

PETITION FOR SPECIAL HEARING 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 Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a use permit for off-street parking in a residential zone.

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

I, or we, agree to pay expenses of the 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.

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.

Contract Purchaser:

Winters Lane Partnership

(Type or Print Name)

Signature

4 Winters Lane

Address

Catonsville, Maryland 21228

City and State

Attorney for Petitioner:

C. Michael Magroder

(Type or Print Name)

Signature

4th Floor, Loyola Federal Building

Address

Towson, Maryland 21204

City and State

Attorney's Telephone No.:

Legal Owner(s):

Most Reverend William D. Borders, Roman Catholic

(Type or Print Name) Archbishop of Baltimore, a Corpora-

Signature

320 Cathedral Street, Baltimore, MD 21201

Address

City and State

Signature

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Bill Monk

Name

P.O. Box 11415, Baltimore, MD 21239 (301) 232-1885

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of November, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16th day of December, 1985, at 10:15 o'clock A.M.

(over)

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

Community care facility in an D.R. 16 zone (Sec. 1 B 01-1 C 6A)

and R.O. Zoning District (Sec. 203.3 B1).

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/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.

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Attorney for Petitioner:

C. Michael Magroder

(Type or Print Name)

Signature

4th Floor, Loyola Federal Building

Address

Towson, Maryland 21204

City and State

Attorney's Telephone No.: (301) 583-2300

Legal Owner(s):

Most Reverend William D. Borders, Roman Catholic

(Type or Print Name) Archbishop of Baltimore, a Corpora-

Signature

320 Cathedral Street, Baltimore, MD 21201

Address

City and State

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(over)

Case No. 86-249-137H

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 13th day of November, 1985.

Received by:

James E. Byer

Chairman, Zoning/Plans Advisory Committee

Petitioner Rev. William D. Borders

Attorney C. Michael Magroder, Esquire

Zoning Commissioner

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 26, 1985

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

000

C. Michael Magroder, Esquire
4th Floor, Loyola Federal Building
Towson, Maryland 21204

RE: Item No. 139 - Case No. 86-249-137H
Petitioner - Reverend William D. Borders
Roman Catholic Archbishop of Baltimore
Special Exception and Special Hearing
Petition

Dear Mr. Magroder:

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.

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,

James E. Byer

JAMES E. DYER

Chairman

Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: Mr. Bill Monk

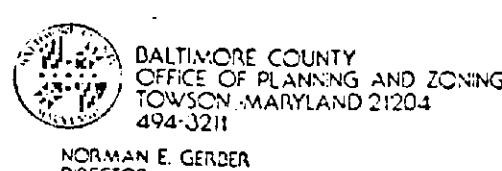
P. O. Box 11415

Baltimore, Maryland 21239

Keller & Keller

2914 Woodlea Avenue

Baltimore, Maryland 21205



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

NOVEMBER 25, 1985

Re: Zoning Advisory Meeting of OCTOBER 22, 1985
Item # 139
Property Owner: REV. WILLIAM BORDERS
Location: 405 E. WINTERS LANE AND
MELOSE AVENUE AND W/S WINTERS L.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable:

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group meeting is required.
- ☒ A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore 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
- ☒ 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 is
- ☒ 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:
A WAIVER OF CRG PLAN (#W-85-159)
AND A WAIVER OF STANDARD ROAD IMPROVEMENTS -
CUTS, GRATES AND SIDEWALKS (#W-85-160)
WAS GRANTED BY THE PLANNING BOARD ON NOV. 21, 1985

cc: James Haswell

Eugene A. Boser
Chief, Current Planning and Development

BALTIMORE COUNTY DEPARTMENT OF HEALTH

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

Zoning Item # 139, Zoning Advisory Committee Meeting of OCT 22, 1985

Property Owner: REV. WILLIAM BORDERS

Location: NE COR. WINTERS LANE & MELOSE AVE. - W/S WINTERS L. DISTRICT 161

Water Supply Public Sewage Disposal Public

COMMENTS ARE AS FOLLOWS:

- ☐ Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- ☐ Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- ☐ A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ☐ A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- ☒ Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation 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 any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- ☐ Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ☐ If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

Zoning Item # 139 Zoning Advisory Committee Meeting of OCT 22, 1985
Page 2

- ☐ Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- ☐ Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- ☐ Soil percolation tests (have been/must be) conducted.
 - ☐ The results are valid until
 - ☐ Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- ☐ Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- ☐ In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
 - ☐ shall be valid until
 - ☐ is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- ☐ Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- ☐ If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- ☐ Others

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1263 (2) R



STEPHEN E. COLLINS
DIRECTOR

November 18, 1985

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

Item No. -ZAC-139
Property Owner: Rev. William Borders
Location: NE/COR WINTERS LANE AND MELOSE AVENUE AND W/S OF R.O. AND D.R. 16
Existing Zoning: Special Hearing to approve a use permit for off-street parking in a residential zone and a Special Exception for a community care facility in an D.R. 16 zone and R.O. zone.

Acres: .526
District: 1st

Dear Mr. Jablon:

The requested parking in a residential zone is not expected to cause any traffic problems in the area.

Sidewalks should be provided along Winters Lane; this is a school.

Michael S. Flanigan
Traffic Engineer Associate II

MSF/bld

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts:

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner
FROM: Norman E. Gerber, AICP, Director of Planning and Zoning
SUBJECT: Zoning Petition No. 86-249-XSPH
Date: November 26, 1985

Assuming compliance with the Zoning Plans Advisory Committee comments, this office is supportive of the subject request.

Norman E. Gerber, AICP
Director

NEG:JGH:sim

IN RE: PETITION SPECIAL EXCEPTION * BEFORE THE
NE and NW corners of Winters * ZONING COMMISSIONER
Lane and Melrose Avenue *
(20 Winters Lane) * OF BALTIMORE COUNTY
1st Election District *
Archbishop William D. Borders, * Case No. 86-249-XSPH
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a community care facility and, additionally, a use permit for parking in a residential zone, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by W. Grant Lauterbach, General Partner for Winters Lane Partnership, the Contract Purchaser, appeared and testified and was represented by Counsel. Testifying on behalf of the Petitioner were William Monk, a land planning consultant; R. Scott Graham, Executive Director, ReVisions, Inc. (ReVisions); and Dr. Edward Matricardi, Assistant Director, Bureau of Mental Health Services, Department of Health. Mr. and Mrs. Paul Smith, Phyllis Buchanan, and Sandra Williams appeared in opposition.

