Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

August 16, 2004

Patricia A. Malone
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21285-5517

RE: Zoning Spirit and Intent – Case # 89-538-SPH, Pickersgill, Inc., 615 Chestnut Avenue, 9th Election Disrict

Dear Mrs. Malone:

Your letter to the Director of Permits & Development Management, was forwarded to me for reply. Based on the information provided therein, my review of the available zoning records, and after numerous meetings with Carl Richards, Zoning Review Supervisor and Mitch Kellman of DMW, and one meeting with Lawrence Schmidt, Zoning Commissioner, the following has been determined:

1. The proposed plans for reconstruction of the 3 wings for the main Pickersgill building have been approved by the "Neighbors" in order to confirm compliance with petitioner's exhibit # 1 in Zoning Case 89-538-SPH.

2. Pickersgill, Inc. and the "Neighbors" entered into a Second Amendment to the Restrictive Covenant Agreement wherein both parties agreed upon proposed improvements to the above captioned property. If those improvements are constructed, the covenant agreement will be recorded in the Baltimore County Land Records Office. The covenant agreement contains the approval signatures of the "Neighbors" and includes various improvements to the property. (includes 8 additional beds with no change in density).

3. As all interested parties agreed upon the proposed improvements as described and approved in the covenant agreement and the accompanying exhibits attached thereto, said improvements within the agreement shall be considered as being within the spirit and intent of the Baltimore County Zoning Regulations as relates to Case # 89-538-SPH.

4. A copy of the Second Amendment to the Restrictive Covenant Agreement and the exhibits attached thereto will be made a permanent part of the case file in Zoning Case # 89-538-SPH. Any future change to the covenant agreement will require further review and approval by the Zoning Review Office and the interested "Neighbors".

5. Building permit approval of the improvements included in the Second Amendment to the restrictive Covenant Agreement are contingent upon said covenant being recorded in the Baltimore County Land records Office. Once recorded, you may apply for building permits for said improvements.

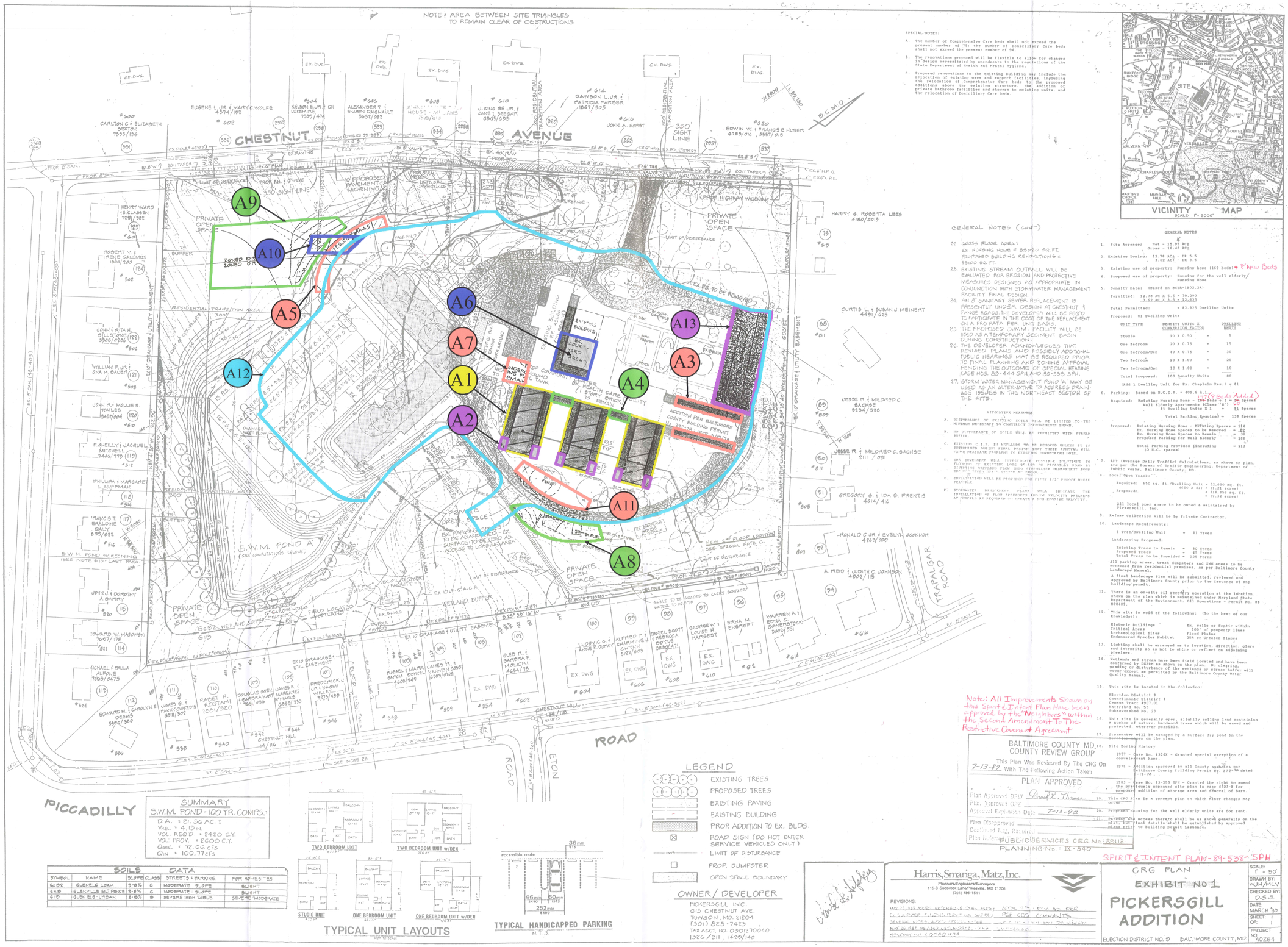
I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

Jeffrey N. Perlow

Jeffrey N. Perlow, Planner II
Zoning Review Office

cc: Mitch Kellman, DMW
Zoning Case File 89-538-SPH
File-Spirit & Intent Letters



OVERALL PLAN OF EXHIBIT A, AREAS A-1 THROUGH A-13 OF THE SECOND AMENDMENT TO THE RESTRICTIVE COVENANT AGREEMENT

SECOND AMENDMENT TO THE RESTRICTIVE COVENANT AGREEMENT

THIS SECOND AMENDMENT (the "Amendment") is entered into as of the 9th day of July, 2004, by and between PICKERSGILL, INC., a Maryland corporation ("Pickersgill"), and JOHN R. KELLY and KRISTEN KELLY (as successors to Mary R. Wolfe); CHARLES O'DONOVAN III (as successor to Gail B. O'Donovan, deceased); ELIZABETH SEXTON; SUSAN J. MEINERT; CHARLES R. GREENLAND, JR. and ELIZABETH P. GREENLAND (as successors to John Hodge-Williams); JAMES F. McCORMICK and CONSTANCE C. FRENCH (as successors to Frederick J. Wiley and Naomi Wiley); HARRY R. KAKEL; DAWSON L. FARBER, JR.; ERWIN W. HUBER and FRANCES F. HUBER; JOHN PAFFENBARGER and JESSICA PAFFENBARGER (as successors to Sarah P. Daignault); HOWARD RITTER, JR.; and ROBERTA A. LEES (collectively, the "Neighbors").

RECITALS

Whereas, Pickersgill and the Neighbors entered into a Restrictive Covenant Agreement dated May 23, 1990, as modified by a First Amendment to the Restrictive Covenant Agreement dated November 5, 1991 (collectively, the "Agreement"), which set forth mutual agreements and understandings between the parties relative to a proposed expansion to the existing building known as Pickersgill Retirement Community located at 615 Chestnut Avenue in Towson, Maryland;

Whereas, Pickersgill now wishes to amend said Restrictive Covenant Agreement pursuant to Paragraph 18 of said Agreement;

Whereas, Pickersgill has, in conformance with paragraph 18 of the Agreement, agreed to be responsible for the reasonable attorneys' fees incurred by the Neighbors in reviewing and negotiating this Amendment;

Whereas, Pickersgill wishes to undertake building and parking renovations, some of which will increase the footprint and area of the buildings and change the location of certain parking spaces; and

Whereas, The Neighbors are willing to support Pickersgill's proposed improvements as long as certain conditions are imposed upon the work to be performed by or on behalf of Pickersgill, as hereinafter provided.

WITNESSETH

NOW, THEREFORE, in consideration of the mutual agreements and understandings contained in this Amendment and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The foregoing Recitals are true and correct and are incorporated herein by reference.

89-538-SPH

2. Pickersgill shall have the right to construct new structures and a parking area and to renovate existing structures as follows, each of which new structures, parking area and renovations shall be undertaken within the limitations and requirements imposed by the Agreement, including but not limited to allowable footprint, area, and height.

A. Pickersgill shall have the right to raze the three existing rear wings, as shown on Area A1 of Exhibit A, and to construct three new wings within the extent of the footprint and the height originally approved in the Agreement.

B. Pickersgill shall have the right to build-out the Trafalgar Wing, as identified on Area A3 of Exhibit A, within the extent of the footprint and the height originally approved in the Agreement, so that in no event shall the new roof line exceed the existing third-story roofline of the Trafalgar Wing. There will be no outside stairways or other attachments on the exterior of these wings, and Pickersgill will utilize full vertical cutoff lighting fixtures on the exterior of the wings.

C. Pickersgill shall have the right to construct the third floor of the bathroom extensions located between the rear wings, as identified on Area A4 of Exhibit A, within the extent of the footprint and height originally approved in the Agreement.

D. Pickersgill shall have the right to construct a curved parking area, consisting of 17 parking spaces, off of Chestnut Avenue in the location shown on Area A5 of Exhibit A. These parking spaces shall be situated so as to block, by means of natural landscape contours, light from automobile headlights from reaching residences on Chestnut Avenue or Piccadilly Road. All new lighting for the exterior parking spaces shall be full vertical cutoff fixtures that are low to the ground, in the approximate locations and pursuant to the specifications and height limitations set forth on the lighting plan attached hereto as Exhibit B.

3. The parties agree to allow the new structures, renovations and parking areas defined in this paragraph and which require, in relation to the Agreement, increases in footprint and square footage of the buildings and the allowable configuration and location of parking spaces. Each of these renovations, new structures and new parking areas shall be undertaken within the limitations and requirements explicitly specified in this paragraph.

A. In order to incorporate the impact of new construction, structures and parking areas contemplated in this Amendment, the parties agree to the following amendments to the Agreement:

i) Paragraph 1 shall read as amended: "Renovations. The proposed additions, modifications and changes to the existing building shall be those which are consistent with the CRG Pickersgill Addition

Plan approved on July 13, 1989, attached hereto and made a part hereof as Exhibit 1. Areas A2 and A6 of Exhibit A define the only allowable modifications to the footprint given in Exhibit 1."

ii) Paragraph 4 shall read as amended: "The total building square footage to be constructed as new apartments and common and utility areas associated therewith shall not be greater than 87,800 square feet. The building outline or footprint of the new apartments and common utility areas associated therewith shall not be greater than 26,000 square feet."

iii) Paragraph 6 shall read as amended: "The parking to be constructed shall consist of surface and deck parking within the area shown, shaded and labeled as 'Proposed Parking' on Exhibit 3 and the area labeled as Area A11 of Exhibit A. Pickersgill shall have the right to construct an underground 40-space parking garage under two of the three rear wings of the Existing Nursing Home. In the event that this underground parking garage is constructed, Pickersgill shall remove the existing 32-space parking lot located on the northeast side of the facility and noted as Area A13 of Exhibit A, leaving only a driveway, and this parking area shall be removed from the parking areas allowed under this Agreement. The proposed deck parking shall not exceed a maximum of two levels; the floor level of the upper level shall not be at an elevation higher than the lowest floor level elevation of the apartments ('lowest finished floor elevation')"

iv) Paragraph 7a (iii) shall read as amended: "Community Center - 2 floors, with the exception of the dining room on the third floor, as shown on Area A7 of Exhibit A."

v) Paragraph 7c shall read as amended: "The footprint of the renovations and new construction, including deck and surface parking areas, intended by Pickersgill shall not be greater than the footprints described in this Agreement and as shown on the Exhibits hereto, including Areas A2, A6 and A11 of Exhibit A. The 32-space parking lot labeled as Area A13 of Exhibit A shall be removed from the allowable footprint of surface parking areas if Pickersgill constructs an underground 40-space parking garage under two of the three rear wings of the Existing Nursing Home."

vi) Paragraph 7e shall read as amended: "All exterior lighting on existing and proposed improvements shall be arranged or shielded to reflect light away from the public streets and adjoining residential areas. Lighting for the parking lot labeled as Area A5 of Exhibit A shall be full vertical cutoff fixtures that are low to the ground, in the approximate locations and pursuant to the specifications and height limitations set forth on the lighting plan attached hereto as Exhibit B."

vii) Two new sentences shall be added to the end of Paragraph 8 as follows: "...Pickersgill agrees to plant and maintain in a healthy condition 10-12 evergreen screening trees, such as

Leyland Cypress, along the back of the property so as to provide a buffer for residences along the Piccadilly Road, Trafalgar Road corner, as shown on the planting plan and plantings protection plan attached hereto as Exhibit C. The trees shall be planted no more than 10 feet apart."

viii) A new paragraph 14j shall be added: "Pickersgill agrees that any fans, ventilating equipment, or other mechanical, process or electrical equipment installed after 2003 shall be as quiet as practicable based on the existing state of the art in the industry. Pickersgill agrees to install hospital grade exhaust mufflers on all electrical generators, and to meet all requirements of Title 26, Department of the Environment, Code of Maryland, including daytime and nighttime sound limits defined therein. Electrical generators will be operated infrequently for maintenance, testing or emergency purposes and will not cause the overall sound level to exceed 65 decibels measured at the property line. Pickersgill agrees that sound levels exceeding the foregoing limits will be attenuated at the source through the use of absorption, deflection, and/or baffling devices to reduce the noise level to a level below the relevant limits of Title 26 and an overall generator sound level of 65 decibels. Pickersgill agrees that all equipment installed after 2003, whether new or replacement, will be installed in the same locations as the equipment existing in 2003 and that in no case shall one or more chillers be placed on the roof of the facility. The Neighbors shall have the right, from time to time, to obtain sound measurements from a qualified sound expert who is mutually acceptable to the Neighbors and Pickersgill to verify compliance with this paragraph. Pickersgill agrees to pay for up to three (3) sound tests per calendar year. In addition, the cost of sound measurements indicating non-compliance with the sound limits defined in Title 26 and this paragraph will be borne by Pickersgill and such sound measurements will not count against the maximum of 3 paid sound measurements per year. Pickersgill agrees to erect screening, if necessary, to ensure that any equipment mounted on the roof is not visible from ground level at the property line."

ix) A new paragraph 14k shall be added as follows (for clarity, each subpart of paragraph 14k is preceded by '[14k]' within this Amendment): "Pickersgill agrees to minimize the impact on the community of construction and renovation projects undertaken after 2003 and for this purpose shall implement the following measures and limitations:

[14k] (i) Pickersgill and its contractor shall meet with the Neighbors on a quarterly basis (or more frequently if reasonably requested by the Neighbors), to provide updated construction schedules and progress reports.

[14k] (ii) Pickersgill shall strictly enforce paragraph 14(d) of this Agreement. Deliveries to the

property shall commence no earlier than 8:00 a.m. and end no later than 5:30 p.m. In addition, no earth moving work, concrete hauling or demolition shall occur earlier than 8:00 a.m. nor later than 5:30 p.m., Monday through Friday, nor shall any earth moving work, concrete hauling or demolition occur at any time during the weekend. All other construction activities shall commence no earlier than 7:00 a.m. and end no later than 5:30 p.m. Monday to Saturday. Pickersgill and the contractor shall cause all subcontractors to arrive on the site no more than 15 minutes prior to the start time for work each day. The temporary worker parking area and driveway (Areas A8 and A9 of Exhibit A) and all construction areas, equipment and storage trailers shall not be artificially illuminated outside of permitted construction hours.

[14k] (iii) Pickersgill and the contractor shall not allow the storage trailers located on the property to be used for any projects other than the ones permitted in this Agreement. In addition, the contractor shall be required to remove all construction trailers from the property within two weeks of completion of construction of the project.

[14k] (iv) Throughout the construction of improvements undertaken after 2003, Pickersgill shall strictly enforce paragraph 14(g) of this Agreement and shall cause all contractors to wash the mud from their vehicles prior to leaving Pickersgill to keep Chestnut Avenue and the adjacent streets in a clean condition.

[14k] (v) Pickersgill agrees to cause the contractor to utilize the area adjacent to the south side of the guest house, as outlined on Area A8 of Exhibit A attached hereto, for a parking and staging area for construction vehicles, trailers and heavy equipment. Pickersgill further agrees to cause the construction workers to park their personal vehicles in the area on the south side of the property outlined on Area A9 of Exhibit A attached hereto, and to utilize only the construction driveway for ingress and egress to and from such parking area, as shown on Area A10 of Exhibit A attached hereto. No trailers, heavy equipment or construction vehicles shall be permitted to park in the area located on the south side of the property and designated for parking of construction workers' personal vehicles. To the extent off-site parking is required for construction workers, Pickersgill agrees to provide a shuttle service from an off-site parking lot to avoid on-street parking in the neighborhood by such workers. In addition, Pickersgill will provide to the Neighbors, prior to commencement of work by the contractor, documentation of an agreement with the contractor stating

that if work on the project is discontinued for a period lasting more than thirty (30) days (unless attributable to adverse weather conditions or other force majeure), the contractor will remove its equipment from the Pickersgill property.

[14k] (vi) In the event the construction of improvements described in this Agreement causes stormwater runoff from the Pickersgill property to adversely affect adjacent properties, Pickersgill shall implement appropriate drainage controls to correct any such adverse effects. In addition, Pickersgill agrees to install a field drain in a location proximate to 803 Trafalgar Road to further mitigate any stormwater runoff adversely affecting 803 Trafalgar Road.

[14k] (vii) Pickersgill shall not remove existing trees, shrubs, or other plantings to accommodate construction activities outside of the area outlined and identified as Area A12 on Exhibit A attached hereto and further identified as the "Plantings Protection Line". Any existing trees, shrubs and other plantings that are accidentally damaged by construction activities outside of the Plantings Protection Line shall promptly be replaced by species of substantially the same type and height. In the creation and use of the staging area (Area A8 of Exhibit A) and temporary worker parking area and driveway (Areas A9 and A10 of Exhibit A), no trees shall be disturbed or removed. Within two weeks of completion of project activities, Pickersgill shall restore the staging area (Area A8 of Exhibit A) and the worker parking area and driveway (Areas A9 and A10 of Exhibit A) to a landscaped or grassy state as existed prior to undertaking of the project.

[14k] (viii) Pickersgill shall maintain the construction area and property free of debris and trash and shall not allow unsanitary conditions to develop in connection with or as a result of construction activities."

x) The following exhibits shall be added to the table of Paragraph 26:

"Exhibit A Modifications to plan as agreed between Neighbors and Pickersgill, dated June 21, 2004

Area A1 3 rear wings to be razed

Area A2 Build out of corner areas, 3 rear wings

Area A3 Trafalgar Wing

Area A4	Bathroom extensions between the 3 rear wings
Area A5	17-space curved parking area
Area A6	Interior courtyard of existing nursing home
Area A7	Dining room, 3rd floor of Community Center
Area A8	Contractor parking and staging area
Area A9	Temporary construction worker parking lot
Area A10	Temporary driveway to construction worker parking lot
Area A11	12-space parking area behind 3 rear wings
Area A12	Plantings protection area
Area A13	Existing 32-space parking lot to be removed in plan 2
Exhibit B	Lighting plan, dated June 21, 2004
Exhibit C	Planting plan dated June 21, 2004"

B. Pickersgill shall have the right to build out the vacant corner areas of the three rear wings of the Existing Nursing Home, as shown on Area A2 of Exhibit A. The footprint of the new corner areas shall not exceed 920 square feet and the area of the new corners shall not exceed 2,800 square feet.

C. Pickersgill shall have the right to remove the existing improvements within the interior courtyard of the Existing Nursing Home as shown on Area A6 of Exhibit A, and then to construct new improvements within such courtyard. Improvements within the courtyard shall be limited to one story in height.

D. Pickersgill shall have the right to add a new dining room on the third floor of the Community Center, as shown on Area A7 of Exhibit A. The new dining room shall not exceed an area of 1,300 square feet.

E. Pickersgill shall have the right to reconfigure certain parking spaces in conformance with one of the following two plans. The selection of the plan to be implemented shall be at Pickersgill's sole discretion.

i) Parking Plan 1. Pickersgill shall have the right to construct 12 surface parking spaces behind the three rear wings of the Existing Nursing Home as shown on Area A11 of Exhibit A.

ii) Parking Plan 2. Pickersgill shall have the right to construct an underground 40-space parking garage under two of the three rear wings of the Existing Nursing Home and the obligation to remove the existing 32-space parking lot located on the northeast side of the facility and shown as Area A13 of Exhibit A, leaving only a driveway.

F. In the sole instance that Pickersgill constructs the underground 40-space parking garage and removes the existing 32-space parking lot located on the northeast side of the facility (Parking Plan 2), Pickersgill shall have the right to add 8 new assisted living residents and to construct improvements inside the facility for those residents, resulting in a total of 177 nursing or assisted living residents. In such event, Pickersgill shall cause the CRG plan approved on 7/13/89 in note 3 to be amended to reflect such increase from 169 to 177 nursing or assisted living residents. None of the new or renovated improvements described in this Amendment shall be used for the construction of additional independent living apartments, which number shall remain at 87 units. It is understood by both parties that the addition of 8 assisted living residents shall be done within the limits of the footprint, area and height explicitly defined by the Agreement and this Amendment.

4. Pickersgill agrees to limit the sound levels produced by equipment and electrical generators within its property and for this purpose shall implement the measures and limitations defined in paragraph 14j of the Agreement, which paragraph 14j is introduced into the Agreement by paragraph 3 of this Amendment. Pickersgill agrees to limit the visual impact of equipment mounted on the roof of its facility according to the requirements of paragraph 14j of the Agreement.

5. Pickersgill agrees to plant and maintain in a healthy condition 10-12 evergreen screening trees, such as Leyland Cypress, along the back of the property so as to provide a buffer for residences along the Piccadilly Road, Trafalgar Road corner, as shown on the planting plan attached hereto as Exhibit C. The trees shall be planted no more than 10 feet apart.

6. Pickersgill agrees to minimize the impact on the community of the construction and renovation projects described in paragraphs 2 and 3 of this Amendment and for this purpose shall strictly implement the measures and limitations defined in paragraph 14k of the Agreement, which paragraph 14k is introduced into the Agreement by paragraph 3 of this Amendment.

7. The parties hereto hereby reaffirm the provisions of Paragraph 24 of the Agreement and add thereto the following provisions:

"a. The parties recognize the jurisdiction of the Circuit Court for Baltimore County, State of Maryland to entertain a request

by either party for damages and for injunctive relief in the event that a breach of this Agreement occurs and enforcement is necessary.

b. This amended Agreement provides for Pickersgill and its contractors and subcontractors to adhere to certain requirements to minimize the impact upon the Community of the construction and renovation projects described herein and in Paragraphs 2 and 3 of the Second Amendment to this Agreement. Those measures and limitations are set forth in Paragraph 14k of this Agreement. Violations of Paragraph 14k shall be treated differently than violations of the other provisions herein due to the nature of the limitations and restrictions and the need to require swift and prompt corrections to the violations. In that respect, the following procedure shall be utilized.

(i) Notice of the alleged violation shall be provided to Pickersgill in writing by the Neighbors within twenty-four (24) hours of the alleged breach in order for Pickersgill to correct the violation.

(ii) Pickersgill shall have twenty-four (24) hours to correct the violation.

(iii) If the alleged violation is not corrected within twenty-four (24) hours of receipt of the written notice by Pickersgill, Pickersgill shall be liable for liquidated damages as set forth in subparagraph (iv) below for the violation and any continuing violations thereof during the course of this Agreement.

(iv) The parties agree that liquidated damages shall be recoverable by the Neighbors during the course of this Agreement in any Circuit Court proceeding in the following amounts: Five Hundred Dollars ($500) for the first day of the first occurrence of the violation, One Thousand Dollars ($1,000) for the second day of the first occurrence of the violation, One Thousand Five Hundred Dollars ($1,500) per day for the third and each subsequent day of the first occurrence of the violation, and One Thousand Five Hundred Dollars ($1,500) per day for each day of the second and subsequent occurrences of the violation.

(v) That enforcement of this provision of this Agreement may be made by injunction to the Circuit Court of Baltimore County or by damage suit in the Circuit Court of Baltimore County and the alleged breaches and violations of the Agreement may be the subject matter of the damage suit to determine the extent of liquidated damages as a result of any and all cumulative breaches of this Agreement."

8. The Neighbors shall support Pickersgill's proposed renovations and improvements described in this Amendment, subject to the terms and limitations of this Amendment and the exhibits attached hereto, in any and all proceedings that may be necessary to obtain

required governmental approvals and permits therefor; provided, however, that the Neighbors reserve the right to object to any changes in Pickersgill's development and renovation plans that are not consistent with the Agreement as amended by this Amendment and the exhibits hereto or are contrary to existing federal, state or local law or regulation. Pickersgill shall timely notify the neighbors of (a) the submission to Baltimore County of any amendment to any Exhibits to this Agreement which require approval by Baltimore County; (b) any other procedure in which Pickersgill must obtain County permission to modify any Exhibits to this Agreement or the Agreement itself.

9. Except as explicitly modified and amended herein, all other terms, conditions and agreements as set forth in the Agreement shall remain in full force and effect, and are herein affirmed. Pickersgill shall cause this Amendment to be recorded among the Land Records of Baltimore County promptly following receipt of a fully executed copy of this Amendment, at Pickersgill's expense. Each of the Exhibits referred to in this Amendment, including Exhibit 1 (CRG Plan dated July 13, 1989), and the 16 Exhibits noted in paragraph 3 A ix of this Amendment (Exhibits A, B, and C and Area exhibits A1 to A13), are attached hereto, and are made a part hereof. This Amendment, unless terminated as provided below, shall run with and be binding upon the land and all present and future owners thereof, and shall be binding upon and inure to the benefit of Pickersgill and the Neighbors, respectively, and their heirs, personal representatives, successors and assigns.

10. In the event that any of the following conditions do not occur, this Amendment shall terminate and be of no further force or effect, the parties hereto shall be relieved from any and all obligations hereunder, and Pickersgill shall be entitled to record a Notice of Termination of this Amendment among the Land Records of Baltimore County, Maryland, setting forth the conditions resulting in termination:

A. Pickersgill fails to obtain from Baltimore County any necessary zoning approvals, such as any special exception, special hearing, or variance relief, or any necessary development approval, such as the ability to refine or amend its CRG plan to allow for the construction of the improvements described in this Amendment.

B. Pickersgill fails to obtain all necessary grading and building permits for the construction of the improvements described in this Amendment.

11. This Amendment may be executed in separate counterparts.

[SIGNATURES APPEAR ON THE FOLLOWING PAGES]

WITNESS the hands and seals of the parties hereto as of the date first above written.

WITNESS:

PICKERSGILL, INC.

Emily Jean Smith (SEAL)
Name: Emily Jean Smith
Title: President, Board of Directors

_____ (SEAL)
John R. Kelly
604 Chestnut Avenue

_____ (SEAL)
Kristen Kelly
604 Chestnut Avenue

_____ (SEAL)
Charles O'Donovan III
600 Greenwood Road

Elizabeth Sexton (SEAL)
Elizabeth Sexton
600 Chestnut Avenue

Susan J. Meinert (SEAL)
Susan J. Meinert
811 Trafalgar Road

Charles R. Greenland, Jr. (SEAL)
Charles R. Greenland, Jr.
608 Chestnut Avenue

Elizabeth P. Greenland (SEAL)
Elizabeth P. Greenland
608 Chestnut Avenue

_____ (SEAL)
James F. McCormick
546 Piccadilly Road

Constance C. French (SEAL)
Constance C. French
546 Piccadilly Road

Harry R. Kakel (SEAL)
Harry R. Kakel
545 Piccadilly Road

(SEAL)
Dawson L. Farber, Jr.
614 Chestnut Avenue

(SEAL)
Erwin W. Huber
620 Chestnut Avenue

Frances F. Huber (SEAL)
Frances F. Huber
620 Chestnut Avenue

John Paffenbarger (SEAL)
John Paffenbarger
606 Chestnut Avenue

(SEAL)
Jessica Paffenbarger
606 Chestnut Avenue

Howard Ritter (SEAL)
Howard Ritter, Jr.
623 Chestnut Avenue

Roberta R. Lees (SEAL)
Roberta A. Lees
619 Chestnut Avenue

WITNESS the hands and seals of the parties hereto as of the date first above written.

