Existing 100 bed convalescent home containing 52,091 square feet of administrative office
 - b) Proposed 120 bed addition 70,965 square feet and maximum including 540 square feet of
6. Parking requirements:
 - a) Convalescent home:
 - i) 220 beds @ 1 space per bed
 - ii) 1900 sq ft administrative @ 6.3 spaces
 - b) Total parking required = 2200 spaces
 - c) Total parking provided within special exception = 2200 spaces
7. Parcel for residential development:
 - A. Total area = 48.53 Acres
 - B. Present zoning = DR 16 = 0.90 Acres
 - C. Allowable density and dwelling:
 - DR 16 = 0.30 - 1.0 = 14.4 density
 - DR 35 = 1.14 - 5.5 = 28.3 dwelling
 - DR 35 = 42.49 = 3.5 = 143.7 dwelling
 - D. Density of dwelling units shown:
 - Density units = 3.2 bedroom
 - Dwelling units = 54 - 2 bedroom
 - 77 - 1 bedroom
 - 44 - Efficiency
 - E. Total living units shown = 100
 - F. Maximum height of buildings = 3 stories
 - G. Parking required = 2200 spaces
 - H. Parking shown this plan = 24

Areas bet
from par
Lines 300



GENERAL NOTES

1. Special Exception requested for convalescent home in D.R. 3.5 zone.
2. Variances requested for:
 - a) Reduction in parking from 346 required spaces to 240 spaces
 - b) Increase in distance between unit and parking space from 300' to 400'
 - c) Parking spaces not being closer or more convenient to the door of the unit than to the street curb.
 - d) Permitting length of single building in excess of 300'
3. Special Hearing for interpretation of uses permitted in Residential Transition Zone:
 - a) Continuation of lawful non-conforming use - convalescent home.
 - b) Renovation of and proposed additions to lawful non-conforming use - convalescent home.
 - c) Improvement and redesign of existing parking area.
 - d) Construction of gatehouse, fencing, lighting and sign.
4. Security fence shall be 8' high.
5. Perimeter lights shall be 175 watt high pressure sodium lamp on 14' poles spaced 200'.
6. All parking areas and drives shall be bituminous paving.