Testimony indicated that the Contract Purchaser proposes to convert a combination one and two-story vacant school building, which is located on the corner of Winters Lane and Melrose Avenue and faces Winters Lane, to a community care facility. Until a few years ago, the subject property, consisting of approximately one-half acre, was used by the Catholic Archdiocese as a school for St. Mark's Church, which is located diagonally across Winters Lane. A zoning line bifurcates the property with R-O zoning in the front and D.R.16 zoning in the rear. The zoning is B.L. across Melrose Avenue and D.R.16 across Winters Lane. Adjacent to the northwestern property line, the zoning

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2566
494-4500

PAUL H. REINCKE
CHIEF

November 20, 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: Rev. William Borders

Location: NE/Cor Winters Lane and Melrose Avenue and W/S Winters Lane

Item No.: 139 Zoning Agenda: Meeting of October 22, 1985

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.

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

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

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

EXCEEDS the maximum allowed by the Fire Department.

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

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

November 22, 1985

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 139 Zoning Advisory Committee Meeting are as follows:

Property Owner: Rev. William Borders
Location: NE/Corner Winters Lane and Melrose Avenue and W/S Winters Lane
District: 1st.

APPLICABLE CODES ARE CITED:

() 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.B.S.I. #117-1 - 1980) and other applicable Codes and Standards.

() A building and other miscellaneous permits shall be required before the start of any construction.

() Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered Professional Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

() Commercial: Three sets of construction drawings sealed and signed by a registered Professional Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

(X) All Use Groups except R-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 4'-0" to an interior lot line. R-1 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 of party wall. See Table 401, Section 1407, Section 1408.2 and Table 1407. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

() The structure does not appear to comply with Table 505 for permissible 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.

() The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

Note: () When filing for a required Change of Use/Occupancy Permit, an alternate permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architects and Engineers seals are usually required. The change of the Use Group is from the _____ to _____, as shown on 4-2 to Mixed Use. See Section 307.3. See Section 307.3. See Section 307.3.

Note: () 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. This plan shall show the correct elevations above sea level for the lot and the flood plain. Flood levels including basement.

Note: () It appears the structure will require an approved fire suppression system. See Section 1702.8. State Handicapped Code shall be complied with. This will include handicapped access to other levels unless exempted by the State. See State Code of Maryland Regulations 06.07. A full description of services provided will be required to fully identify the Use Group. Section 300.0. 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 Chesapeake Avenue, Towson, Maryland 21204.

[Signature]
Building Plans Review

/JZ/MS

is R-O on Winters Lane with D.R.5.5 to the rear. There will be no exterior changes to the existing building, although repairs will be made to both the interior and exterior. Most of the macadam area surrounding the building will be replaced with grass, trees, and shrubbery and the remainder will be resurfaced.

Subsequent thereto, the Contract Purchaser will lease the property to ReVisions for the establishment of the community care facility. This facility will provide vocational training and social rehabilitation to an average daily clientele of approximately 65 people. All of the clients would be psychologically impaired to some degree, some of whom would be otherwise handicapped and/or require medication, and would be referred by the nearby Baltimore County Mental Health Center, a private psychiatrist, or a State hospital. A staff of approximately 20 employees would be employed to operate the center from 9:00 a.m. to 3:00 p.m., Monday through Friday, although there would be staff on the site from 8:00 a.m. to 5:00 p.m. Some social programming would also be scheduled for evenings and Saturdays. No one under the age of 18 would be serviced by the center.

For the past 18 months, ReVisions has been operating a similar program nearby, and the purpose of the instant request is to centralize the programs to possibly free the other site for vocational rehabilitation purposes. ReVisions is licensed by the State Department of Mental Hygiene and under their continuing jurisdiction, compliance with its regulations would be ensured. In addition, the State Department of Education, Division of Vocational Rehabilitation, has approved ReVisions' proposed program and Dr. Henry T. Harbin, Director, Mental Hygiene Administration, strongly supports the conversion of the old school and the ReVisions' program. See Petitioner's

Exhibit 5. Dr. Matricardi also testified that the proposed site is appropriate and well-suited for the center. Additionally, Mr. Monk testified that, in his opinion, the proposed use complies with all of the conditions precedent in Section 502.1, Baltimore County Zoning Regulations (BCZR).

The Protestants, however, believe that the safety of their children will be negatively impacted upon by the proposed use and its clientele, and therefore, do not want this use in their neighborhood. They have legitimate concerns that have been buttressed by their experiences with people whom they believe are clients of ReVisions at its other site. These experiences include roadway and physical assaults, and they fear that their community is evolving into a haven for emotionally impaired people who would be better served by remaining hospitalized. At the very least, they maintain that the uses proposed here should be in neighborhoods where there are no children or senior citizens. These concerns are sincere and are similar to those expressed by varied communities everywhere, in every county, in every state in the Country.

Government alone is not presently able to cope with the placement of those persons impaired either physically or psychologically. The State and County must provide the means by which such people can be returned to the community and contribute to the well-being of that community. A large body of Federal and State law, together with a professional consensus, has emerged concerning the necessity of deinstitutionalization and community residential living for handicapped persons. Requirements for deinstitutionalization and treatment and rehabilitation programs in the "least restrictive alternative" have been found to be mandated under Federal statutes, i.e., the Developmental Disabilities Assistance and Bill of Rights Act and Section 504 of the Rehabilitation Act of 1973, and under many State laws. Frequently, the right to

community alternatives rather than institutionalization has been enforced by judicial decisions. See, e.g., Gary v. State of Louisiana, 437 F. Supp. 1209 (E.D. La., 1976); Welsch v. Lkins, 373 F. Supp. 437 (D. Minn., 1974); Halderman v. Pennhurst State School & Hospital, 446 F. Supp. 1295 (E.D. Pa., 1978); Lynch v. Baxley, 386 F. Supp. 378 (1974).

