

88-202-SPH
#148

SE/cor. Lennings La. and Lennings
Ave.

14th E.D.

10/26/87

Special Hearing - filing fee \$100.00 - Melvin and Marie Mohr, et al

10/26/87

Hearing set for 11/24/87, at 2:45 p.m., before Mrs. Nastarowicz

11/30/87

ORDERED, by the Deputy Zoning Commissioner that an extension of the utilization period in the special exception granted in Zoning Case No. 86-237-X for an additional three (3) years, be approved and as such, the Petition for Special Hearing is hereby GRANTED.

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SE/cor. Lennings Lane and *
Lennings Avenue * DEPUTY ZONING COMMISSIONER
14th Election District *
6th Councilmanic District * OF BALTIMORE COUNTY

Melvin & Marie Mohr, et al * Case No. 88-202-SPH
Petitioners *
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FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an extension of the utilization period in the special exception granted in Zoning Case No. 86-237-X for an additional three (3) years, beginning 12/12/87.

The Petitioners appeared and were represented by Counsel. There were no Protestants.

The Petitioners were granted a special exception for a convalescent home in Case No. 86-237-X on December 12, 1985. Section 502.3 of the Baltimore County Zoning Regulations (BCZR) states that:

"A Special Exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void. ...

A Special Exception which requires any construction for its utilization shall be deemed to have been used within its authorized time if such construction shall have commenced during the authorized period, or any extension thereof, provided said construction is thereafter pursued to completion with reasonable diligence." (Bills No. 42, 1962; No. 85, 1967.).

Mr. D.R. Melchor testified that the Contract Purchasers/Petitioners have been diligently pursuing the construction of the proposed project and are now awaiting final financing. He indicated that the reason for the delay is that the proposed convalescent home falls under the Housing and Urban Development (HUD) regulations, Section 232, Board and Care and their project is the first in the nation to be financed through HUD. Additionally, it is the first Board and

Care project in the State of Maryland. The lack of experience of all persons involved at every level of the process has resulted in tremendous time delays. Mr. David Farrell, a representative of the mortgage company with whom HUD will guarantee the loan, appeared and verified the plans have been in process since March of 1986.

Testimony indicated that the Petitioner has not changed the plans originally submitted with the Petition for Special Exception filed in Case No. 86-237-X.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and after due consideration of the testimony presented, it appears that the request for an extension of time should be granted. There was no testimony that there was any change in conditions from the time the original Special Exception was granted to the present that would indicate that the proposed use would result in any detriment to the neighborhood or adversely affect the public interest.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of November, 1987 that an extension of the utilization period in the special exception granted in Zoning Case No. 86-237-X for an additional three (3) years, beginning 12/12/87, be approved, and as such, the Petition for Special Hearing is hereby GRANTED.

AMN:bjs


ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County