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 Variance from Section 1802.2(V.B.2) to permit a front yard setback of 40 feet in lieu of the required 60 feet, and to amend original plats filed with special exception case 67-217X and sign variance a property of a part of the section of case 71-272. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Nies NWID To be determined at the Hearing. IN RE: PETITION ZONING VARIANCE BEFORE THE ZONING DESCRIPTION NE/corner of Charles Street and Greenwood Road - 9th ZONING COMMISSIONER Election District Description to Accompany Manor Care of Ruxton OF BALTIMORE COUNTY Petition for Variance Manor Health Care Corporation, Property is to be posted and advertised as prescribed by Zoning Regulations. Case No. 86-9-A 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, Petitioner BEGINNING at the intersection of the East side of Charles Street with the North side of Greenwood Road thence along the Easterly line of Charles Street Northeastwardly by a curve to the right with a radius of 791.73 feet an arc distance of I/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. H 202.38 feet; North 18 degrees 02 minutes 40 seconds East 245.66 FINDINGS OF FACT AND CONCLUSIONS OF LAW feet; North 04 degrees 00 minutes 30 seconds East 103.08 feet: North 18 degrees 02 minutes 40 seconds East 200.00 feet; North The Petitioner herein requests a variance to permit a front yard setback of 30 degrees 22 minutes 05 seconds East 117.13 feet; Northwardly by a curve to the left with a radius of 7,764.44 feet an arc Contract Purchaser: Legal Owner(s): 40 feet instead of the required 60 feet and, additionally, to amend the site distance of 86.96 feet; North 03 degrees 11 minutes 20 seconds East 104.51 feet; Northeastwardly by a curve to the left with a radius of 7,739.44 feet an arc distance of 394.58 feet to a Manor Health Care Corp. (Type or Print Name) plans filed and approved in Case Nos. 67-217-X and 71-272-A, as more particularpoint on the Sasterly line of Charles Street, the Northernmost ly described on Petitioner's Exhibit 1. corner of the subject premises; thence leaving said Street and running South 02 degrees 56 minutes 47 seconds East 309.47 feet The Petitioner, by its representatives, Robert C. Ingram, a registered Vice President of Real Estate South 02 degrees 44 minutes 47 seconds East 442.00 feet; South 02 degrees 28 minutes 26 seconds West 171.58 feet; South 39 architect employed by the Petitioner; Don Feltman, Development Specialist for degrees 46 minutes 26 seconds West 554.58 feet; South 16 degrees 46 minutes 34 seconds East 10.30 feet; South 20 degrees 58 minutes 34 seconds East 24.52 feet to the North side of City and State the Petitioner; and Mo K. Kwum, a registered architect retained by the Petition-Greenwood Road thence binding on the North side of Greenwood Attorney for Petitioner: er, appeared and was represented by Counsel. There were no Protestants. Road: South 78 degrees 40 minutes 09 seconds West 65.601 feet to a point on the Easterly line of Charles Street, also the point of John B. Howard, Esquire Testimony indicated that the subject property, located on Charles Street, CONTAINING 4.8505 acres. was granted a special exception for a nursing home in Case No. 67-217-X and a sign variance in Case No. 71-272-A. The special exception permitted the Peti-210 Allegheny Avenue Name, address and phone number of legal owner, contract purchaser or representative to be contacted tioner to have 202 beds, but only 196 beds were used. The Petitioner now wishes in substantial detriment to the public good. Towson, Maryland 21204 John B. Howard to expand to 212 beds, and to do so, needs a variance for a setback of 40 feet 210 Allegheny Avenue to the front property line for the proposed addition. The Maryland Department Attorney's Telephone No.: (301) 823-4111 Towson, MD 21204 (301) 823-4111 Health does not require a further public hearing at their level inasmuch as By The Zoning Commissioner of Baltimore County, this ____4th ____ day the state permits an expansion of ten additional beds every two years as of of June 19.85, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning County in Room 106, County Office Building in Towson, Baltimore The addition is to be constructed where proposed due to the topography of the site and certain regulatory requirements, principally, that the beds must on the 8th day of July be located within a certain distance of the nursing stations. One other possigereral welfare. ble Excation, which would be to the side where the dining room is located, was PETITION FOR VARIANCE John B. Howard, Esquire 9th Election District 210 Allegheny Avenue RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER Towson, Maryland 21204 NE Corner Charles St. Pursuant to the advertisement, posting of the property, and public hearing & Greenwood Rd. LOCATION: OF BALTIMORE COUNTY Northeast corner Charles Street and Greenwood Road 9th District on this Petition held, and for the reasons given above, the requested variance MANOR HEALTH CARE CORP.. Case No. 86-9-A and smendment should be granted. DATE AND TIME: Monday, July 8, 1985 at 11:00 a.m. Petitioner Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 1 1 1 1 1 1 1 this | day of July, 1985, that the Petition for Zoning Variance to per-ENTRY OF APPEARANCE The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: mit a front yard setback of 40 feet instead of the required 60 feet and, addi-TIME: _ 11:00 a.m. Please enter the appearance of the People's Counsel in the abovetionally, the amendment to the site plans filed and approved in Case Nos. captioned matter. Notices should be sent of any hearing dates or other Petition for Variance from Section 1802.2.8 (V.B.2) to permit a 67-217-X and 71-272-A be and are hereby GRANTED, from and after the date of this front yard setback of 40 feet in lieu of the required 60 feet PLACE: Poom 106, County Office Building, 111 West Chesapeake and to amend original plats filed with special exception case proceedings in this matter and of the passage of any preliminary or Order, subject to the following: 67-217-X and sign variance case 71-272-A. final Order. 1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this Phyllis Cole Friedman time is at its own risk until such time as the applicable appellate process from this Order has expired. If, Phyllis Cole Friedman for whatever reason, this Order is reversed, the Peti-People's Counsel for Baltimore County tioner would be required to return, and be responsible Being the property of Manor Health Care Corp. the plat filed with the Zoning Office. for returning, said property to its original condition. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, enter-Peter Max Zimmerman tain any request for a stay of the issuance of said permit during this period for Deputy People's Counsel good cause shown. Such request must be received in writing by the date of the Rm. 223, Court House hearing set above or made at the hearing. Towson, MD 21204 494-2188 AJ/srl BY ORDER OF BALTIMORE COUNTY MARYLAND ARNOLD JABLON cc: John B. Howard, Esquire I HEREBY CERTIFY that on this 19th day of June, 1985, a copy of the ZONING COMMISSIONER OFFICE OF FINANCE - REVER LE DIVISION No. 007454 MISCELLANEOUS CASH NECEIPT OF BALTIMORE COUNTY Robert A. Hoffman, Esquire foregoing Entry of Appearance was mailed to John B.Howard, Esquire, 210 People's Counsel Allegheny Ave., Towson, MD 21204, Attorney for Petitioner. Letter Max Zimmerman