The importance of deinstitutionalization and the provision of community residential alternatives is clearly recognized in Maryland law. Strong statements favoring community alternatives to institutionalization whenever appropriate have been implemented by various laws adopted by the State. These statutes made the development of community programs not merely a desirable option but a legislatively imposed obligation. See Section 7-102, et al., Health-General Article.

Strong public policies exist for the establishment of alternatives to institutionalization. If we permit local communities, as well established and stable as this one, to veto the placement of such a use as proposed here, the subsequent harm would be obvious, imminent, and severe. Any inconvenience to the local community and its other residents pales into insignificance when contrasted with what the people using the proposed center would have to face if such uses were rejected. It cannot easily be said that such a use could go elsewhere, for no community views itself with any less altruism than this community. The opposition of those who testified is founded on well-meaning, concerned, and honest sentiment, but it is no more or less than that which has been expressed by other communities which have faced similar uses.

It might also be noted that a community care center, required by Section 101, BCZR, to be licensed by either the State Department of Mental Hygiene or the Department of Social Services, may be exempt from the application of local zoning laws by virtue of its very licensure. See Op. Md. Atty. Gen., 63

OAG 377 (1978); County Commissioners of Caroline County v. Lascomb, Circuit Court for Caroline Co., Chancery No. 7175.

The Petitioner seeks relief from Section 409.4, pursuant to Section 502.1, BCZR, and from Sections 1B01.1.C.6.A and 203.3.B.1, pursuant to Sections 502.1 and 502.5.1, BCZR.

It is clear that the use of the terms "use permit" and "special exception" are intended to be interchangeable and that the import of either is the same. See Hofmeister v. Frank Realty Co., 373 A.2d 273 (1977). The request for a use permit under Section 409.4 is in reality a request for a special exception. Therefore, in order for a use permit to be approved, the property owner must satisfy the burden of proof required by Section 502.1.

It is also clear that the BCZR permits the parking area requested in a D.R. zone by special permission. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity of the proposed off-street parking. Therefore, it must be determined whether the conditions as delineated in Section 502.1 are satisfied by the Petitioner.

The Petitioner's request for a special exception for a community care facility must also be adjudged similarly.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location

described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the BCZR.

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 30th day of December, 1985, that the Petition for Special Exception for a community care facility be and is hereby GRANTED and, additionally, a use permit for off-street parking in a residential zone be approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Conformance with Section 502.5.1, BCZR, must be met.

3. Services may be provided to a maximum of 65 clients per day.

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl

cc: C. Michael Magruder, Esquire
Ms. Doris Smith
Ms. Phyllis Buchanan
People's Counsel

PHONE: 483-5150
KELLER & KELLER
State Registered Land Surveyors

3914 WOODLEA AVENUE
BALTIMORE, MARYLAND 21206

SURVEYORS DESCRIPTION

OLD ST MARKS SCHOOL PROPERTY, CATONSVILLE, MARYLAND

SPECIAL EXCEPTION TO ALLOW A COMMUNITY CARE FACILITY IN AN RO AND DR-16 ZONE

Beginning for the same at the intersection of the Northeast side of Winters Lane & the Northwest side of Melrose Ave. and running thence along the said Northeast side of Winters Lane, N. 24°24'13" W. 142.00'; thence leaving said Winters Lane and running N. 66°32'09" E. 158.60' and S. 25°32'58" E. 144.63' to the said Northwest side of Melrose Ave.; thence binding along said Melrose Ave. S. 67°26'37" W. 161.56' to the place of beginning.

Containing 0.526 Acres of land more or less.

[Signature]
George T. Keller
Reg. Prof. Propt. L.S.#67



PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION
1st Election District

LOCATION: Northeast and Northwest of Winters Lane and Melrose Avenue (20 Winters Lane)

DATE AND TIME: Monday, December 16, 1985 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 community care facility in a D.R. 16 zone (Sec. 1.B.01.1 C 6A) and R.O. Zoning District (Sec. 203.3 B1). Petition for Special Hearing for a Use Permit for off-street parking in a residential zone.

Being the property of Archbishop William D. Borders, as shown on plat plan filed with the Zoning Office.

In the event that these Petitions are granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR SPECIAL HEARING
NE & NW Corners Winters Lane & : OF BALTIMORE COUNTY
Melrose Ave. (20 Winters Lane),
1st District

ARCHBISHOP WILLIAM D. BORDERS, : Case No. 86-249-NSPH
Petitioner

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

[Signature]
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

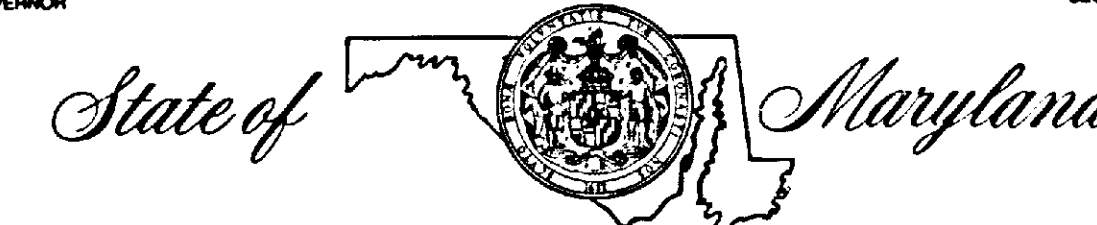
[Signature]
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 22nd day of November, 1985, a copy of the foregoing Entry of Appearance was mailed to C. Michael Magruder, Esquire, 4th Flr., Loyola Federal Bldg., Towson, MD 21204, Attorney for Petitioner; Winters Lane Partnership, 4 Winters Lane, Catonsville, MD 21228, Contract Purchaser; and Mr. Bill Monk, P. O. Box 11415, Baltimore, MD 21239, who requested notification.