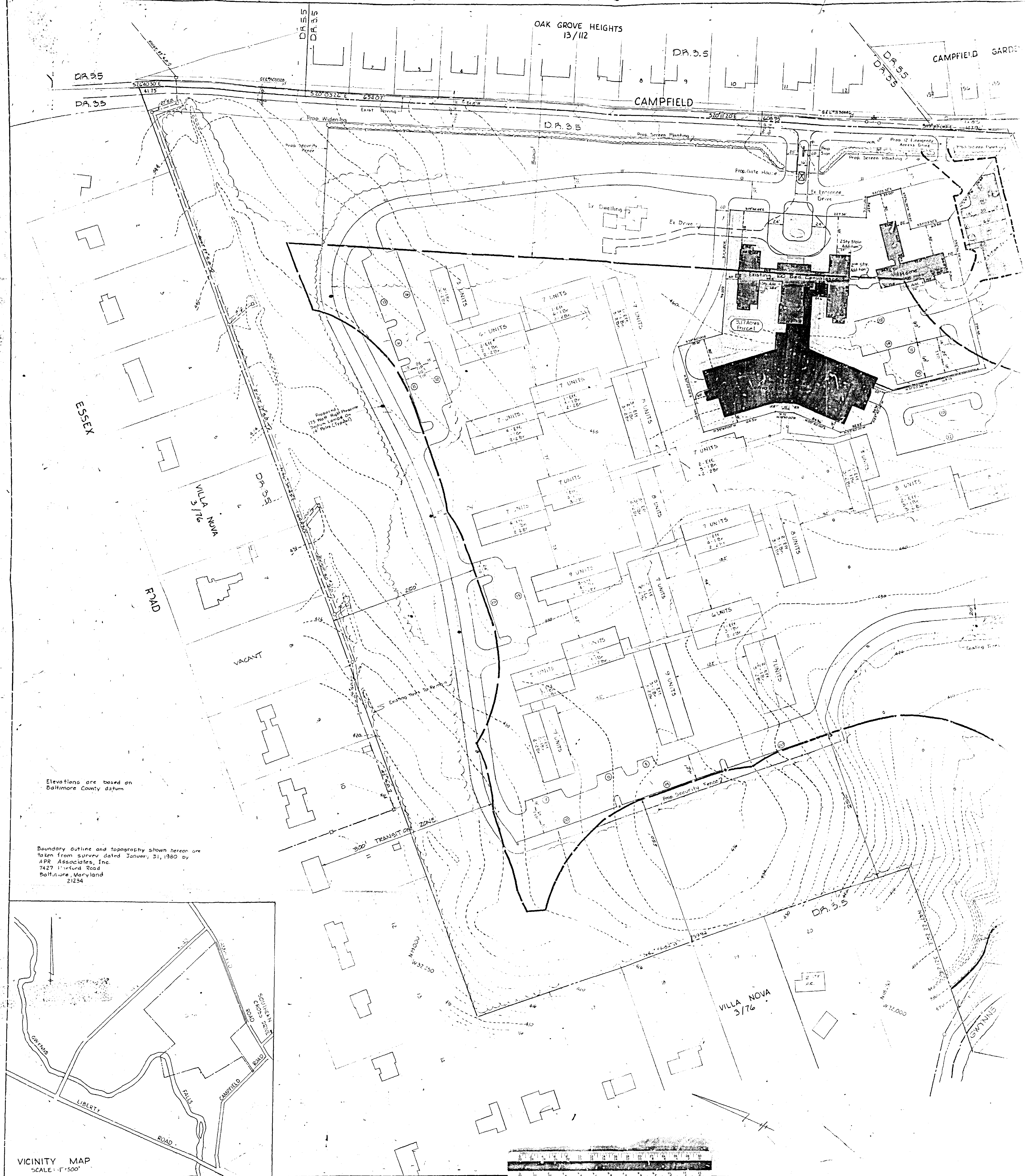
SITE DATA

1. Total area of tract = 51.70 Acres
2. Present zoning of tract:
 - DR 16 = 0.90 Acres
 - DR 5.5 = 5.14 Acres
 - DR 3.5 = 45.66 Acres
3. Parcel for Special Exception for convalescent home:
 - A. Area of parcel = 3.17 Acres
 - B. Present zoning of parcel = D.R. 3.5
 - C. Uses of special exception parcel:
 - 1) Existing 120 bed convalescent home with three levels containing 52,991 square feet including 1,320 square feet of administrative offices.
 - 2) Proposed 120 bed addition with three levels containing 78,945 square feet and maximum height = 50 feet and including 540 square feet of administrative offices.
4. Parking requirements:
 - 1) Convalescent home:
 - a) 220 beds @ 1 space per 10 beds = 22 spaces
 - b) 1900 sq ft administrative offices @ 1 space / 300 sq ft = 6.3 spaces
 - c) Total parking required = 28.3 spaces
5. Parking provided within special exception parcel = 52 spaces
6. Parcel for residential development:
 - A. Total area = 48.53 Acres
 - B. Present zoning:
 - DR 16 = 0.90 Acres
 - DR 5.5 = 3.14 Acres
 - DR 3.5 = 42.49 Acres
 - C. Allowable density and dwelling units:
 - DR 16 = 0.90 - 16 = 14.4 density units
 - DR 5.5 = 3.14 - 55 = 28.3 dwelling units
 - DR 3.5 = 42.49 - 3.5 = 148.7 dwelling units
 - Total = 177 dwelling units
 - D. Density 4 dwelling units shown:
 - Density units = 3 - 2 bedroom = 3 density units
 - Dwelling units = 54 - 2 bedroom = 54 dwelling units
 - 77 - 1 bedroom = 77 dwelling units
 - 46 - Efficiency = 46 dwelling units
 - Total = 177 dwelling units
7. Total living units shown = 180
8. Maximum height of buildings = 15'
9. Parking required:
 - DR 3.5 zone = 180 dwelling units @ 2/units = 360 spaces
10. Parking shown this plan = 240 spaces