86-9-A

PETITION FOR ZONING VARIANCE

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eliminated because it would be in contradiction with the State rules. The topography prevents location of the addition elsewhere.

The Petitioner seeks relief from Section 1802.2.8 (Section V.B.2, Comprehensive Manual of Development Policies (CMDP)), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- 1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and

- 2 -

June 5, 1985

NOTICE OF HEARING RE: Petition for Variance NE/corner Charles Streeet and Greenwood Road Case No. 86-9-A. Item No. 316 Manor Health Care Corp. - Petitioner

DATE: Monday, July 8, 1985

Avenue, Towson, Maryland

of Baltimore County

01-615-000 MOUNT \$ 100.00

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/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should/should not be granted. Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19 _, that the herein Petition for Variance(s) to permit

> BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT DATE 7/16/S5 ACCOUNT R-01-615-000 AMOUNT_\$ 72.97 RECEIVED Robert Hoffman, Esq. Advertisinggand Posting Case 86-9-A 8 8050******7297:s 5166f

> > VALIDATION OR SIGNATURE OF CASHIER

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

July 10, 1985

John B. Howard, Esquire 210 Allegheny Avenue Towson, Maryland 21204

RE: Petition for Variance NE/corner Charles Street and Gree wood Road Manor Health Care Corp. - Petitioners Case No. 86-9-A

Dear Mr. Howard,

This is to advise you that \$72.97 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the

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

ARNOLD JABLON
Zoning Commissioner

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 the day of June, 1985.