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman

HARRY HUGHES
GOVERNOR

ADELE WILZACK, R.N., M.S.
SECRETARY



MENTAL HYGIENE ADMINISTRATION
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
201 WEST PRESTON STREET • BALTIMORE, MARYLAND 21201 • AREA CODE 301 • 225-6611

Henry T. Harbin, M.D. TTY FOR DEAF: Balto. Area 225-6642
Director D.C. Metro 565-0451

December 11, 1985

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

I am writing in support of ReVisions, Inc's proposal to use the St. Marks School as a future program site. ReVisions, Inc. is a State and county funded private non-profit community rehabilitation program provider for chronically mentally ill individuals. They have been providing these services in the Catonsville area of Baltimore County since 1982. During this time, the program has effectively demonstrated an excellent performance record both in service delivery and in responsible community integration. I urge your support for this endeavor.

Please do not hesitate to contact me if you require any additional information.

Sincerely,
[Signature]
Henry T. Harbin, M.D.
Director
Mental Hygiene Administration

HTH:LA:dh

5

DEC 13 1985

1712 Summit Avenue
Baltimore, Maryland 21227
December 12, 1985

Mr. Arnold Jablon
Baltimore County Zoning Commissioner
County Court House
Towson, Maryland 21204

Dear Mr. Jablon:

I am a member of H.O.P.E., Inc. (Help Others Perform Equally) who has served for almost two years on the Board of Directors of ReVisions, Inc.

I was fully aware from the start that the center on Edmondson Avenue would probably be inconducive to effective vocational rehabilitation due to its lack of space.

Because of this limitation, the staff could provide only the best possible services. Some associates need to be placed in a quiet area while others need to be grouped according to their skill levels. Since it is virtually impossible to do so at the present facility, I approve and encourage the development of the St. Mark's School as a new rehabilitation center for the psychiatrically disabled in southwest Baltimore County.

There is such a dire need for this expansion because the space available is not great enough to meet even the needs of the associates currently enrolled not to mention the many people, who are simply "waiting it out" in the hospitals because no space is available to accommodate them.

St. Mark's School would be an excellent place for their rehabilitation process to occur, and I would appreciate what ever you can do to make this structure available to adequately take care of the disabled, whom ReVisions, Inc. is trying to help.

Thank you for your careful consideration in this matter.

Sincerely yours,
Ann L. Bendt
Ann L. Bendt

132 Clarendon Ave
Pikesville, Md. 21208
Dec. 12, 1985

DEC 13 1985

Mr. Arnold Jablon
Baltimore County Zoning Comm.
Towson -

Dear Mr. Jablon:

I understand that the Revisions group wishes to have the St. Mark's school rezoned to be used for Physio-social Rehabilitation of the mentally ill. I certainly support this very worthwhile endeavor and hope you will approve their application. This is a very important and much needed phase for all of our family members who are trying to fight their way back to a productive life.

Thank you, I am
Sincerely yours,
Mrs. Robert Creaghan

PETITIONERS
EXHIBIT 8

December 10, 1985

DEC 11 1985

Mr. Arnold Jablon
Baltimore County Zoning Commissioner
P.O. Box 21059, Catonsville, Md. 21228

Dear Mr. Jablon:

Re: Rezoning for property of Old St. Mark's School
Winters Lane, Catonsville, Md.

As a resident of Catonsville for thirty-five years, we are aware of the growing need for Rehabilitation needs of the mentally ill in this area. ReVisions, Inc. is responding to these needs with their psychosocial center, but, at the same time, are very limited because of inadequate facilities. The old St. Mark's school would greatly enhance this particular population area. As a member of H.O.P.E., Inc. in Catonsville, (affiliate of the Alliance for the Mentally Ill), we have seen the impact of ReVisions on the improved outlook for a better way of life for those fortunate enough to participate in their program.

We encourage your special attention to the need for larger and better facilities for ReVisions and appreciate your special exceptions in rezoning the property on Winters Lane to house ReVisions.

Very truly yours,
Betty and Roger Bailey
35 Dunbar Rd.
21228

W. Grant Lauterbach
9332 Lyons Mill Road
Covings Mills, Maryland 21117
301-363-2534

DEC 18 1985
OFFICE OF PLANNING & ZONING

December 17, 1985

Mr. Arnold Jablon
Zoning Hearing Officer
1st Floor
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

Here is a letter that was left in my briefcase concerning "Old" Saint Mark's School Special Exceptions, ReVisions Inc., Case No. 86-249-SPH.

Please forgive me for not giving this to you at the hearing. In the rush I left it in my briefcase in my car.

Thank you very much.

Sincerely,
W. Grant Lauterbach
W. Grant Lauterbach
General Partner
Winters Lane Partnership

WGL:kal

cc: Mr. C. Michael Magruder
Mr. William P. Monk

ST. MARK CHURCH
27 MELVIN AVENUE
BALTIMORE, MARYLAND 21228-4495

December 12, 1985

To Whom It may concern:

This is to acknowledge that we have knowledge of and approve the use of the "Old" St. Mark's School by ReVisions, Inc. This is a non-profit organization ministering to the mentally ill.

This property, "Old St. Mark's School", is being sold to John W. Lauterbach, Jr., W. Grant Lauterbach and Gilbert E. South, also known as Winters Lane Partnership.

