

IN RE: PETITION FOR SPECIAL HEARING
SE/S Edmondson Avenue
148.99' SE of Overbrook Road
(5743 Edmondson Avenue)
1st Election District
1st Councilmanic District
John E. Burleigh, Jr., et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-205-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the site plan in Case No. 4974-X, to include an additional building, parking and a reduction in the site area from 10.74 acres to 4.2 acres, as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Mrs. Mary Burleigh and John E. Burleigh III, the Petitioners' son, appeared, testified and were represented by John V. Murphy, Esquire. Also appearing on behalf of the Petition was Robert G. Krebs, a civil engineer with Gaudreau, Inc. Numerous persons appeared in opposition and appointed the following residents as their representatives: James M. Roberts, Esquire, Paul C. Zagates, an architect, and Samuel Kenney, Esquire.

Testimony indicated that the subject property, split zoned D.R. 16 and D.R. 5.5, is located at 5743 Edmondson Avenue. The property consists of a 10.74 acre tract of land which is currently improved with a three-story frame building, approximately 85 years old. Testimony indicated that the building, originally used as a residence, has been used as a home for the aged since approximately 1926. Mr. Burleigh testified that his parents leased the property in 1956 and later purchased the property in 1959. Mr. Burleigh testified that his parents have managed the home, known as Ridgeway Manor Nursing Home, since 1952 and that he is the current manager of the home.

In 1960 a special exception was granted in Case No. 4974 permitting the operation of the nursing home on the property. Mr. Burleigh testified that the

home is licensed as an intermediate comprehensive care facility, with accommodations for 45 beds. He indicated that his parents have been in the process of seeking approval from the State of Maryland for the past 4 years to expand the nursing home. The intention is to create a new facility which will provide an additional 45 beds and have facilities specifically designed for a habilitative service. Unlike the existing facility, the new facility will be a two-story building meeting all current Code requirements. The addition will provide approximately 10,200 sq. ft. of space. If the addition is permitted, the existing building will primarily be a domiciliary care facility with the new addition serving as an intermediate comprehensive care facility. In the domiciliary care facility, most patients will be ambulatory and need minimum assistance. Mr. Burleigh indicated there is a need in the community for the additional facilities.

Testimony indicated that the increase in personnel will only result in a combined employee increase of 10 persons over the present staff of 70. Mr. Burleigh testified that there is a maximum of 20 people on any one shift. He indicated that most of the employees arrive via public transportation to the site.

Mr. Burleigh testified currently there is no traffic congestion problem created by the operation of the nursing home at the subject location. He further indicated in his experience in the operation of the nursing home, the addition will not create any traffic problem as the increase in visitors will be minimum at any one time and the minimum personnel increase will not adversely affect traffic conditions. Mr. Burleigh testified that the proposed site plan provides more parking than required for visitors and employees. Further testimony indicated the new entrance will have good sight distance in and out of the property significantly improving present conditions. Currently the entrance is at a location where there is a curve in Edmondson Avenue resulting in poor sight distance.

-2-

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 B.C.Z.R.

However, in the opinion of the Deputy Zoning Commissioner, there has been insufficient evidence presented by Petitioners to determine that the reduction in site area is appropriate and would not adversely affect the criteria set forth in Section 502.1 of the B.C.Z.R. The testimony presented by Petitioners takes into consideration the operation of the nursing home in the past on all 10.74 acres. Petitioners have not presented sufficient evidence which would support the operation of the nursing home on only 4.2 acres and the development of the remaining 6.54 acres without conflicting with Section 502.1 of the B.C.Z.R. Petitioners were unable to do so because they have not determined how they propose to use the remaining 6.54 acres and to what extent it would be developed. Without doing so, a proper determination as to whether the expanded nursing home and further development can co-exist without conflicting with the criteria set forth in Section 502.1 cannot be made. The potential for adverse impact by the subdivision cannot be ignored as under the terms of the B.C.Z.R., a maximum of 96 density units would be permitted on the 6.54 acres provided all other zoning regulations could be met. For the reasons stated herein, in the opinion of the Deputy Zoning Commissioner, the Petitioners request to reduce the site area from 10.74 acres to 4.2 acres should be denied at this time until a definitive development plan is submitted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, a portion of the relief requested in the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of February, 1988 that the request to approve a reduction in the site area from 10.74 acres to 4.2 acres is hereby DENIED.

-3-

The Petitioner further indicated that while they are not required to comply with Residential Transition Area (R.T.A.) requirements, the plan will be in full compliance. The building will not be within 300 feet of the nearest residential home. Additional screening will be provided with an upgrade of the landscaping by the addition of oriental red maples and ponderosa pines.

Mr. Burleigh and his mother testified they believe the project complies with the criteria set forth in Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). The Petitioners testified they do not feel the project would be detrimental to the health, safety and general welfare of the locality nor tend to create congestion in roads, streets, or alleys therein as the proposal will not create a substantial increase in the amount of traffic in and out of the premises. In fact, they feel the proposed entrance is an improvement which will prevent congestion in the roads. The Petitioners indicated that the addition will not create a potential hazard for fire, panic or other dangers as it will be built to meet present Fire Code requirements.

The Petitioners testified they are requesting a reduction in the site area for the nursing home from 10.74 acres to 4.2 acres in order that the remaining 6.54 acres would be available for future development in conformance with the B.C.Z.R. Mr. Burleigh indicated they have not yet determined how the property would be developed, however, the Petitioners are considering residential living units for the elderly who are completely independent and do not need the facilities of the nursing home.