EXHIBIT III-A

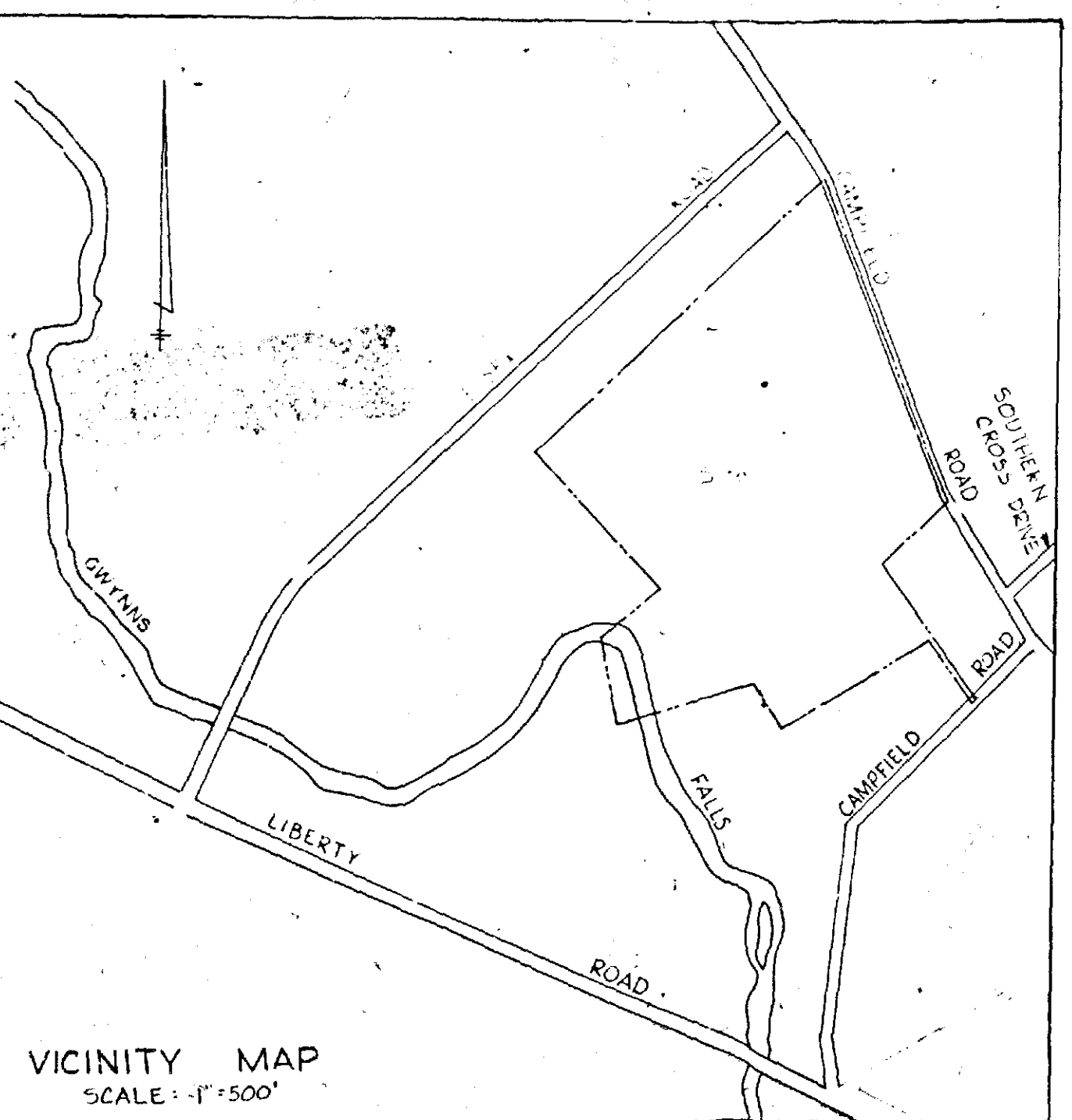
		DAFT, McCUNE, WALKER, INC. LAND PLANNING CONSULTANTS LANDSCAPE ARCHITECTS ENGINEERS 130 E. JOPPA ROAD TOWSON, MD 21204 TELEPHONE: (301) 296-3333	
		PLAT TO ACCOMPANY HEARING FOR SPECIAL EXCEPTION, VARIANCES AND SPECIAL HEARING AUGSBURG LUTHERAN HOME, INC. THIRD ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND	
SCALE: 1" = 50'		JOB ORDER NO. 1-7357 L	
DATE March 21, 1967		ISSUE DATE March 21, 1967	
REVISIONS			

Areas between 300'-400' from parking.
 Lines 300' from parking.