Sincerely,
John H. McCall
Pastor

JHM:chs

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
410-3353

ARNOLD JABLON
ZONING COMMISSIONER

December 11, 1985

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Mr. Grant Lauterbach
4 Winters Lane
Catonsville, Maryland 21228

RE: NE & NW/cor. Winters Lane & Melrose Ave.
(20 Winters Lane)
1st Election District
Archbishop William D. Borders
Case No. 86-249-SPH

Dear Mr. Lauterbach:

This is to advise you that \$ 69.22 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 OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 012429
DATE 12-11-85 ACCOUNT R-71-615-000
AMOUNT \$ 69.22
RECEIVED BY [Signature]
FOR [Signature]
VALIDATION OR SIGNATURE OF FARMER

THIS IS TO CERTIFY, that the annexed advertisement of
PETITION SPECIAL HEARING
was inserted in the following:
[X] Catonsville Times
[] Arbutus Times
weekly newspapers published in Baltimore County, Maryland
once a week for OR successive weeks before
the 30 day of November 1985, that is to say,
the same was inserted in the issues of
November 28, 1985

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

Defendant

CERTIFICATE OF PUBLICATION OF

C. Michael Magruder, Esquire
4th Floor, Loyola Federal Bldg.
Towson, Maryland 21204

November 15, 1985

NOTICE OF HEARING

Re: NE & NW/cor. Winters Lane & Melrose Ave.
(20 Winters Lane)
1st Election District
Archbishop William D. Borders
Case No. 86-249-SPH

TIME: 10:15 a.m.

DATE: Monday, December 16, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 012332
DATE 12/10/85 ACCOUNT R-615-000
AMOUNT \$ 200.00
RECEIVED BY [Signature]
FOR [Signature]
VALIDATION OR SIGNATURE OF FARMER

86-249-XSPH

CERTIFICATE OF PUBLICATION

PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION
1st Election District

LOCATION: Northeast and Northwest of Winters Lane and Melrose Avenue (20 Winters Lane)
DATE AND TIME: Monday, December 16, 1985 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 community care facility in an D.R. 16 zone (Sec. 1.B.01.1 C 6A) and R.O. Zoning District (Sec. 203.3 B1). Petition for Special Hearing for a Use Permit for off-street parking in a residential zone.

Being the property of Archbishop William D. Borders, as shown on plat plan filed with the Zoning Office.

In the event that these Petitions are granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

By Order Of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
Nov. 28.

TOWSON, MD., November 28, 1985

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 November 28, 1985

THE JEFFERSONIAN,
W. Venetian

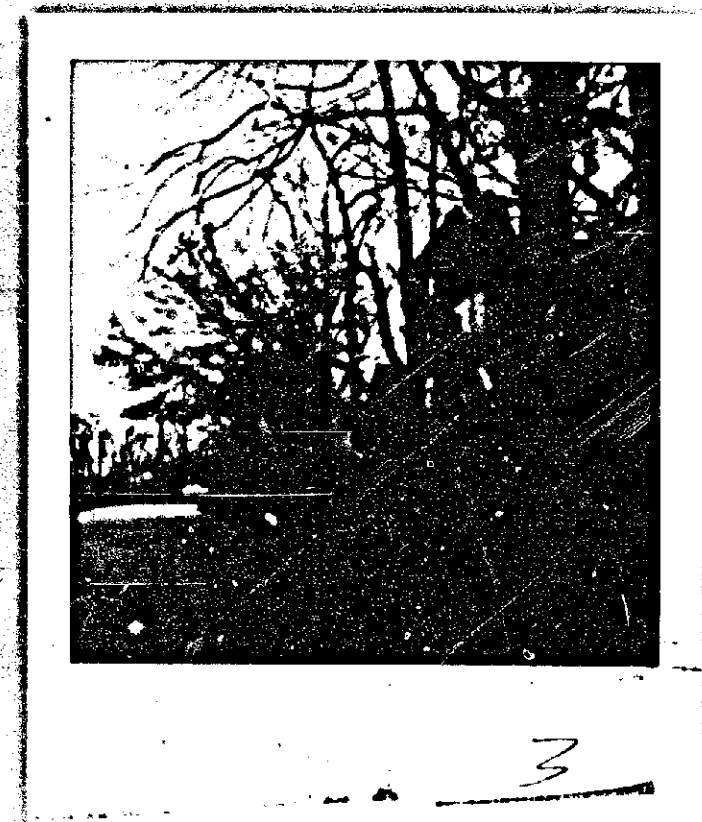
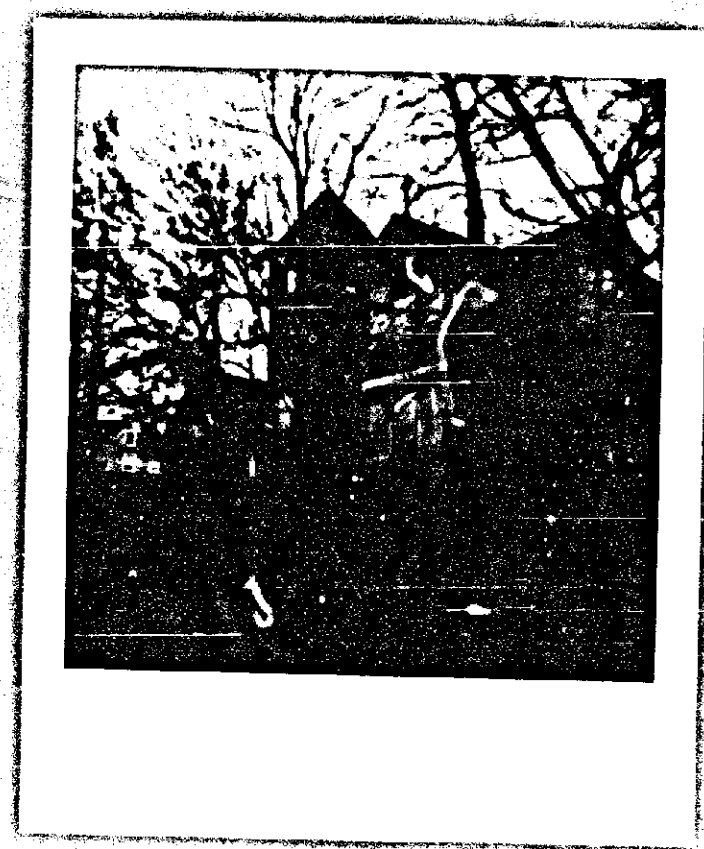
Publisher
Cost of Advertising
24.75