On behalf of the Petition, Mr. Krebs indicated that he was familiar with the property and testified that the closest residence to the addition will be approximately 305 feet away. In his opinion, the proposal will comply with the requirements of Section 502.1 of the B.C.Z.R. He indicated that the building addition would not adversely affect surface water management and/or be inconsistent

-3-

IT IS FURTHER ORDERED that the request to amend the site plan in Case No. 4974-X, to include an additional building and parking, in accordance with Petitioner's Exhibit 1, be approved, and as such, is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners shall submit a revised site plan within twenty (20) days of the date of this Order to the Deputy Zoning Commissioner which will show the property as 10.74 acres.
- 2) The Petitioners shall obtain CRG approval of the revised site plan prior to being issued any permits which may be required by the Office of Planning & Zoning. The CRG shall specifically address the storm water management concerns raised by the Protestants. If the CRG denies approval of the Petitioners' plan, the amendment to the site plan in Case No. 4974-X granted herein shall be rescinded. If the CRG approves or requires changes to the site plan submitted, the Petitioners shall submit the approved CRG plan to the Deputy Zoning Commissioner for final approval.
- 3) If a CRG hearing is not required, Petitioners shall submit a storm water management plan certified by a registered professional engineer to the Baltimore County Bureau of Engineering and Sediment Control. Proof of approval of the plan by each agency must be submitted to the Office of Zoning prior to the issuance of any permit.
- 4) The Petitioners shall comply with all requirements of the Baltimore County Landscaping Manual and shall submit a landscaping plan to the Office of Current Planning for approval within 30 days of the date of this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMN:bjs

tent, with the impermeable surface and vegetation retention provisions of the zoning regulations. The Petitioners will create a pond for retention of water runoff which, in his opinion, will be an improvement to the current situation.

Testimony of the Protestants indicated that the subject property adjoins their residences which were constructed during the 1920s and 1950s. All of the Protestants live on Overbrook Road, which is located in close proximity to the site. The Protestants are opposed to both the expansion of the nursing home and the reduction of the site area. The Protestants testified that they currently experience flooding problems and feel that the construction of the addition with a roof surface area of approximately 13,000 sq. ft., in contrast to the existing building's 4,800 sq. ft., will intensify their flooding problems. The Protestants strongly oppose the reduction of the site as to do so, in their opinion, would permit the potential development of the remaining 6.54 acres in the D.R. 16 zoned portion of the property for a use undetermined by the Petitioners at this time.

The Protestants did not contradict the Petitioners' testimony concerning the present use of the property and the project meeting the requirements of Section 502.1 of the B.C.Z.R. as to traffic congestion. The Protestants repeatedly indicated that they did not feel they could properly address the potential adverse impact the reduction of the site area would cause as Petitioners have not determined how the property would be used, where ingress and egress to the 6.54 acre parcel would be accomplished, and what, if any, additional flooding would result. The testimony presented by the Protestants to contradict that of the Petitioners was the potential for a more severe flooding problem. Neither party presented conclusive evidence that the flooding problem experienced by the adjacent homeowners was or was not related to the operation of the nursing home. Mr. Krebs testified a new storm water management plan will be implemented which will not worsen the situation but may, in fact, improve the present situation.

PETITION FOR SPECIAL HEARING 88-205-SPH

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 the 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 should approve

an amended plan for moving and building
an additional building, parking and a reduction
in site area from 10.74 acres to 4.2 acres

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, and 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.

5743 Edmondson Ave., Baltimore, MD 21202
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: 4.2 acres
Legal Owner(s):
John E. Burleigh, Jr.
Mary D. Burleigh

(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
John V. Murphy
(Type or Print Name)
Signature
Address
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
J. E. Lombard, Sr., 3rd
Baltimore MD 21202
City and State

Attorney's Telephone No.: 837-0215
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of October, 1987, 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 1st day of December, 1987, at 2:00 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

WALMUD & ASSOCIATES, INC.
100 CHURCH LANE
BALTIMORE, MARYLAND 21202
TELEPHONE (301) 653-7511

DESCRIPTION OF 3743 EDMONDSON AVENUE
1st ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning at a point on the southeast side of Edmondson Avenue, 148.99' SE of Overbrook Rd., (3743 Edmondson Ave.) 1st Election District - 1st Councilmanic District

now laid out and widened, said point being South 22° 00' West 170.70 feet from the southeast corner of Edmondson Avenue and Overbrook Road, and running thence along the southeast side of Edmondson Avenue the following courses and distances:

- (1) South 22° 00' West 170.70 feet
- (2) By a line curving to the right with a radius of 746.00 feet, an arc length of 170.70 feet and a chord bearing and distance of South 29° 45' 34" West 170.70 feet, thence leaving Edmondson Avenue and running the five (5) following courses and distances:
- (3) North 83° 51' 00" East 201.20 feet
- (4) South 77° 27' 27" East 78.70 feet
- (5) North 71° 37' 10" East 142.00 feet
- (6) North 27° 10' 30" West 142.00 feet
- (7) North 25° 53' 00" West 141.83 feet to the place of beginning

Containing 4.0 Acres of land, more or less.

This description is intended for zoning purposes only and not for the conveyance of title.