WITNESS:

PICKERSGILL, INC.

_____ _____(SEAL)
Name:
Title:

_____ _____(SEAL)
John R. Kelly
604 Chestnut Avenue

_____ _____(SEAL)
Kristen Kelly
604 Chestnut Avenue

_____ _____(SEAL)
Charles O'Donovan III
600 Greenwood Road

_____ _____(SEAL)
Elizabeth Sexton
600 Chestnut Avenue

_____ _____(SEAL)
Susan J. Meinert
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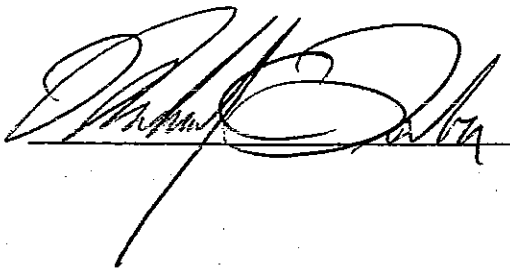


_____ _____(SEAL)
Dawson L. Farber, Jr.
614 Chestnut Avenue

_____ _____(SEAL)
Erwin W. Huber
620 Chestnut Avenue

_____ _____(SEAL)
Frances F. Huber
620 Chestnut Avenue

_____ _____(SEAL)
John Paffenbarger
606 Chestnut Avenue

_____ _____(SEAL)
Jessica Paffenbarger
606 Chestnut Avenue

_____ _____(SEAL)
Howard Ritter, Jr.
623 Chestnut Avenue

_____ _____(SEAL)
Roberta A. Lees
619 Chestnut Avenue

STATE OF MARYLAND, ~~CITY~~/COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 9th day of JULY, 2004 before me, a Notary Public in and for the State aforesaid, personally appeared EMILY JEAN SMITH, PRESIDENT of the BOARD of DIRECTORS, PICKERSGILL, INC., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence and acknowledged that he/she executed the same as such officer for the purposes therein contained on behalf of the Corporation.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: JULY 1, 2007

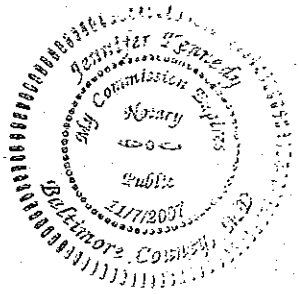
STATE OF MARYLAND, CITY/COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY that on this 1 day of July, 2004, before me, a Notary Public in and for the State aforesaid, personally appeared JOHN R. KELLY, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence and acknowledged that he executed the foregoing instrument for the purposes therein contained by signing his name thereto.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: 11/7/2007



STATE OF MARYLAND, CITY/COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY that on this 1 day of July, 2004, before me, a Notary Public in and for the State aforesaid, personally appeared KRISTEN KELLY, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence and acknowledged that she executed the foregoing instrument for the purposes therein contained by signing her name thereto.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: 11/7/04

Jennifer Kennedy
My Commission Expires
Notary
Public
11/7/2007
Baltimore County

STATE OF MARYLAND, ~~CITY~~/COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 28th day of JUNE, 2004, before me, a Notary Public in and for the State aforesaid, personally appeared CHARLES O'DONOVAN, III, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence and acknowledged that he executed the foregoing instrument for the purposes therein contained by signing his name thereto.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: July 1, 2007

STATE OF MARYLAND, ~~CITY~~/COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY that on this 28th day of June, 2004, before me, a Notary Public in and for the State aforesaid, personally appeared ELIZABETH SEXTON, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence and acknowledged that she executed the foregoing instrument for the purposes therein contained by signing her name thereto.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: July 1, 2007

STATE OF MARYLAND, ~~CITY~~/COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 28th day of June, 2004, before me, a Notary Public in and for the State aforesaid, personally appeared SUSAN J. MEINERT, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence and acknowledged that she executed the foregoing instrument for the purposes therein contained by signing her name thereto.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: July 1, 2007

STATE OF MARYLAND, ~~CITY~~/COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 7th day of July, 2004, before me, a Notary Public in and for the State aforesaid, personally appeared CHARLES R. GREENLAND, JR., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence and acknowledged that he executed the foregoing instrument for the purposes therein contained by signing his name thereto.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: July 1, 2007

STATE OF MARYLAND, CITY/COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY that on this 6 day of July, 2004, before me, a Notary Public in and for the State aforesaid, personally appeared ELIZABETH P. GREENLAND, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence and acknowledged that she executed the foregoing instrument for the purposes therein contained by signing her name thereto.

AS WITNESS my hand and notarial seal.

Patsy Lee Corcoran

Notary Public PATSY LEE CORCORAN

My Commission Expires: February 1, 2008

STATE OF MARYLAND, ~~CITY~~/COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 9th day of July, 2004, before me, a Notary Public in and for the State aforesaid, personally appeared JAMES F. McCORMICK, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence and acknowledged that he executed the foregoing instrument for the purposes therein contained by signing his name thereto.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: July 1, 2007

STATE OF MARYLAND, ~~CITY~~/COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 9th day of July, 2004, before me, a Notary Public in and for the State aforesaid, personally appeared CONSTANCE C. FRENCH, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence and acknowledged that she executed the foregoing instrument for the purposes therein contained by signing her name thereto.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: July 1, 2007

STATE OF MARYLAND, ~~CITY~~/COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY that on this 28th day of June, 2004, before me, a Notary Public in and for the State aforesaid, personally appeared HARRY R. KAKEL, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence and acknowledged that he executed the foregoing instrument for the purposes therein contained by signing his name thereto.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: July 1, 2007

STATE OF ~~MARYLAND~~ MASSACHUSETTS, CITY/COUNTY OF BARNSTABLE, to wit:

I HEREBY CERTIFY that on this 29 day of JUNE, 2004, before me, a Notary Public in and for the State aforesaid, personally appeared DAWSON L. FARBER, JR., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence and acknowledged that he executed the foregoing instrument for the purposes therein contained by signing his name thereto.

AS WITNESS my hand and notarial seal.

Paula R Curran
Notary Public

My Commission Expires: PAULA R. CURRAN
Notary Public
My Commission Expires
March 11, 2005

STATE OF MARYLAND, ~~CITY~~/COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 1st day of July, 2004, before me, a Notary Public in and for the State aforesaid, personally appeared ERWIN W. HUBER, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence and acknowledged that he executed the foregoing instrument for the purposes therein contained by signing his name thereto.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: July 1, 2007

STATE OF MARYLAND, ~~CITY~~/COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY that on this 28th day of June, 2004, before me, a Notary Public in and for the State aforesaid, personally appeared FRANCES F. HUBER, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence and acknowledged that she executed the foregoing instrument for the purposes therein contained by signing her name thereto.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: July 1, 2007

STATE OF MARYLAND, ~~CITY~~/COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 2nd day of JULY, 2004, before me, a Notary Public in and for the State aforesaid, personally appeared JOHN PAFFENBARGER, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence and acknowledged that he executed the foregoing instrument for the purposes therein contained by signing his name thereto.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: July 1, 2007

STATE OF MARYLAND, ~~CITY~~/COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 2nd day of July, 2004, before me, a Notary Public in and for the State aforesaid, personally appeared JESSICA PAFFENBARGER, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence and acknowledged that she executed the foregoing instrument for the purposes therein contained by signing her name thereto.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: July 1, 2007

STATE OF MARYLAND, ~~CITY~~/COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY that on this 28th day of June, 2004, before me, a Notary Public in and for the State aforesaid, personally appeared HOWARD RITTER, JR., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence and acknowledged that he executed the foregoing instrument for the purposes therein contained by signing his name thereto.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: July 1, 2007

STATE OF MARYLAND, ~~CITY~~/COUNTY OF BALTIMORE, to wit:

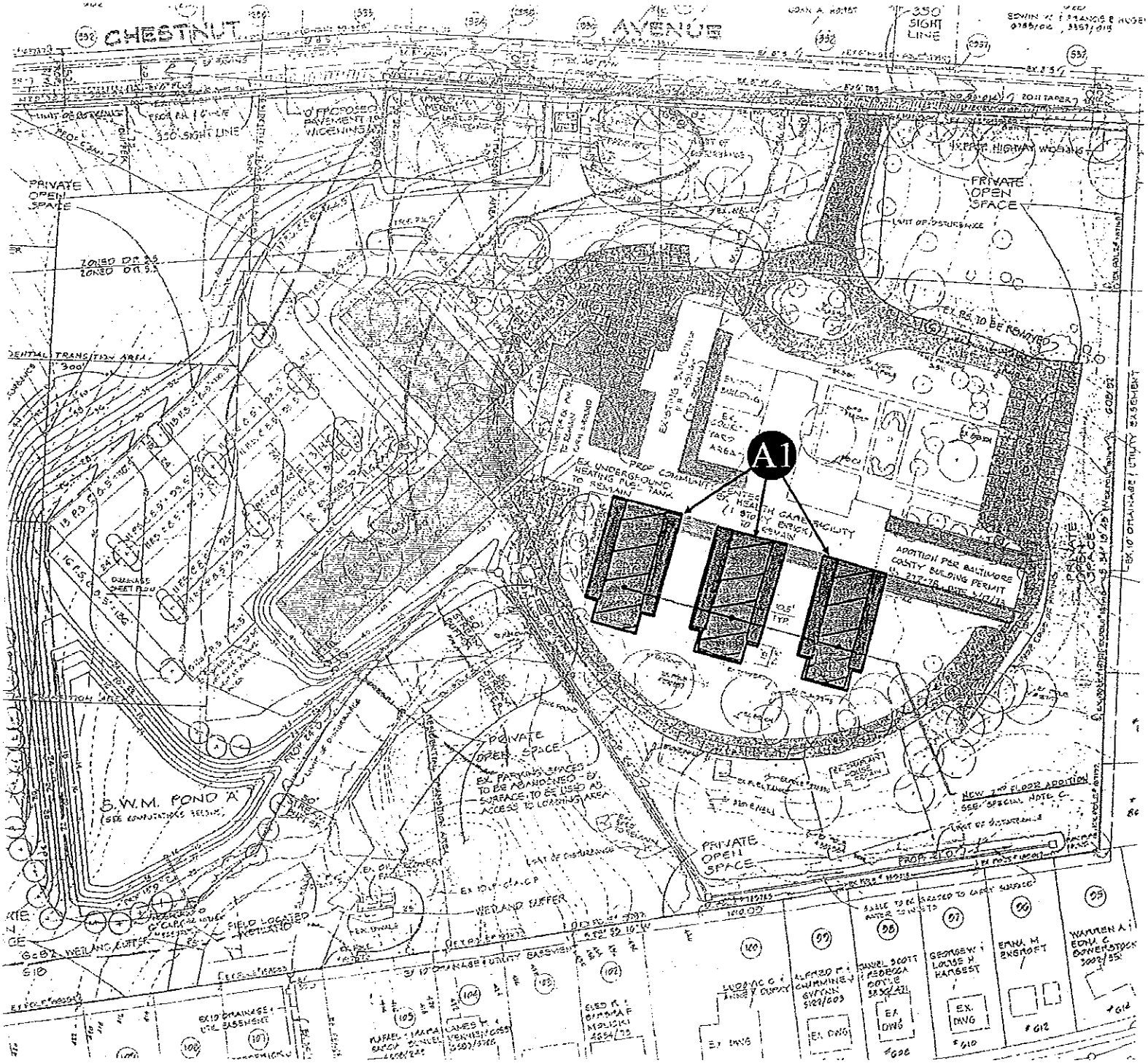
I HEREBY CERTIFY that on this 30th day of JUNE, 2004, before me, a Notary Public in and for the State aforesaid, personally appeared ROBERTA A. LEES, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence and acknowledged that she executed the foregoing instrument for the purposes therein contained by signing her name thereto.

AS WITNESS my hand and notarial seal.

Notary Public

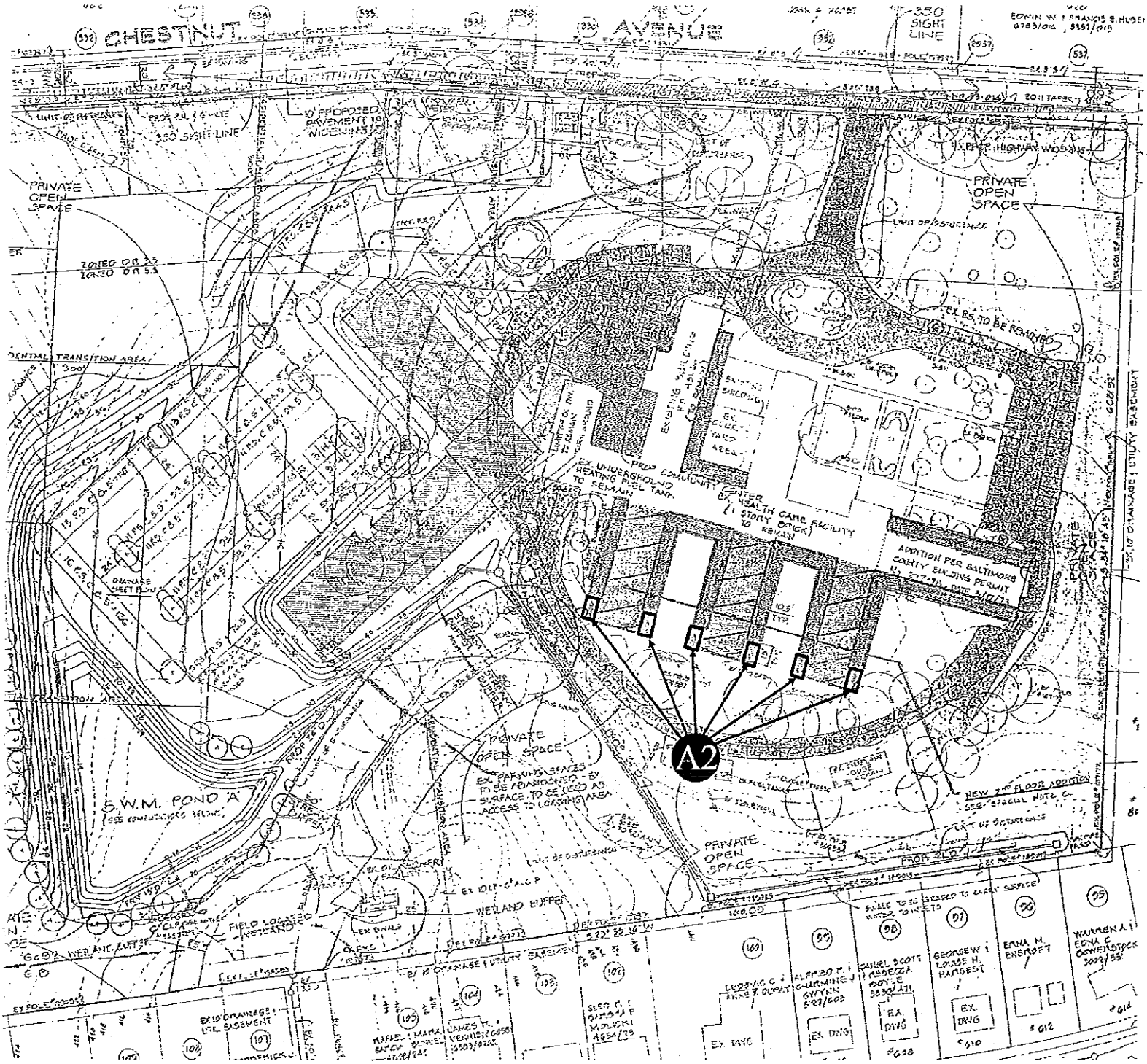
My Commission Expires: July 1, 2007

TO1DOCS1/JMB01/#187569 v1



AREA A1 OF EXHIBIT A, AS PART OF THE

SECOND AMENDMENT TO THE RESTRICTIVE COVENANT AGREEMENT



AREA A2 OF EXHIBIT A, AS PART OF THE

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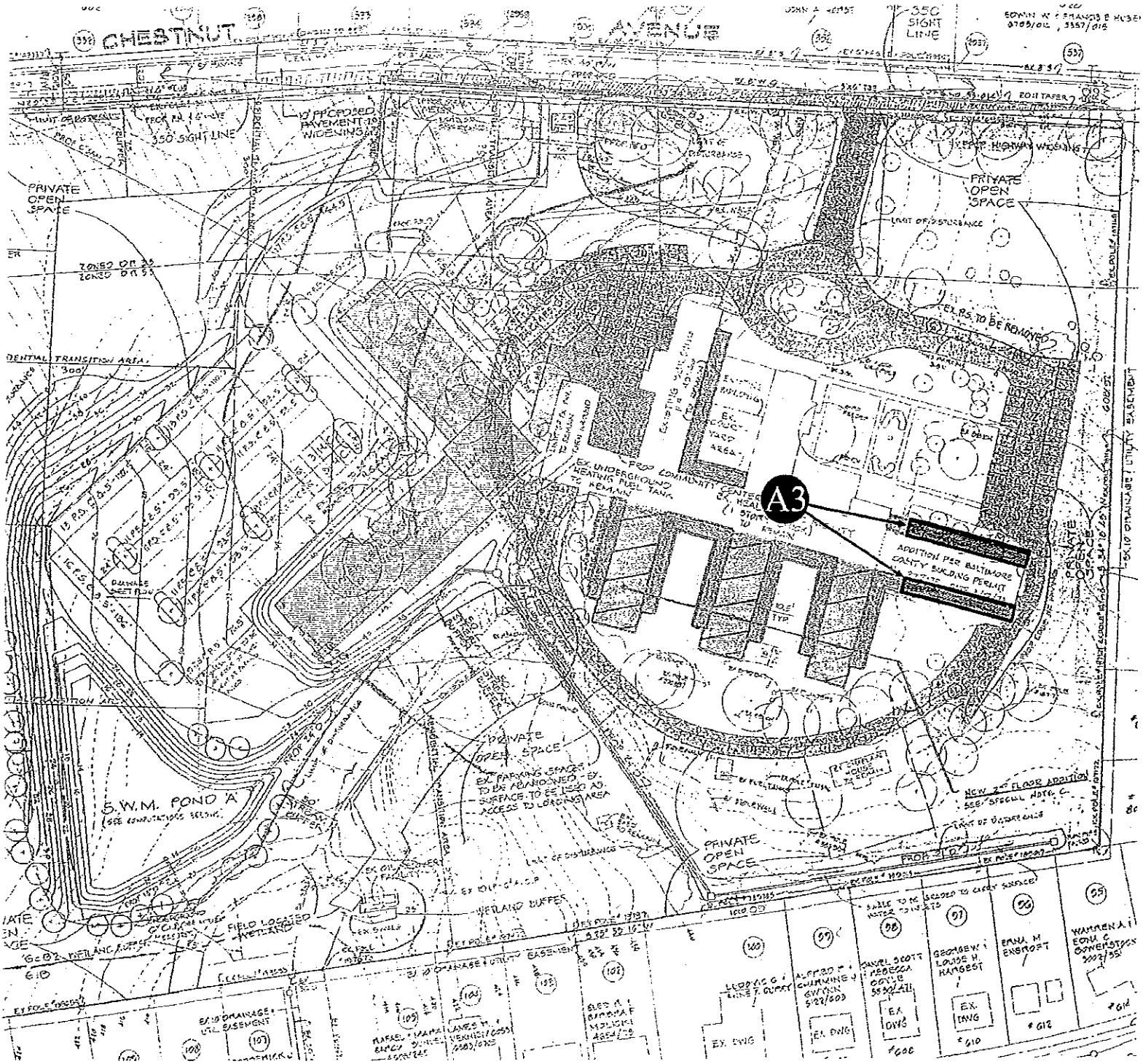

AREA A3 OF EXHIBIT A, AS PART OF THE

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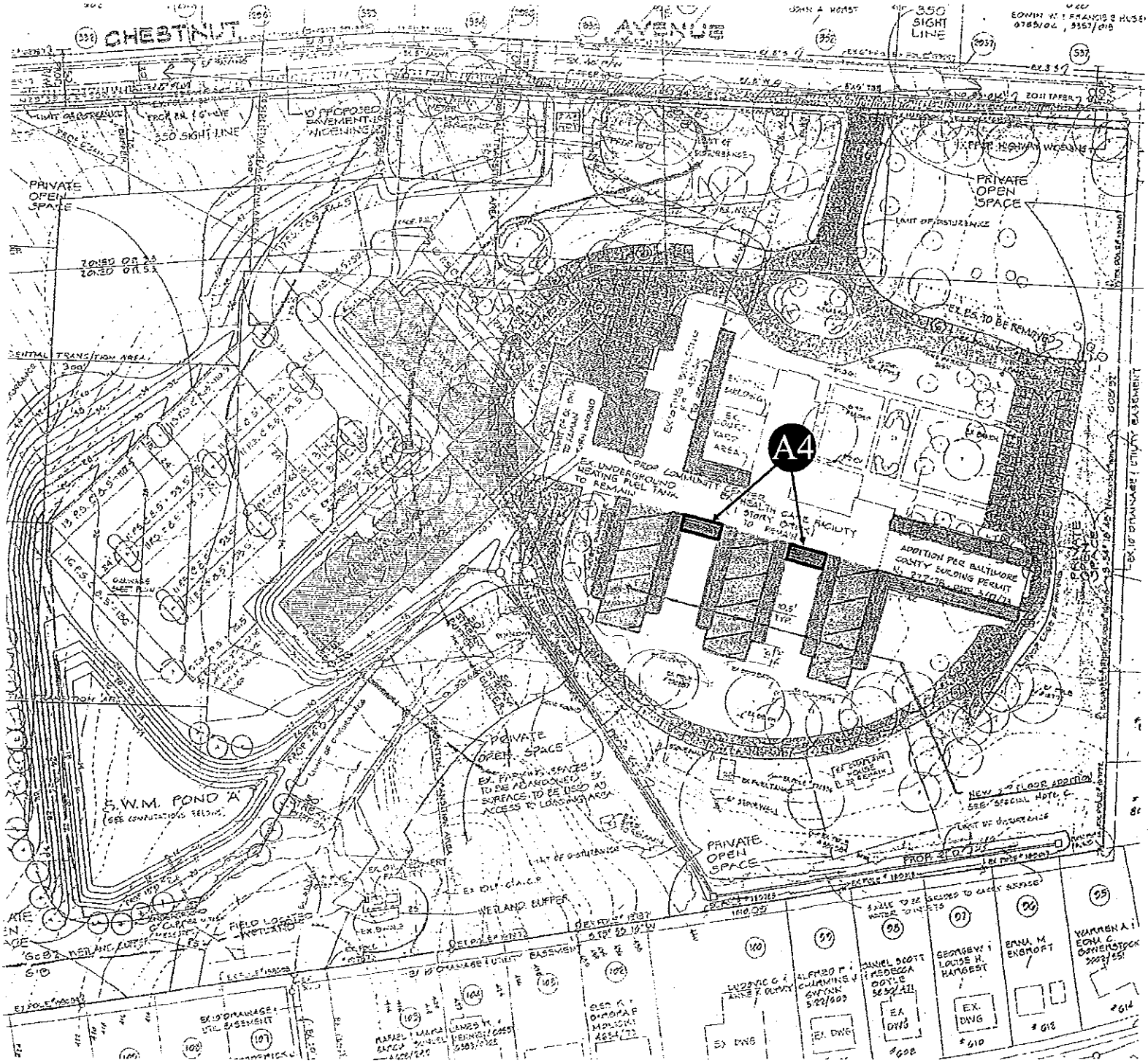
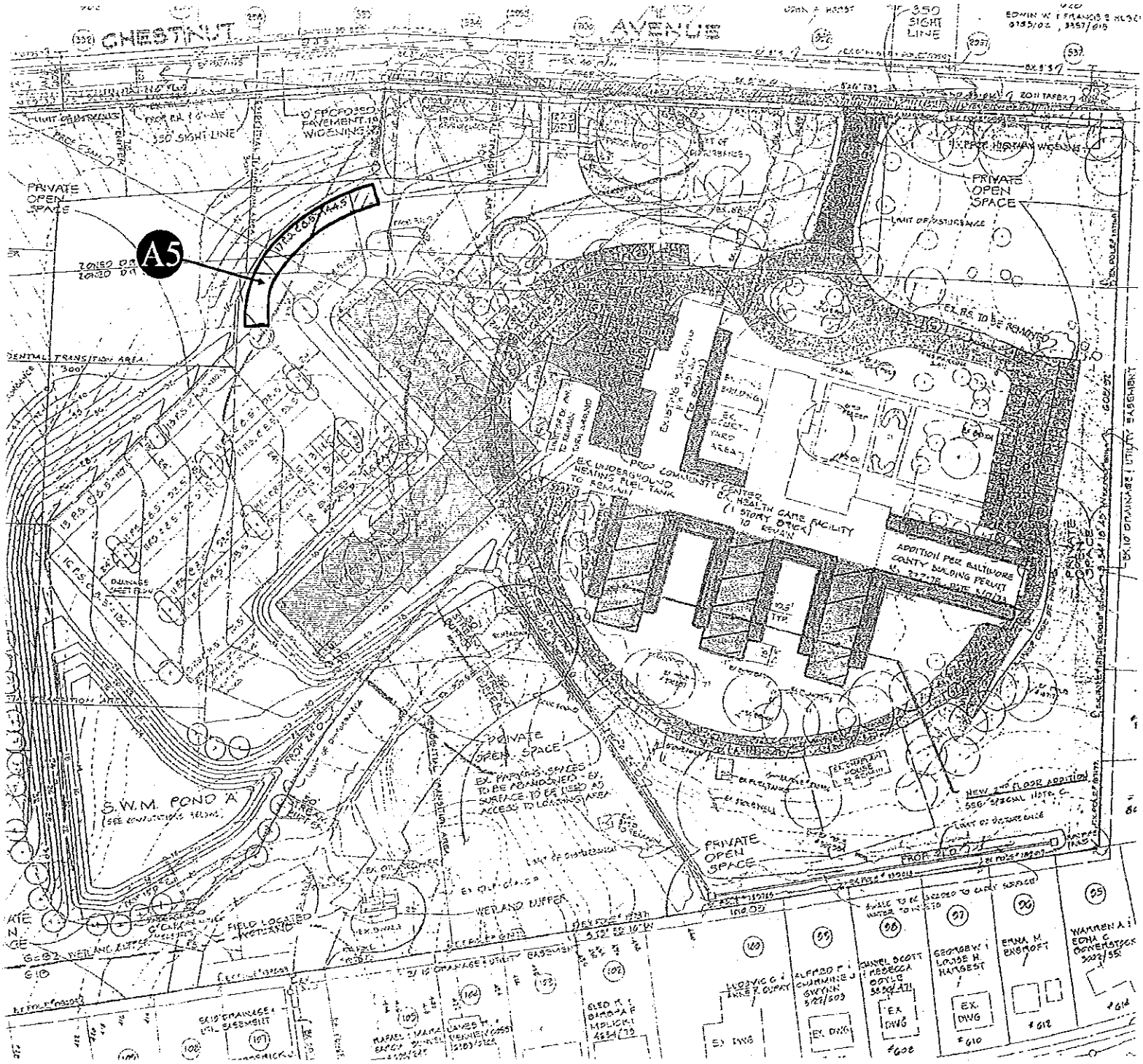