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

86-249-XSPH

District: 1st Date of Posting: 11-24-85
Posted for: Special Exception and Special Hearing
Petitioner: Archbishop William D. Borders
Location of property: NE and NW Corner of Winters Lane and Melrose Ave. (20 Winters Lane)
Location of Signs: 2 signs North side of Melrose Ave. approx 50' E of Winters Ln. 2 signs East side of Winters Lane approx 120' North of Melrose Ave. and 1
Remarks: one Special Hearing sign West side of Winters Ln approx 170' North of Melrose Ave.
Posted by: AJ. Jablon Date of return: 11-27-85
Signature
Number of Signs: 5



SECTION 409.4

- LAND TO BE LEASED IS ACROSS WINTERS LANE WITHIN 100' OF THE PROPOSED COMMUNITY CARE FACILITY
- ONLY PASSENGER VEHICLES, EXCLUDING BUSES, WILL USE THE PARKING AREA
- NO LOADING SERVICE OR OTHER USE WILL BE PERMITTED
- NO LIGHTING NONE PROPOSED
- SCREENING SUBJECT TO DETERMINATION BY BALTIMORE COUNTY CURRENT PLANNING - EXISTING GRASS STRIP ADS TO WINTERS LANE
- PARKING AREA PRESENTLY PAVED AND MARKED AS NOTED ON PLAN
- DAY TIME HOURS - MAINTAINED & CLEANED BY 20 WINTERS LANE PARTNERSHIP

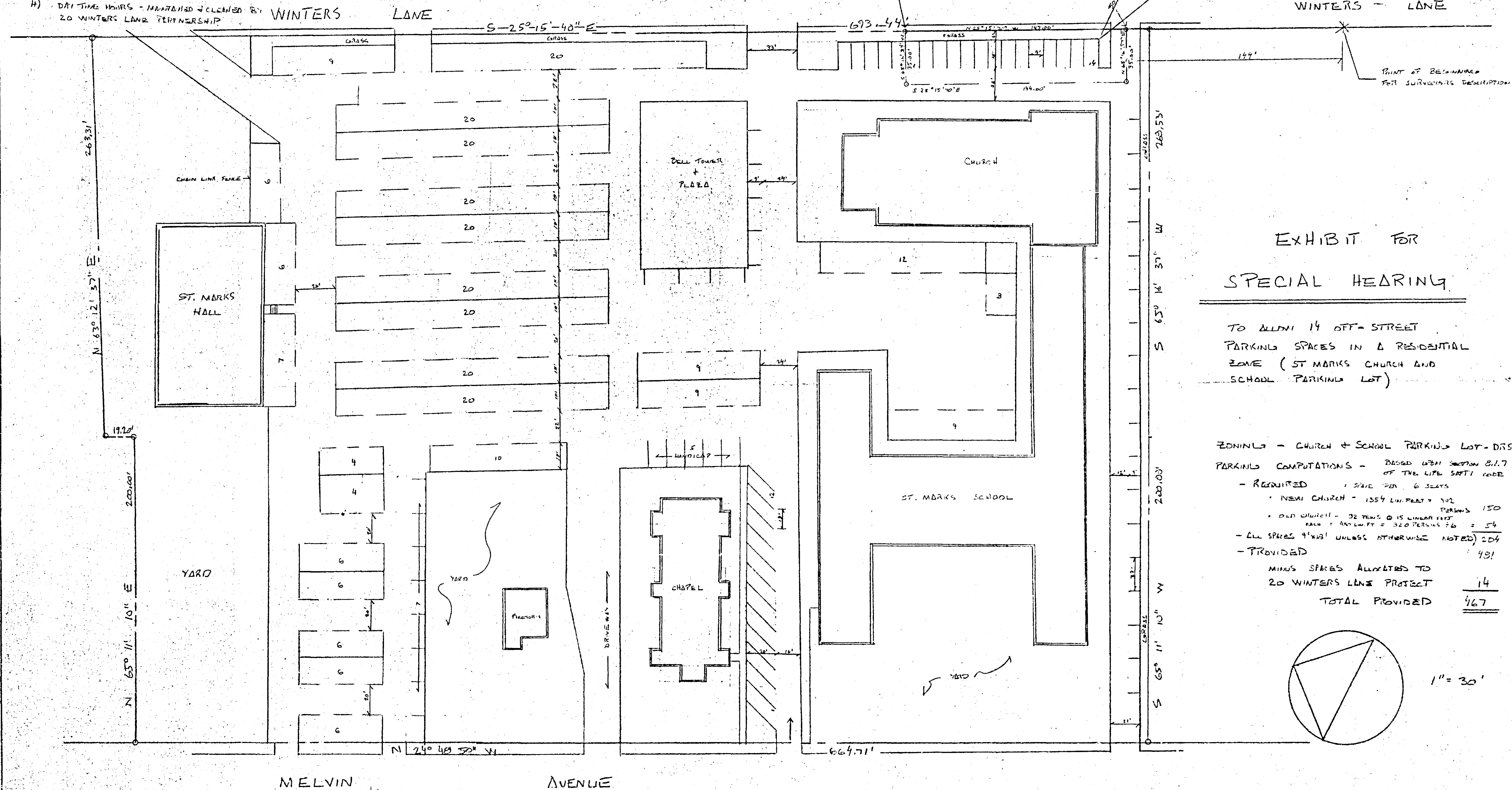


EXHIBIT FOR SPECIAL HEARING

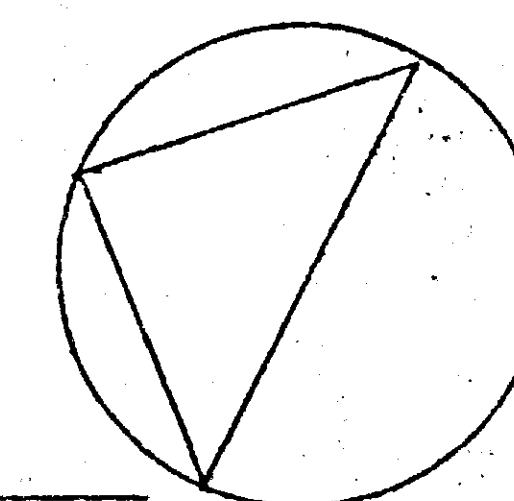
TO ALLOW 14 OFF-STREET
PARKING SPACES IN A RESIDENTIAL
ZONE (ST MARKS CHURCH AND
SCHOOL PARKING LOT)