[Signature]
Registered Land Surveyor
Maryland # 7558
June 20, 1987

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

DATE: 7/2/87 ACCOUNT: 01-615-000

AMOUNT: \$ 100.00

RECEIVED: *[Signature]*
Sph # 40

VALIDATION ON SIGNATURE OF CARRIER

CERTIFICATE OF PUBLICATION

TOWSON, MD. Nov 12 1987

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 Nov 12 1987

THE JEFFERSONIAN
[Signature]
Publisher

APPROVED:
CITY CLERK: *[Signature]*
JAMES M. ROBERTS, Esquire
23 Overbrook Road, Catonsville, Md. 21228
MAYOR: *[Signature]*
15 Overbrook Road, Catonsville, Md. 21228
SHERIFF: *[Signature]*
21 Overbrook Road, Catonsville, Md. 21228
PEOPLE'S COUNCIL:

PETITION FOR SPECIAL HEARING
1st Election District - 1st Councilmanic District
Case No. 88-205-SPH

LOCATION: Southwest Side of Edmondson Avenue, 148.99' SE of Overbrook Road (3743 Edmondson Avenue)

DATE AND TIME: Tuesday, December 1, 1987, 2:00 p.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West 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 Hearing to approve an amendment to plan previously granted in Case No. 4974-1 to provide for an additional building and parking to an existing nursing home and to reduce the site area from 10.74 acres to 4.2 acres

Being the property of John E. Burlingame, Jr., et ux as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is 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.

J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

PETITION FOR SPECIAL HEARING BEFORE THE ZONING COMMISSIONER
SE/S Edmondson Ave., 148.99' SE of Overbrook Rd., (3743 Edmondson Ave.) 1st Election District
Case No. 88-205-SPH
Petitioners: JOHN E. BURLINGAME, JR., et ux

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
People's Counsel for Baltimore County

[Signature]
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2168

I HEREBY CERTIFY that on this 13th day of November, 1987, a copy of the foregoing Entry of Appearance was mailed to John V. Murphy, Esquire, 16 E. Lombard St., Baltimore, MD 21202, Attorney for Petitioners.

[Signature]
Peter Max Zimmerman

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

November 18, 1987

John V. Murphy, Esq.
16 East Lombard Street
3rd Floor
Baltimore, Maryland 21202

Re: Petition for Special Hearing
SE/S Edmondson Avenue, 148.99' SE of Overbrook Rd., (3743 Edmondson Ave.)
1st Election District - 1st Councilmanic District
John E. Burlingame, Jr., et ux - Petitioners
Case number: 88-205-SPH

Dear Mr. Murphy:

Please be advised that \$505 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign from the property from the time it is posted by this office until the day of the hearing itself.

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.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

Very truly yours,
ROBERT HAINES
Zoning Commissioner of Baltimore County

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

DATE: 12/1/87 ACCOUNT: 01-615-000

AMOUNT: \$ 505.00

RECEIVED: *[Signature]*
88-205-SPH

VALIDATION ON SIGNATURE OF CARRIER

CERTIFICATE OF PUBLICATION

TOWSON, MD. Nov 12 1987

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 Nov 12 1987

THE JEFFERSONIAN
[Signature]
Publisher

NOTICE OF HEARING
Re: PETITION FOR SPECIAL HEARING
SE/S Edmondson Ave., 148.99' SE of Overbrook Rd., (3743 Edmondson Ave.)
1st Election District - 1st Councilmanic District
John E. Burlingame, Jr., et ux - Petitioners
Case No. 88-205-SPH

TIME: 2:00 p.m.

DATE: Tuesday, December 1, 1987

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

J. Robert Haines
Zoning Commissioner
of Baltimore County

JRH:med

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

YOUR PETITION HAS BEEN RECEIVED AND CONSIDERED. THE FINAL ACTION IS AS FOLLOWS:

[Signature]
J. Robert Haines
Zoning Commissioner

Petitioner: John E. Burlingame, Jr., et ux
Attorney: John V. Murphy, Esquire

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland 88-205-SPH

District: 1st Date of Posting: 11-14-87

Posted for: Special Hearing

Petitioner: John E. Burlingame, Jr., et ux

Location of property: SE/S Edmondson Ave., 148.99' SE of Overbrook Road (3743 Edmondson Ave.)

Location of Sign: South side of Edmondson Ave. at entrance to subject property - at foot of 3743 Edmondson Ave.

Remarks: *[Signature]*

Posted by: *[Signature]* Date of return: 11-25-87

Number of Signs: 1

Baltimore County
Fire Department
Townson, Maryland 21204-2586
494-4500

Mr. H. Roberts
Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Townson, MD 21204

August 5, 1987

Re: Property Owner: John E. Burleigh, et al
Location: SE/S Edmondson Avenue, 170' x SW of C/I of Overbrook Road
Item No. 40 Zoning Agenda Meeting of 8/4/87

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 or 300 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 site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
4. 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.
5. Site plans are approved, as drawn.
6. The Fire Prevention Bureau has no comments at this time.

Noted and Approved
J. E. O'Neill
Fire Prevention Bureau
Special Inspection Division
New building shall have paved access for fire apparatus within 20 feet of building.

(3)

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 405
Townson, Maryland 21204
494-3554

September 16, 1987

Zoning Commissioner
County Office Building
Townson, Maryland 21204

Dear Zoning Commissioner:

The Bureau of Traffic Engineering has no comments for items number 33, 34, 36, 39, and 40.