AREA A4 OF EXHIBIT A, AS PART OF THE

SECOND AMENDMENT TO THE RESTRICTIVE COVENANT AGREEMENT



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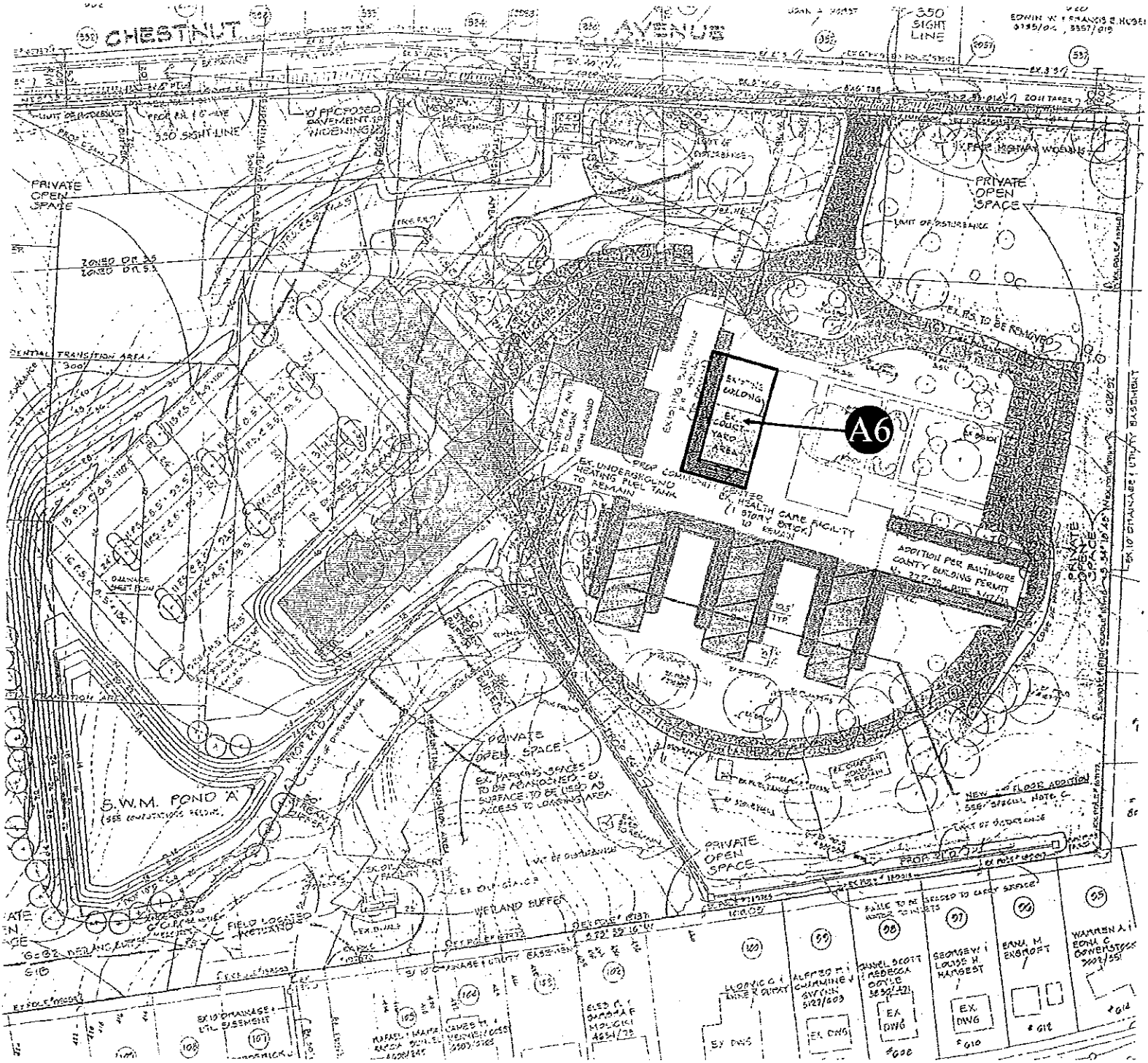

AREA A6 OF EXHIBIT A, AS PART OF THE

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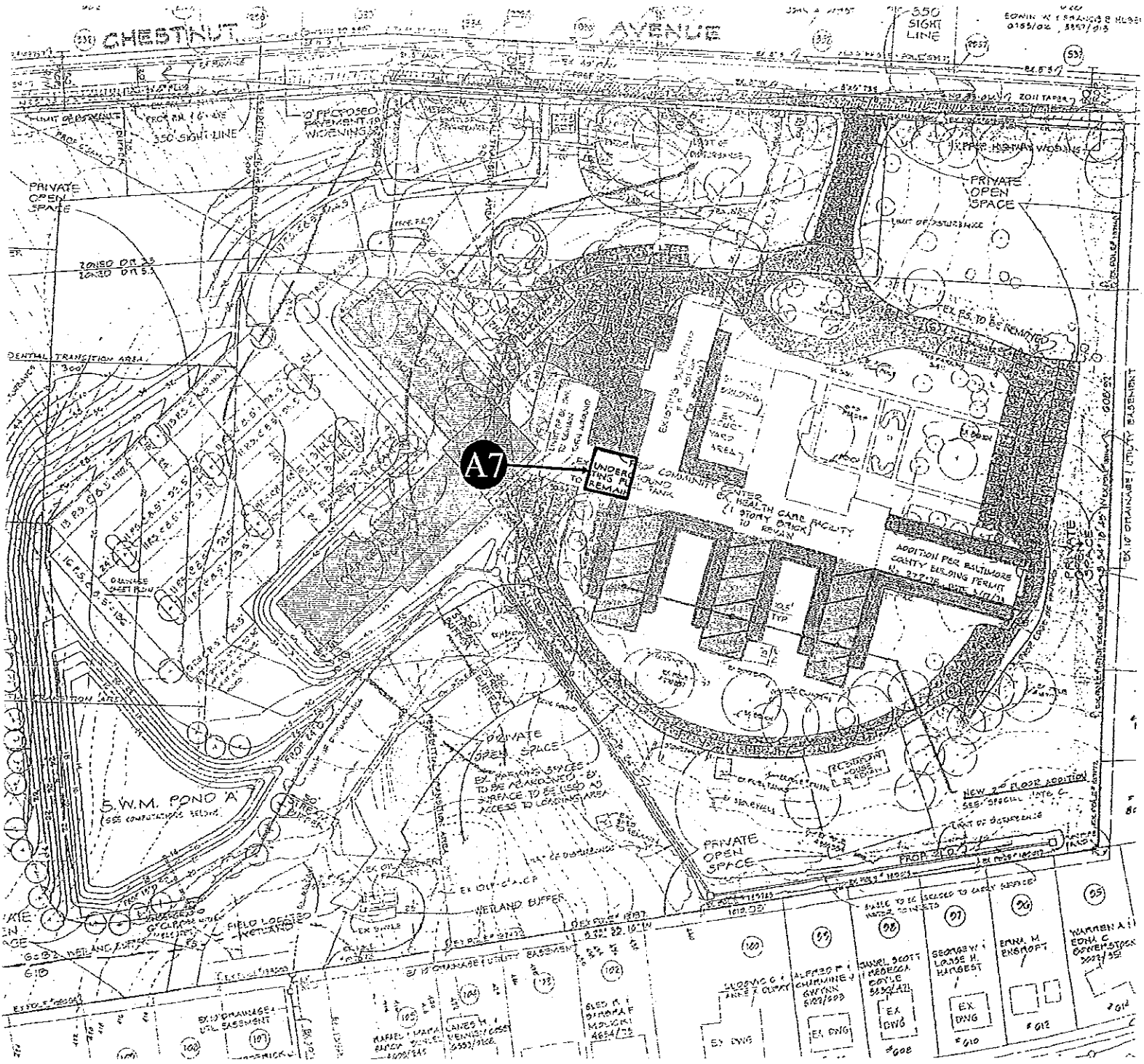

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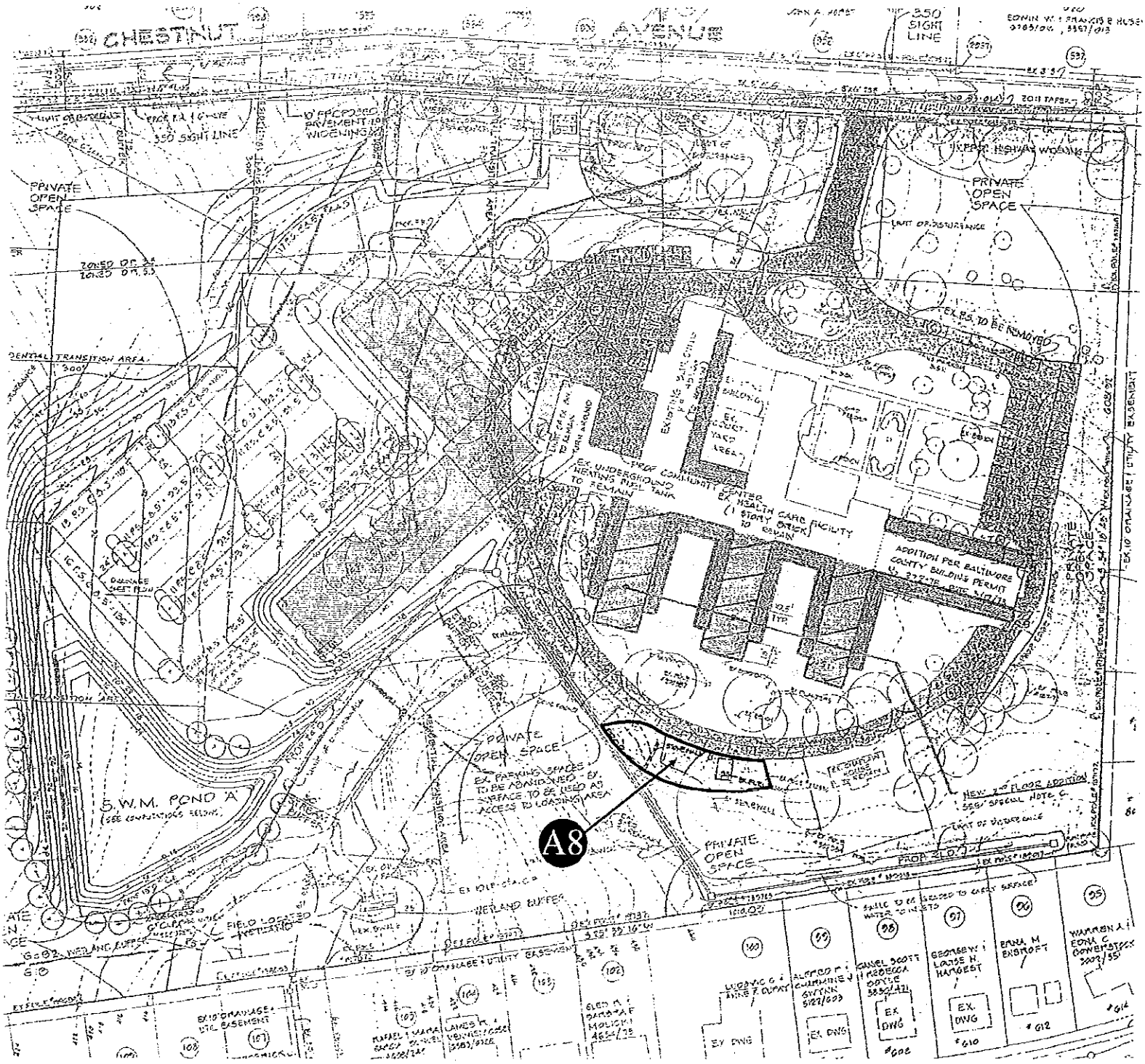

AREA A8 OF EXHIBIT A, AS PART OF THE

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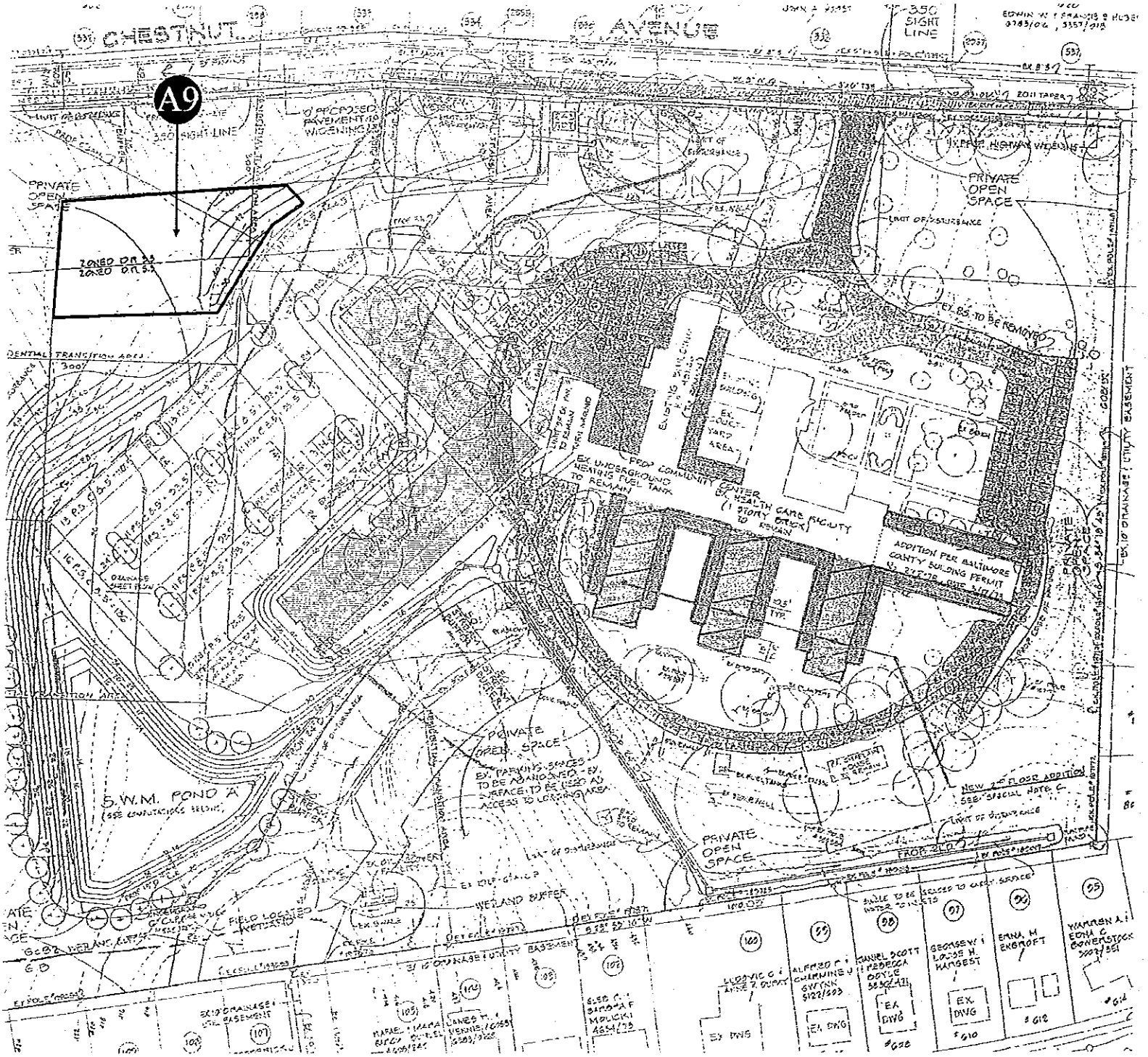

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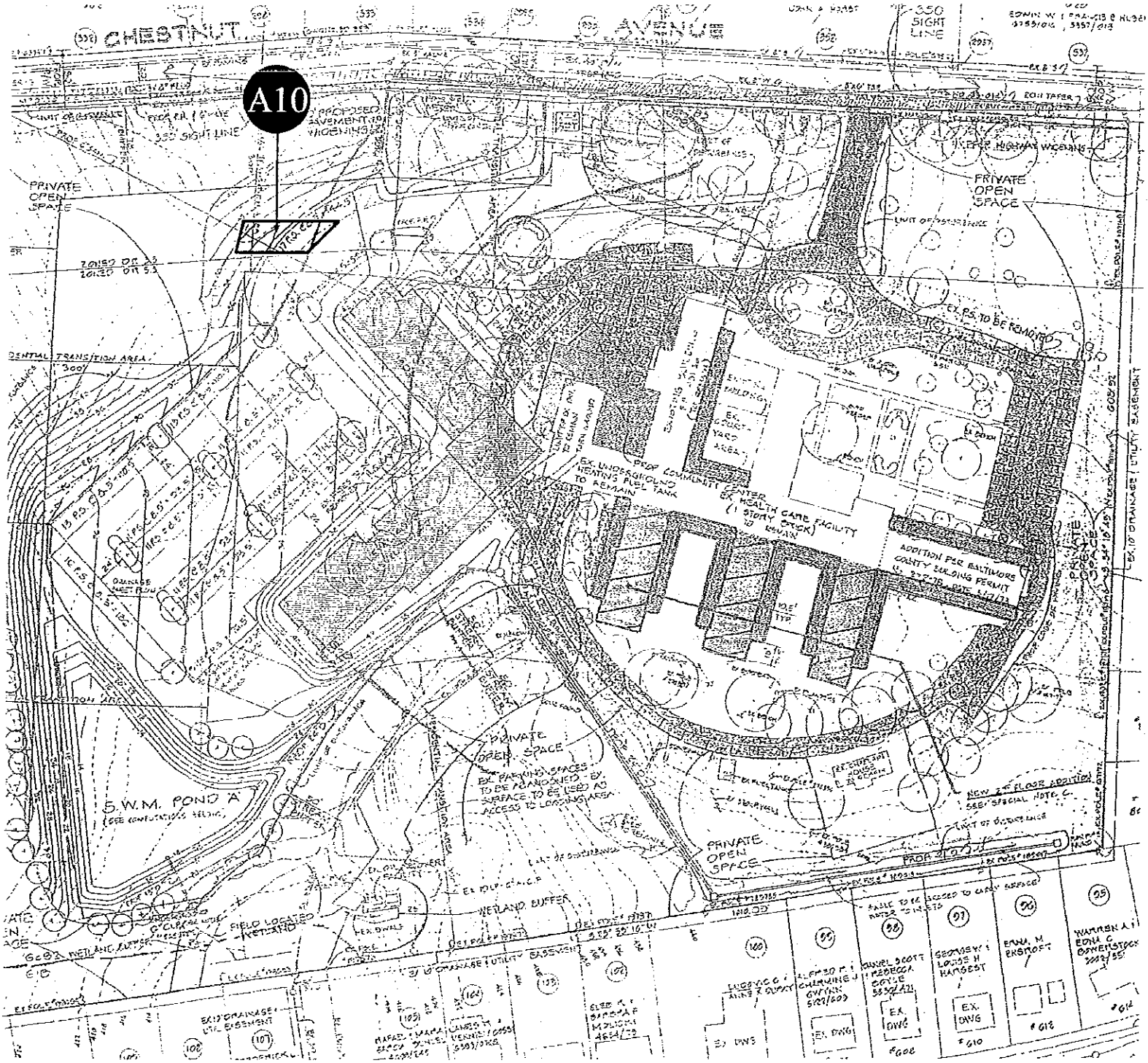

AREA A10 OF EXHIBIT A, AS PART OF THE

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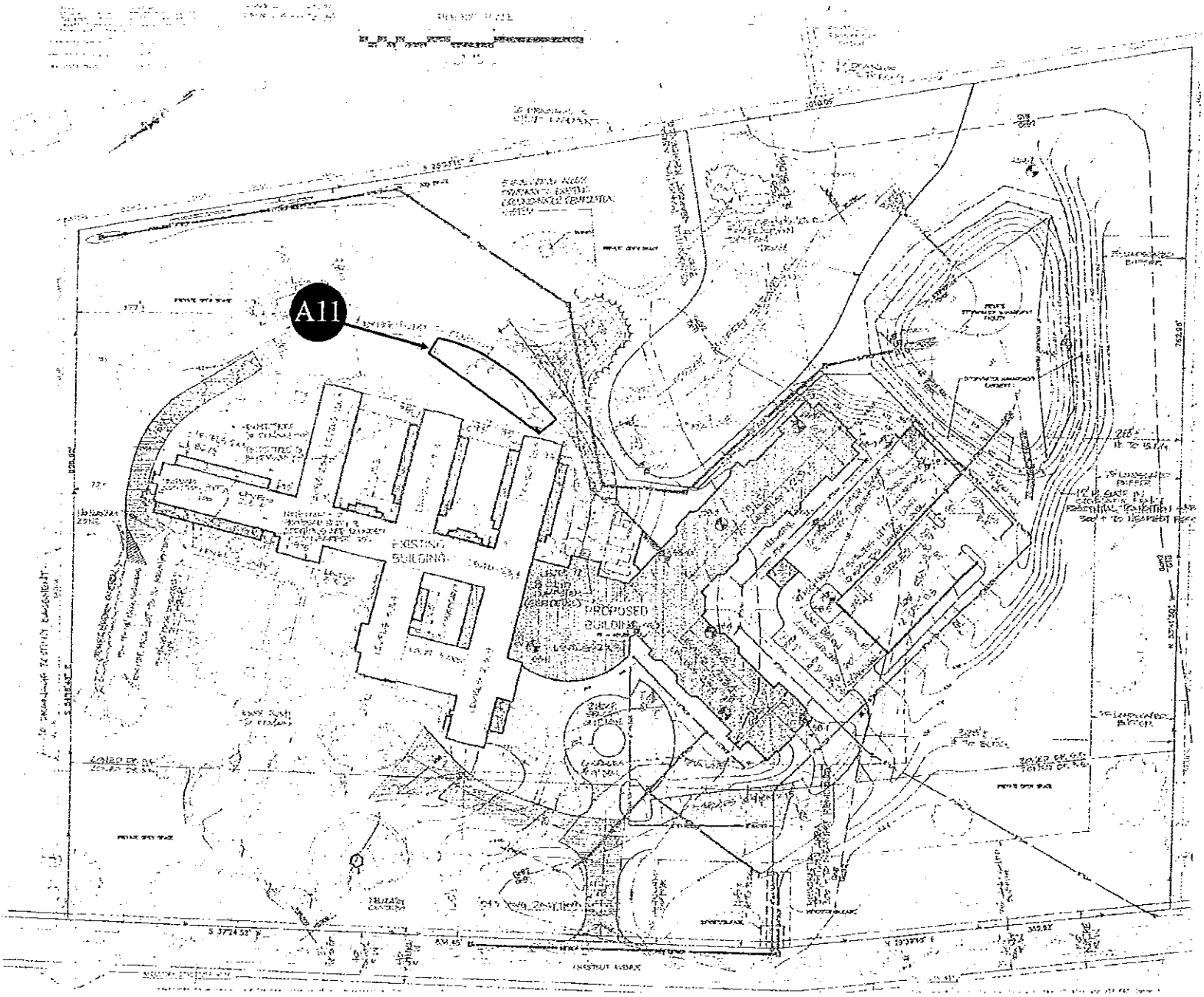

AREA A11 OF EXHIBIT A, AS PART OF THE

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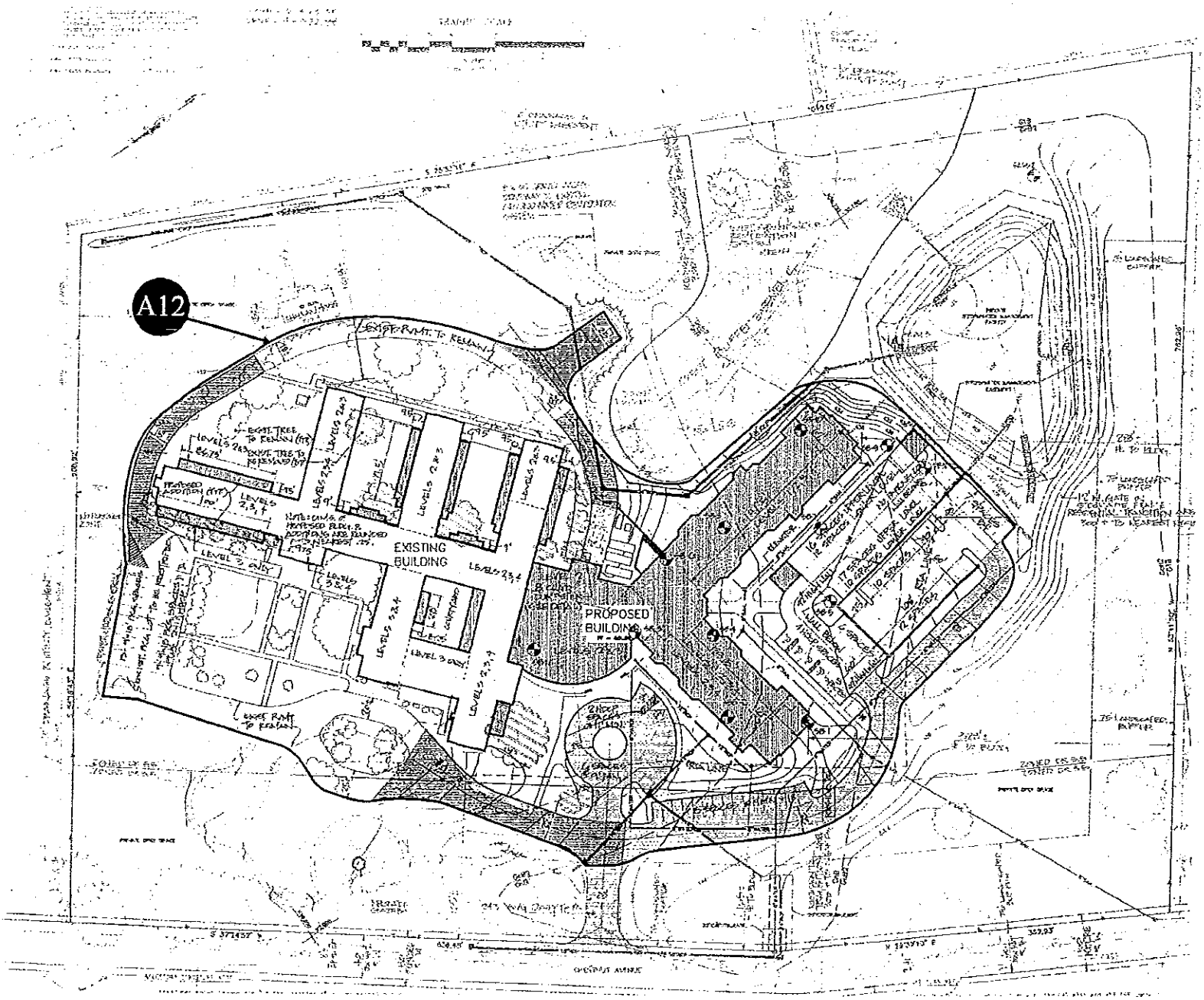

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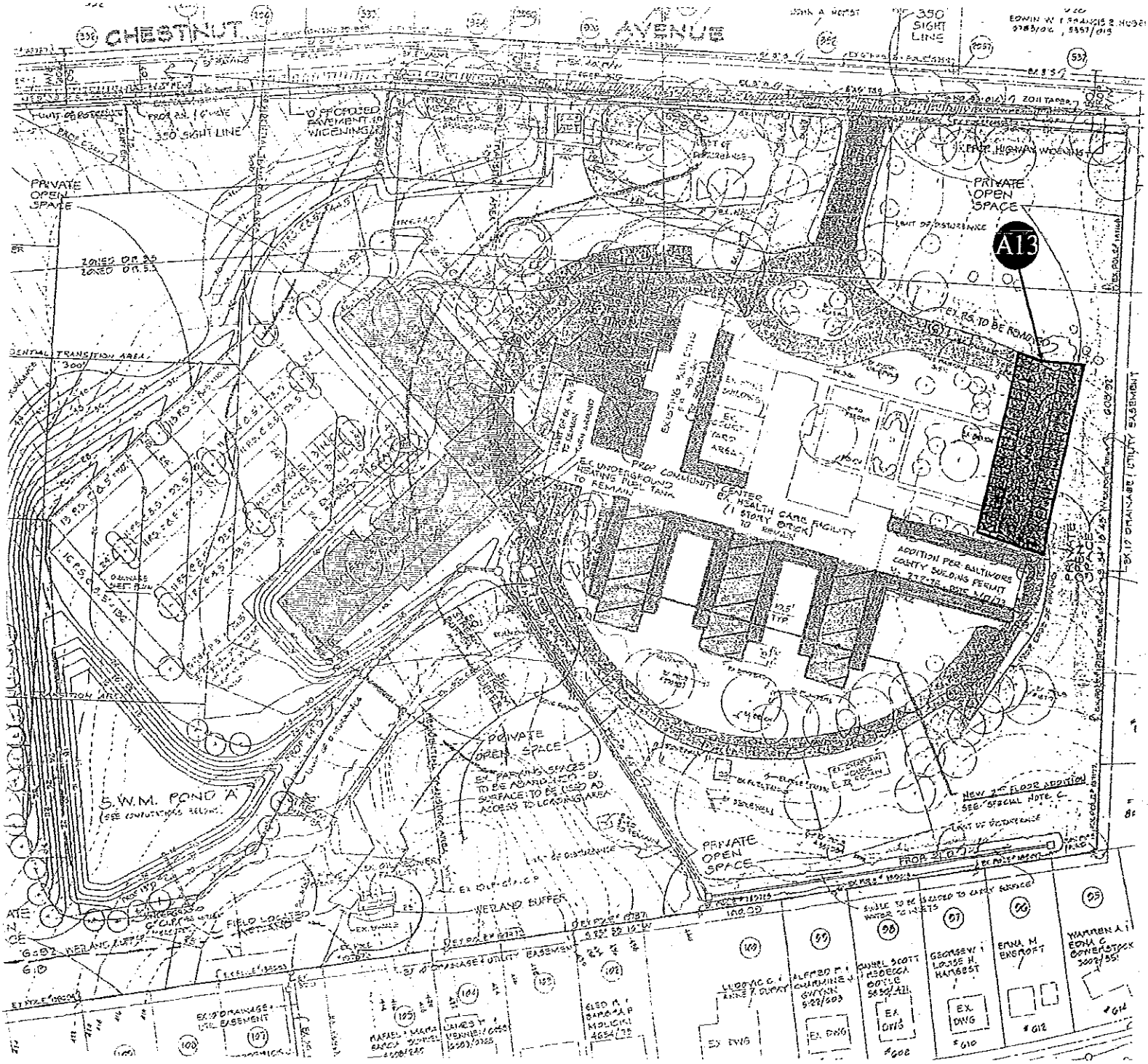