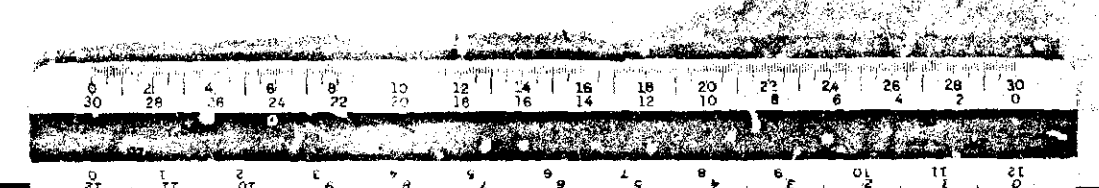


Elevations are based on
Baltimore County datum

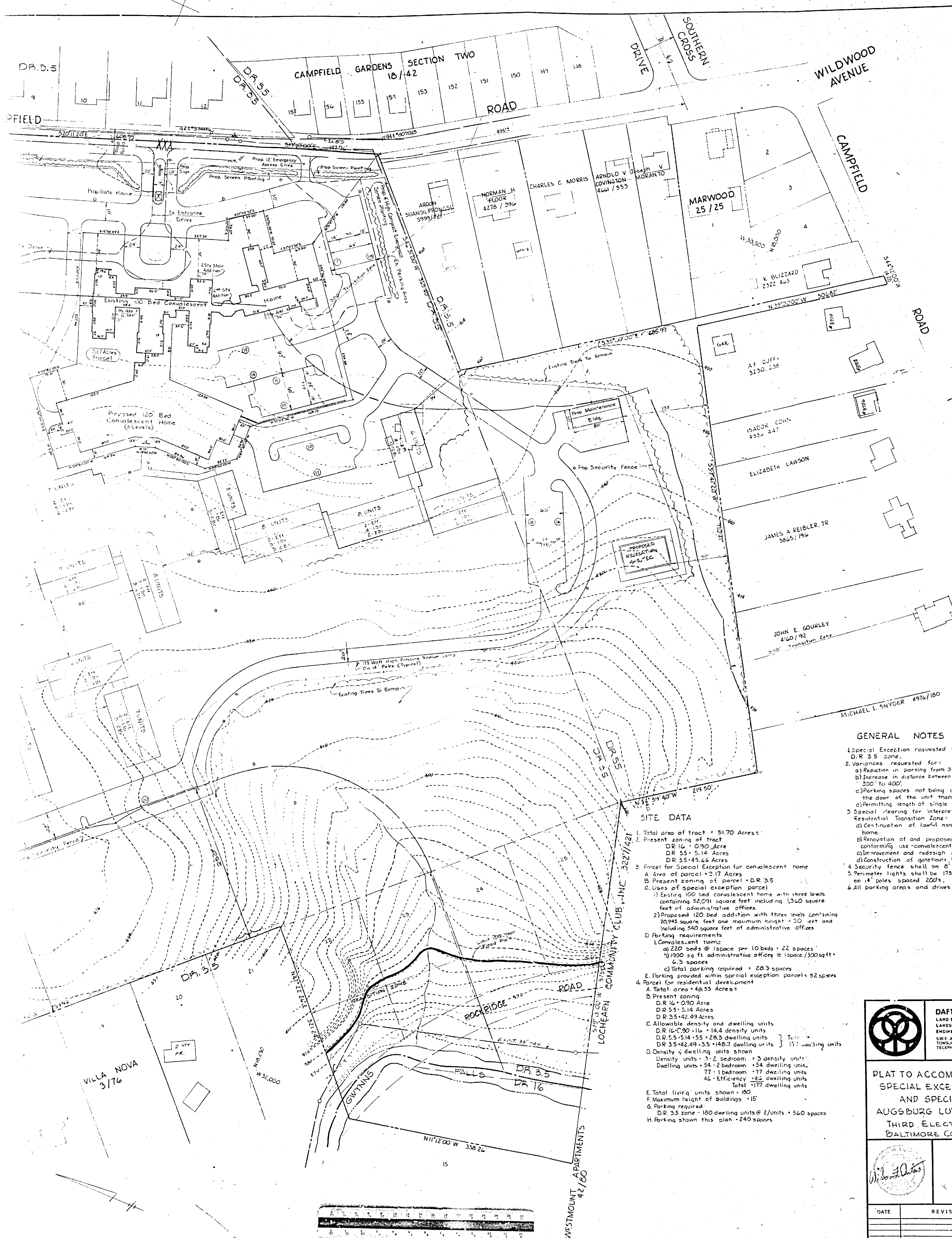
Boundary outline and topography shown hereon are
taken from survey dated January, 31, 1980 by
APR Associates, Inc.
7427 Harford Road
Baltimore, Maryland
21234



VICINITY MAP
SCALE: 1"=500'