ZONING - CHURCH + SCHOOL PARKING LOT - DRS.5

PARKING COMPUTATIONS - BASED UPON SECTION 8.1.7
OF THE LIFE SAFETY CODE

- REQUIRED 1 SPACE FOR 6 SEATS
- NEW CHURCH - 1354 LINEAR FEET = 225 PERSONS
- OLD CHURCH - 32 FEET @ 15 LINEAR FEET = 48 PERSONS
- ALL SPACES 9'x18' UNLESS OTHERWISE NOTED 204
- PROVIDED 491

MINUS SPACES ALLOCATED TO
20 WINTERS LANE PROJECT 14
TOTAL PROVIDED 467

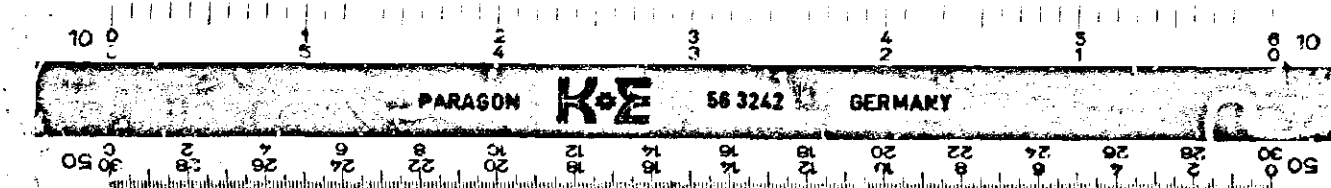


1" = 30'