AREA A13 OF EXHIBIT A, AS PART OF THE

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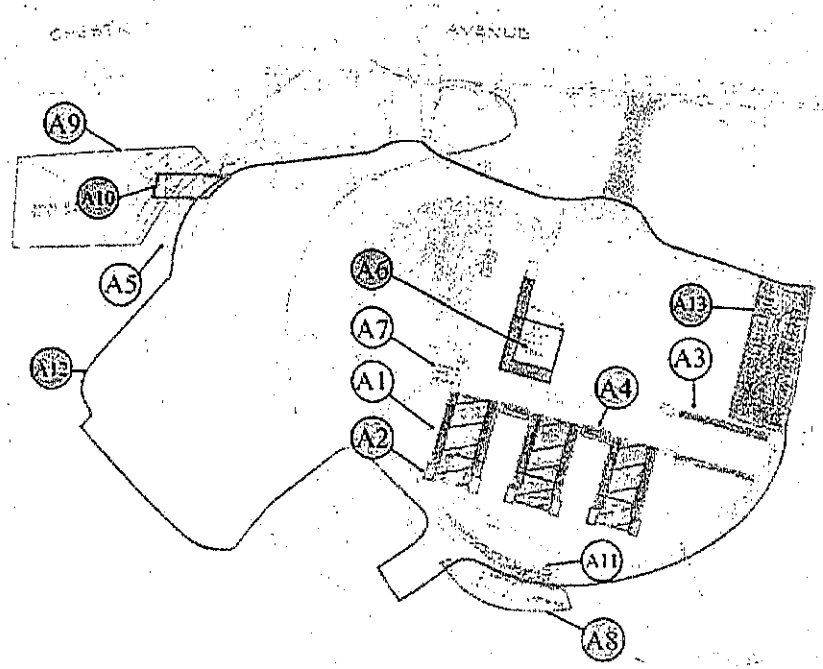
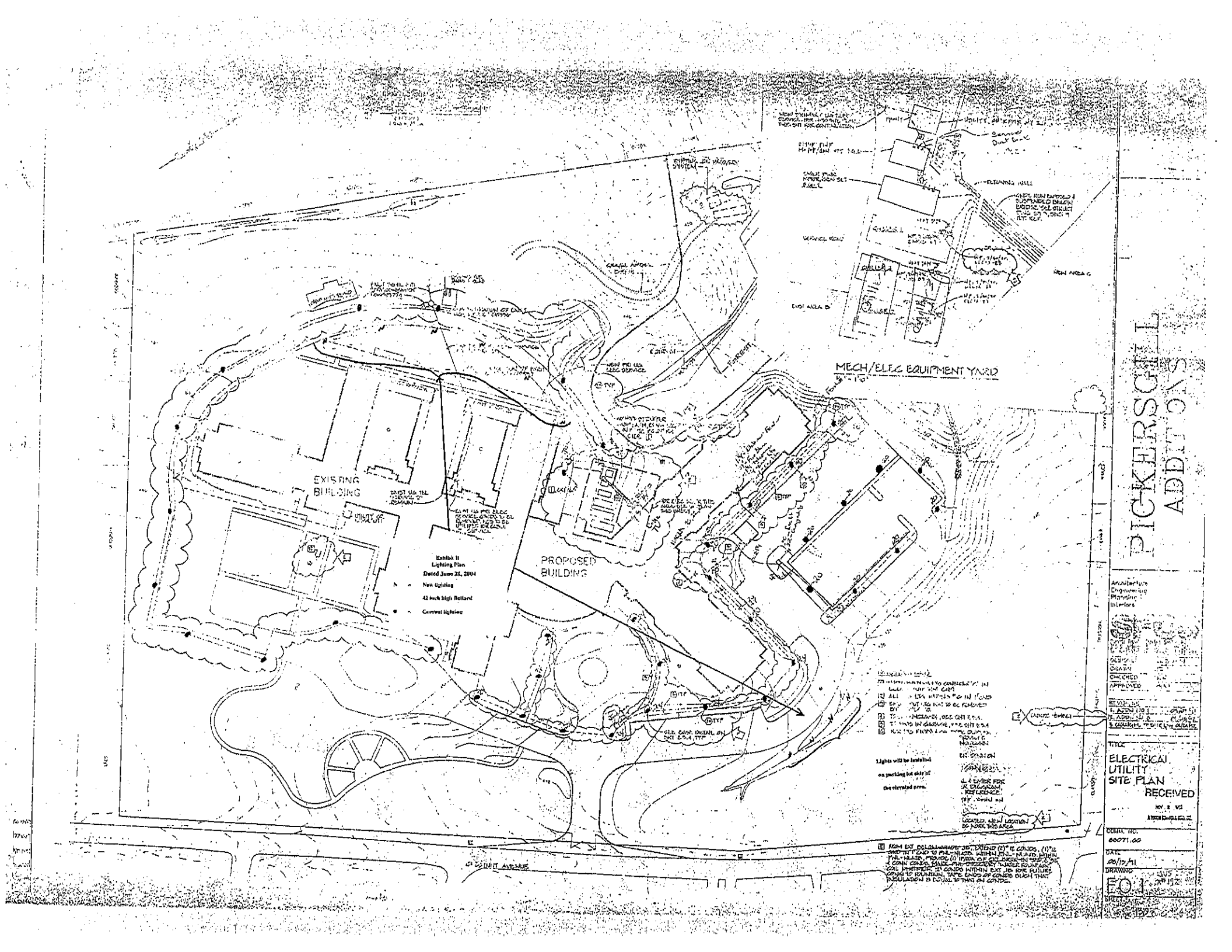
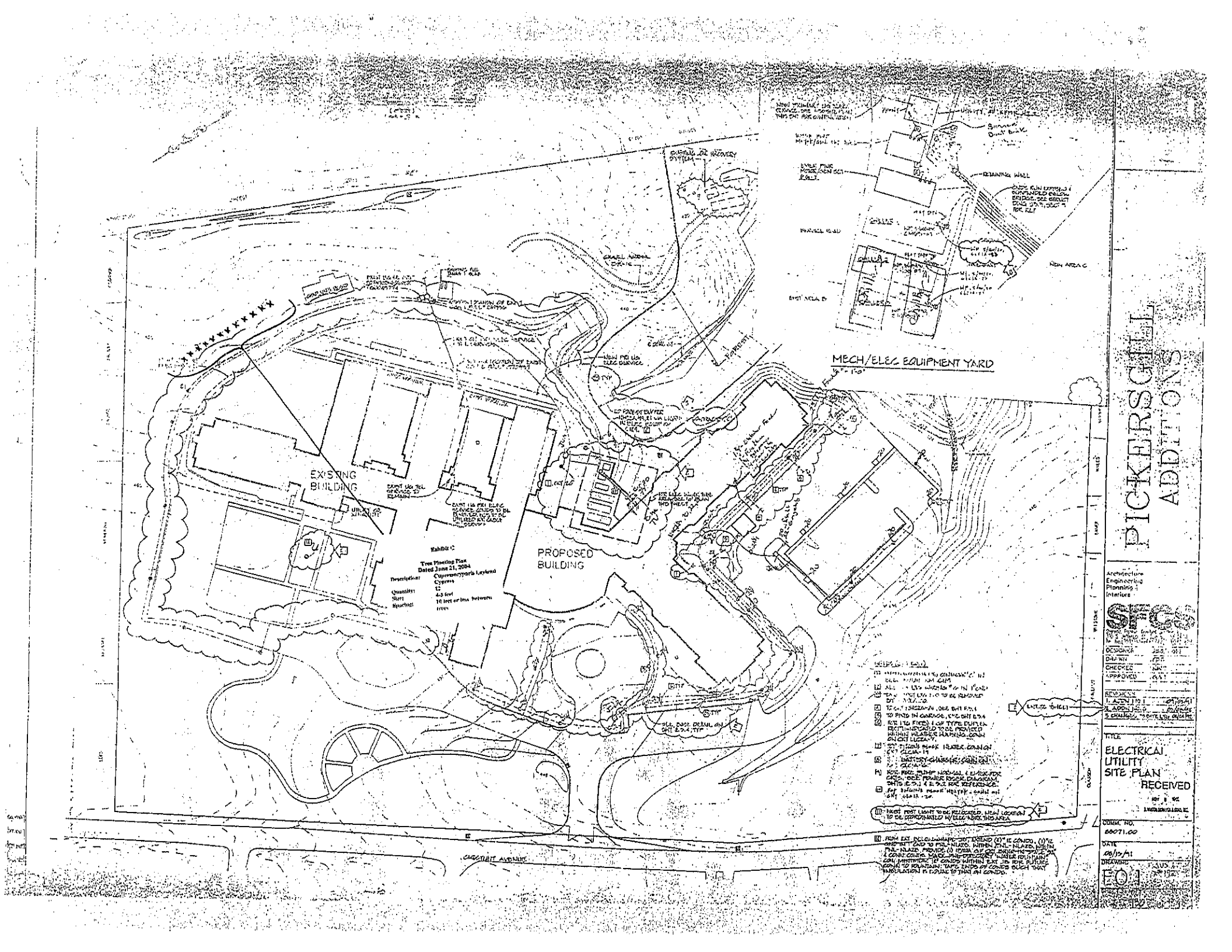


OVERALL PLAN OF EXHIBIT A, AREAS A-1 THROUGH A-13
OF THE SECOND AMENDMENT TO
THE RESTRICTIVE COVENANT AGREEMENT
Dated June 21, 2004


MECH/ELEC EQUIPMENT YARD
EXISTING BUILDING
PROPOSED BUILDING
Exhibit B
Lighting Plan
Dated June 25, 2004
New lighting
42 inch high Bollard
Current lighting
Lights will be installed on parking lot side of the elevated area.
PICKERSGILL ADDITION
Architecture
Engineering
Planning
Interiors
ELECTRICAL UTILITY SITE PLAN
RECEIVED
COMM. NO. 66071.00
DATE 06/17/11
DRAWING E0.1


MECH/ELEC EQUIPMENT YARD
EXISTING BUILDING
PROPOSED BUILDING
CHESTNUT AVENUE
PICKERSGILL ADDITION
Architecture
Engineering
Planning
Interiors
ELECTRICAL UTILITY SITE PLAN
RECEIVED
COMM. NO. 00071.00
DATE 08/10/01
DRAWING NO. E01

19890444 'A' supplemental

&

19890538 'A' supplemental

(1)

6/25/90

IN THE MATTER OF THE APPLICATIONS OF MARY R. WOLFE AND PICKERSGILL, INC. FOR SPECIAL HEARINGS AND IN THE MATTER OF PICKERSGILL ADDITION RE: CRG DECISION ON PROPERTY LOCATED ON THE SOUTHEAST SIDE OF CHESTNUT AVENUE, NORTH OF PICCADILLY ROAD (615 CHESTNUT AVENUE) 9TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NOS. 89-444-SPH 89-538-SPH AND CBA-89-156

* * * * * * * * *

OPINION

Case Nos. 89-444-SPH and 89-538-SPH come before this Board on appeal from a decision of the Zoning Commissioner finding that Case No. 89-444-SPH was dismissed as moot and Case No. 89-538-SPH granted the requested Petition with restrictions. Case No. CBA-89-156 is an appeal from a decision by the County Review Group (CRG) wherein the Plan was approved and is the sole jurisdiction of this Board. At a pretrial conference between the attorneys, the Board was made aware that, after lengthy and exhausting negotiations between the Petitioner and the Protestants noted as the Advisory Board/Neighbors, agreement had been reached on a Restrictive Covenant Agreement which was to be entered among the Land Records of Baltimore County prior to any development occurring. It was agreed between all parties that on the record this Restrictive Covenant Agreement would be entered as an exhibit and become a permanent part of the case file but that no actual testimony was to be presented. In lieu of testimony, it was agreed by all parties that the tapes from the entire Zoning Commissioner's hearing, the records from the CRG's hearing, and the entire case file would be presented. The Board has carefully considered all

of these factors and in lieu of a detailed Opinion and Order will adopt the Consent Order entered as Joint Exhibit No. 1B and the Restrictive Covenant Agreement entered as Joint Exhibit 1A as constituting a final Order in this case. These two exhibits are attached hereto and made a part hereof.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett

William T. Hackett, Chairman

Harry E. Buchheister, Jr.

Harry E. Buchheister, Jr.

Lynn B. Moreland

Lynn B. Moreland

DATE: June 25, 1990

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

June 25, 1990

J. Carroll Holzer, Esquire
Holzer, Maher & DeMilio
Suite 105
305 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case Nos. 89-444-SPH, 89-538-SPH, and CBA-89-156
(Mary R. Wolfe, Pickersgill, Inc. and Pickersgill Addition)

Dear Mr. Holzer:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

LindaLee M. Kuszmaul

LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Julius W. Lichter, Esquire
Howard L. Alderman, Jr., Esquire
Pickersgill, Inc.
Harris, Smariga Matz, Inc.
Keith S. Franz, Esquire
Director of Planning
Current Planning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey
David L. Thomas
S. Wallis
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Nancy C. West, Asst. County Attorney
Arnold Jablon, County Attorney

RECEIVED
JUN 26 1990
ZONING OFFICE
MICROFILMED

6/25/90

IN RE:	PICKERSGILL, INC. SE/s Chestnut Avenue N. of Piccadilly Road (615 Chestnut Avenue) Ninth Election District	*	BEFORE THE COUNTY BOARD OF APPEALS
	Appeal of Zoning Commissioner's Decision, Case Nos. 89-444-SPH and 89-538-SPH	*	OF BALTIMORE
COUNTY			
	Appeal of CRG Approval, July 13, 1989, of Pickersgill Addition Plan, Case No. CBA-89-156	*	

* * * * * * * * * * * * * *

CASES CONSOLIDATED

CONSENT ORDER

These appeals have been filed with this Board regarding the Baltimore County Review Group's approval on July 13, 1989 of the County Review Group Plan known and designated "Pickersgill Addition Plan" submitted by Pickersgill, Inc., a Maryland corporation ("Pickersgill"), and regarding the decision of the Baltimore County Zoning Commissioner on February 12, 1990 regarding Petitions for Special Hearing filed by Pickersgill and individual property owners in the neighborhood in which Pickersgill is located (the "Advisory Board"). The Neighbors who served as the "Advisory Board" (not pursuant to Section 432.3.F of the Baltimore County Zoning Regulations) and other property owners in the Pickersgill neighborhood who have objected to the Pickersgill development plans as originally presented to the County Review Group and the Zoning Commissioner (these neighborhood owners together with the neighbors who served as an

RECEIVED

advisory board collectively shall be hereinafter referred to as the "Neighbors"). The three appeals have been consolidated for hearing before this Board.

Pickersgill is a non-profit corporation and the legal owner of a tract of land (the "Property") consisting of approximately 16.4 acres, located on the east side of Chestnut Avenue, between Trafalgar and Piccadilly Roads, in the Fourth Councilmanic District of Baltimore County, Maryland, which tract is more particularly described in two deeds recorded among the Land Records of Baltimore County in Liber 1326, folio 311, and Liber 1429, folio 140. The Property is presently improved with a convalescent/nursing home granted under a Special Exception pursuant to the Baltimore County Zoning Regulations in Case Nos. 4323-X and 83-253-SPH. Approximately 12.78 acres of the Property are presently zoned D.R. 5.5 and approximately 3.62 acres are presently zoned D.R. 3.5.

On July 13, 1989, the Baltimore County Review Group ("CRG") approved at a public hearing the Pickersgill Addition Plan, IX-540/89118, wherein Pickersgill's conceptual and schematic proposal called for renovations and additional improvements to the existing convalescent/nursing home and for the construction of 100 new rental apartments for the elderly. The CRG approval of the Pickersgill Addition Plan was given over the objection of the Neighbors. The neighbors who served as an advisory board filed an appeal of the CRG approval to the Baltimore County Board of Appeals on July 28, 1989.

Pickersgill filed with the Zoning Commissioner a Petition for Special Hearing, known as Case No. 89-538-SPH, to amend the site plan approving the Special Exception for a Convalescent Home on the Property in Case Nos. 4324-X and 83-253-SPH consistent with the CRG approved Pickersgill Addition Plan, and seeking a determination that the existing and proposed improvements were an integrated and unified facility for the elderly and that the Baltimore County Zoning Regulations do not assign or calculate density as to the existing convalescent/nursing home use. Pickersgill presented expert testimony to support their position that neither its existing use nor its proposed development would constitute an "assisted living facility" as defined in the Zoning Regulations. Pickersgill's expert witness testified that the Baltimore County Zoning Regulations do not assign or calculate density with regard to convalescent/nursing home uses and that both the existing and proposed uses were "like" residential uses each with separate zoning requirements (one permitted as of right and one by special exception) to be constructed and utilized as an integrated facility on the same parcel of land. Applying the Zoning Commissioner's Policy No. RM-22, Pickersgill's expert further opined that residential density was to be calculated on the overall acreage and that since no density was attributable to the existing use pursuant to the Baltimore County Zoning Regulations, the entire 82.96 density units were available for the proposed development of an apartment mix containing 100 apartments for rent to the elderly.

The neighbors who served as an advisory board filed with the Zoning Commissioner for Baltimore County a Petition for Special Hearing, known as Case No. 89-444-SPH, wherein they objected to Pickersgill's calculation of available density on the Property and the classification of the existing and proposed improvements. The expert witness testifying on behalf of the Neighbors before the Zoning Commissioner opined that the existing 94 domiciliary care beds and the 75 comprehensive care beds located within the convalescent/nursing home, for which Pickersgill is presently licensed, are synonymous with an "assisted living facility" as defined in the Zoning Regulations requiring calculation of density at .25 density units per bed. Using this method of allocating density, the Neighbors' expert witness opined further that the existing use at Pickersgill utilized 43.25 density units, leaving a total of 39.61 density units available on the subject property for the development of rental apartments for the elderly. In the alternative, the expert witness for the Neighbors opined that the existing use on the subject property was supported by 9.13 acres leaving the balance of the site, 1.33 acres zoned DR 3.5 and 5.94 acres zoned DR 5.5, for development; yielding a total of 37.34 density units available for development of rental apartments for the elderly.

After the completion of a five-day hearing before the Zoning Commissioner, at which time both Pickersgill and the Neighbors presented complete and exhaustive testimony of their respective positions relative to a number of issues including the issue of

available density on the Property, counsel for the respective parties submitted legal memoranda in support of their respective positions. This Board has considered the taped proceedings before the Zoning Commissioner and the legal memoranda submitted, together with all demonstrative evidence presented at those hearings.

On February 12, 1990, the Zoning Commissioner for Baltimore County granted Pickersgill's Petition in part, subject to six enumerated restrictions and dismissed the Neighbors' Petition as well as portions of Pickersgill's Petition. The Zoning Commissioner found that the issue of density for elderly housing facilities and the application of special exception uses were not addressed in legislation adopted by the Baltimore County Council. The Zoning Commissioner held that, "consistent with existing policy, an area review and not a density review" was the correct method of calculating density on the Pickersgill site. The Zoning Commissioner rejected the Neighbors' and Pickersgill's density calculations and applied a hybrid approach of the expert opinions before him. Assigning approximately .078994 acres of land zoned DR 3.5, and 3.641 acres zoned DR 5.5 to the existing convalescent/nursing home use, the Zoning Commissioner found that the remaining acreage was available for density calculation to be applied to the proposed apartments. Using this hybrid approach, the Zoning Commissioner found that there was a total of 62.657 density units available on the Pickersgill site.

On February 15, 1990, Pickersgill filed an appeal of the

Zoning Commissioner's decision and the relief granted pursuant to its Petition in Case No. 89-538-SPH. On March 14, 1990, the Neighbors filed an appeal of the relief granted pursuant to Pickersgill's Petition in Case No. 89-538-SPH and to the dismissal by the Zoning Commissioner of the Neighbors' Petition in Case No. 89-444-SPH.

The appeal of the CRG plan approval and the respective appeals to the Order of the Zoning Commissioner were scheduled to be heard by the Baltimore County Board of Appeals, beginning on May 23, 1990.

All parties have requested that this Board consolidate the aforedescribed appeals and the request has been granted. The Neighbors and Pickersgill have met and negotiated in an effort to reach agreement on modification of Pickersgill's plans to make renovations and additions to its existing facility and to integrate therewith, the construction of a new community center and apartments for rent to the elderly. The modifications sought by the Neighbors include a reduction in the proposed number of new apartments, and a reduction in the size, scope and potential impacts of the proposed construction on the surrounding neighborhood.

After numerous meetings and negotiations, the parties have advised this Board that they have successfully reached an Agreement, which they have reduced to writing in the form of a Restrictive Covenant Agreement dated May 23, 1990. It is the intent of all parties that the provisions of said Agreement be

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incorporated into any decision made by the executive branch of Baltimore County relative to Pickersgill's plans as described herein, and that said Agreement be recorded among the Land Records of Baltimore County.

All parties to this case have requested this Board, pursuant to a proposed "Consent Order" jointly submitted, to adopt and incorporate the provisions of the Restrictive Covenant Agreement dated May 21, 1990 between the parties into the Final Order of this Board.

Every case creates its own unique set of facts and circumstances, and this Order is narrowly tailored to address the facts and circumstances arising out of the particular use proposed at the subject location. Expert and lay witnesses for both the Petitioner and the Neighbors candidly recognized the growing need for quality, affordable housing and care for Baltimore County's growing elderly population. Further, the preamble of County Council Bill No. 36-88 aforementioned, now Section 432 of the B.C.Z.R., clearly indicates the intent of the drafters of this legislation to "especially encourage" and "promote" housing for the elderly.

In view of the above, the Board of Appeals should afford every benefit and right to the elderly residents of this County insofar as the relief is consistent with the B.C.Z.R.

It is clear that the B.C.Z.R. permits the continued use of the existing nursing home in the D.R. 5.5 zone by special exception. It is equally clear that the continued use would not

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be detrimental to the primary uses in the vicinity. In accordance with the provisions of Section 502.1 of the B.C.Z.R., Pickersgill has shown that the continued use subject to the restrictions, conditions and limitations of the Agreement 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 continued use on the Property as limited by the Agreement would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone.

The continued use of the existing nursing home, additions thereto, and the proposed elderly housing facility 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 B.C.Z.R. if developed in accordance with the conditions and restrictions contained in this Order.

There was no evidence submitted that the decision of the CRG was arbitrary or otherwise illegal under the mandate of Section 22-61 of the Baltimore County Code, therefore, the Board affirms the findings of the CRG as modified by the agreement of the parties and further finds that said modifications are non-material amendments of the approved CRG Plan and are merely plan refinements, as defined in the CRG Comprehensive Manual of

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Administrative Procedures, and will so order and shall not require compliance with the amendment procedure set forth in Section 22-63 of the Baltimore County Code.

This Board has considered the Restrictive Covenant Agreement, together with the complete file of the County Review Group, and the evidence and exhibits presented at the hearings before the Zoning Commissioner, together with and as recorded on the seven recording tapes of the Zoning Commissioner's hearings.

Pursuant to the advertising, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the Petitioner's Petition for Special Hearing shall be granted, in part, and the Neighbors' Petition for Special Hearing dismissed and the Neighbors' Appeal of the approved CRG Pickersgill Addition Plan shall be DENIED, all as more particularly described below.

THEREFORE, IT IS ORDERED by the County Board of Appeals for Baltimore County this 25th day of JUNE , 1990 that: Special Exception Case No. 4324-X shall be amended to reflect the use of the Property for the existing convalescent/nursing home, together with uses accessory and incidental thereto, and additions, modifications and changes as shown on Exhibit 1, and as an integrated facility this Board hereby approves apartments for the elderly having a density for the apartment units of 70 Density Units consistent with the spirit and intent of the B.C.Z.R. and as permitted by the existing zoning classification of the

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Property and as agreed upon by the parties to these appeals in Case Nos. 89-538-SPH and 89-444-SPH and this Board affirms the decision of the County Review Group (CRG) approving the Pickersgill Addition Plan in Case No. CBA-89-156 as modified by this Order and the Restrictive Covenant Agreement, and this Board orders that said modifications are non-material in nature and are merely plan refinements, as defined in the CRG Comprehensive Manual of Administrative Procedures, not subject to the amendment procedure set forth in Section 22-63 of the Baltimore County Code. The approvals granted herein are subject to the following restrictions, conditions and limitations:

1. The Pickersgill Addition Plan hereby approved shall conform in all respects to the terms and conditions of the May 23, 1990 Restrictive Covenant Agreement and Exhibits thereto, which are incorporated as part of this Order as if they were fully set forth herein.

2. The approvals granted pursuant to this Order subject to the limitations and restrictions herein shall survive any provision of the Restrictive Covenant Agreement between the parties to the contrary.

Any appeal from this decision must be made in accordance with
Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY

William T. Hackett

William T. Hackett, Chairman

Lynn B. Moreland

Lynn B. Moreland

Harry E. Buchheister, Jr.

Harry E. Buchheister, Jr.

5/23/90.

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RESTRICTIVE COVENANT AGREEMENT

THIS RESTRICTIVE COVENANT AGREEMENT (the "Agreement") is entered into this 23rd day of MAY , 1990, by and between PICKERSGILL, INC., a Maryland corporation ("Pickersgill"), and MARY R. WOLFE, GAIL B. O'DONOVAN, ELIZABETH SEXTON, SUSAN J. MEINERT, JOHN HODGE-WILLIAMS, FREDERICK J. WILLEY, NAOMI WILLEY, and HARRY R. KAKEL, (the "Advisory Board"), DAWSON L. FARBER, JR., ERWIN W. HUBER, FRANCES F. HUBER, SARAH P. DAIGNAULT, HOWARD RITTER, JR., and ROBERTA A. LEES (together with the Advisory Board are collectively referred to hereinafter as the "Neighbors").

RECITALS:

A. Pickersgill is a non-profit corporation and the legal owner of a tract of land (the "Property") consisting of approximately 16.4 acres, located on the east side of Chestnut Avenue, between Trafalgar and Picadilly Roads, in the Fourth Councilmanic District of Baltimore County, Maryland, which tract is more particularly described in two deeds recorded among the Land Records of Baltimore County in Liber 1326, folio 311, and Liber 1429, folio 140. The Property is presently improved with a convalescent/nursing home granted under a Special Exception pursuant to the Baltimore County Zoning Regulations in Case Nos. 4323-X and 83-253-SPH.

B. Approximately 12.78 acres of the Property are presently zoned D.R. 5.5 and approximately 3.62 acres are presently zoned

D.R. 3.5.

C. On July 13, 1989, the Baltimore County Review Group ("CRG") approved at a public hearing the Pickersgill Addition Plan, IX-540/89118, wherein Pickersgill's conceptual and schematic proposal called for renovations and additional improvements to the existing convalescent/nursing home and for the construction of 100 new rental apartments for the elderly. The CRG approval of the Pickersgill Addition Plan was given over the objection of the Neighbors. The Advisory Board filed an appeal of the CRG approval to the Baltimore County Board of Appeals on July 28, 1989.