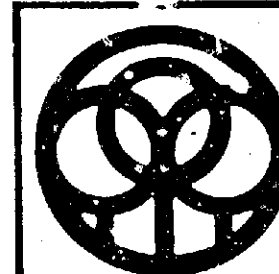


GENERAL NOTES

1. Special Exception requested for convalescent home in D.R. 3.5 zone.
2. Variances requested for:
 - a) Reduction in parking from 344 required spaces to 240 spaces
 - b) Increase in distance between unit and parking area from 300' to 400'
 - c) Parking spaces not being closer or more convenient to the door of the unit than to the street curb.
 - d) Permitting length of single building in excess of 300'
3. Special hearing for interpretation of uses permitted in Residential Transition Zone:
 - a) Continuation of lawful non-conforming use - convalescent home.
 - b) Renovation of and proposed additions to lawful non-conforming use - convalescent home.
 - c) Improvement and redesign of existing parking area.
 - d) Construction of gateways, fencing, lighting and sign.
4. Security fence shall be 8' high.
5. Perimeter lights shall be 175 watt high pressure sodium lamp on 14' poles spaced 200'.
6. All parking areas and drives shall be bituminous paving.

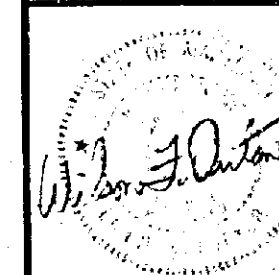
SITE DATA

1. Total area of tract = 51.70 Acres
2. Present zoning of tract:
 - D.R. 16 = 0.90 Acres
 - D.R. 5.5 = 5.14 Acres
 - D.R. 3.5 = 45.66 Acres
3. Parcel for Special Exception for convalescent home
 - A. Area of parcel = 2.17 Acres
 - B. Present zoning of parcel = D.R. 3.5
 - C. Uses of special exception parcel:
 - 1) Existing 100 bed convalescent home with three levels containing 52,091 square feet including 1,360 square feet of administrative offices.
 - 2) Proposed 120 bed addition with three levels containing 76,945 square feet and maximum height = 30' and including 540 square feet of administrative offices.
 - D. Parking requirements:
 - 1) Convalescent home:
 - a) 220 beds @ 1 space per 10 beds = 22 spaces
 - b) 1920 sq. ft. administrative offices @ 1 space / 300 sq. ft. = 6.3 spaces
 - c) Total parking required = 28.3 spaces
 - E. Parking provided within special exception parcels = 52 spaces
4. Parcel for residential development
 - A. Total area = 48.53 Acres
 - B. Present zoning:
 - D.R. 16 = 0.90 Acres
 - D.R. 5.5 = 5.14 Acres
 - D.R. 3.5 = 42.49 Acres
 - C. Allowable density and dwelling units:
 - D.R. 16 = 0.90 = 14.4 density units
 - D.R. 5.5 = 5.14 = 28.3 dwelling units
 - D.R. 3.5 = 42.49 = 148.7 dwelling units
 - D. Density 4 dwelling units shown:
 - Density units = 3.2 bedroom = 3 density units
 - Dwelling units = 54 = 2 bedroom = 54 dwelling units
 - 77 = 1 bedroom = 77 dwelling units
 - 46 = Efficiency = 46 dwelling units
 - Total = 177 dwelling units
 - E. Total living units shown = 180
 - F. Maximum height of buildings = 15'
 - G. Parking required:
 - D.R. 3.5 zone = 180 dwelling units @ 2/units = 360 spaces
 - H. Parking shown this plan = 240 spaces