Petitioner Manor Health Care Corp. John B. Howard,, Esquire Chairman, Zoning Plans Advisory Committee cc: MXX Architects and Engineers

207 Snaw Avenue, Silver Spring, Maryland

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE June 21, 1985

COUNTY OFFICE BLDG.

111 W. Chesapeake Ave.
Towson, Maryland 21204

John B. Howard, Esqui
210 Allegheny Avenue John B. Howard, Esquire Towson, Maryland 21204

Nicholas B. Commodari

Bureau of Engineering

Department of Traffic Engineering

Health Department

Project Planning

Building Department

Board of Education

Industrial Development

Chairman

RE: Item No. 316 - Case No. 86-9-A Petitioner - Manor Health Care Corp. Variance Petition

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.

In view of your proposal to construct an addition to the front of the existing building, this hearing is required.

The site plan should indicate the number of beds existing and Zoning Administration proposed in order to assure that the existing parking satisfies the minimum requirements.

> Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

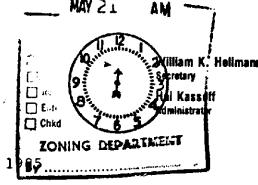
> > Very truly yours,

nickeles B. Commeseri. NICHOLAS B. COMMODARI Zoning Plans Advisory Committee '

NBC:nr Enclosures

> cc: MKK Architects and Engineers 207 Shaw Avenue Silver Spring, Maryland 20904

Maryland Department of Transportation



Mr. A. Jablon Zoning Commissioner County Office Bldg. Towson, Maryland 21204

Att: N. Commodari

Re: Property Owner: Manor Health Care Corp. Route 139 Location: E/S Charles St. 791' N. of Greenwood Existing Zoning: D.R. 2 Proposed Zoning: Variance to permit a front yard set-back of 40' in lieu of the required 60' and to amend original plats filed with case 67-217X and 71-272A Acres: 4.8505 District: 9th Election

Dear Mr. Commodari:

On review of the revised submittal of 4/18/85, and field inspection, the State Highway Administration finds the plan generally acceptable.

> Very truly yours, Charle Per Charles Lee, Chief Bureau of Engr. Access Permits

District

by: George Wittman CL-GW:es

cc: J. Ogle

My telephone number is 301-659-1350 Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204 NORMAN E. GERBER DIRECTOR

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

JUNE 17, 1985

Re: Zoning Advisory Meeting of APRIL 30, 1985
Item # 316
Property Owner: MANOR HEDLTH CORE CORP.
Location: E/S CHORLES ST. 791' N. OF GREENwown Ro.

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are (X) There are no site planning factors requiring comment.
 (A) County Review Group Meeting is required.
 (B) A County Review Group meeting was held and the minutes will be

forward by the Bureau of Public Services. ()This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract. ()A record plat will be required and must be recorded prior to issuance of a building permit.)The access is not satisfactory.)The circulation on this site is not satisfactory. The parking arrangement is not satisfactory.

Parking calculations must be shown on the plan.)This property contains soils which are defined as wetlands, and development on these soils is prohibited.)Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
)Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
)The amended Development Plan was approved by the Planning Board on
(X)Landscaping: Must comply with Baltimore County Landscape Manual.
(The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service

()The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.)Additional comments:

Eugene A. Bober Chief, Current Planning and Development

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550



May 16, 1985



Towson, Maryland 21204 Item No. 315, (316), 317, 318, 320, 322, 324, and 325 Meeting of May 7, 1985 Property Owner Location:

> Acres: District:

Existing Zoning:

Proposed Zoning:

Dear Mr. Jablon:

STEPHEN E. COLLINS DIRECTOR

Mr. Arnold Jablon

Zoning Commissioner County Office Building

The Department of Traffic Engineering has no comments for item numbers 315, 316, 317, 318, 320, 322, 324, and 325.