D. The Advisory Board filed with the Zoning Commissioner for Baltimore County a Petition for Special Hearing, known as Case No. 89-444-SPH, wherein they objected to Pickersgill's method of calculating available density on the Property and the classification of the existing and proposed improvements. The expert witness testifying on behalf of the Neighbors before the Zoning Commissioner opined that the existing 94 domiciliary care beds and the 75 comprehensive care beds, for which Pickersgill is presently licensed, are synonymous with an "assisted living facility" as defined in the Zoning Regulations requiring calculation of density at .25 density units per bed. Using this method of allocating density, the Neighbors' expert witness opined further that the existing use at Pickersgill utilized 43.25 density units, leaving a total of 39.61 density units available on the subject property for development. In the alternative, the expert

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witness for the Neighbors opined that the existing use on the subject property was supported by 9.13 acres leaving the balance of the site, 1.33 acres zoned DR 3.5 and 5.94 acres zoned DR 5.5, for development; yielding a total of 37.34 density units available for development.

E. Pickersgill filed with the Zoning Commissioner a Petition for Special Hearing, known as Case No. 89-538-SPH, to amend the site plan approving the Special Exception for a Convalescent Home on the Property in Case Nos. 4324X and 83-253-SPH consistent with the Pickersgill Addition Plan, and seeking a determination that the existing and proposed improvements were an integrated and unified facility for the elderly and, therefore, that there is no density calculation associated with the existing convalescent/nursing home use. Pickersgill presented testimony that neither its existing use nor its proposed development would constitute an "assisted living facility" as defined in the Zoning Regulations. Pickersgill's expert witness opined that both the existing and proposed uses were "like" residential uses each with separate zoning requirements (one permitted as of right and one by special exception) to be constructed and utilized as an integrated facility on the same parcel of land. Applying the Zoning Commissioner's Policy No. RM-22, Pickersgill's expert further opined that residential density was to be calculated on the overall acreage and that since no density was attributable to the existing use pursuant to the Baltimore County Zoning Regulations, the entire 82.96 density units

were available for the proposed development of an apartment mix containing 100 apartments for rent to the elderly.

F. After the completion of a five-day hearing before the Zoning Commissioner, at which time both Pickersgill and the Neighbors presented complete and exhaustive testimony of their respective positions relative to a number of issues including the issue of available density on the Property, counsel for the respective parties submitted legal memoranda in support of their respective positions.

G. On February 12, 1990, the Zoning Commissioner for Baltimore County granted Pickersgill's Petition in part, subject to six enumerated restrictions and dismissed the Advisory Board's Petition as well as portions of Pickersgill's Petition. The Zoning Commissioner found that the issue of density for elderly housing facilities and the application of special exception uses went unaddressed by the Baltimore County Council. The Zoning Commissioner held that, consistent with existing policy, an "area review" and not a "density review" was the correct method of calculating density on the Pickersgill site. The Zoning Commissioner rejected Pickersgill's density calculations and applied a hybrid approach of the expert opinions before him. Assigning approximately .078994 acres of land zoned DR 3.5 and 3.641 acres zoned DR 5.5 to the existing convalescent/nursing home use, the Zoning Commissioner found that the remaining acreage was available for density calculation to be applied to the proposed

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apartments. Using this approach, the Zoning Commissioner found that there was a total of 62.657 density units available on the Pickersgill site.

H. On February 15, 1990, Pickersgill filed an appeal of the Zoning Commissioner's decision and the relief granted pursuant to its Petition in Case No. 89-538-SPH. On March 14, 1990, the Advisory Board filed an appeal of the relief granted pursuant to Pickersgill's Petition in Case No. 89-538-SPH and to the dismissal by the Zoning Commissioner of the Advisory Board's Petition in Case No. 89-444-SPH.

I. The appeal of the CRG plan approval and the respective appeals to the Order of the Zoning Commissioner are scheduled to be heard by the Baltimore County Board of Appeals, beginning on May 21, 1990.

J. Pickersgill is willing to reduce the number of new elderly apartments that it will build, together with a reduction in building mass and a reduction in surface parking footprint by constructing a parking deck, and the Neighbors will not contest or challenge the Pickersgill Plans, as modified hereby, if Pickersgill agrees to the covenants and restrictions set forth herein.

K. Pickersgill and the Neighbors desire to appear, through their respective counsel, before the Baltimore County Board of Appeals ("Board") and proffer the evidence in lieu of and with the same force and effect as actual testimony that each would present

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if the above-described appeals were tried before the Board.

L. Pickersgill and the Neighbors desire to be bound by the proposed Order of the Board, resolving the issues on appeal in a manner consistent with the agreements, covenants and restrictions herein contained.

M. The aforegoing Recitals are deemed by each party hereto to be material provisions of this Agreement.

AGREEMENTS:

NOW, THEREFORE, in consideration of the mutual agreements and understandings contained in this Agreement, and for other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties agree to be bound as follows:

1. Renovations. The proposed additions, modifications and changes to the existing building shall be those which are consistent with the CRG Pickersgill Addition Plan approved on July 13, 1989, attached hereto and made a part hereof as Exhibit 1.

2. New Apartments. The proposed new apartments shall be constructed within the building outline as shown on Exhibit 2. The new apartment mix shall be limited to a total of seventy (70) Density Units, as characterized by the Baltimore County Zoning Regulations. The number of new apartments shall be limited to eighty-seven (87).

3. There shall be a reduction in the mass of the proposed construction for the new apartments consistent with the square foot limitation described in Agreement No. 4 hereof. The parties acknowledge that the reduction in mass required hereby may be translated into portions of the buildings, which are shown on Exhibit 2 in two dimensions only, being reduced or eliminated.

4. The total building square footage to be constructed as new apartments and common and utility areas associated therewith shall be not greater than 84,000 square feet. The building outline, or footprint, of the new apartments and common and utility areas associated therewith shall be not greater than 26,000 square feet.

5. The building outline of the new community center to be constructed as shown on Exhibit 2 shall be not greater than 15,000 square feet.

6. The parking to be constructed shall consist of surface and deck parking within the area shown, shaded and labeled as "Proposed Parking" on Exhibit 3. The proposed deck parking shall not exceed a maximum of two levels; the floor level of the upper level shall not be at an elevation higher than the lowest floor level elevation of the apartments ("lowest finished floor elevation").

7. Except as otherwise specifically provided in this Paragraph 7, reasonable adjustments in the location of buildings, parking and other features shown on the Exhibits hereto shall be

permitted upon the direction and approval of any agency of Baltimore County, after receiving approval from the majority of the Neighbors, which approval shall not be unreasonably withheld, it being the express intention of all parties to maximize the retention of existing trees and vegetation on the Property, and to permit a degree of flexibility in addressing the nature and constraints of the site, appropriate governmental building standards and the requirements and needs of the elderly residents and the Neighbors. Specific limitations and restrictions on the improvements shown on the Exhibits hereto shall be:

a. Existing and proposed improvements shall be limited to a maximum number of floors as follows:

(i) Parking Deck -- 2 levels

(ii) Existing Nursing Home -- 3 floors (Existing Garden and First Floor Levels and Proposed Second floor. The proposed second floor additions to be constructed on the three rear wings of the existing Pickersgill facility shall not exceed the height of the existing building as viewed from Chestnut Avenue.)

(iii) Community Center -- 2 floors

(iv) New North Building -- 4 floors

(v) New South Building -- 4 floors

b. There shall be a maximum of 199 parking spaces.

c. The footprint of the renovations and new construction, including deck and surface parking areas, intended by Pickersgill shall not be greater than the footprints described in this Agreement and

as shown on the Exhibits hereto.

d. None of the proposed buildings or parking areas shown on the attachments hereto shall be moved by more than five (5) feet in any direction beyond that shown on the Exhibits hereto. In the event that subsurface conditions prevent the improvements from being constructed as shown on the Exhibits hereto, the proposed buildings and parking areas may be moved up to a maximum of ten (10) feet in any direction beyond that shown on the Exhibits hereto.

e. All exterior lighting on existing and proposed improvements shall be arranged or shielded to reflect light away from the public streets and adjoining residential areas.

8. Pickersgill and the Neighbors agree that the Property shall be landscaped in excess of the minimum requirements of the Baltimore County Landscape Manual using existing vegetation and new plantings in accord with a schematic Landscape Plan attached hereto as Exhibit 4 which proposes additional planting beyond that previously approved by the CRG. The parties mutually agree that a landscape plan will be prepared by Pickersgill in conformance with Exhibit 4 hereof which will be submitted to Baltimore County for approval and shall also be subject to the reasonable review and suggestions of the Neighbors. All existing and proposed trees outside of the areas of limited disturbance shall be retained. The

landscaping materials to be installed on the Pickersgill site shall be maintained by Pickersgill. Pickersgill agrees to promptly replace any landscaping material, installed pursuant to this Paragraph 8, which dies within a three (3) year period of its initial installation; any replacement materials shall be of substantially the same species and height of the material being replaced. Further, Pickersgill agrees to remove the existing driveway entrance as shown on Exhibit 2 and sod or seed said area. Further, Pickersgill agrees to plant, at its expense, a large Ilex "Nellie Stevens" on each side of the existing walkway, together with a total of five (5) evergreen shrubs (such as Ilex Blue Prince and Blue Princess or Rhododendrons) on the property known as 610 Chestnut Avenue, the maintenance of which shall remain the responsibility of the owner of 610 Chestnut Avenue. This planting on 610 Chestnut Avenue only shall be done in consultation with the owner of said property during the first planting season before commencement of construction of the proposed Pickersgill improvements.

9. It is the intention of the parties to this Agreement to resolve their differences which occurred at the CRG hearing and the Zoning Commissioner's hearings by:

a. Introduction of the CRG Pickersgill Addition Plan and comments approved on July 15, 1989.

b. Proffering, through counsel, testimony and by introduction of the tapes of the recorded testimony

before the Zoning Commissioner, numbered 1 of 7 through and including 7 of 7, in lieu of, and with the same legal force and effect as actual testimony that would be offered at the hearing before the Board;

c. Introduction of this Agreement executed by all parties hereto; and

d. Jointly submitting a Consent Order to the Board of Appeals for its approval, said Consent Order to be consistent with the terms and agreements contained herein.

10. The Neighbors shall aid and support Pickersgill's development renovations and improvements, subject to the terms and limitations of this Agreement and the Exhibits thereto, in any and all proceedings that may be necessary to obtain required governmental approvals and permits therefor; provided, however, that the Neighbors reserve the right to protest any changes in Pickersgill's development and renovation plans that are not consistent with this Agreement and the Exhibits thereto or are contrary to existing Federal, State, or local law or regulation.

11. The use of the Property shall be limited to the renovated, improved convalescent/nursing home and the operation thereof, 87 Class B Elderly Housing apartments for the elderly, and uses accessory and incidental thereto, all as defined in the Baltimore County Zoning Regulations and the laws and

regulations of the State Department of Health and Mental Hygiene.

12. The parties agree that the conditions of the Order of the Zoning Commissioner listed below are to be included in the Consent Order submitted to the Board for its approval and Pickersgill agrees to be bound thereby:

a) Pickersgill shall erect a six-foot high wooden stockade fence around the southern and eastern portions of the storm water management pond. Further, Pickersgill shall provide a vegetative buffer on the side of the fence facing Pickersgill's neighbors, said buffer to be consistent with Zoning Commissioner's Exhibit 2.

b) Pickersgill shall submit a plan, both statistical and written narrative, describing the affirmative measures that will be taken by Pickersgill to guarantee that construction of the proposed facility will not disturb, so as to injure the environment, any underground oil pools resulting from the buried oil tanks on the subject site. Pickersgill shall submit said plan to the Director of the Department of Environmental Protection and Resource Management and the Zoning Commissioner for approval prior to the issuance of any permits.

c) Further, prior to the commencement of construction, six months after the commencement of construction, and one year following completion of such construction, Pickersgill shall have an independent firm submit a report to the Director of the Department of Environmental Protection and Resource Management and the Zoning Commissioner regarding the capture, retention, and disposal of oil emanating from the tanks on the subject site.

d) Pickersgill shall submit to the Zoning Commissioner for approval within ninety (90) days of receiving all required development approvals, a new site plan prepared by a registered professional engineer and/or land surveyor, which clearly identifies all buildings, landscaping, required fencing and any other information as may be required to be a certified site plan.

e) The entire site, consisting of 16.40 acres, more or less, shall not be subdivided. Further, the existing nursing home and the proposed elderly housing facility shall remain under the sole ownership and control of a single entity.

13. The Neighbors shall aid, assist and support Pickersgill in its efforts to have the modifications made to the approved CRG plan as amended by this Agreement and agree that the modifications are non-material in nature and advocate and support the findings and the issuance of an Order by the Board of Appeals determining and affirmatively stating that the modifications to the CRG Pickersgill Addition Plan approved on July 13, 1989 made pursuant to the terms of this Agreement are deemed a "non-material amendment" pursuant to Baltimore County regulations. If the amendments to the approved CRG plan are required, pursuant to Baltimore County Regulations, to be considered as part of the waiver process by the Baltimore County Planning Board, the Neighbors agree to aid, support and assist Pickersgill in obtaining an unappealed approval of such waiver.

14. Maintenance and Operation.Pickersgill agrees to maintain its facilities and to limit its operations as follows:

(a) Prior to dedication of the Stormwater Management (SWM) Pond and outfall area to Baltimore County, Pickersgill shall maintain said SWM facilities in accordance with applicable Baltimore County law and regulations. After dedication of the SWM facilities to Baltimore County, Pickersgill's responsibilities under this subparagraph 14(a) shall terminate and have no further force or effect.

(b) All landscape, grass and buffer areas shall be maintained in a reasonable and presentable manner, weather conditions permitting.

(c) The wooden stockade fence and vegetative buffer to be constructed around the SWM Pond, pursuant to the restriction of the Zoning Commissioner, shall be maintained in good condition.

(d) Deliveries to the Pickersgill site shall only occur between 8:00 a.m. and 5:30 p.m., Monday through Saturday. Pickersgill agrees to discourage any deliveries on Saturdays.

(e) Sanitation trucks may service the Pickersgill site only between 9:00 a.m. and 5:00 p.m. Monday-Friday.

(f) All shift change personnel will be advised and required to maintain themselves in a reasonable, quiet, and orderly manner so that their voices and vehicles may not be unreasonably heard on the residential properties adjoining the Pickersgill site. All dropping off or picking up of shift personnel shall occur in the vicinity of the proposed Community Center entrance or the existing main entrance to the present Pickersgill facility.

(g) Pickersgill will be required to maintain Chestnut Avenue in accordance with all applicable laws and regulations during the period of construction of the proposed improvements.

(h) All earth moving work and concrete hauling shall occur only after 8:00 a.m., Monday - Friday.

(i) The provisions of subparagraphs 14(d), (e) and (f) above shall take effect upon the issuance of a Certificate of Occupancy for the proposed elderly apartments and community center.

15. Except as otherwise provided specifically herein, the terms and conditions of this Agreement shall become effective and binding upon the parties, on the date and time of execution of this Agreement. Pickersgill at its sole cost and expense shall cause this Agreement to be recorded among the Land Records of Baltimore County, Maryland, within seven (7) days after the expiration of all applicable appeal periods regarding said Consent Order and approval of the amendments to the previously approved CRG Plan and no appeal of any kind having been taken by any person or entity during the applicable appeal period, and unless terminated as provided herein the same shall run with and be binding upon the land, and upon all

present and future owners thereof, and shall be binding upon and inure to the benefit of each of the parties respectively, their successors and assigns.

16. This Agreement shall terminate and have no further force or effect, the parties hereto shall be relieved from any and all obligations hereunder, and Pickersgill shall be entitled to record a Notice of Termination of this Agreement among the Land Records of Baltimore County, Maryland, setting forth the conditions resulting in termination in the event that any of the following conditions do not occur:

a) The entry of a Consent Order by the Board of Appeals consistent with the terms of this Agreement.

b) A finding by the Board of Appeals and Baltimore County that the amendments to the approved CRG plan described herein are a non-material amendment not requiring further CRG approval as provided for in the Baltimore County Development Regulations.

c) The expiration of the time for appeal from the Consent Order described in sub-paragraph a) hereof and from the decision of the Board of Appeals, Baltimore County or the Planning Board granting the amendments to the approved CRG plan described herein without challenge or appeal of any kind having been taken by any person or entity whatsoever.

d) The final and satisfactory resolution of all other approvals, proceedings or appeals related to the development and renovations or improvements intended by Pickersgill. (Resolution of such approvals, proceedings or appeals shall be deemed "satisfactory" if it permits the construction and development of the renovations/improvements and new structures on the Property in a manner consistent with all other terms of this Agreement and the Exhibits thereto.)

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e) Pickersgill, in its sole and exclusive judgment, determines prior to December 31, 1993 or the expiration of the approval of the CRG and/or Special Exception (including any extensions thereof), whichever shall last

occur, that it is feasible to proceed with construction of the proposed apartments, improvements and renovations. (The Neighbors agree to support any Pickersgill request to extend the approval of the CRG and/or Special Exception, provided that said request is consistent with the terms of this Agreement.)

17. The parties to this Agreement recognize that the proposed reduction in the impervious surfaces previously approved by the CRG will possibly permit a reduction in the size of the proposed SWM pond. Pickersgill, in accordance with the terms of this Agreement, will, with the approval of Baltimore County, use its best efforts to ensure that the final design and location of the SWM pond will be a minimum of 75 feet from the delineated wetlands as shown on Exhibit 2.

18. It is the express intention of the parties hereto to retain the power to amend this Agreement by a written instrument in recordable form, executed by Pickersgill and a majority of the Neighbors or their successors or assigns. No language contained in this Agreement shall be interpreted to preclude such amendment. If an amendment to this Agreement is requested by a party hereto, the party requesting such amendment shall be responsible for the reasonable attorneys' fees associated with the non-requesting party's review and modification of such amendment.

19. The parties warrant and represent that they have taken all necessary action required to be taken by their respective charters, by-laws, or other organizational documents to authorize the execution of this Agreement.

20. This Agreement, which may be executed in counterparts,

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contains the entire understanding of the parties.

21. Each of the parties warrants that it has carefully read and understands this Agreement, is cognizant of the terms hereof, and has had ample time to consult with counsel of its choice regarding its respective rights and obligations in connection therewith.

22. Failure, in any instance, to enforce any of the covenants, restrictions, and conditions contained in this Agreement, shall in no event constitute a waiver or estoppel of the right to enforce the same or any other covenant, restriction, or condition in the event of another violation occurring prior or subsequent thereto. In the event any one or more of the covenants, restrictions and conditions herein contained should for any reason be declared invalid, the remaining covenants, restrictions or conditions shall continue in full force and effect.

23. All terms used herein are to be defined and construed pursuant to the definitions and provisions of the Baltimore County Zoning Regulations and Development Regulations in existence at the date of this Agreement. Wherever the provisions of this Agreement and the Exhibits thereto shall conflict with or contradict the previously approved CRG Plan, the provisions of this Agreement and Exhibits thereto shall prevail and control.

24. If any party to this Agreement, or any party's successor, is required to institute legal action to enforce the terms of this Agreement, and is successful thereafter (whether by judgment or by

settlement) in obtaining enforcement of the Agreement, that party or successor shall be entitled to recover reasonable attorneys' fees and court costs of the action from the person or entity against whom enforcement is obtained. However, as a prerequisite to the recovery of fees under this paragraph, the person or entity seeking enforcement shall serve the alleged violator of the Agreement with written notice of the violation, and only if the alleged violator has failed to remedy or to make substantial progress toward remedying the violation within sixty (60) days after receipt of this notice may legal action be instituted. All notices required herein shall be in writing and sent via Certified Mail, Return Receipt Requested, to the Executive Director of Pickersgill, Inc., or the Chairman of the Advisory Board, as the nature of the violation may require.

25. Pursuant to an agreement with the Maryland Department of the Environment (MDE), Pickersgill shall:

1. remove the existing oil absorption pads and saturated soil in the vicinity of the existing oil recovery pits and replace the soil removed with clean fill; and

2. install a MDE approved oil recovery system and maintain same in accordance with the requirements of MDE until MDE advises that all recovery operations may be permanently discontinued and the recovery operations finalized.

26. The Exhibits attached hereto and made a part hereof are as follows:

EXHIBIT NO.	DESCRIPTION
1.	Approved CRG Plan showing renovations shaded in red, including second floor on three

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portions of existing building.

2. Approved CRG Plan showing New Apartments and Community Center shaded in red.

3. Approved CRG Plan showing paved areas inclusive of deck and surface parking shaded in red.

4. Approved CRG Plan showing Schematic Landscaping to be installed by Pickersgill.

5. Proposed Consent Order to be issued by the Baltimore County Board of Appeals in disposition of the appeals before it.

WITNESS/ATTEST:

PICKERSGILL, INC.

BY: Sally S. Diggs (SEAL)
SALLY S. DIGGS, PRESIDENT
BOARD OF DIRECTORS

ADVISORY BOARD/NEIGHBORS:

Naomi O. Willey — Mary R. Wolfe (SEAL)
MARY R. WOLFE

Gail B. O'Donovan (SEAL)
GAIL B. O'DONOVAN

Elizabeth Sexton (SEAL)
ELIZABETH SEXTON

Susan J. Meinert (SEAL)
SUSAN J. MEINERT

John Hodge-Williams (SEAL)
JOHN HODGE-WILLIAMS

Frederick J. Willey (SEAL)
FREDERICK J. WILLEY

Naomi O. Willey (SEAL)
NAOMI WILLEY

Harry R Kakel (SEAL)
HARRY R. KAKEL

Dawson L Farber Jr (SEAL)
DAWSON L. FARBER, JR.

Erwin W Huber (SEAL)
ERWIN W. HUBER

Frances F. Huber (SEAL)
FRANCES F. HUBER

Sarah P Daignault (SEAL)
SARAH P. DAIGNAULT

Howard Ritter Jr (SEAL)
HOWARD RITTER, JR.

Roberta A. Lees (SEAL)
ROBERTA A. LEES

2/12/90

IN RE: PETITION FOR SPECIAL HEARING
SE/S Chestnut Avenue
988' S of Joppa Road
(615 Chestnut Avenue)
9th Election District
4th Councilmanic District

Pickersgill, Inc.
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case Nos. 89-538-SPH and Case No. 89-444-SPH
*

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This case comes before the Zoning Commissioner as a result of two separately filed Petitions for Special Hearing, specifically, Case No. 89-444-SPH, filed by Mary R. Wolfe, et al, hereinafter referred to as Protestants, and Case No. 89-538-SPH, filed by Pickersgill, Inc., hereinafter referred to as Petitioners.

The Petitioners herein request a special hearing to approve an amendment to the special exception and site plan granted in Case No. 4324-X to permit the modification and expansion of an existing nursing home (formerly known as a convalescent home) and the addition of 100 Class B elderly housing units, together with accessory facilities, as an integrated facility as being consistent with Section 102.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), as more particularly described in Petitioner's Exhibit 1.

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The Protestants request a determination by the Zoning Commissioner that the proposed additions and alterations to Pickersgill must be developed pusuant to Sections 101, 432, 1B01.1, 1B01.1.C, 1B02.2.C.1 and 1B02.2.A of the B.C.Z.R., and also a determination that a special exception is required.

Julius W. Lichter, Esquire and Howard L. Alderman, Esquire, appeared on behalf of Petitioners. J. Carroll Holzer, Esquire, appeared on

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behalf of the Protestants. Numerous witnesses appeared on behalf of both parties over the five plus days of testimony taken in this matter. The case files are replete with letters and petitions from neighbors and community groups representing concerns both in opposition to and in support of Petitioners' request. In view of the multitude of concurring opinions that were presented both in favor of and in opposition to Petitioners' request, the recount of testimony herein shall appear in summary fashion to avoid unnecessary repetition, hopefully enhancing the readability of this Opinion.

Testimony indicated that the subject property, known as 615 Chestnut Avenue, consists of 16.40 acres more or less, split zoned D.R. 3.5 and D.R. 5.5, and is the site of the Pickersgill Nursing Home, hereinafter referred to as Pickersgill. Pickersgill has a rich history as was indicated by the testimony of Mrs. Sally Diggs. The pertinent zoning history is as follows: In 1958, a special exception was granted in Case No. 4324-X for the operation of a convalescent home on the subject site. In 1978, a building permit (No. 272-78) was granted for a three-story addition to the nursing home. However, a search of the public records revealed no indication of a public hearing being held regarding the granting of the aforementioned permit for the addition. In 1983, a special hearing was held in Case No. 83-253-SPH for the approval of an amendment to the site plan previously approved in Case No. 4324-X to permit a one-story, 1600 sq.ft. storage facility on the site. This relief was granted and a new site plan was accepted.

Pickersgill is now proposing major renovations to the existing facility by installing additional bathroom facilities for each existing apartment, an additional floor, kitchen renovations, a new "skin" on the

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and auxiliary support units. (See Petitioner's Exhibits 12, 14, 19, 20 and 21.)

Testimony indicated that Petitioners are proposing the addition of 100 apartments/efficiency units, which will be "incorporated" onto the site in two new buildings. Petitioners contend that the proposed apartments will be rented for approximately $795 to $1900 per month, and tenants will receive cooking facilities, one meal per day (proposed as the dinner meal) in the proposed community dining areas, cleaning of apartments once each week, laundry services, access to group transportation for shopping and recreation, access on a "pay as you go basis" to medical professionals who visit the existing facility, and emergency notification capabilities to enable Pickersgill staff to notify emergency personnel if the need arises.

Brantley Hart, Jr., Executive Director of Pickersgill, testified at length regarding the historical development of the subject property. He testified that in view of the rising costs in supplying affordable housing for the elderly, the infusion of the proposed apartments and existing facility is essential for the practical management and financial survival of Pickersgill. Mr. Hart testified that the proposed apartments will create a more "independent" living arrangement for residents as compared to the domiciliary care patients in the existing facility, who receive personal services in the nature of medical and nursing care. Mr. Hart testified that Pickersgill is licensed by the State of Maryland for the 94 domiciliary care beds and 75 comprehensive care beds currently within the facility.

Neil Weinstein, a land planner and registered landscape architect, testified on behalf of the Petition regarding the density implications of

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Petitioners' proposal. He testified that in his opinion, the 100 proposed elderly apartments could be constructed on the site without a change in zoning classification or density increase under Section 432.2 or 432.3 of the B.C.Z.R. He stated that, in his opinion, the existing nursing home facility would have no assigned density. According to his interpretation of the B.C.Z.R., the necessary density units for the proposed apartment building are present on the site. Mr. Weinstein further testified that although the proposed apartments provide an "independent living environment" for the tenants, the tenants will still have access to the community center and will have medical and nursing care available through the existing facility. Additionally, he testified that in his opinion, Petitioners' proposal will not adversely impact on the health, safety or general welfare of the community, and otherwise meets the requirements of Section 502.1 of the B.C.Z.R.

Leslie Pittler, Director of Baltimore County's Department of Community Development, testified generally regarding the need for elderly housing in Baltimore County. He stated that Baltimore County has the largest elderly population in the metropolitan area. Mr. Pittler testified that it is important for the elderly to stay in the community that they are familiar with and that the integration of the proposed apartments with the existing Pickersgill facility will provide desirable and affordable housing for the elderly of this community.

Richard Matz, a civil engineer, testified regarding the wetlands and storm water management. He stated that a dry storm water management pond will be located on the southern corner of the subject property (See Petitioner's Exhibits 12 and 13) and will be designed to accommodate a 100-year storm. Mr. Matz testified that water outfall studies have been

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conducted along the perimeter of the Pickersgill property and as a result, a new drainage system will be implemented to divert water runoff away from the adjoining properties, specifically, Lots 95 through 100, as referenced on Petitioner's Exhibit 1. Water runoff will be diverted into the pond and then discharged at a controlled rate. Mr. Matz indicated that the proposed storm water management program is expected to not only prevent the additional discharge of water onto Lots 95 through 100, but will reduce the amount of water runoff currently entering these lots. Additionally, he testified that a fence, compatible with the surrounding neighborhood, will be erected around the proposed pond for safety purposes.

Mr. Larry Yeager, professional engineer, testified that in his opinion, the proposed storm water management system will be adequate to accommodate the water runoff from the subject property.