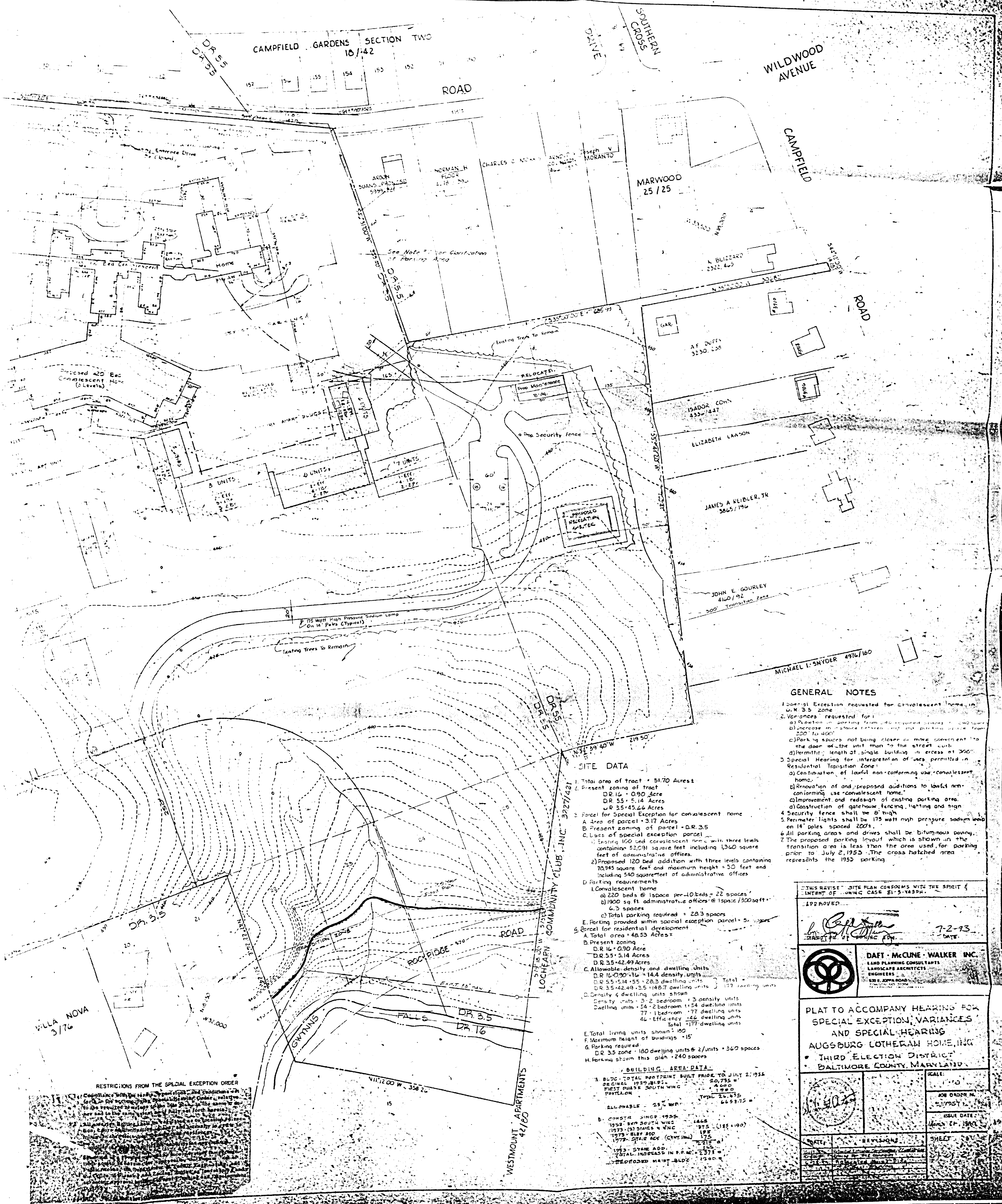
DAFT · McCune · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
530 E. JOPPA ROAD
TOWSON, MD 21204
TELEPHONE: (301) 296-3333

PLAT TO ACCOMPANY HEARING FOR
SPECIAL EXCEPTION, VARIANCES
AND SPECIAL HEARING
AUGSBURG LUTHERAN HOME, INC.
THIRD ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND



SCALE:
1" = 50'
JOB ORDER NO.
3-7257 L
ISSUE DATE
March 21, 1980

DATE	REVISIONS



GENERAL NOTES

1. Special Exception requested for Convalescent Home, Inc.
2. Variances requested for:
 - a) Reduction in parking from 400 required spaces to 240 spaces
 - b) Increase in distance between unit and parking space from 300' to 400'
 - c) Parking spaces not being closer or more convenient to the door of the unit than to the street curb
 - d) Permitted length of single building in excess of 300'
3. Special Hearing for interpretation of uses permitted in Residential Transition Zone:
 - a) Continuation of lawful non-conforming use - convalescent home.
 - b) Renovation of and/or proposed additions to lawful non-conforming use - convalescent home.
 - c) Improvement and redesign of existing parking area.
 - d) Construction of gatehouse, fencing, lighting and sign.
4. Security fence shall be 6' high
5. Perimeter lights shall be 175 watt high pressure sodium lamp on 14' poles spaced 200'
6. All parking areas and drives shall be bituminous paving.
7. The proposed parking layout which is shown in the transition area is less than the area used for parking prior to July 2, 1953. The cross hatched area represents the 1953 parking.