Traffic Engineering Assoc. II

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE CHIEF

May 15, 1985

Mr. Arnold Jablon 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: Manor Health Care Corporation

Location: E/S Charles Street, 791' N of Greenwood Road

Zoning Agenda: Meeting of May 7, 1985

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 or 300 feet along an approved road in accordance with Baltimor's County Standards as published by the Department of Public Works.

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

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

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

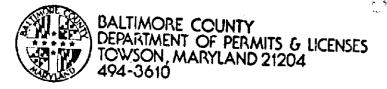
(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 *Life Safety Code*, 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

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

Special Inspection Division

1



May 21, 1985

TED ZALESKI, JR. DIRECTOR

7

Mr. Arnold Jablon, Zoning Commissioner Office of Planning and Zoning Towson, Maryland 21204

Comments on Item # 316 Zoning Advisory Committee Meeting are as follows:

Manor Health Care Corporation

District:

E/S Charles Street, 791' N of Greenwood Road

APPLICABLE TIMES ARE CIRCLED:

All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.M.S.I. #117-1 - 1980) and other applicable Codes and Standards.

- B. A building and other miscellaneous permits shall be required before the start of any construction.
- C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- E. All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0 to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0 to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0 of an interior lot line.
- F. The structure does not appear to comply with Table 505 for permissable height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your architect/Engineer contact this department.
- G. The requested variance appears to conflict with Section(s) ______, of the Baltimore County Building Code.
- H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plane indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland architectural regimeer seals are usually required. The change of Use Groups are from Use to Use . See Section 312 of the Building Code.
- I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- (J.) Comments: Plans do not show handicapped parking, signs, curb cuts, ramps and other requirements as required by the State Law, or the B.O.C.A. Code, Section 512.
- K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204. By: C. E. Burnham, Chief
 Building Plans Review

4/22/85

BALTIMORE COUNTY, MARYLAND

· •		
INTER-OFFICE	CORRESPONDEN	iCE
Arnold Jablon		
TO Zoning Commissioner	Date	June 25, 1985
Norman E. Gerber, Director	Date	
M Office of Planning and Zoning		
UBJECT Zoning Petitions No. 86-16-A.	86-15-A, 86-9-A	A, 86-12-A, and 86-17-A
There are no comprehensivon this petition.	e planning fact	Ore requiring
on this petition.		ors reduiting comment
	norman 89	terberger Offer 1
	Norman E. Ger	rber, Virector
NEG:JGH:slm	orrace of FI	anning and Zoning

86-9-A CERTIFICATE OF PUBLICATION

June 20 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 20

PETITION FOR VARIANCE,

LOCATION: Northeest corne

LOCATION: Northeast corner Charles Street and Greenwood Road DATE AND TIME: Monday, July 8, 1985 at 11:00 a.m. PUBLIC HEARING: Room 106, County Office Smilding, 111 W. Chesapeake Avenue, Towson, Maryland, 3 a. http://dx.

Maryland
The Zoning Co maissioner of Boltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.

Pennion for Variance from Section 1802.2.8 (V.B.2) to permit a front yard arthack of 40 feet in lies of the required 60 feet and to amend original plats filed with special exception case 67-217-X and sign variance case 71-272-A.

Being the property of Mazar Health Care Corp. as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, sucretain any sequent for a say of the issuance of said permit during this period for good cause shows. Such request must be received in writing by the date of the hearing set above or made as the hearing.

By Order Of ARNOLD JABLON,
Zoning Commissioner of Baltimore County
June 20.

THE JEFFERSONIAN.

Publisher

Cost of Advertising

24.75

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towers, Maryland

0

District 9th	Date of Posting Sunt 21-85
Posted for: 2 Dariance	
Petitioner: mann I fealth Car	e Corp.
Petitioner: Manon Thenth Car Location of property: NE Corner of Car Real	
Location of Signer Can't side of Charles & Ruxton Ridge Rode	to directly opposite
Muxton Ridge Road	
Remarks:	***************************************
Posted bySignature	Date of return: Sessi 25-55
Number of Signs:	

Marie Commencer Commencer