Mr. James I. Melhorn, President of Fairhaven Nursing Home and Episcopal Services for the Aging, testified on behalf of the Petition. Mr. Melhorn testified regarding what he perceives as a considerable need in Baltimore County for affordable elderly rental housing, nursing care and domiciliary care facilities. He testified that Pickersgill is becoming less competitive in this market, and will, in his opinion, be facing financial problems in the foreseeable future if it does not diversify.

Henry Schwartz, Esquire, formerly legal counsel for the Maryland State Health Department, testified regarding the licensing requirements for a facility such as Pickersgill. Mr. Schwartz indicated that Pickersgill is currently licensed to offer both comprehensive and domiciliary care, of which there are currently 75 and 94 beds, respectively. Further, he stated that no additional state license is required for the proposed

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apartment complex, as neither comprehensive or domiciliary care will be offered at the proposed facility.

Gregory Jones, architect, appeared and testified on behalf of the Petition. Mr. Jones indicated that from a Baltimore County Code standpoint, the buildings will be considered as "separate" structures, for purposes of fire, safety, and zoning code purposes.

Wes Guckert, traffic engineer, testified regarding the impact Petitioners' proposal will have on traffic patterns in the surrounding community. Mr. Guckert estimated a total of 19 morning peak hour trips and 30 evening peak hour trips would be generated by the proposed apartment building. He testified that a site distance of approximately 634 feet along Chestnut Avenue is sufficient for safe ingress and egress at the subject site. Additionally, he testified that in his opinion, the proposed additions for Pickersgill will have no negative impact on the traffic in the surrounding community or adversely affect the health, safety or general welfare of this residential neighborhood.

Numerous individuals and community association representatives appeared and testified in opposition to Petitioners' proposal. The areas which generated the majority of concern for the Protestants were increased traffic, the environment, property values, and the general health and safety of the community. The environmental impact of Petitioners' proposal was of primary concern among the majority of those in opposition. A number of the Protestants testified regarding their past experiences in this neighborhood with flooding and were concerned that Petitioners' proposal will exacerbate this situation, particularly, but not limited to, Lots 95 through 100 along Piccadilly Road, as indicated on Protestant's Exhibit 8. Testimony indicated that considerable amounts of surface water flows onto

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these lots from the Pickersgill property. Neighbors testified that they have installed, at their own expense, drainage to divert some of this surface water away from their properties.

Messrs. Powell, Gwynn, Maschas and Mrs. Willey testified regarding the adverse impact they believe would result to the existing stream and wetlands, as depicted on Protestant's Exhibit 8, should Petitioners' request be granted. The Protestants testified that the subject stream receives considerable storm water runoff during heavy rains and its banks are routinely flooded. Mr. Powell stated that the stream curves abruptly as it passes his property and during heavy rains reaches the top of the retaining wall along his property. He also indicated, as did other Protestants, that a distinct odor of oil is present along the stream and is visible in the stream after heavy rains. The uncontradicted testimony indicated that the oil originates on the Pickersgill property from two underground heating oil storage tanks. Testimony also indicated that Pickersgill has taken steps, in cooperation with the EPA, to minimize oil seepage into the subject wetlands. The Protestants testified that the stream in recent years is overflowing its banks more frequently and has caused some homeowners living in close proximity to the stream and the subject community to experience basement flooding. Mrs. Willey testified that the water discharge pipe exiting the proposed storm water management pond passes underneath her property (See Protestant's Exhibit 8) and she voiced concern as to who would be responsible for maintaining the pipe. She testified that the wetlands on the subject property are usually discharging water year round and she is concerned that the proposed storm water management will not adequately protect her property. Mrs. Willey testified, as did others, regarding oil in the subject stream. She indi-

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cated she is concerned that further disturbance of the land on the site adjacent to the wetlands may release pools of sub-surface oil and adversely impact the environment.

Petitioners argue that Protestants' "oil concerns" are not germane to the issues before the Commissioner and therefore, should not be considered when granting or denying the requested relief. However, there is no evidence that the oil problems do not create a health and safety issue. In fact, there is no evidence concerning the impact of the new development on the oil problem. Pursuant to Sections 500.6, 500.7 and 502.2 of the B.C.Z.R., the Zoning Commissioner has the authority to pass such orders that are necessary for the enforcement of all zoning regulations, for the protection of the surrounding and neighboring properties -- for the ultimate protection and preservation of the health, safety and general welfare of the locality involved. It is the opinion of the Zoning Commissioner that the Protestants' "oil concerns" are germane to the issues presented for determination. The Protestants indicated that their concerns would be placated given an appropriate testing/monitoring restriction in the Commissioner's Order. Restrictions Nos. 3 and 4 are designed to meet these concerns and will safeguard the health, safety and general welfare of the community.

Also of great concern to the Protestants was how Petitioners' proposal will impact traffic in this community. Messrs. Williams, Tully, Ridder, and Maschas indicated that this neighborhood experiences heavy traffic, which they attribute in large part to Loyola High School, Mission Helpers, and Pickersgill. Testimony indicated that homeowners along Chestnut Avenue and Piccadilly Road have considerable difficulty backing out of their driveways during peak traffic hours at which time traffic occasional-

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ly backs up along the entire length of Chestnut Avenue. Protestants took issue with the findings of Mr. Guckert (Petitioner's Traffic Expert) relative to the safety of the proposed entrance to the site and the existing "dip" on Chestnut Avenue.

Officer Rooney of the Baltimore County Police Department appeared and testified on behalf of the Protestants. Officer Rooney patrols the subject community in the course of his employment with the Baltimore County Police Department. He discussed the vehicular accident and citation history of the area in proximity to the Pickersgill site.

Mr. Patton, who was qualified as a land planner expert, testified at length on behalf of the Protestants regarding the issue of density relative to the subject site. Mr. Patton, referencing Bill Nos. 36-88, 37-88 and pertinent zoning regulations, testified that in his opinion, an "elderly housing facility" as defined in Section 101 of the B.C.Z.R., is an umbrella definition which encompasses "assisted living facility", "continuing care facility", and "housing for the elderly facility." Mr. Patton testified that Pickersgills' 94 domiciliary care beds and 75 comprehensive care beds are synonymous with an assisted living facility (defined infra.), which requires a .25 density calculation for each bed. (See Protestant's Exhibit 10.) Mr. Patton calculated the subject property to have 82.86 density units. He then calculated the existing facility to be using 43.25 density units, which, when deducted from 82.86 density units, leaves 39.61 density units available for developing the proposed elderly housing facility. Mr. Patton stated that in his opinion, this approach of reducing density based on the existing facility is consistent with Bill No. 36-88 and that it avoids "double counting" by counting the existing beds at Pickersgill. Mr. Patton discussed a second approach for calculating densi-

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ty (See Protestant's Exhibit 10) which involves the application of Zoning Commissioner's Policy Manual Rule No. RM-22 which reads in pertinent part as follows:

> "If mixed uses or like uses each with separate zoning requirements are proposed on one property, each separate use must be supported on its own land area. Residential density may be calculated on the overall acreage if both uses are residential and it is allowed in that zone."

Mr. Patton introduced Protestant's Exhibit 9 (overlay on Protestant's Exhibit 8) to support his ascertion that the existing Pickersgill facility is supported by 9.13 acres, which leaves a balance of 7.27 acres for the proposed elderly housing facility. The 7.27 acres consist of 1.33 acres zoned D.R. 3.5 and 5.94 acres zoned D.R. 5.5, providing a total of 37.34 density units for the proposed facility.

The Protestants argue that the B.C.Z.R., Bill Nos. 36-88 and 37-88, and Zoning Commissioner's Policy Manual Rule RM-22 require Pickersgill to either subtract the land area subject to the original special exception in Case No. 4324-X from the gross acreage in determining density units, or calculate density by applying the required .25 density calculation to the subject site as aforementioned.

Petitioners contend that the B.C.Z.R. have been consistently applied so as not to require the decrease of available area for density calculation because of the presence of any other permitted use. Addressing Section RM-22 of the Zoning Commissioner's Policy Manual, Petitioners assert that the proposed apartment complex, to be physically and functionally "integrated" with the existing use, is a residential use permitted as of right in the D.R. zones. Petitioners contend that as both the existing and proposed uses are "like" residential uses situated on the same piece of property, one permitted as of right and the other by special exception,

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the B.C.Z.R. only requires a density calculation for the proposed apartment facility. Petitioners assert that although the existing facility and proposed apartments will be physically attached and integrated, each will occupy a separate area of the Pickersgill property. Thereupon, the Petitioners erroneously assert that as a matter of policy, residential density may be calculated on the overall acreage of the site, leaving the proposed facility under allowable density for the subject property.

Additionally, citing Pickersgill's continuous operation since 1958, Petitioners contend that Bill Nos. 36-88 and 37-88, specifically, the definitional sections contained therein, have no significant impact on the subject operation. Petitioners opined that the term "Assisted Living Facility" as defined by Bill No. 36-88 (which requires a density calculation), describes a use separate and distinct from the domiciliary care currently provided at Pickersgill. Further, Petitioners assert that the term "nursing home", as defined by the B.C.Z.R., includes the former term "Convalescent Home" (i.e. Pickersgill). Petitioners testified that their reading of Bill Nos. 36-88 and 37-88, enacted June 13, 1988, reveal no intent on behalf of the County Council to have the new definitions enunciated therein apply to pre-existing uses, and therefore, no density should be assigned to existing Pickersgill.

Relying on the modifications made to Section 1B02.2A by Bill No. 36-88, Petitioners reasoned that said modifications provide that the gross residential density for elderly housing facilities, except as provided in Sections 432.2 and 432.3 of the B.C.Z.R., shall be calculated in density units per acre. Petitioners thereupon assert that their density calculation (82 density units) for the proposed elderly housing facility is in accordance with the requirements and within the spirit and intent of the

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B.C.Z.R. The Petitioners' application of the B.C.Z.R. is not consistent with Zoning Commissioner's Policy RM-22 and the Protestants' application of Bill Nos. 36-88 and 37-88 is misguided. Both parties failed to apply Zoning Commissioner's Policy RM-22 and Bill Nos. 36-88 and 37-88 do not change the application of RM-22 to a special exception.

Both the Protestants and the Petitioners agreed that the subject property, containing a gross site area of 16.40 acres more or less, contains a total of 82.96 density units. The parties reached impasse in determining the number of these density units that are available to support the proposed elderly housing facility.

The facts are that the Baltimore County Council left the issue of density for elderly housing facilities and the application of special exception uses unaddressed. Therefore, the correct application of these interrelated issues is left to the Zoning Commissioner under the authority of Section 500.6 and 500.7 of the B.C.Z.R. I believe the application of Zoning Commissioner's Policy RM-22 must be followed. Policy RM-22 was applied in many zoning cases before Bill Nos. 36-88 and 37-88 were enacted. Clearly, the County Council was in agreement with the Zoning Commissioner's application of Policy RM-22 and, therefore, that policy must be applied in this instance.

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Zoning Commissioner's Policy RM-22 clearly requires an area review and not a density review. Therefore, for the purposes of argument, I will review the density calculations method. The parties have argued this point very strongly and the record must be resolved.

Petitioner contends that the existing facility, for reasons aforementioned, is not subject to density calculations and therefore, the total 82.96 density units are available to support the proposed facility. Peti-

tioner contends that the current "domiciliary care" beds at Pickersgill, as defined by Section 19.301(e) of the Health-General Article of the Maryland Anotated Code, have no parallel definitive section within the B.C.Z.R. that addresses this use for purposes of calculating density. This argument is unpersuasive. Section 19.301(e) defines domiciliary care as follows:

> "(e) Domiciliary care:
>
> (1) "Domiciliary care" means services that are provided to aged or disabled individuals in a protective, institutional or home-type environment.
>
> (2) "Domiciliary care" includes:
>
> (i) Shelter;
> (ii) House;
> (iii) Board;
> (iv) Facilities and resources for daily living; and,
> (v) Personal surveillance or direction in the activities of daily living."

A comparison of this language to Section 101 - "Assisted Living Facility" of the B.C.Z.R. reveals a remarkable parallel in language and, arguably, intent. The B.C.Z.R. defines "Assisted Living Facility" as follows:

> "Assisted Living Facility: A building or section of a building that provides a residential living environment assisted by congregate meals, housekeeping, and personal services, for persons 62 years of age or older, who have temporary or periodic difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility, and for any person, regardless of age, who has a physical or developmental disability. Density for such facilities shall be calculated at .25 for each bed."

The aforementioned Sections from the Health-General Article and the B.C.Z.R., when broken down into their relative component requirements, list as follows:

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Domiciliary Care	Assisted Living Facility
Shelter	Residential living environment
House	Building
Board	Meals
Facilities & Resources for daily living	Residential living environment; housekeeping, feeding, bathing, etc.
Personal surveillance or direction in the activities of daily living.	Personal Services

A simple comparison of the above Sections clearly indicates that the domiciliary care provided at Pickersgill is synonymous with an "Assisted Living Facility" as that term is defined by Section 101 - Definitions of the B.C.Z.R. It therefore logically follows that the 94 domiciliary care beds currently at Pickersgill are indeed subject to the density calculations promulgated in the B.C.Z.R. at .25 per bed.

Petitioners argue, relative to the 75 comprehensive care beds provided by Pickersgill, that "The State requirements for nursing care to be provided by a comprehensive care facility correlates to the B.C.Z.R. definition of "nursing home" (formally "convalescent home") which stated in the conjunctive, requires all three elements of board, shelter, and nursing care." Bill No. 37-88 amended the B.C.Z.R. by deleting the definition of a convalescent home and adding the following definition of "nursing home" which incorporates the former convalescent home:

> "Nursing Home (Formerly Convalescent Home)": A facility which provides board, shelter, and nursing care to cronic or convalescent patients. This term also includes facilities which provide domiciliary care within a nursing home."

Section 10.07.02.01E of the Code of Maryland Regulations (COMAR) defines "comprehensive care facility", reading in pertinent part:

> "Comprehensive Care Facility" means a facility which admits patients suffering from disease or disabilities

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or advanced age, requiring medical service and nursing service rendered by or under the supervision of a registered nurse."

The parallels between these two Sections are compelling and Petitioner's argument regarding same persuasive. It is therefore the opinion of the Zoning Commissioner that the term "Comprehensive Care Facility" is synonymous with the term "nursing home" as those terms describe uses regulated by the B.C.Z.R. It therefore logically follows, that as the B.C.Z.R. does not require density calculations for a "nursing home", the 75 comprehensive care beds at Pickersgill will likewise receive no density calculation (See Section 101 - Definitions on "Nursing Home", B.C.Z.R.).

This density calculation review is the wrong methodology to be applied in Baltimore County in a case where a special exception use and a density supported use are mixed on the same unified lot. As stated above, the separate and distinct area methodology set forth in Zoning Commissioner's Policy RM-22 is the correct methodology to be employed when both a special exception use and a density use are to exist on the same site.

The Protestants presented two approaches for calculating density on the subject site as set forth on Protestant's Exhibit 10. The first approach subtracts the 9.13 acres associated with the original special exception from the gross site area of 16.40 acres, leaving 7.27 acres available for density calculations. This method provides 37.34 density units for the proposed facility.

Although the Protestants articulated the correct methodology in calculating area, they used erroneous information in their formula. Assigning 9.13 acres more or less to the existing special exception, dedicates more land than is necessary to support the proposed use at this

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particular location given the nature of the use and the interrelationship of all the uses.

Neither the Protestants nor the Petitioner have accurately applied the B.C.Z.R. density guidelines in the subject case in a manner consistent with the spirit and intent of the Regulations. Policy RM-22 has been for many years, the yardstick utilized by Baltimore County for calculating density for mixed uses on one property. Further, the enactment of Bill Nos. 36-88 and 37-88 did nothing to change the way density is calculated for an elderly housing facility. Therefore, Policy RM-22 must be applied to the Pickersgill facility. Consistent with Policy RM-22, a land area with its respective density units must be designated to support the existing special exception nursing home use. The remaining acreage and its respective density units may then be utilized to support other uses. This is not a legally "rigid" formula and must be applied on a case by case basis. Every case creates its own unique set of facts and circumstances, and this Order is narrowly tailored to address the facts and circumstances arising out of the particular use proposed at the subject location.

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Expert and lay witnesses for both the Petitioners and the Protestants candidly recognized the growing need for quality, affordable housing and care for Baltimore County's growing elderly population. Further, the preamble of County Council Bill No. 36-88 aforementioned, now Section 432 of the B.C.Z.R., clearly indicates the intent of the drafters of this legislation to "especially encourage" and "promote" housing for the elderly.

In view of the above, the Zoning Commissioner should afford every benefit and right to the elderly residents of this County insofar as the

relief is consistent with the B.C.Z.R. Upon careful scrutiny of the testimony, evidence, and pertinent law, it is the finding of the Zoning Commissioner that Petitioner's request for special hearing shall be granted in part and denied in part. The Protestant's Petition for Special Hearing is hereby rendered moot in view of the above, and is therefore dismissed.

The relief requested by Petitioners shall be granted in part as to the assignment of appropriate density for the subject property as follows: Referencing Zoning Commissioner's Exhibit 1, the area supporting the existing special exception shall be redrawn to include only that area indicated on Zoning Commissioner's Exhibit 1, consisting of 3.72 acres, more or less. Of this area within the special exception, approximately .078994 acres lies within the D.R. 3.5 zone and 3.641 acres lies within the D.R. 5.5 zone. The entire acreage within the special exception, when deducted from the gross site area of 16.40 acres, leaves 12.68 acres, more or less, on which density may be calculated to support the proposed facility. The density computes as follows:

D.R. 3.5	=	3.62 acres, plus or minus
D.R. 5.5	=	12.78 acres, plus or minus
Total Gross Acreage	=	16.40 acres, plus or minus

D.R. 3.5 x 3.62	=	12.67
D.R. 5.5 x 12.78	=	70.29
Total Density Units	=	82.96

Total Acreage inside Special Exception Area = 3.719994 acres, more or less.

Gross D.R. 3.5 acreage	=	3.62
Minus D.R. 3.5 acreage within special exception area	=	.078994
Total D.R. 3.5 acreage available for density calculation	=	3.541
Gross D.R. 5.5 acreage	=	12.78
Minus D.R. 5.5 acreage within special exception area	=	3.641
Total D.R. 5.5 acreage available for density calculation	=	9.139

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D.R. 3.5 x 3.541	=	12.353
D.R. 5.5 x 9.139	=	50.264
TOTAL DENSITY UNITS AVAILABLE FOR PROPOSED ELDERLY HOUSING FACILITY	=	62.657

Generally, all necessary parking, open space, etc., must be located within the land area designated to support the special exception use. However, in view of the uniqueness of this site, specifically, the interrelated nature of the uses, open space, buffer zones, parking, etc., this site may be calculated for the entire site. Both the existing Pickersgill and the proposed facility will share many support facilities, such as the storm water management system, open space and parking. For these reasons, this order is narrowly tailored to address the particular set of facts and circumstances presented by Petitioner's request.

A nursing home, by special exception, must have a minimum land area designated to support it and this determination must be made on a case by case basis. In view of the uniqueness of this site and the unified nature of the uses thereon, it is not necessary to require the open space and parking facilities to be located entirely within the designated area for the special exception. All of the facilities are under the control of one owner and for the benefit of all uses. The buffer zones separating the community and the institutional uses were calculated in consideration of the entire site and will more than support both uses.

In considering the requested relief, the Zoning Commissioner must impose such conditions, restrictions, or regulations as may be deemed necessary and advisable for the protection of the surrounding and neighboring properties (Section 502.2, B.C.Z.R.). The aforementioned approach is within the spirit and intent of the B.C.Z.R. and the on-going use of the

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special exception nursing home clearly complies with the requirements of Section 502.1 of the B.C.Z.R.

It is clear that the B.C.Z.R. permits the continued use of the existing nursing home in the D.R. 5.5 zone by special exception. It is equally clear that the continued use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the continued use of the existing nursing home met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the continued 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 continued use at the particular location described by Petitioner's Exhibits 1, 12 and 14 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 continued use of the existing nursing home and the proposed elderly housing facility 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 B.C.Z.R.

Pursuant to the advertising, posting of the property, and public hearing on these Petitions held and for the reasons given above, the relief requested in the Petitioner's Petition for Special Hearing shall be

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granted, in part, and the Protestant's Petition for Special Hearing dismissed, as more particulary described below.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of February, 1990 that Special Exception Case No. 4324-X shall be amended to reflect the decrease in acreage supporting the existing nursing home, in accordance with Zoning Commissioner's Exhibit 1, and as such, the Petitioner's Petition for Special Hearing be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall erect a six-foot high wooden stockade fence around the southern and eastern portions of the storm water management pond. Further, Petitioner shall provide a vegetative buffer on the side of the fence facing Pickersgill's neighbors, said buffer to be consistent with Zoning Commissioner's Exhibit 2, appended hereto and made a part hereof.

3) Petitioner shall submit a plan, both statistical and written narrative, describing the affirmative measures that will be taken by Petitioner to guarantee that construction of the proposed facility will not disturb, so as to injure the environment, any underground oil pools resulting from the buried oil tanks on the subject site. Petitioner shall submit said plan to the Director of the Department of Environmental Protection and Resource Management and the Zoning Commissioner for approval prior to the issuance of any permits.

4) Further, prior to the commencement of construction, six months after the commencement of construction, and one year following completion of such construction, Petitioner shall have an independent firm submit a report to the Director of the Department of Environmental Protection and Resource Management and

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the Zoning Commissioner regarding the capture, retention, and disposal of oil emanating from the tanks on the subject site.

5) Petitioner shall submit to the Zoning Commissioner for approval by no later than May 15, 1990, a new site plan prepared by a registered professional engineer and/or land surveyor, which clearly identifies all buildings, landscaping, required fencing and any other information as may be required to be a certified site plan.

6) The entire site, consisting of 16.40 acres, more or less, shall not be subdivided. Further, the existing nursing home and the proposed elderly housing facility shall remain under the sole ownership and control of a single entity.

IT IS FURTHER ORDERED that the Protestant's Petition for Special Hearing to determine that the proposed additions and alterations to Pickersgill, Inc., must be developed pursuant to Sections 101, 432, 1B01.1A.1, 1B01.1.C, 1B01.2.C.1, and 1B02.2.A of the B.C.Z.R, and to determine if a special exception is required, be and is hereby DISMISSED as moot.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:JCM:bjs

ORDER RECEIVED FOR FILING
Date 1/29/90
By BJS

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

February 12, 1990

Dennis F. Rasmussen
County Executive

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue, Suite 105
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
SE/S Chestnut Avenue, 988' S of Joppa Road
(615 Chestnut Avenue)
9th Election District - 4th Councilmanic District
Pickersgill, Inc. - Petitioner
Case Nos. 89-538-SPH (Petitioners); and 89-444-SPH (Protestants)

Dear Messrs. Lichter and Holzer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitioner's Petition for Special Hearing has been granted, in part, and the Protestant's Petition for Special Hearing dismissed, as more particularly set forth in the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:JCM:bjs

cc: People's Counsel

File

MICROFILMED

2/13/89

RE:	OBJECTION TO THE APPROVAL OF ADDITIONS AND ALTERATIONS TO PICKERSGILL, INC. WITHOUT ADHERENCE TO THE PROVISIONS OF BALTIMORE COUNTY COUNCIL BILL NO. 36-88 AND A SPECIAL EXCEPTION HEARING	* * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

* * * * * * * * * * * * *

PETITION FOR SPECIAL HEARING UNDER SECTION 500.6 OF THE ZONING REGULATIONS OF BALTIMORE COUNTY

The undersigned property owners and parties aggrieved, by J. Carroll Holzer, their attorney, request a hearing before the Zoning Commissioner of Baltimore County and for reasons say:

1. On January 17, 1989, Petitioners requested the Zoning Commissioner of Baltimore County for a determination that proposed additions and alterations to Pickersgill, Inc. are subject to the legislation enacted by the Baltimore County Council in Bill No. 36-88 and requested a special hearing in accordance therewith (see Exhibit #1).

2. The same parties on January 26, 1989, renewed their request for such a determination (Exhibit #2).

3. That on January 26, 1989, the Petitioners received a reply from James E. Dyer, Zoning Supervisor, which did not address the issue of whether the Pickersgill project fell within the provisions of Bill No. 36-88 (Exhibit #3).

4. That Petitioners received from Pickersgill, Inc., a letter dated January 23, 1989, which appeared to conclude that the proposed development project would not proceed pursuant to the requirements of Bill No. 36-88 (Exhibit #4).

LAW OFFICES
HOLZER, MAHER
& DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND
21204

(301) 825-6960

MICROFILMED

5. That the Petitioners and attorneys for Pickersgill, Inc., met in the office of Diana Itter of Baltimore County on February 1, 1989 to discuss this issue among others and that as of that date, the issue was still not clarified for the Petitioners. Subsequently, on February 8, 1989, counsel for the Petitioners wrote to Pickersgill advising of their concern in this respect, along with the enclosure of a letter of February 3, 1989 setting forth the substantive objections of the Petitioners with regard to the proposed additions (Exhibit #5).

6. That the subject parcel is zoned DR3.5 and DR5.5; and that the proposed additions and alterations to Pickersgill, Inc. are as proposed on the attached plat provided by Pickersgill, Inc. (Exhibit #6).

7. The Petitioners have been advised, believe, and therefore aver, that the proposed addition and alterations is to be used as an "assisted living facility" and "continuing care facility" as defined in the Baltimore County Zoning Regulations. The Petitioners have been led to believe that the use of this facility will be consistent with those uses defined and included under the terms of Bill No. 36-88 and so aver.

8. Petitioners further believe that a Special Exception hearing is required and allege that the concern of the Petitioners as to the impact of this development concerning traffic, flooding, stormwater management and the environment

RECORDED

and the number of units allowed, have all been raised and presented to the Pickersgill, Inc. in the letter of February 3, 1989 by Mary R. Wolfe, to members of the board of Pickersgill, Inc. as attached hereto. And that these concerns would be addressed and relevant at a hearing for Special Exception.

9. That, as a result of the aforegoing, the following questions and issues are raised for determination by the Zoning Commissioner:

a. Whether the proposed project at Pickersgill, Inc. falls within the provisions of Bill No. 36-88, Section 432(a) and 432.1(a)(2).

b. Whether or not a Special Exception hearing is required of this project.

c. Whether Pickersgill, Inc. expansion development project is a "continuing care facility" pursuant to Section 432.1(a), 432.2 and 432.1, Section 101(c).

d. Whether the proposed expansion development project at Pickersgill, Inc. is an "assisted living facility" within the definition of 101, in that the facts presented to the Petitioners by Pickersgill, Inc. Pickersgill, Inc. Board of Directors leads the Petitioners to conclude that congregate meals, housekeeping and personal services will be provided to the users of the expansion project.

MICROFILMED

e. Whether the Special Exception granting Pickersgill, Inc. the right to exist as a convalescent home, requires amendment by way of Special Hearing to develop the requested project; as exampled by previous request No. 83-253-SPH (Item 166).

f. Whether Pickersgill, Inc. failed to request a Special Hearing to amend the Special Exception for purposes of construction of an addition to the facility in March, 1978.

g. Has Pickersgill, Inc. utilized all of its existing density units permitted on the site or under existing zoning to preclude the ability to develop the number of units currently requested in the project.

h. Based upon the Zoning Commissioner's decision, what is the maximum number of units available to Pickersgill, Inc. for this site.

For all of the aforegoing reasons, the undersigned Petitioners request a hearing on the above issues and facts necessary to determine the precise use and extent of the proposed development as submitted by Pickersgill, Inc.