SITE DATA

1. Total area of tract = 51.70 Acres
2. Present zoning of tract:
 - DR 16 = 0.90 Acres
 - DR 55 = 5.14 Acres
 - DR 35 = 45.66 Acres
3. Parcel for Special Exception for convalescent home:
 - A. Area of parcel = 3.17 Acres
 - B. Present zoning of parcel = DR 3.5
 - C. Uses of Special Exception parcel:
 - 1) Existing 100 bed convalescent home with three levels containing 52,591 square feet including 1340 square feet of administrative offices.
 - 2) Proposed 120 bed addition with three levels containing 70,945 square feet and maximum height = 50 feet and including 540 square feet of administrative offices.
 - D. Parking requirements:
 - 1) Convalescent home:
 - a) 220 beds @ 1 space per 10 beds = 22 spaces
 - b) 1900 sq. ft. administrative offices @ 1 space / 300 sq. ft. = 6.3 spaces
 - 2) Total parking required = 28.3 spaces
 - E. Parking provided within special exception parcel = 50 spaces
4. Parcel for residential development:
 - A. Total area = 48.53 Acres
 - B. Present zoning:
 - DR 16 = 0.90 Acres
 - DR 55 = 5.14 Acres
 - DR 35 = 42.49 Acres
 - C. Allowable density and dwelling units:
 - DR 16 = 0.90 = 14.4 density units
 - DR 55 = 5.14 = 28.3 dwelling units
 - DR 35 = 42.49 = 148.7 dwelling units
 - Total = 177 dwelling units
 - D. Density & dwelling units shown:
 - Density units = 3 = 2 bedroom = 3 density units
 - Dwelling units = 54 = 2 bedroom = 54 dwelling units
 - 77 = 1 bedroom = 77 dwelling units
 - 46 = efficiency = 46 dwelling units
 - Total = 177 dwelling units
 - E. Total living units shown = 180
 - F. Maximum height of buildings = 15'
 - G. Parking required:
 - DR 3.5 zone = 180 dwelling units @ 2/units = 360 spaces
 - H. Parking shown this plan = 240 spaces

BUILDING AREA DATA

1. BLDG - TOTAL PERMIT BUILT PRIOR TO JULY 2, 1954:
 - ORIGINAL 1929 BLDG = 20,795 sq. ft.
 - FIRST PHASE SOUTH WING = 4,600 sq. ft.
 - TOTAL = 25,395 sq. ft.
2. CONSTR. SINCE 1955:
 - 1958 - 2nd PHASE SOUTH WING = 1468 sq. ft.
 - 1973 - (2) STAGES 4 WING = 975 sq. ft. (182,190)
 - 1973 - ELEV. ADD. = 198 sq. ft.
 - 1973 - STAIR ADD. (CENTRAL) = 2,215 sq. ft.
 - 1973 - STAIR ADD. = 165 sq. ft.
 - TOTAL INCREASE IN F.P.A. = 2,571 sq. ft.
 - PROPOSED MAINT. BLDG = 1700 sq. ft.

"THIS REVISION" SITE PLAN CONFORMS WITH THE SPIRIT & INTENT OF ZONING CASE 21-5-143PM.

APPROVED

[Signature]
DIRECTOR OF PLANNING

7-2-93
DATE



DAFT, McCUNE & WALKER, INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
630 E. JOPPA ROAD
BALTIMORE, MARYLAND 21204

PLAT TO ACCOMPANY HEARINGS FOR
SPECIAL EXCEPTION, VARIANCES
AND SPECIAL HEARINGS
AUGSBURG LUTHERAN HOME, INC.
• THIRD ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS	SHEET
7-2-93	1	1
7-2-93	2	2
7-2-93	3	3
7-2-93	4	4
7-2-93	5	5
7-2-93	6	6
7-2-93	7	7
7-2-93	8	8
7-2-93	9	9
7-2-93	10	10

OAK GROVE HEIGHTS
13/112

DA 3.5

DA 3.5

DA 3.5

CAMPFIELD

DA 3.5

520' 11" 25' E

ESSEX

VILLA NOVA
3/176

ROAD

VACANT

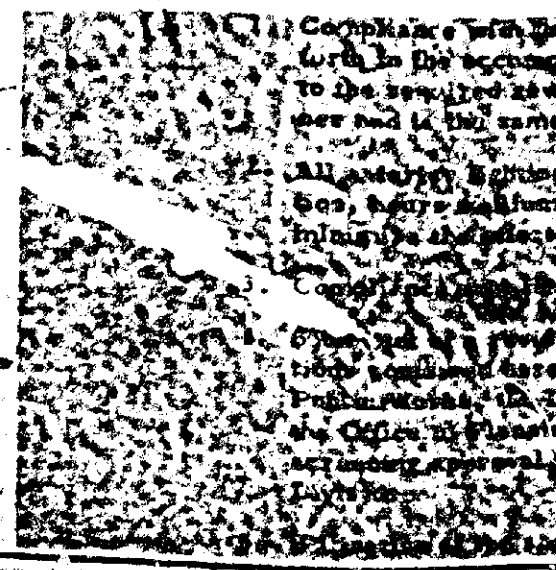
Elevations are taken on
Baltimore County datum