Very truly yours,

Michael S. Flanagan
Traffic Engineer Associate II

MSF:lt

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Eames
TO: Zoning Commissioner
November 12, 1987

Norman E. Gerber, AICP
FROM: Director of Planning and Zoning
SUBJECT: Zoning Petition No. 88-205-SFH

A CRO meeting is required; further, landscaping must be provided in accordance with the standards set forth in the Baltimore County Landscape Manual.
Although this portion of the comment concerns the type of matter usually not addressed by this office, it is our opinion that the petitioner should request a new special exception. The request proposes to amend a case that is at least 25 years old; the proposed construction is much larger than the existing facilities.

Norman E. Gerber, AICP
Director

cc: Ms. Shirley M. Hase, Legal Assistant, People's Counsel
File

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

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

Zoning Item # 40, Zoning Advisory Committee Meeting of August 4, 1987

Property Owner: John E. Burleigh, et al
Location: SE Edmondson Ave. SW of C/I of Overbrook Rd.
Water Supply: Sewage Disposal

COMMENTS ARE AS FOLLOWS:

1. 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, Bureau of Regional Community Services, for final review and approval.
2. Prior to new installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation before work begins.
3. A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tanks (5,000 gallons or less) and any other equipment or process which releases into the atmosphere.
4. A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
5. Prior to approval of a Building Permit application for renovations to existing or construction of new health care facilities, complete plans and specifications must be submitted to the area and type of equipment to be used for the food service operation must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review to the Baltimore County Department of Environmental Protection and Resource Management, Bureau of Health and Mental Hygiene for review and approval.
6. 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 Environmental Protection and Resource Management for review to the Baltimore County Department of Environmental Protection and Resource Management, Bureau of Health and Mental Hygiene for review and approval.
7. 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.
8. 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 the State Department of the Environment.
9. Prior to raising of existing structures, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
10. Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
11. Soil percolation tests, have been conducted. The results are valid until _____.
12. Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
13. In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until _____. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
14. Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
15. If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
16. Others _____

BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Eames
TO: Zoning Commissioner
November 12, 1987

Norman E. Gerber, AICP
FROM: Director of Planning and Zoning
SUBJECT: Zoning Petition No. 88-205-SFH

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Although this portion of the comment concerns the type of matter usually not addressed by this office, it is our opinion that the petitioner should request a new special exception. The request proposes to amend a case that is at least 25 years old; the proposed construction is much larger than the existing facilities.

Norman E. Gerber, AICP
Director

cc: Ms. Shirley M. Hase, Legal Assistant, People's Counsel

RECEIVED
DEC 8 1987
ZONING OFFICE

LAW OFFICES OF JOHN V. MURPHY, ESQUIRE

JOHN V. MURPHY
RICHARD DI SALVO
IN REPLY REFER TO:
32 LIGHT STREET
SECOND FLOOR
BALTIMORE, MD 21202
(301) 578-0008

15 EAST LOMBARD STREET
THIRD FLOOR
BALTIMORE, MD 21202
(301) 837-0215

14 NORTH ROLLING ROAD
CATONVILLE, MD 21228
(301) 744-4967

February 1, 1988

Baltimore County Office of
Planning and Zoning
County Office Building
111 W. Chesapeake Avenue
Townson, Maryland 21204

ATTN: Anne Nastarowicz

Re: John E. Burleigh, Jr., et al
Case No. 88-205-SFH

Dear Ms. Nastarowicz,

It has been some time since we had the public hearing regarding our request to modify the Special Exception in the above referenced case. My clients called recently to express their concern that they may have problems trying to start the project within the limits of the certificate of need which they have received for the Nursing Home. This expires in November of 1988 and I am sure that you are aware of the number of steps that would have to be taken before construction could actually begin.

My clients respectfully ask if they could receive your decision in this matter at your earliest convenience.

Thank you.

Very Truly Yours:
John V. Murphy

JVM/any
cc: John Burleigh, Jr.

RECEIVED
FEB 2 1988
ZONING OFFICE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 23, 1987

John V. Murphy, Esquire
16 E. Lombard Street
Baltimore, Maryland 21202

Item No. 40 - Case No. 88-205-SFH
Petitioners: John E. Burleigh, Jr., et al
Petition for Special Hearing

Dear Mr. Murphy:

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.

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. Dyer, III
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: H. Malmud & Associates, Inc.
100 Church Lane
Baltimore, Maryland 21208

LAW OFFICES OF JOHN V. MURPHY, ESQUIRE

JOHN V. MURPHY
RICHARD DI SALVO
IN REPLY REFER TO:
32 LIGHT STREET
SECOND FLOOR
BALTIMORE, MD 21202
(301) 578-0008

15 EAST LOMBARD STREET
THIRD FLOOR
BALTIMORE, MD 21202
(301) 837-0215

14 NORTH ROLLING ROAD
CATONVILLE, MD 21228
(301) 744-4967

July 29, 1987

Mr. Carl Richards
Baltimore County Zoning Office
County Office Bldg.
Townson, Md. 21204

Re: Special hearing - reduction
to special exception
area

Dear Mr. Richards:

As you will recall from my conversation of July 23, 1987, and your prior review of the above application, the Petitioner proposes to reduce the area of the existing special exception from 10.74 acres presently zoned for a nursing home, to 2.2 acres from the 10.74 acres presently zoned for a nursing home. You had indicated that the Petitioner would be able to build residentially on the remaining 8.54 acres at the density units of the DR16 residential zone. Would you kindly confirm this position in writing.