Address:

Mary R. Wolfe

MARY R. WOLFE, Individual

602 Chestnut Avenue
Towson, Maryland 21204

Gail B. O'Donovan
GAIL B. O'DONOVAN — 600 Greenwood Road, Towson, Maryland 21204

Mrs. Elizabeth Sexton
MRS. ELIZABETH SEXTON — 600 Chestnut Avenue, Towson, Maryland 21204

Mrs. Susan J. Meinert
MRS. SUSAN J. MEINERT — 811 Trafalgar Road, Towson, Maryland 21204

John Hodge-Williams
MR. JOHN HODGE-WILLIAMS — 608 Chestnut Avenue, Towson, Maryland 21204

Mike Alfone
MR. MIKE ALFONE — 524 Piccadilly Road, Towson, Maryland 21204

Frederick J. Willey
MR. FREDERICK J. WILLEY — 546 Piccadilly Road, Towson, Maryland 21204

Harry R. Kakel
MR. HARRY R. KAKEL — 545 Piccadilly Road, Towson, Maryland 21204

MR. HERBERT B. MITTENTHAL — 507 Chestnut Avenue, Towson, Maryland 21204

Naomi Willey

MS. NAOMI WILLEY

546 Piccadilly Road
Towson, Maryland 21204

J. CARROLL HOLZER
Holzer, Maher & Demilio
305 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204
301-825-6960
Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of February, 1989, a copy of the aforegoing Petition was mailed, postage prepaid to: Julius Lichter, Esquire, 305 West Chesapeake Avenue, Suite 113, Towson, Maryland 21204 and Howard Alderman, 305 West Chesapeake Avenue, Suite 113, Towson, Maryland 21204, Attorneys for Pickersgill, Inc.

J. CARROLL HOLZER

#357

MICROFILMED

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-444-SPH

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~~ _____

determine that proposed additions and alterations to Pickersgill, Inc. must be developed pursuant to sections 101, 432, 1B01.1.A.1, 1B01.1.C, 1B01.2.C.1, 1B and section 1B02.2.A (B.C.Z.R) also to determine if a Special Exception would be required.

(also see attached petition)

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.

PETITIONERS:

~~Contract Purchaser~~:

Mary R. Wolfe
(Type or Print Name)

Signature

602 Chestnut Avenue
Address

Towson, Maryland 21204
City and State

Legal Owner(s):

Pickersgill, Inc.
(Type or Print Name)

Signature

(Type or Print Name)

Signature

MAP NW10A
3C
E. D. 9th
DATE 11-14-90
200 BF
1000 BF
DP G

Attorney for Petitioner:

Holzer, Maher & Demilio
J. Carroll Holzer
(Type or Print Name)

Signature

Suite 105
305 West Chesapeake Avenue
Address

Towson, Maryland 21204
City and State

Attorney's Telephone No.: 301-825-6960

615 Chestnut Avenue 301-823-7352
Address Phone No.

Towson, Maryland 21204
City and State

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

Julius Lichter, Esquire
Name Levin, Gann & Hankin
305 West Chesapeake Avenue
Address Phone No.
Suite 113
Towson, Maryland 21204 301-321-0600

ORDERED By The Zoning Commissioner of Baltimore County, this 8th day of March, 1989, 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 10th day of May, 1989, at 9 o'clock A. M.

Reassigned: 5/31/89 - 9:00a.m.

J. Robert Haines
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
Date 3/2/89
By

Z.C.O.—No. 1

(over)

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 :

RECEIVED
FEB 13 1989
ZONING OFFICE

357

Zoning Description

All that parcel of land in the Ninth District of Baltimore County on the Southeast side of Chestnut Avenue, beginning 988 feet Southwest of Joppa Road; thence Southwesterly and binding on the Southeast side of Chestnut Avenue [redacted] feet; thence South 53 degrees 42 minutes East 760.02 feet; thence North 25 degrees 53 minutes East 654.20 feet; thence North 54 degrees 19 minutes West 628.47 feet to the place of beginning.

636.81

MICROFILMED

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

89-444-SPH

District 9th Date of Posting June 8-89

Posted for: Special Hearing

Petitioner: Mary R Wolfe et al

Location of property: NE side of Chestnut Avenue, 98' South of Joppa Road (615 Chestnut Avenue)

Location of Signs: On front of 615 Chestnut Avenue

Remarks:

Posted by A J Ansta Date of return: June 16-89

Signature

Number of Signs: 1

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

89-444-SPH

District 9th Date of Posting 8-4-89

Posted for: Special Hearing

Petitioner: Mary R. Wolfe et al

Location of property: S/E side of Chestnut Ave 180' N of the c/l of Piccadilly (615 Chestnut Ave)

Location of Signs: On front of 615 Chestnut Ave at entrance to subject property

Remarks:

Posted by A. J. Anata Date of return: August 11-89

Signature

Number of Signs: 1

MICROFILMED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing
Case number: 89-444-SPH
SE/S Chestnut Avenue, 988' S Joppa Road
615 Chestnut Avenue
9th Election District
4th Councilmanic
Legal Owner(s):
Pickersgill, Inc.
Petitioner(s):
Mary R. Wolfe, et al
Hearing Date: Wednesday, June 28, 1989 at 9:30 a.m.

Special Hearing: To determine that proposed additions and alternations to Pickersgill, Inc. must be developed pursuant to Sections 101, 432, 1B01.A.1, 1B01.1.C, 1B01.1.2.C.1, and Section 1B02.2.A (B.C.Z.R.); also to determine if a Special Exception would be required.

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

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

T/J/6/141 June 8.

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 8, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 8, 1989.

THE JEFFERSONIAN,

S. Zeke Orlinsky

Publisher

ADVERTISEMENT

T NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing
Case number: 89-444-SPH
SE/S Chestnut Avenue, 988' S Joppa Road
615 Chestnut Avenue
9th Election District
4th Councilmanic
Legal Owner(s):
Pickersgill, Inc.
Petitioner(s):
Mary R. Wolfe, et al
Hearing Date: Wednesday, June 28, 1989 at 9:30 a.m.

Special Hearing: To determine that proposed additions and alternations to Pickersgill, Inc. must be developed pursuant to Sections 101, 432, 1B01.A.1, 1B01.1.C, 1B01.1.2.C.1, and Section 1B02.2.A (B.C.Z.R.); also to determine if a Special Exception would be required.

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

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

T/J/6/141 June 8.

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 8, 19 89

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 8, 19 89.

TOWSON TIMES,

S. Zoke Cohen

Publisher

MICROFILMED

109.58

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

No. 065704

DATE 2/21/89 ACCOUNT 01-615-000

AMOUNT $ 100.00

RECEIVED FROM: Holzer, Maher + DeMilio

FOR: Sch #357 — ucr

Pickensville Inc.

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Date: 6/21/89

J. Carroll Holzer, Esq.
305 W. Chesapeake Avenue, Suite 105
Towson, Maryland 21204

Dennis F. Rasmussen
County Executive

Re: Petition for Special Hearing
Case Number: 89-444-SPH
Petitioner(s): Mary R. Wolfe, et ux
Legal Owner(s): Pickersgill, Inc.

Dear Petitioner(s):

Please be advised that $ 149.58 is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the time it is posted by this office unitl the day of the hearing.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign & post set(s), there will be an additional $25.00 added to the above fee for each such set not returned.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: File

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

J. Robert Haines
Zoning Commissioner

March 21, 1989

Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
CASE NUMBER: 89-444-SPH
SE/S Chestnut Avenue, 988' S Joppa Road
615 Chestnut Avenue
9th Election District - 4th Councilmanic
Legal Owner(s): Pickersgill, Inc.
Petitioner(s): Mary R. Wolfe, et al
HEARING SCHEDULED: WEDNESDAY, MAY 10, 1989 at 9:00 a.m.

Special Hearing: To determine that proposed additions and alternations to Pickersgill, Inc. must be developed pursuant to Sections 101, 432, 1B01.A.1, 1B01.1.C, 1B01.1.2.C.1, and Section 1B02.2.A (B.C.Z.R.); also to determine if a Special Exception would be required.

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

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Pickersgill, Inc.
J. Carroll Holzer, Esq.
Julius Lichter, Esq.
Naomi Willey
Herbert B. Mittenthal
Harry R. Kakel
Frederick J. Willey
Mike Alfone
John Hodge-Williams
Susan J. Meinert
Elizabeth Sexton
Gail B. O'Donovan
Mary R. Wolfe
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

March 23, 1989

Dennis F. Rasmussen
County Executive

J. Carroll Holzer, Esq.
305 W. Chesapeake Avenue, Suite 105
Towson, Maryland 21204

Re: NOTICE OF POSTPONEMENT
Petition for Special Hearing
CASE NUMBER: 89-444-SPH
SE/S Chestnut Avenue, 988' S Joppa Road
615 Chestnut Avenue
9th Election District - 4th Councilmanic District
Legal Owner(s): Pickersgill, Inc.
Petitioner(s): Mary R. Wolfe, et al

Dear Mr. Holzer:

Please be advised that the above hearing scheduled for May 10, 1989 has been postponed. Disregard the Notice of Hearing dated March 21, 1989.

This case will be reassigned, at which time you will receive a new Notice of Hearing providing information on the new hearing date.,

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

cc: Pickersgill, Inc.
Julius Lichter, Esq.
Naomi Willey
Herbert B. Mittenhal
Harry R. Kakel
Frederick J. Willey
Mike Alfone
John Hodge-Williams
Susan J. Meinert
Elizabeth Sexton
Gail B. O'Donovan
Mary R. Wolfe
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

M.C.R.E.M.

Dennis F. Rasmussen
County Executive

April 26, 1989

NOTICE OF REASSIGNMENT

Case #: 89-444-SPH
SE/S Chestnut Avenue, 988 ft. S Joppa Road
615 Chestnut Avenue
9th Election District - 4th Councilmanic
Petitioner(s): Mary R. Wolfe, et ux
Legal Owner(s): Pickersgill, Inc.

THE ABOVE MATTER, ORIGINALLY SCHEDULED TO BE HEARD ON WEDNESDAY, MAY 10, 1989, HAS BEEN REASSIGNED.

THE HEARING WILL NOW TAKE PLACE AS FOLLOWS:

WEDNESDAY, MAY 31, 1989 at 9:00 a.m.
BALTIMORE COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE, ROOM 106
TOWSON, MARYLAND 21204

cc: Pickersgill, Inc.
Julius Lichter, Esq.
J. Carroll Holzer, Esq.
Naomi Willey
Herbert B. Mittenhal
Harry R. Kakel
Frederick J. Willey
Mike Alfone
John Hodge-Williams
Susan J. Meinert
Elizabeth Sexton
Gail B. O'Donovan
Mary R. Wolfe

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

May 3, 1989

J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue
Towson, Maryland 21204

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Pickersgill, Inc., et al
Petition for Special Hearing
Case #89-444 SPH

Gentlemen:

As per our meeting of Monday, May 1st, I am holding the following four days open as possible hearing dates for the joint Pickersgill matters:

June 14, 15, 28 and July 7, 1989

Please advise me as to what dates would be preferable, as soon as possible. Please remember that the dates are all subject to appropriate time tables and the first two dates are susceptible to loss if I do not receive a response from you, promptly.

The May 31, 1989 hearing date has been postponed by agreement of counsel and appropriate notices of the postponement will be forthcoming.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:mmn
cc: Gwen Stephens
Docket Clerk

5/3/89 Called Steve - not to post

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

May 12, 1989

Dennis F. Rasmussen
County Executive

Julius W. Lichter, Esq.
LEVIN & GANN, P.A.
305 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Pickersgill, Inc., et al

Dear Mr. Lichter:

We have agreed to set the Pickersgill cases on June 28, 1989. In order to go forward with your client's half of the case, it is imperative that my staff have the materials for processing before May 23, 1989.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs

MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

May 25, 1989

NOTICE OF REASSIGNMENT

Case #: 89-444-SPH
SE/S Chestnut Avenue, 988' S of Joppa Road
515 Chestnut Avenue
9th Election District - 4th Councilmanic
Legal Owner(s): Pickersgill, Inc.
Petitioner(s): Mary R. Wolfe, et al

THE ABOVE MATTER, SCHEDULED TO BE HEARD ON May 31, 1989, HAS BEEN REASSIGNED.

THE HEARING WILL NOW TAKE PLACE AS FOLLOWS:

WEDNESDAY, June 28, 1989 at 9:30 a.m.
BALTIMORE COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE, ROOM 106
TOWSON, MARYLAND 21204

J. Robert Haines

J.ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Petitioners
J. Carroll Holzer, Esq.
Julius Licther, Esq.
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

June 21, 1989

Dennis F. Rasmussen
County Executive

NOTICE OF REASSIGNMENT

Case #'s: 89-444-SPH and 89-538-SPH
Pickersgill
SE/S Chestnut Avenue, 180' W c/l Piccadilly
615 Chestnut Avenue
HEARING DATE: WEDNESDAY, JUNE 28, 1989

THE ABOVE MATTER, SCHEDULED TO BE HEARD ON June 28, 1989, HAS BEEN POSTPONED AND REASSIGNED.

THE HEARING WILL NOW TAKE PLACE AS FOLLOWS:

TUESDAY, AUGUST 22, 1989 and THURSDAY, AUGUST 24, 1989 at 9:30 a.m.
BALTIMORE COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE, ROOM 106
TOWSON, MARYLAND 21204

J. Robert Haines

J.ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY

JRH:gs

cc: Petitioners
J. Carroll Holzer, Esq.
Julius Licther, Esq.
Files

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

HEARING ROOM -
Room 301, County Office Bldg.

March 22, 1990

AMENDED NOTICE OF ASSIGNMENT AND CONSOLIDATION

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-444-SPH / MARY R. WOLFE

SPH-to determine that additions/alterations be developed in accordance with zoning regulations; also is Special Exception required.

AND

2/12/90 - Z.C. Order DISMISSING Petition as moot.

CASE NO. 89-538-SPH — PICKERSGILL, INC., SE/s Chestnut Ave., N of Piccadilly Rd. (615 Chestnut Ave.)
9th Election District; 4th Councilmanic District

SPH -to amend the special exception and the site plan in Case No. 4324-X to allow the modification and expansion of existing nursing home.

2/12/90 - Z.C. Order GRANTING Petition with restrictions.

AND

CASE NO. CBA-89-156 — PICKERSGILL ADDITION

RE: CRG Decision

7/13/89 - CRG Meeting wherein the plan was approved.

Case Nos. 89-538-SPH + CBA-89-156 which were scheduled for hearing on May 4, 1990 have been consolidated with Case No. 89-444-SPH. All cases to be heard at 10:00 a.m.

ASSIGNED FOR: FRIDAY, MAY 4, 1990 at 10:00 a.m.

cc: J. Carroll Holzer, Esquire — Counsel for Appellants/Protestants
Julius W. Lichter, Esquire — Counsel for Appellant/Developer (Zoning)
Howard L. Alderman, Jr., Esq. — " " " " "
Pickersgill, Inc. — Appellant/Developer (Zoning)
Harris, Smariga Matz, Inc. — Engineer
Keith S. Franz, Esquire
Director of Planning
Current Planning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey
David L. Thomas
S. Wallis
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
✓Docket Clerk - Zoning
Nancy C. West, Asst. County Attorney
Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary

MICROFILMED

County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) ~~494-3180~~ 887-3180

May 4, 1990

HEARING ROOM - Room 301
COUNTY OFFICE BUILDING

NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-444-SPH — MARY R. WOLFE

SPH -to determine that additions/alterations be developed in accord w/zoning regs; is SE required

AND

2/12/90 -Z.C. Order which DISMISSED Petition as MOOT.

CASE NO. 89-538-SPH — PICKERSGILL, INC.

SPH -to amend SE and site plan in 4324-X to allow modification and expansion of existing nursing home

2/12/90 -Z.C. Order which GRANTED Petition w/restrictions

AND

CASE NO. CBA-89-156 — PICKERSGILL ADDITION

RE: CRG Decision

7/13/89 -CRG meeting wherein plan was approved

SE/s Chestnut Ave., N of Piccadilly Rd (615 Chestnut Ave.)
9th Election District; 4th Councilmanic District

which were scheduled to be heard on May 4, 1990 were POSTPONED ON THE RECORD at request of Counsel to the mutually agreed-upon date of May 21, 1990 at 12:00 noon and have been

REASSIGNED FOR: MONDAY, MAY 21, 1990 at 12:00 NOON

cc: J. Carroll Holzer, Esq. — Counsel for Appellants /Protestants
Julius W. Lichter, Esq. — Counsel for Appellant /Developer
Howard L. Alderman, Jr., Esq. — " " " "
Pickersgill, Inc. — Appellant /Developer
Harris, Smariga Matz, Inc. — Engineer

Keith S. Franz, Esq.
Director of Planning
Current Planning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey
David L. Thomas
Steve Wallis
J. Robert Haines

Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk -Zoning
Arnold Jablon, County Attorney

Kathleen C. Weidenhammer
Administrative Assistant

County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

HEARING ROOM -
Room 301, County Office Building

APPEAL HEARINGS SCHEDULED FOR
THE WEEK OF MAY 21, 1990

MONDAY 5/21/90	10:00 a.m.	PICKERSGILL ADDITION SE/s Chestnut Ave., N Piccadilly Rd. (615 Chestnut Ave.) 9th Election District 4th Councilmanic District
#CBA-89-156		
AND		RE: CRG Decision
#89-538-SPH		PICKERSGILL, INC.
AND		SPH-Amend Special Exception in Case No. 4324-X/ modify & expand existing nursing home; addition of 100 Class B elderly housing units.
(#89-444-SPH)		MARY R. WOLFE
(Day #2 continued from 5/4/90)		SPH-to determine that additions/alterations be developed in accordance with zoning regulations and is Special Exception required.
* TUESDAY 5/22/90	10:00 a.m.	SUGARWOOD 1ST AMENDED SW/s Smithwood Ave., SE of Birdwood Ave. 1st Election District; 1st Councilmanic District
#CBA-89-155		RE: CRG Decision
WEDNESDAY 5/23/90	10:00 a.m.	GEORGE C. PEVERLY, III SW/s Taylor Ave., 190' NW of c/l Oak Ave. (Lot F) and SW/s Taylor Ave., 240' NW of c/l Oak Avenue (Lot G) 9th Election District; 6th Councilmanic District
#90-35-SPHA		SPH -Commercial parking in R.O. zone VAR -Building to tract boundary 5' in lieu of required 10'.
THURSDAY 5/24/90	HEARING ROOM NOT AVAILABLE FOR CBA HEARING	
FRIDAY 5/25/90	10:00 a.m.	ROBERT E. VOELKEL, JR./REVAL 912 West Lake Ave.
#CBA-89-184		RE: Violation of Baltimore County Investment Property Act
FRIDAY 5/25/90	1:00 p.m.	STEPHEN P. BROWN, ET UX, NW/cor German Hill Rd. and 51st St. (7014 German Hill Rd.) 12th Election District; 7th Councilmanic District
#90-77-A		VAR -setbacks for addition to existing structure

MICROFILMED

cc: Executive Office
County Council
Law Office
People's Counsel
Planning Office
Board Members
Court Reporter
Information Desks (2)

* - CASE NO. 90-71-SPHA POSTPONED TO 6/27/90

B 685:200 Surne

96

9-02-91

COMMENTS

19890444 "A" supplemental
&
19890538 "A" supplemental

(2)

MICROFILMED

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

oOo

MEMBERS

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

April 28, 1989

J. Carroll Holzer, Esquire
Holzer, Maher & Demilio
305 West Chesapeake Avenue
Towson, MD 21204

RE: Item No. 357, Case No. 89-444-SPH
Petitioner: Mary R. Wolfe, et al
Petition for Special Hearing

Dear Mr. Holzer:

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. 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVEANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer/jw

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Ms. Mary R.Wolfe, 602 Chestnut Avenue, Towson, MD 21204
Julius Lichter, Esquire, Levin, Gann & Hankin,
305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204

MICROFILM

89-444-SPH

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

8th day of March, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner Mary R.Wolfe, et al
Petitioner's Attorney J. Carroll Holzer

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND

89-444
89-538

INTER-OFFICE CORRESPONDENCE

TO J. Robert Haines
Zoning Commissioner

Date June 6, 1989

FROM Brooks H. Stafford BHS/MWK

SUBJECT COMMENTS ON ZONING ADVISORY COMMITTEE MEETING

MICROFILMED

ITEM #518 - PICKERSGILL, INC.

This office recommends approval for this amendment to allow the modification and expansion of the existing nursing home. However, if fuel burning equipment with a heat input of one million BTU per hour and greater is to be installed, then an air quality Permit to Construct must be obtained from this office, in accordance with COMAR 26.11.02.03 A. In addition, if the property owner plans to install an infectious waste incinerator, a Permit to Construct must be obtained from this office.

If the expansion involves the demolition of existing walls which may contain asbestos, the Division of Support Services, of this office, should be contacted for guidance on handling asbestos.

MWK:pms/BHS

cc: G. Zitnik

RECEIVED
JUN 8 1989
ZONING OFFICE

CPS-008

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

March 28, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

MICROFILMED

Dennis F. Rasmussen
County Executive

Dear Mr. Haines:

The Bureau of Traffic has no comments for items number 289, 291, 316, 333, 334, 339, 340, 342, 343, 344, 345, 346, 347, 348, 349, 351, 356, and 357.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF/lab

RECEIVED
APR 28 1989
ZONING OFFICE

89-538

Rec 7/6/89

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

6/6/89
Date

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

MICROFILMED

Zoning Item # 518, Zoning Advisory Committee Meeting of May 24, 1989

Property Owner: Pickersgill, Inc.

Location: SE/S Chestnut Ave. District: 9

Water Supply: metro Sewage Disposal: metro

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, Bureau of Regional Community Services, for final review and approval.

(✓) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.

( ) A permit to construct from the Bureau of Quality Management 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 Bureau of Air Quality Management is required for any charbroiler generation 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 Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.

( ) 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 the State Department of the Environment.

(✓) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestoes, 887-3775.

( ) 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 887-3745.

( ) 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 Water and Sewer 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. For more information contact the Division of Environmental Management at 887-3980.

( ) In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

( ) Others _____

G. R. Gutschick

BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Carl Richards
Planning and Zoning Date March 29, 1989

FROM Robert W. Bowling, P.E.

SUBJECT Pickersgill, Inc.

Towson
District 9C4
Zoning Item #357

The Site Plan dated January 11, 1989, with latest revision dated February 23, 1989, has been reviewed by the Developers Engineering Division and our comments are as follows:

GENERAL COMMENTS:

All private contracts for construction of storm drains and roads intended for public title and maintenance must be let under a contract form, proposal and attachments adopted by the Baltimore County Department of Public Works. The Developer has the option of placing the storm drains under a public contract.

The State Department of the Environment Construction Permits for each private utility (water and sanitary sewer) totaling over 400 feet in length will be obtained through the Baltimore County Department of Public Works.

The proposed private utilities and roads shall be drawn on County Standard Linens and shall follow County Standards for size, materials and construction details, and shall be submitted to the Bureau of Public Services for review and approval.

The construction of private utilities shall be inspected by a private inspection firm under the supervision of the Baltimore County Bureau of Construction Inspection, Department of Public Works. The construction shall be certified by a Professional Engineer prior to approval for occupancy by the Department of Permits and Licenses.

All construction drawings and construction for public use shall conform with Baltimore County Department of Public Works Design Standards and Standard Specifications and Details for Construction.

Under Bill #56-82, Section 22-72, security shall be posted prior to the issuance of building permits unless the posting of such security is deferred. The security shall be posted prior to the recording of the plat.

The responsibilities of the Developer involving public improvements shall include the Inspection Fees, Burden and Fringe Costs incurred. Currently these charges are 3 times payroll for Metropolitan District Projects and 2 times payroll for the Capital Improvement Fund.

MICROFILMED

GENERAL COMMENTS: (Con't)

The Developer is responsible for the full cost of all highway and storm drain construction.

A Public Works Agreement must be executed by the owner and Baltimore County for the required public improvements, after which a Building Permit may be approved.

In accordance with Bill No. 56-82, dredging, filling or construction in any wetland is prohibited.

The Developer shall be responsible for damages to the County's facilities, such as water meters, manholes, curbs and gutters and inlets within his subdivision. Occupancy Permits will be withheld until such damages have been corrected.

The Developer's Engineer shall investigate the need and obtain the necessary permits for the facilities serving this site that may require a "Corps of Engineer's Permit", a "Water Resources Permit", a "Water Quality Certification", and any other Federal or State Permits. These facilities cannot be sent to contract until such permits have been received.

The Developer shall not allow any cable television cables to be installed in this subdivision without the required County permits being obtained. Baltimore County will not assume any rights-of-way, easements, or maintenance of any public improvements, where such cables have been installed without a permit until the cables are satisfactorily located.

HIGHWAY COMMENTS:

Chestnut Avenue is an existing road which shall ultimately be improved as a 40-foot street cross section on a 50-foot right-of-way.

The Developer's responsibilities along the existing road frontage of the subdivision shall be as follows:

a. The submission of detailed construction drawings to extend a minimum distance of 200 feet beyond the limits of the subdivision or as may be required to establish line and grade.

b. The submission of full cross-sections is deemed necessary for design and/or construction purposes. The sections are to be taken at 25-foot intervals and are to be shown on standard cross-section paper at 1" = 5' horizontal to 1" = 5' vertical scale.

c. The preparation of the right-of-way plat for, and the dedication of any widening and slope easements at no cost to the County.

d. The preparation of the right-of-way plats for any offsite road rights-of-way required to make the necessary improvements. Baltimore County will attempt to acquire the right-of-way at the Developer's expense.

MICROFILMED

HIGHWAY COMMENTS: (Con't)

e. The grading of the widening and the existing road to the established grade. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.

f. The relocation of any utilities or poles as required by the road improvements.

g. The construction of combination curb and gutter in its ultimate location and a maximum of 28.5 feet of paving adjacent thereto along the frontage of the property. The paving thickness shall conform with Baltimore County Standards.

It shall be the responsibility of the Developer's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The Developer shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

The entrance locations are subject to approval by the Bureau of Traffic Engineering.

In accordance with Bill No. 32-72, street lights are required in all subdivisions. The Developer will be responsible for the full costs of installation of the cable, poles and fixtures. The County will assume the cost of the power when the streets have been accepted for County maintenance.

Ramps shall be provided for physically handicapped persons at all street intersections.

The Developer shall be responsible for construction stake-out of all highway improvements required in connection with this site and all stake-outs shall be in accordance with Baltimore County Standards.

STORM DRAINS AND SEDIMENT CONTROL COMMENTS:

The Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Developer's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - and the deeding in fee of said rights-of-way to the County. Preparation of all construction, rights-of-way and easement drawings, engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

Onsite drainage facilities serving only areas within the site are considered private. Therefore, construction and maintenance shall be the Developer's responsibility. However, a drainage area map, scale 1" = 200', including all facilities and drainage areas involved, shall be shown on a plan and submitted to Baltimore County for review.

MICROFILMED

STORM DRAINS AND SEDIMENT CONTROL COMMENTS: (Con't)

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

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

Floodplain studies and storm water management drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

In accordance with Baltimore County Council Grading, Sediment Control and Forest Management Ordinance (Bill No. 33-88), a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit. A sediment control plan is required. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

The Developer must furnish the Bureau of Public Services with a floodplain study containing the following information (for drainage areas of 30 acres or greater):

a. A map of scale 1" = 200', for the entire drainage area which contributes to the open stream, including a tabulation of flow quantities. Hydrology computations shall be in accordance with the June, 1986 version of TR55.

b. Field run cross-sections of the stream with the flood plain of a 100-year design storm indicated on them. These sections are to be taken at 50-foot intervals and are to be shown on standard cross-section paper at 1" = 5' horizontal to 1" = 5' vertical scale.

c. A profile of the stream

d. A plan with the location of the field run cross-sections indicated.

e. Hydraulic computations which were used to establish the elevation of the flood plain for each cross-section based on "The Standard Step Method" or "The U.S. Corps of Engineers Computer Program HEC-2."

f. Hydraulic computations, including inlet and outlet control analysis, which determine the size of any proposed structure within the flood plain. The Developer's engineer shall submit economically comparable alternate designs (type, size and location), with estimated construction costs included, to verify his selection.

MICROFILMED

STORM DRAINS AND SEDIMENT CONTROL COMMENTS: (Con't)

g. The stream is to be cleared of all fallen trees, stumps and debris.

In accordance with Bill No. 56-82, filling within a flood plain is prohibited.

Temporary construction easements of adequate width are necessary adjacent to all offsite rights-of-way or easements where utility construction is planned. They should be indicated on the right-of-way plats and construction drawings.

Building/Occupancy Permits shall be withheld until offsite right-of-way and utility construction as required has been cleared and the contract for the utilities has been awarded.

The rear of buildings may not be constructed within 20 feet of the limits of the flood plain as established for a 100-year flood level with a 1 foot freeboard. See Plate 19D in the Baltimore County Design Manual, dated 1982 and adopted 1983.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

WATER AND SANITARY SEWER COMMENTS:

Permission to obtain a metered connection from the existing main may be obtained from the Department of Permits and Licenses.