Boundary outline and topography shown herein are
taken from survey dated January 31, 1980 by
JPS Associates, Inc.
7477 Harford Road
Baltimore, Maryland
21234



VILLA NOVA
3/176

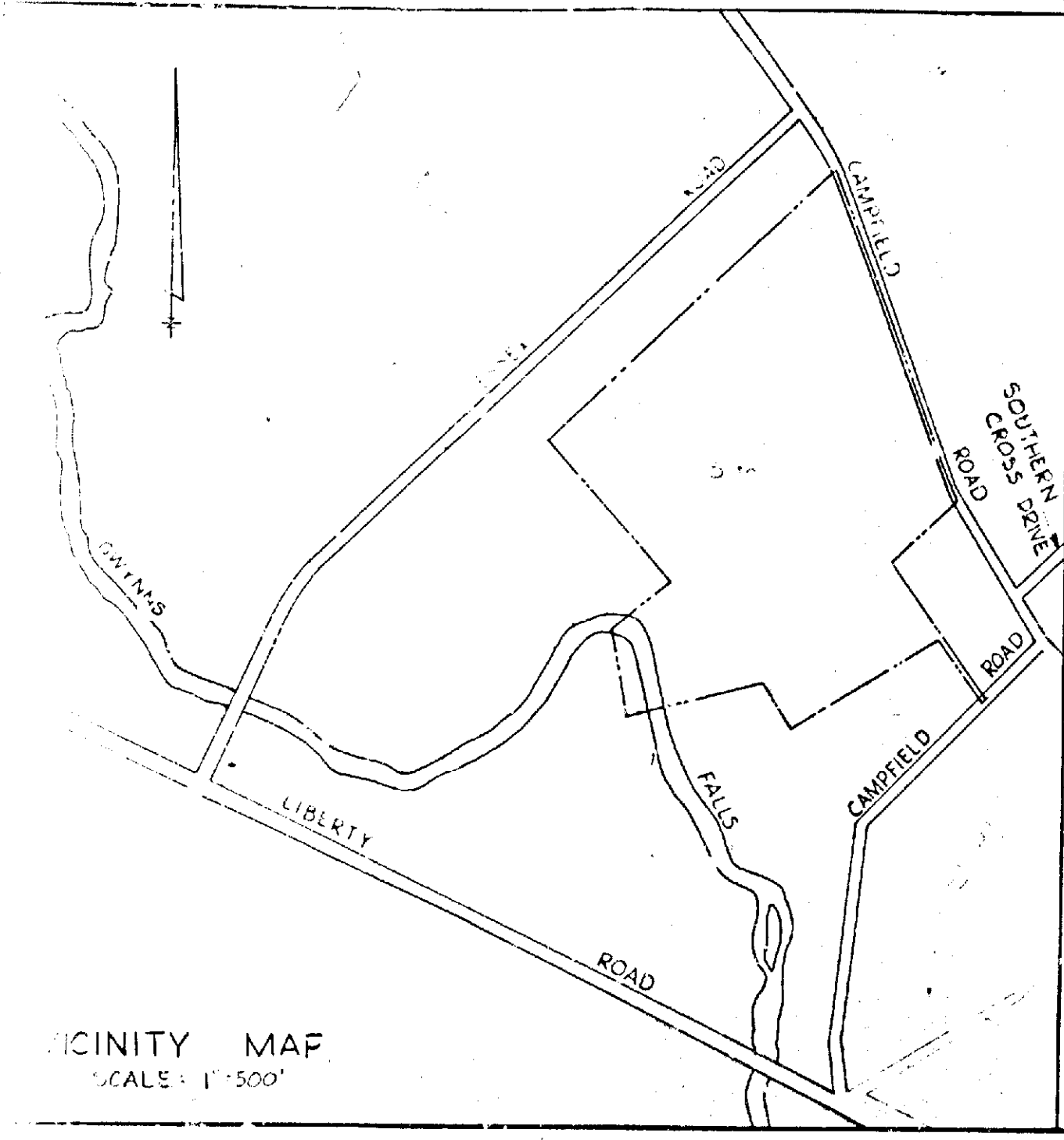
RESTRICTIONS





Elevations are based on
Baltimore County datum

Boundary, outline and topography shown hereon are
taken from survey dated January 31, 1980 by
ADR Associates, Inc.
7427 Harford Road
Baltimore, Maryland
21234



INSET MAP
SCALE: 1"=500'