Very Truly Yours,

Richard Di Salvo
for John V. Murphy, Esquire

JVM/RS/any
cc: John E. Burleigh, Jr., et al

RECEIVED
AUG 4 1987
ZONING OFFICE

Dear Messrs. Murphy and Di Salvo,

The above is correct, that the land remaining and not necessary for the operation of the nursing home would be available for residential development at the rate of the D.R. zone that exists on the property, provided that all other zoning, residential transition area, and other departmental requirements would be complied with.

W. Carl Richards Jr.
Zoning Coordinator

RECEIVED
DEC 4 1987

December 3, 1987

ZONING OFFICE

Mr. and Mrs. Andrew Szulinski
25 Overbrook Road
Crownsville, Maryland 21224

Ms. Ann Nastarowicz
Deputy Zoning Commissioner
County Office Building
1111 E. Main Street
Towson, Maryland 21204

Re: Case #83205SPH

Dear Ms. Nastarowicz:

First of all, thank you for handling the zoning hearing on Tuesday, December 1st, for Case #83205SPH re: new construction for Ridgeview Manor Nursing Home.

We would like to emphasize the importance of some issues that may not have been detailed at the hearing.

The proposal to build a new nursing home and parking area on the site of the present one (located on Edmondson Avenue) poses many problems that are detrimental to the neighborhood in which we live and take great pride.

Presently, traffic is very light, if at all noticeable, in and out of the present driveway. To put in another road of 25 feet to better accommodate the nearby residential addition seems to be a viable excuse to actually accommodate the future plans that the Burleigh family may have for the 10.5 acres to the south of the present nursing home. We see no need for a 25 foot roadway. Mr. Burleigh testified that there would be very little increase in staff and that the new additional building wouldn't cause much of an increase in traffic. We believe this does not warrant a 25 foot road. The present road has been sufficient for many years and we believe it can still be for the proposed building.

Most likely a traffic light would have to be installed if the proposed road were to be approved. Traffic on Edmondson Avenue and Academy Lane is at times heavy. We don't want to see a traffic light in what is a residential neighborhood.

Living on the west side of Overbrook Road provides us with a full view of the entire tract of land. If the additional building is built, it definitely will be in full view to us even though it will be built on Edmondson Avenue side. Presently, we can see the apartments that run just on the west side of the tract of land (right next to the site for the proposed building). Even if it will only be one story, we would be able to see it.

We have invested \$30,000 in the past two years to upgrade our home and yard. We have invested the thought and time in landscaping outside, which we often do, and having to view anything more than what is already there is not to be desired. We have cars riding by. A seventy-five foot driveway that would provide privacy in the back of our yard and a parking system that fills the air.

The proposal will only bring down the value of our home. We would like to see to move into a residential neighborhood that is a true residential and of high quality. We are not trying to sound precious, but this situation is of high quality. We are not trying to sound precious, but this situation is of high quality. We are not trying to sound precious, but this situation is of high quality.

Our neighborhood is a proud one. Our privacy and security are air. The turnout from the Overbrook community in showing the importance of this issue, we are Overbrook residents for the long term and we would like to see your consideration in helping us maintain a neighborhood that is still a treasure. We need no more building; there is so little undeveloped land as it is. The area does not need another commercial facility.

We know the 10.5 acres is not the case at present, but the present case is a stepping stone to what may come to be. In your judgment, please take this into consideration.

It has been the community's experience with the Burleigh family over the last thirty years that often times what is said is not the case. We have many questions in our minds and are worried and concerned. We have met with a community on this issue two times (one of those the Burleigh family was present). I have spoken with Mr. Burleigh on various occasions and on this issue every time I spoke with him a little "something new" was brought to my attention. Some aspects of this situation had been admitted and at a later date were found to be contradictory or deny things previously said. It does not provide us with a very trustworthy feeling towards the said proposal.

Please know the time and consideration you give to this matter is very much appreciated.

Sincerely,

Joan T. Szulinski

Andrew R. Szulinski

PROTESTANT(S) SIGN-IN SHEET

Handwritten signatures and names in the protestant sign-in sheet.

PROTESTANT(S) SIGN-IN SHEET

Handwritten signatures and names in the protestant sign-in sheet.

Form 1-5 Zoning Commission of Baltimore County
 Title: Posting of Signs Date: May 29, 1960
 The posting of signs is the posting of signs in a
newspaper, general circulation throughout Baltimore County
and that the property be posted as required by the Zoning
Regulations and Art. 21, Assembly aforesaid, and that a public
hearing thereon be had in the office of the Zoning Commissioner
of Baltimore County, Maryland, on the 8th day of
June, 1960, at 2:00 P.M.
 Pursuant to the advertisement, posting of property and
 therein for a Conveyance Now, and it appearing that by reason of
 location, the safety, health and the general welfare of the locality
 involved not being detrimentally affected, the special exception should
 be granted, therefore:
 It is this 15th day of June, 1960, by the Deputy
 Zoning Commissioner of Baltimore County, Ordered that the aforesaid
 special exception should be and the same is hereby granted, subject,
 however, to compliance with the Regulations of the Baltimore County
 Health Department and the Bureau of Fire Prevention of Baltimore
 County.
 Deputy Zoning Commissioner
 of Baltimore County