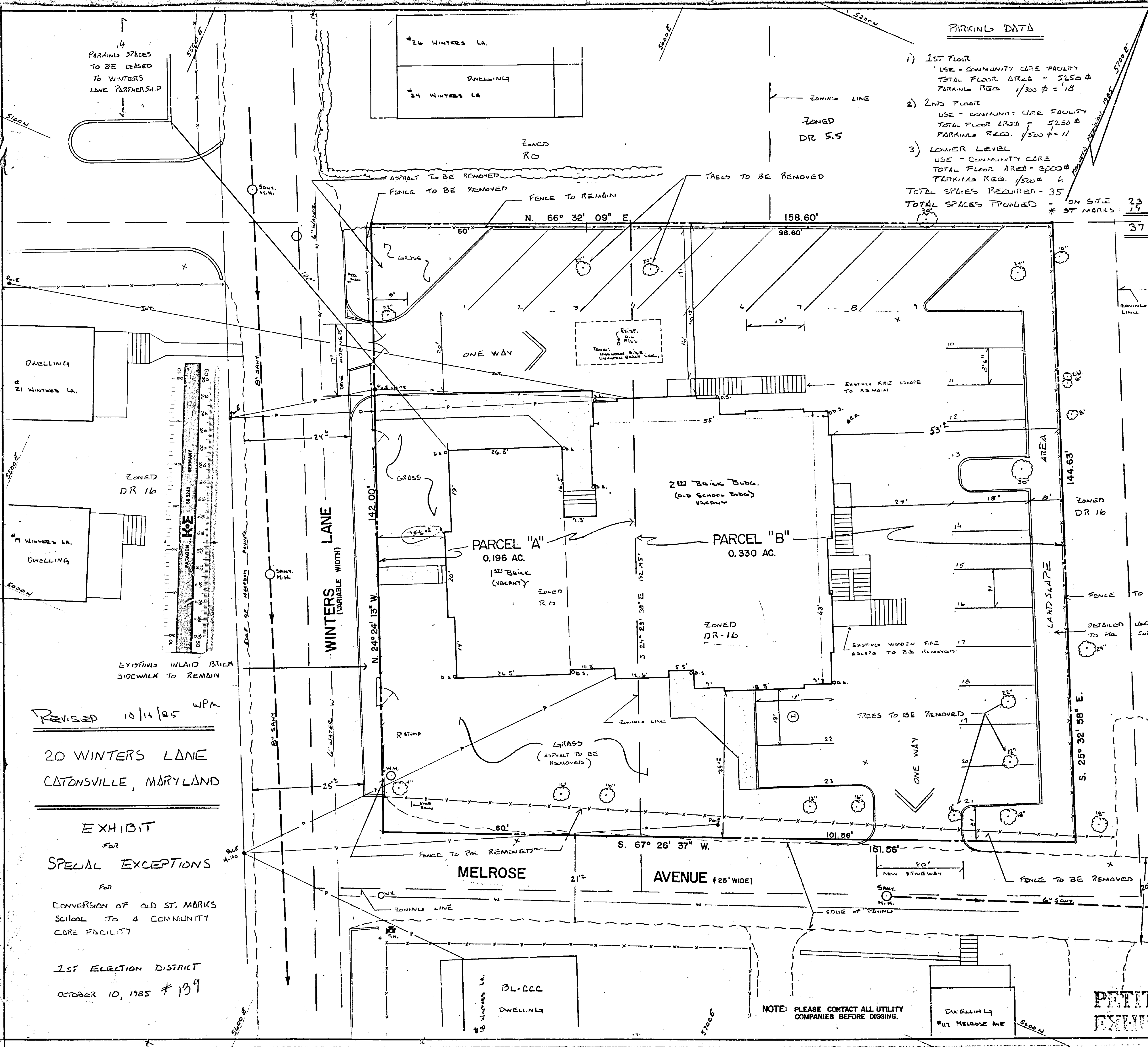
APPLICANT: WINTERS LANE PARTNERSHIP
4 WINTERS LANE
CATONSVILLE, MARYLAND 21228

PREPARED BY: BILL JACOB
LAND PLANNING CONSULTANT
P.O. Box 11415
BALTIMORE, MARYLAND 21237

PLAN BASED UPON OUTLINE
SURVEY PREPARED BY:
WELLER + KELLER
LAND SURVEYORS
JULY 22, 1985

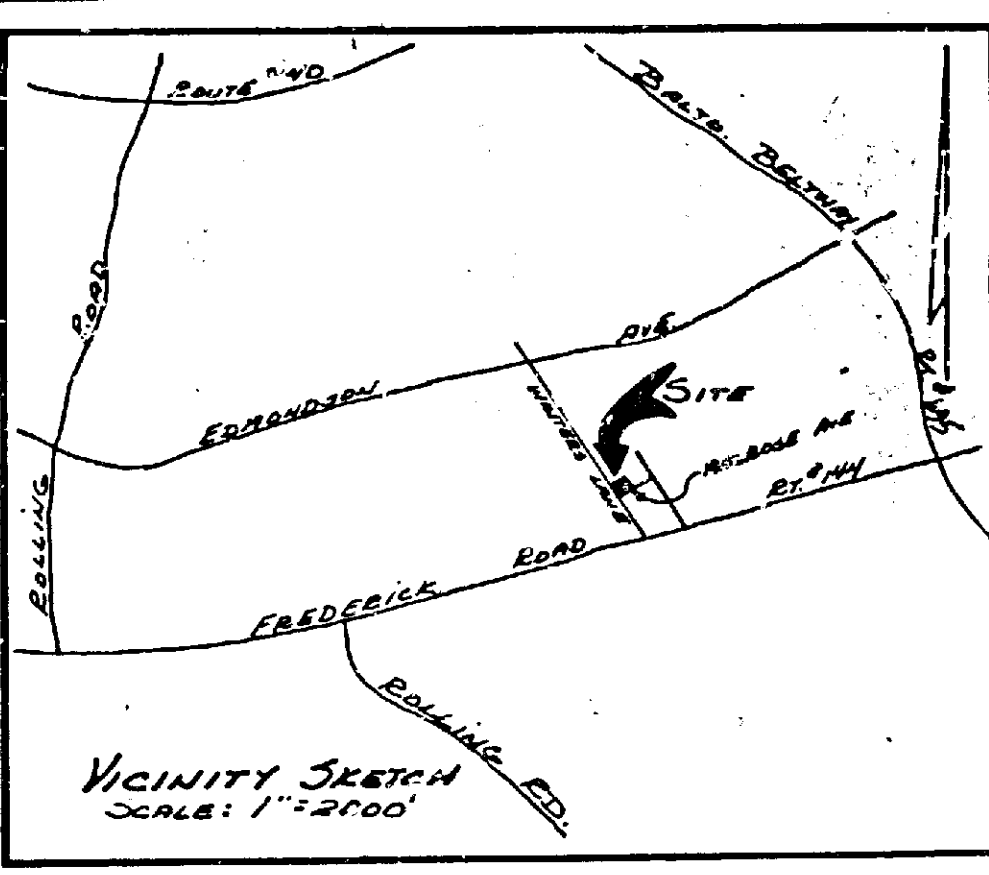


123 SPACES
ALL SPACES 9'x18' 2.506 ACRES



PARKING DATA

- 1) 1ST FLOOR
USE - COMMUNITY CARE FACILITY
TOTAL FLOOR AREA - 5250 SF
PARKING REQ. 1/300 SF = 18
 - 2) 2ND FLOOR
USE - COMMUNITY CARE FACILITY
TOTAL FLOOR AREA - 5250 SF
PARKING REQ. 1/300 SF = 18
 - 3) LOWER LEVEL
USE - COMMUNITY CARE FACILITY
TOTAL FLOOR AREA - 3000 SF
PARKING REQ. 1/500 SF = 6
- TOTAL SPACES REQUIRED - 35
ON SITE 23
* ST MARKS 12



NOTES

- 1) EXISTING ZONING
A) PARCEL 'A' (FRONT PORTION) RD 2533
B) PARCEL 'B' (REAR PORTION) DR-16
- * THE DR 16 ZONED PORTION OF THE SITE HAS BEEN SUBMITTED FOR RECLASSIFICATION TO RD. THE BALTIMORE COUNTY COUNCIL WILL ACT ON THE APPLICATION SPRING 1984

- 2) LOT AREA - 22,113 SF - .526 ACRES
- 3) EXISTING USE - VACANT 2 STORY SCHOOL WITH BASEMENT (FORMER ST MARKS SCHOOL)
- 4) PROPOSED USE - COMMUNITY CARE FACILITY BY SPECIAL EXCEPTION

5) BUILDING AREA	SF
FIRST FLOOR	5,250
2ND FLOOR	5,250
LOWER LEVEL	3,000
	13,500

* THE WINTERS LANE PARTNERSHIP HAS LEASED 14 PARKING SPACES FROM ST MARKS. THE APPROVAL OF THESE SPACES IS SUBJECT TO A SPECIAL HEARING TO ALLOW OFF-STREET PARKING IN A RESIDENTIAL ZONE.

APPLICANT:
WINTERS LANE PARTNERSHIP
4 WINTERS LANE
CATONSVILLE, MD. 21228

SCALE: 1" = 10'
DATE: OCT. 8th, 1985

PETITIONER'S
EXHIBIT

KELLER & KELLER
LAND SURVEYORS
3914 WOODLEA RD
BALTO, MD. 21206
301-483-5150

REVISED 10/16/85 WPM

20 WINTERS LANE
CATONSVILLE, MARYLAND

EXHIBIT
FOR
SPECIAL EXCEPTIONS

FOR
CONVERSION OF OLD ST. MARKS
SCHOOL TO A COMMUNITY
CARE FACILITY

1ST ELECTION DISTRICT
OCTOBER 10, 1985 #139

NOTE: PLEASE CONTACT ALL UTILITY
COMPANIES BEFORE DIGGING.