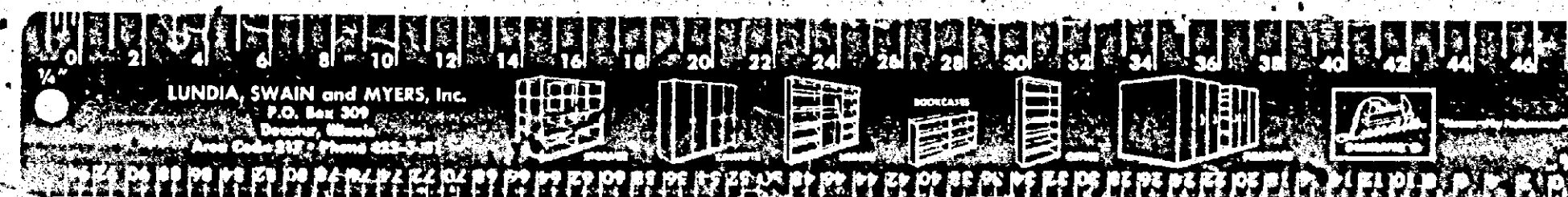
OFFICE OF
THE BALTIMORE COUNTYAN
FOR COMMUNITY NEWS
PUBLISHED BY THE BALTIMORE COUNTYAN
No. 1 Newburg Avenue
CATONSVILLE, MD.
May 22, 1960
THIS IS TO CERTIFY that the annexed advertisement of
Willis H. Adams, Zoning Commissioner of
Baltimore County
was inserted in THE BALTIMORE COUNTYAN, a group of
three weekly newspapers published in Baltimore County, Mary-
land, once a week for successive weeks before
the 26th day of May, 1960; that is to say
the same was inserted in the issue of
May 20-27, 1960.
THE BALTIMORE COUNTYAN
By W. H. Adams
Zoning Manager

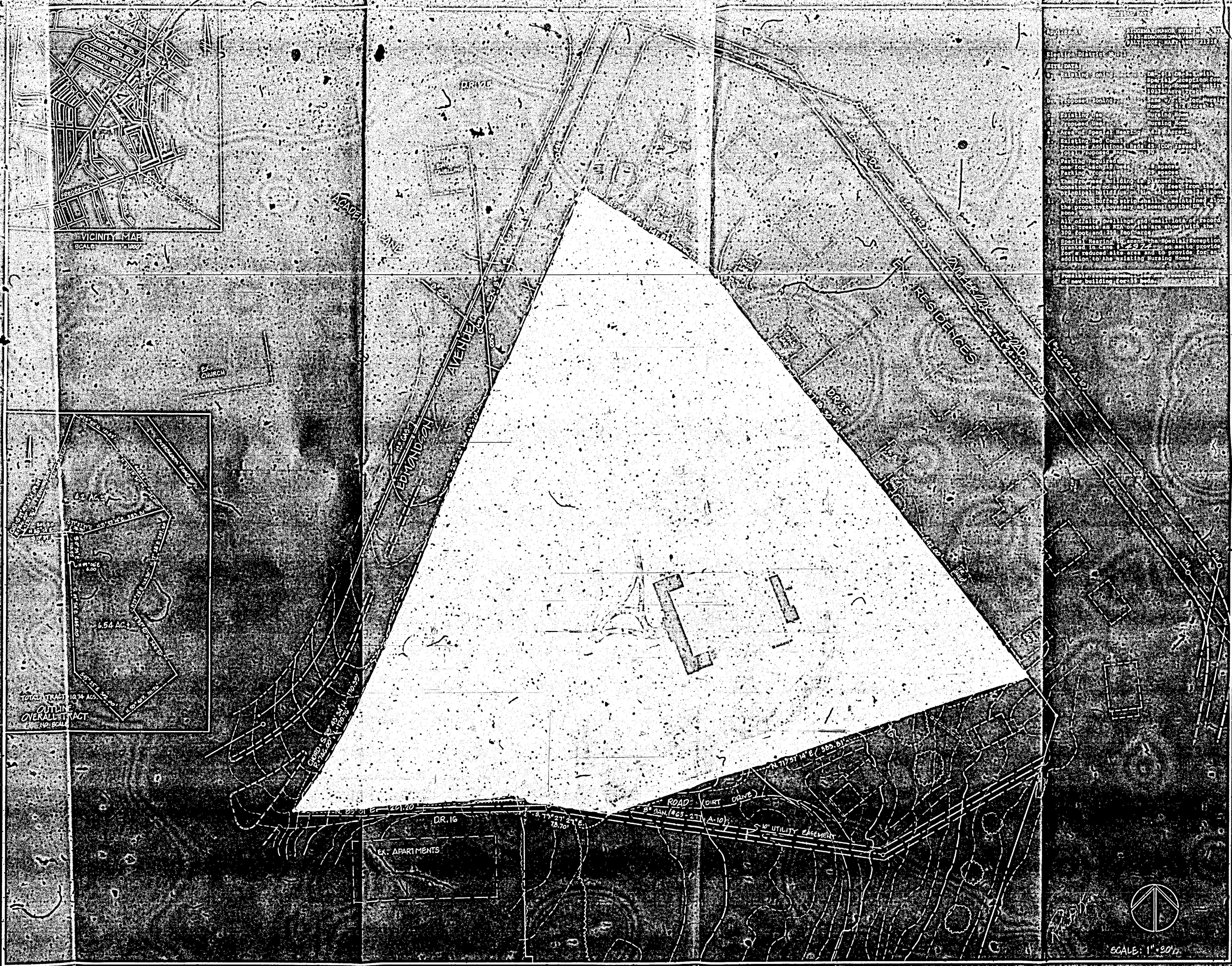
TELEPHONE BALTIMORE 2-8000	BALTIMORE COUNTY, MARYLAND		No. 0925
	OFFICE OF FINANCE		DATE 1/22/60
	Division of Collection and Receipts COUNT HOUSE TOWSON 4, MARYLAND		
TO: Mr. & Mrs. John F. Leigh Bridgeway Farm Edgewater & Pimlico Baltimore 26, Md.	MAILED BY: Zeigler		
REPORT TO ACCOUNT NO. 0122			FOR AMOUNT \$ 42.00
QUANTITY	DETACH UPPER SECTION AND FURNISH WITH YOUR REMITTANCE		COPI
-	Petition for Special Exemption		42.00
	5-314-2500 • • • 7-2- 4200		4200
9			4200
IMPORTANT! MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND. PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.			

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY

4974

District...
Posted for...
Fertilizer...
Location of property...
Location of Signs...
Remarks...
Posted by...
Date of return...





PROPOSAL
 1. **Project Name:** RIDGEWAY MANOR NURSING CENTER
 2. **Location:** 1st Election District, Baltimore, Maryland
 3. **Proposed Use:** Nursing Home
 4. **Proposed Addition:** 100 beds
 5. **Proposed Parking:** 20 spaces
 6. **Proposed Access:** From Edmondson Avenue
 7. **Proposed Easements:** 5' Utility Easement
 8. **Proposed Setbacks:** 10 feet front, 5 feet side, 5 feet rear
 9. **Proposed Height:** 3 stories
 10. **Proposed Area:** 1.5 acres
 11. **Proposed Cost:** \$1,000,000
 12. **Proposed Completion:** 12 months
 13. **Proposed Operator:** Ridgeway Manor Nursing Center, Inc.
 14. **Proposed Owner:** Ridgeway Manor Nursing Center, Inc.
 15. **Proposed Architect:** Gardreau, Inc.
 16. **Proposed Engineer:** [Name]
 17. **Proposed Surveyor:** [Name]
 18. **Proposed Planner:** [Name]
 19. **Proposed Consultant:** [Name]
 20. **Proposed Other:** [Name]



810 Light Street, Baltimore, Maryland 21202

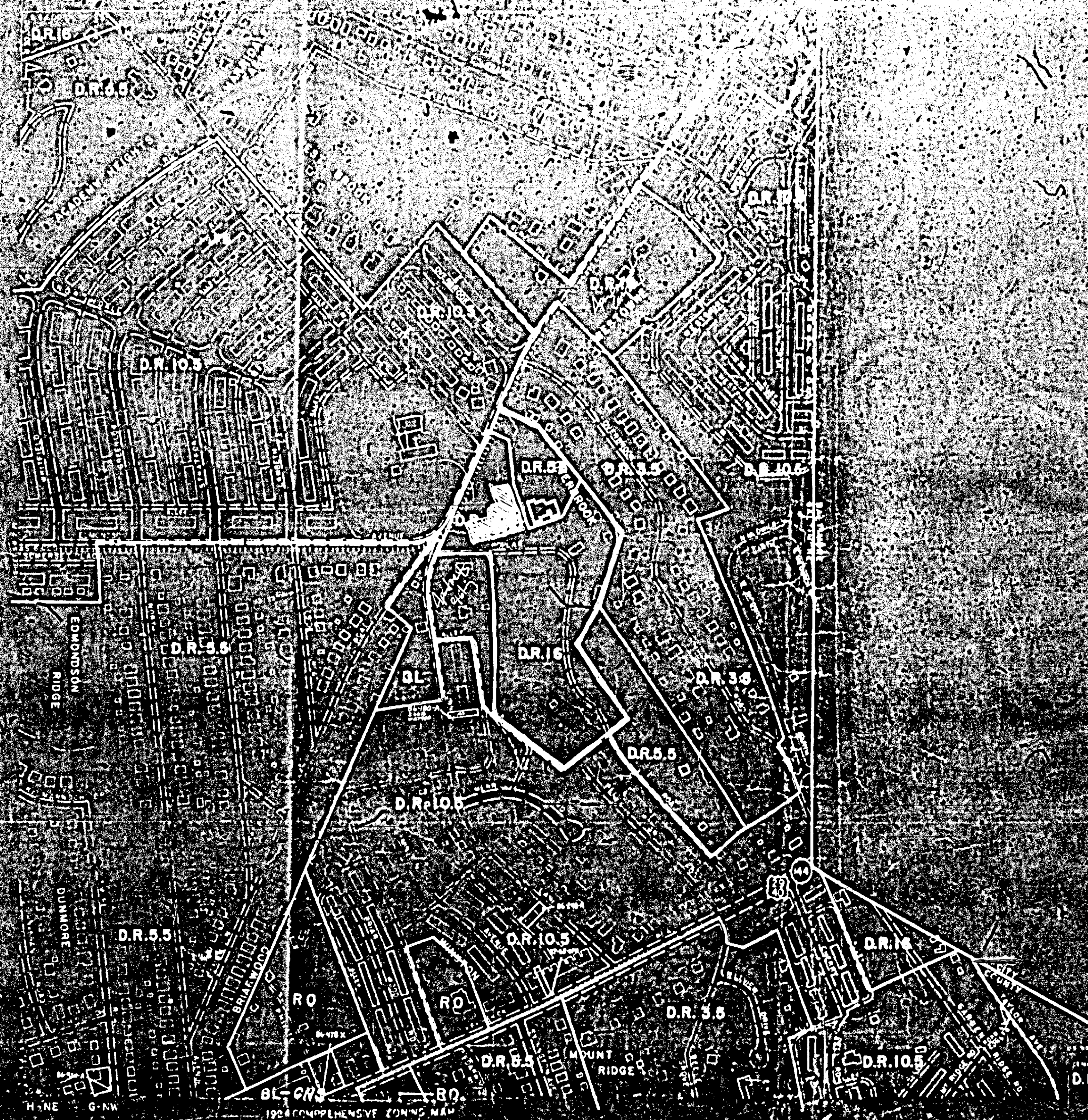
Rev. 11-30-87
 Rev. 7-22-87

SITE PLAN
 RIDGEWAY MANOR
 NURSING CENTER
 1ST ELECTION DISTRICT
 BALTIMORE CO., MARYLAND

PROJ NO 8455
 DWG NO MP-1
 DATE 6/24/87

SCALE: 1"=50'





1964 COMPREHENSIVE ZONING MAP
 ADOPTED BY THE
 BALTIMORE COUNTY COUNCIL
 1964
 NOS. 125-84, 134-84, 135-84,
 136-84, 137-84, 138-84, 139-84
 CHAIRMAN, COUNCIL

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA OFFICIAL ZONING MAP

REVISIONS	SCALE	LOCATION	SHEET
1. DATE	1" = 200'	CATONSVILLE	54
Compiled By Photogrammetric Methods AEROC SERVICE CORPORATION-PHILADELPHIA, PA.			

*Protestant's
 Exhibit #1*



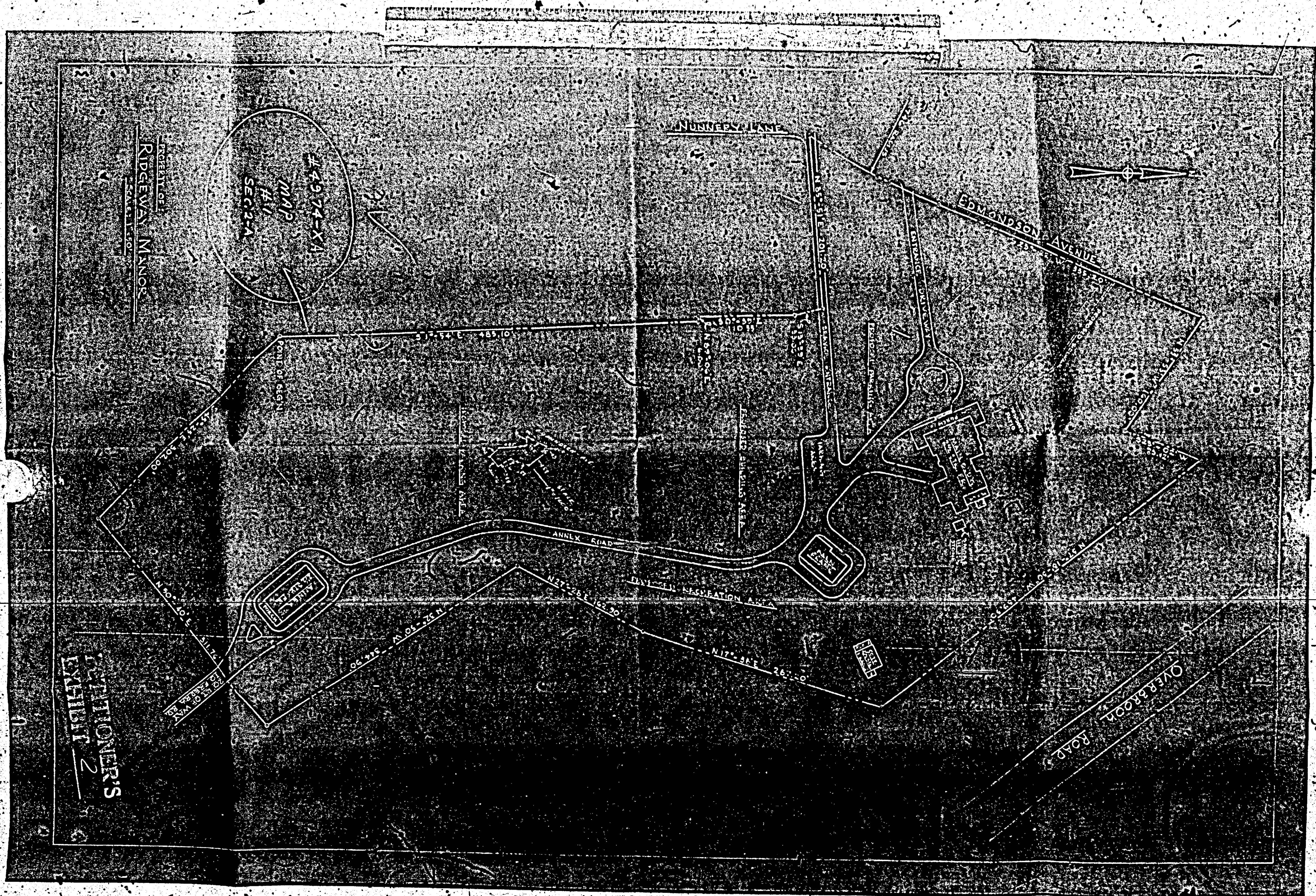


EXHIBIT 2
PETITIONER'S

EXHIBIT 2
PETITIONER'S