The Developer is responsible for the cost of capping or plugging any existing house connection not used to serve the proposed site.

The Developer will be given credit for one System Connection Charge for each existing house which is now connected into the public services.

Permission to connect to, or (to connect additional sanitary fixtures to) the existing public sanitary sewer may be obtained from the Department of Permits and Licenses.

Water and sanitary sewer service connections shall be installed by a utility contractor prior to the road improvements and shall be included in the Public Works Agreement.

The total Water and/or Sanitary Sewer System Connection Charge is determined, and payable, upon application for the Plumbing Permit. This Charge is in addition to the normal front foot assessment and permit charges.

Water mains outside of public rights-of-way serving a proposed site improvement are considered private and shall be the Developer's full responsibility for construction and maintenance.

MICROFILMED

WATER AND SANITARY SEWER COMMENTS: (Con't)

Onsite private water mains with fire hydrants shall be metered at the public source. The size and design of the meters shall conform with Baltimore City Standards. Permission to obtain a metered connection may be obtained from the Department of Permits and Licenses.

Fire hydrant spacing and location are subject to review and approval by the Fire Protection Section of the Fire Department.

The Developer's engineer is requested not to start any designs for water until supplementary comments, received from Baltimore City, have been furnished by this office.

This property is subject to Water and/or Sewer System Connection Charges based on the size of water meters utilized in accordance with current County Policy.

The Developer shall contact Mr. Carlyle Brown of the Bureau of Public Services on 887-3321 for information on obtaining water service where the meter required is 3" or less, or the Developers Engineering Division on 887-3751 for water service requiring meters 4" and larger.

* * * * *

This Plan may be approved subject to compliance with all of the above comments.

SIGNED: ROBERT W BOWLING

Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:JRL:pab

cc: File

PICKERS/TXTCOMM2

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO J. Robert Haines
Zoning Commissioner Date June 9, 1989

FROM Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT Pickersgill Nursing Home
Zoning Petition Nos. 89-444-SPH and 89-538-SPH

The petitioner has requested a special hearing (Zoning Petition No. 89-444) to determine if proposed additions and alterations must be developed in accordance with Section 432 - Elderly Housing in DR Zones, and definitions.

In reference to this request, staff provides the following information:

- Petition No. 89-444 - a hearing was set to establish whether compliance with Section 432 (BCZR) was required. It appears to staff that compliance with Section 432 is an option that can be exercised by the petitioner if they so desire. Development alternatives under zoning include 1) building to allowable density or 2) utilization of Section 432 for density bonuses. The question of allowing density units to equate with dwelling units essentially establishes density at the prescribed or allowable density. If density units are not allowed to equate with dwelling units, then the petitioner would have to either conform to the 82 dwelling units, or apply for density bonuses under Section 432 (BCZR).

MICROFILMED

The petitioner has also requested a special hearing (Zoning Petition No. 89-538) to amend a special exception to allow for the expansion of an existing nursing home and the addition of 100 density units or 80 dwelling units.

In reference to this request, staff provides the following information:

- The petitioner has 12.78 acres of DR 5.5 zoning and 3.62 acres of DR 3.5 zoning. The allowable density on this site is 82.925 dwelling units (General Note #2, Site Plan 5/24/89). The petitioner is providing 100 density units which translates into 80 dwelling units (General Note #5, Site Plan 5/24/89). The question of translating dwelling units into density units is germane to this request. Is it appropriate for housing for the elderly to be translated into density units versus dwelling units? Density units are currently used in planned developments. The planning rationale for using density units arises from weighting the impacts actually generated from development. It is generally recognized that different types of units will generate certain levels of habitation. For example, a single-family detached home will contain two or three people on average. An efficiency or or studio apartment will contain one person. Both units are equal to one dwelling unit, however, the studio has the impact of one person or one car or 1/2 the impact of a single-family house. Consequently, two studio apartments (density unit) equal one home (dwelling unit). The question of whether housing for the elderly should be treated in this manner needs to be resolved.

° The petitioner wil require CRG review and approval for this project.

° The site plan as proposed by the petitioner shows deficiencies in the following areas:

- landscaping of the site should be upgraded (including required RTA, buffer areas, streetscape, etc.);

- some pathway system for residents' recreational use should be provided through the site.

- architectural elevations should be provided and reviewed for compatibility;

- the stormwater management should be developed and landscaped in a more sensitive manner to blend in with the site;

- the site plan dated 5/24/89 is very difficult to read, especially in regard to existing conditions and proposed changes;

- the "Typical Handicapped Parking" detail provided on the site plan dated 5/24/89 doesn't appear to make sense.

° Several facilities noted on the plan that include 1) oil recovery facility; and 2) underground fuel tank; should be reviewed by DEPRM.

° The area designated as Local Open Space should be reviewed by the Dept. of Recreation and Parks to determine the most appropriate use and location of these areas.

° The expansion of this site for 80 dwelling units or 100 density units of housing for the elderly should be reviewed by the Dept. of Community Development to determine if affordable housing is appropriate for this site.

Based upon the analysis conducted, staff identifies the following:

° An interpretation of whether density units can be used in replacement of dwelling units for housing for the elderly in DR zones, needs to be decided.

° A CRG for this project will be required. Issues related to site plan deficiencies (landscaping, local open space, stormwater management, etc.) can be addressed at that time.

MICROFILMED

° If a density unit interpretation is deemed appropriate for housing for the elderly in DR zones, then 10% (or some other number determined by Community Development) should be required to be set aside for affordable units.

° Staff would suggest that if density units are deemed appropriate, then the requirements found in Section 432.3,C be used to evaluate the project.

PK/sf

Copies C. Holzer
sent & Lichter
TO: P.D Fields
D. Letter on 7/20

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: July 17, 1989

RECEIVED
JUL 20 1989
ZONING OFFICE

FROM: Pat Keller, Deputy Director

SUBJECT: Zoning Petition No. 89-444, 538-SPH
Pickersgill, Inc. - Revised Comment

The Zoning Commissioner is being petitioned to 1) determine if proposed additions and alterations to an existing nursing home should comply with Section 432 B.C.Z.R. and 2) amend special exception to allow for the expansion of an existing nursing home and the addition of 100 density units or 80 dwelling units. In reference to this request, staff provides the following information:

1. Petition No. 89-444 - a special hearing was requested to determine if compliance with Section 432 B.C.Z.R. is required. It appears to staff that compliance with Section 432 B.C.Z.R. is an option that can be exercised by Pickersgill, Inc. if they so desire. Development alternatives under zoning include 1) building to allowable density for any number of uses permitted; or 2) utilization of Sec. 432 or any uses allowed by special exception.

2. Petition No. 89-538-SPH, special hearing, was requested (by Pickersgill, Inc.) to amend an existing special exception to allow modification and expansion of an existing nursing home and 100 elderly density units (or 80 dwelling units) and requisite support facilities.

   A. The petitioner has 12.78 acres of DR 5.5 zoning and 3.62 acres of DR 3.5 zoning. The allowable density on this site is 82.925 dwelling units (General Note #2, Site Plan 5/24/89). The petitioner is providing 100 density units which translates into 80 dwelling units (General Note #5, Site Plan 5/24/89). Density units are currently used in planned developments. The planning rationale for using density units arises from weighting the impacts actually generated from development. It is generally recognized that different types of units will generate certain levels of habitation. For example, a single-family detached home will contain two or three people on average. An efficiency or studio apartment will contain one person. Both units are equal to one dwelling unit,

MICROFILMED

MICROFILMED

however, the studio has the impact of one person or one car or 1/2 the impact of a single-family house. Consequently, two studio apartments (density unit) equal one home (dwelling unit). Section 1B02.2A B.C.Z.R. allows dwelling units to be converted to density units.

B. Pickersgill, Inc. is requesting an amendment to an existing special exception to modify an existing building and to provide for elderly housing at a density permitted on the entire parcel and transcribed into density units. The primary issue here is not whether the request is allowed by zoning because a) nursing homes are permitted by special exception without limitations on number of beds and b) elderly housing may be constructed to meet existing density and may be transcribed into density units.

The primary issue is whether the special exception for a nursing home and housing for the elderly at the size and scale put forth by Pickersgill, Inc. should be approved.

C. On July 13, 1989, Baltimore County reviewed and approved a CRG for this project. This approval simply states that the particular project proposed by the petitioner meets County standards for development.

The site plan as proposed by the petitioner however, should be amended to include the following:

- landscaping of the site should be upgraded (including required RTA, buffer areas, streetscape, etc.);

- some pathway system for residents' recreational use should be provided through the site;

- architectural elevations should be provided and reviewed by the Director, Office of Planning and Zoning;

- the stormwater management area should be developed and landscaped in a more sensitive manner to blend in with the site. The stormwater pond should have slopes not greater than 4 to 1 or 25% on average;

- the site plan dated 5/24/89 is very difficult to read; especially in regard to existing conditions and proposed changes;

- the "Typical Handicapped Parking" detail provided on the site plan dated 5/24/89 doesn't appear to make sense.

D. Several facilities noted on the plan including 1) oil recovery facility; and 2) underground fuel tank; should be reviewed by DEPRM and any problems should be reconciled.

E. The area designated as Local Open Space should be reviewed by the Dept. of Recreation and Parks to determine the most appropriate use and location of these areas.

MICROFILMED

F. The expansion of this site for 100 density units of housing or the elderly should be reviewed by the Dept. of Community Development to determine if affordable housing is appropriate or being provided for this site.

G. The use of the site as a special exception for a nursing home and elderly housing raises the issue of setting aside an area for the special exception and utilizing the remaining area for calculating density. The two solutions here are 1) the special exception should be weighed on its own merits in addition to allowable tract density (evaluated on the merits of the entire project); or 2) the special exception occupies a predetermined area as previously approved and the tract density should be tabulated based upon the remaining area. In essence, this addresses "double counting" of use or density on the site. The zoning regulations are not clear on this point and have to be reconciled by the Zoning Commissioner.

Based upon the analysis conducted and information provided, staff provides the following:

The use of density units for housing of the elderly should result in some affordable units being provided on site.

Staff would suggest that the requirements found in Section 432.3,C be used to evaluate this project.

PK/sf

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
SE/S Chestnut Ave., 988' S Joppa
Rd. (615 Chestnut Ave.) : OF BALTIMORE COUNTY
9th Election District;
4th Councilmanic District :

MARY R. WOLFE, et al., : Case No. 89-444-SPH
Petitioners
:

: : : : : : :

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.

Phyllis Cole Friedman

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman

Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 19th day of May, 1989, a copy of the foregoing Entry of Appearance was mailed to J. Carroll Holzer, Esquire, 305 W. Chesapeake Ave., Suite 105, Towson, MD 21204; and Julius W. Lichter, Esquire, 305 W. Chesapeake Ave., Suite 113, Towson, MD 21204.

Peter Max Zimmerman

Peter Max Zimmerman

MICROFILMED

89-538
89-444

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Douglas B. Riley
Councilman, Fourth District

March 12, 1993

FROM: Arnold Jablon
Director, ZADM

SUBJECT: Height Determination

I am in receipt of your March 2 memo regarding the method of determining building height in the BCZR and your request for suggestions to clarify the considerable apparent confusion over the height of the Pickersgill project.

The "confusion" may be only a lack of understanding and communication combined with inexperience in dealing with technical zoning requirements. Assuming that all affected and interested residents had the opportunity to request an elevation rendering from different viewpoints as part of any negotiated agreements, communication and experience may never be replaced by a technical yardstick. All technical requirements aside, subjective examination and negotiation by interested private citizens is alive and well as part of the multiple public input process, not to mention the opportunities for private negotiations as had transpired in this particular approval process. The Pickersgill zoning files are very extensive, which would indicate much public interest and obvious opportunities for subjective scrutiny.

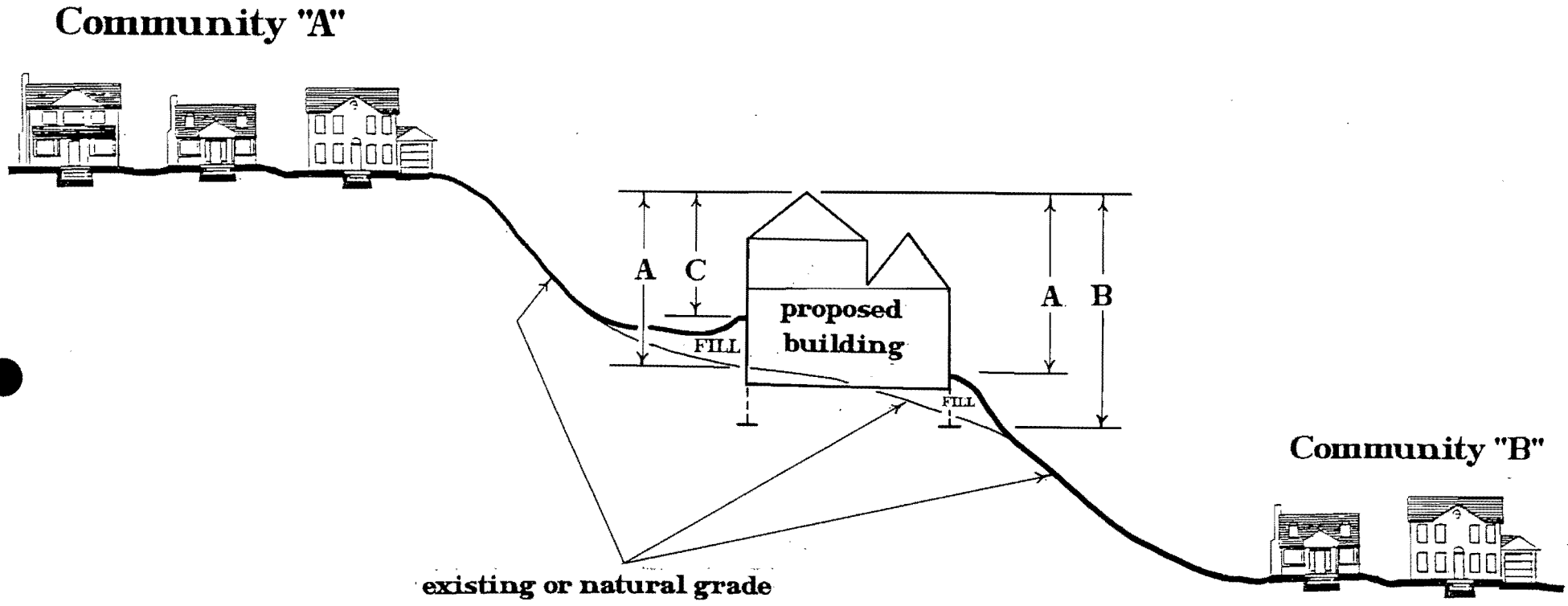
The technical zoning mechanics of determining the building height are enumerated in the definition of "Building Height" in Section 101 (BCZR). The definition was amended by County Council Bill 151-88, effective 11/27/88, to be consistent with Zoning Policy RM-6, dated 8/85. The current Pickersgill "confusion" aside, since 1985 the method has been used to effectively and equitably regulate thousands of projects requiring zoning action without a challenge. The method currently used has as its greatest advantage the fact that it is easy to apply and it does not lend itself to different interpretations regarding its proper application to various types of construction (including all residential, commercial, and industrial buildings).

As more clearly shown in the exaggerated elevation sketch (attached), the height distance "A" is, in the opinion of this office, an equitable and accurate measurement of the building height. Obviously, all projects are not built on flat ground and as illustrated in the exaggerated sketch, Community "B" would view the project as taller than Community "A". The measurement and perception of the height from a certain angle as higher than the permitted height can only be an anomaly by very simply assuming that all views of all buildings will not exceed the height, regardless of the view or grade. A "perfect" and unrealistic all encompassing measurement method would not be easy to define, explain or more importantly, apply. It is the opinion of the staff (that has had more application experience than anyone else in this area) that the current method works well but they would be available to discuss the purpose, aid in the definition of the purpose of a change, and the effect of any alternate methods proposed.

Carl Richards and John Lewis, in this office, would be available at your convenience to discuss the height calculation.

AJ:WCR:scj

Baltimore County Height Determination
BCZR Section 101 (see measurement "A")



3/4/93
Y
TO WIR -
please prepare response
for me

93-2143
AJ

COUNTY COUNCIL OF BALTIMORE COUNTY

COURT HOUSE, TOWSON, MARYLAND 21204

DOUGLAS B. RILEY
COUNCILMAN, FOURTH DISTRICT

COUNCIL OFFICE: 887-3389
887-3196

MEMORANDUM

TO: Arnold Jablon, Director
Office of Zoning Administration and Development Management

FROM: Douglas B. Riley
Councilman, Fourth District

RECEIVED
MAR 4 1993
ZONING OFFICE

DATE: March 2, 1993

SUBJ: Height Determination

It has been brought to my attention by the Chestnut Hill Community Association that there is considerable confusion relating to the County's policy on how permitted building height is determined. In one instance, the addition to Pickersgill at 615 Chestnut Avenue in Towson measures, in many places, higher than the permitted 40 feet. Community residents feel that the building is too tall, and, in fact, is taller than they had agreed upon. If they had been aware of the anomalies of permitted building height regulations, the Association members would have negotiated a different agreement with Pickersgill.

In light of this problem, will you please let me know your thoughts about how the Baltimore County Zoning Regulations can be amended to clarify the policies regarding permitted building height.

Thank you.

DBR

DBR:akd

cc: Mr. John Hodge-Williams
Mr. and Mrs. Robert Colburne

JABLON.1/TXTAKD

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

January 26, 1989

The Ruxton-Riderwood-Lake Roland Area
Improvement Association, Inc.
Box 204
Riderwood, Maryland 21139

Attn.: Ms. Gail G. O'Donovan, Chairman of Zoning
Ms. Susan J. Meinert, Co-Chairman of Advisory Board
Ms. Mary R. Wolfe, Co-Chairman of Advisory Board

RE: Expansion of Pickersgill

Ladies:

Reference is made to your letter of January 17, 1989 which has been referred to me for reply.

Please be advised that your request for a Special Hearing to determine whether or not Pickersgill needs a Special Exception for their proposed improvements, will be processed and scheduled for a hearing upon submittal of the petitions and proper forms by the owner of the property.

I would also like to advise you that this office has had preliminary meetings with attorneys representing Pickersgill, Mr. Julius Lichter and Howard Alderman, at which time zoning requirements and procedures were discussed. It is suggested that if you have not done so, you may wish to discuss same with Mr. Lichter, or you may schedule a meeting with the Zoning Commissioner for that purpose.

If you have any further questions, please feel free to contact me at 887-3391.

Very truly yours,

JAMES E. DYER
Zoning Supervisor

JED:cer

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

February 15, 1989

J. Carroll Holzer, Esquire
Holzer, Maher and Demilio
Suite 110, 305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Pickersgill, Inc.

Dear Carroll:

I am in receipt of your correspondence of Februry 10, 1989 and your Petition for Special Hearing regarding Pickersgill. I have forwarded this matter to Mr. Carl Richards, Zoning Coordinator, for review and comment and, he will be in contact with you when the matter is ready for formal acceptance by our office.

It is my understanding that Pickersgill, Inc. is also planning to file a Petition for Special Hearing. I will review that matter when it is filed and, hopefully, both cases will be heard at the same time.

If you have any questions concerning this matter, please contact Mr. Richards.

Very truly yours,

J. Robert Haines

J. Robert Haines
Zoning Commissioner

JRH:mmn
Ms. Mary R. Wolfe
Mrs. Gail B. O'Donovan
Mrs. Elizabeth Sexton
Mrs. Susan J. Meinert
Mr. John Hodge-Williams
Mr. Mike Alfone
Mr. Frederick J. Willey
Ms. Naomi O. Willey
Julius Lichter, Esquire
Mrs. Louise Schulz, Ruxton-Riderwood-Lake Roland Area Imp. Assoc.,Inc.

MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

March 15, 1990

Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing
SE/S Chestnut Avenue
(615 Chestnut Avenue)
9th Election District, 4th Councilmanic District
PICKERSGILL, INC. - Petitioner
Case No. 89-538-SPH

Dear Board:

Please be advised that a second appeal of the above-referenced case was filed in this office on March 14, 1990 by J. Carroll Holzer, Attorney on behalf of the Protestants. All materials relative to the case were previously forwarded.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Pickersgill, Inc.
615 Chestnut Avenue, Towson, Maryland 21204

Julius W. Lichter, Levin, Gann & Hankin
305 West Chesapeake Avenue, Suite 113, Towson, MD 21204

Howard L. Alderman, Levin, Gann & Hankin
305 West Chesapeake Avenue, Suite 113, Towson, MD 21204

J. Carroll Holzer, Holzer, Maher & Demilio
Suite 105, 305 W. Chesapeake Avenue, Towson, MD 21204

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

April 19, 1990

Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building
Room 315
Towson, MD 21204

RE: Petition for Special Hearing
SE/S Chestnut Avenue, 988' S of Joppa Road
(#615 Chestnut Avenue)
9th Election District, 4th Councilmanic District
MARY R. WOLFE - Petitioner
PICKERSGILL, INC. - Legal Owner
Case No. 89-444-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on March 14, 1990 by J. Carroll Holzer, Attorney on behalf of the Protestants. All materials relative to this case were previously forwarded with Case No. 89-538-SPH. The letter sent to the Board of Appeals on March 15, 1990 failed to mention Case No. 89-444-SPH as also being appealed.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines scj

J. Robert Haines
Zoning Commissioner

JRH:scj

Enclosures

cc: Mary R. Wolfe
602 Chestnut Avenue, Towson, MD 21204

Pickersgill, Inc.
615 Chestnut Avenue, Towson, MD 21204

J. Carroll Holzer, Esquire
Holzer, Maher & Demilio
305 West Chesapeake Avenue, Suite 105, Towson, MD 21204

Julius W. Lichter, Esquire
Levin, Gann & Hankin
305 West Chesapeake Avenue, Suite 113, Towson, MD 21204

Howard L. Alderman, Esquire
Levin, Gann & Hankin
305 West Chesapeake Avenue, Suite 113, Towson, MD 21204

IN RE: PETITION FOR SPECIAL HEARING
SE/S Chestnut Avenue
988' S of Joppa Road
(615 Chestnut Avenue)
9th Election District
4th Councilmanic District

Pickersgill, Inc.

Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* Case No.: 89-538-SPH
and 89-444-SPH

* *

NOTICE OF APPEAL

MARY R. WOLFE, et al., Protestants in the above-referenced case, by an through their attorney, J. Carroll Holzer, hereby enter an appeal to the County Board of Appeals from the decision of the Zoning Commissioner in Case numbers 89-538-SPH and 89-444-SPH granting Petitioner's Petition for Special Hearing with restrictions, and denying Protestants' Petition for Special Hearing as moot.

Pd. 150
3/14/90
check # 3880

J. Carroll Holzer /s.a.

J. CARROLL HOLZER
Holzer, Maher & Demilio
305 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204
(301) 825-6960
Attorney for Protestants

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

October 16, 1989

Dennis F. Rasmussen
County Executive

Julius W. Lichter, Esquire
Levin, Gann & Hankin
305 W. Chesapeake Avenue
Towson, Maryland 21204

J. Carroll Holzer, Esquire
Holzer, Maher & Demilio
305 W. Chesapeake Avenue, Suite 105
Towson, Maryland 21204

RE: Petition for Special Hearing
SE/S Chestnut Avenue, 180' N of the c/l of Piccadilly
(615 Chestnut Avenue)
9th Election District - 4th Councilmanic District
Pickersgill, Inc. - Petitioners
Case Nos. 89-444-SPH and 89-538-SPH

Dear Messrs. Lichter & Holzer:

It is expected that all testimony will be concluded by the end of the next hearing date of October 18th. No additional testimony will be taken after that date nor will any further continuations of this hearing be granted.

In light of the complex legal issues raised in this matter, memorandums will be sought on the following subjects:

1) Discuss the ramifications of Bill Nos. 36 and 37, 1988, now codified in the B.C.Z.R., upon a pre-existing convalescent home now known as a nursing home, the associate issues of various types of care and the possible density impact upon the proposal as set forth by Petitioners.

2) Does the Petition for Special Hearing to amend the special exception request previously granted in Case No. 4324-X require the Petitioner to meet the current requirements of Section 502.1 and Section 101 of the B.C.Z.R.?

MICROFILMED

3) What impact does the creation of the specific uses known as assisted living facilities, continuing care facilities, nursing homes, and/or Class B housing for the elderly have upon an existing convalescent home (now known as a nursing home), which existed prior to the regulatory changes?

4) Do the current residents of the special exception convalescent home fall within the current definition for nursing home or should those residents fall within one of the other types of residential care for the elderly as defined by the B.C.Z.R.?

5) Present both legal and factual arguments to support or reject this project's compliance with specific criteria set forth in Section 502.1 of the B.C.Z.R.?

6) Any other issues or subjects which the Protestants or Petitioners believe are relevant to a final determination in this matter shold be briefed in detail.

This letter is to advise you of those issues I want to see briefed and is not to enable oral closing arguments, which will not be heard. All briefs must be submitted by no later than December 1, 1989 and all reply briefs by no later than January 5, 1990.

Thank you for your cooperation in this matter.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: File

IN THE MATTER OF * BEFORE THE ZONING

Pickersgill SE/E * COMMISSIONER OF

Chestnut Avenue * BALTIMORE COUNTY

Towson, Md. * CASE NO. 89-444-SPH

* * * * * * * * * * * * * *

REC'D - SHERIFF'S OFFICE
1989 SEP 26 P 1:23

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Herb Meade 631-3442
State Dept. of Environment, Underground Storage Tank Division
2500 Broening Hwy.
Balto., Md.

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg., 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Monday the 2nd day of October,

19 89, at 9:00 a.m./~~p.m.~~ & Fri., Oct. 13 at 1:00 p.m.

YOU ARE COMMANDED TO produce the following documents or objects: Any and all documents, files, notes, memos, schematics, studies, data, and any and all information that relates to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson, Md. 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 9/26/89

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: _____ Fee:$ _____

SHERIFF SHERIFF OF BALTO. CO., MD.

ASSIGNED

854 Walk

IN THE MATTER OF * BEFORE THE ZONING

Pickersgill SE/E * COMMISSIONER OF

Chestnut Avenue * BALTIMORE COUNTY

Towson, Md. * CASE NO. 89-444-SPH

REC'D - SHERIFF'S OFFICE
1989 SEP 26 P 1:29

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Custodian of the Records
Zoning Office
County Office Bldg.
Towson, Md.

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg., 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Monday the 2nd day of October,

19 89, at 9:00 a.m./~~p.m.~~ & Fri., Oct. 13 at 1:00 p.m.

YOU ARE COMMANDED TO produce the following documents or objects: Any and all Baltimore County zoning files that relate to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson, Md. 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 9/26/89

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(✓)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____

Date: 9/29/89

Fee: $ 15.00

Edward Shelor
SHERIFF OF BALTO. CO., MD.

MICROFILMED

Walk
8-3-4

IN THE MATTER OF * BEFORE THE ZONING

Pickersgill SE/E ~~REC'D~~ SHERIFF'S OFFICE * COMMISSIONER OF

Chestnut Avenue ~~1989~~ SEP 26 P 1:26 * BALTIMORE COUNTY

Towson, Md. * CASE NO. 89-444-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Pat Keller, Deputy Director
Office of Planning and Zoning
4th Floor
County Courts Bldg., Towson, Md.

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg., 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Monday the 2nd day of October,

19 89, at 9:00 a.m./~~p.m.~~ & Fri., Oct. 13 at 1:00 p.m.

YOU ARE COMMANDED TO produce the following documents or objects: Any and all documents, files, notes, memos, schematics, studies, data, and any and all information that relates to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson, Md. 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 9/26/89

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(✓)-Served and copy delivered on date indicated below.
( )-Unserved by reason of _____

Date: 9/27/89 Fee: $ 15.00

Edward Blake
SHERIFF OF BALTO. CO., MD.
SHERIFF

MICROFILMED

854 Walk

IN THE MATTER OF * BEFORE THE ZONING

Pickersgill SE/E REC'D - SHERIFF'S OFFICE * COMMISSIONER OF

Chestnut Avenue 1989 SEP 26 * BALTIMORE COUNTY

Towson, Md. * CASE NO. 89-444-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Robert Sheesley, Director
Baltimore County DEPREM
401 Bosley Ave.
Towson, Md.

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at Room 106, County Office Bldg., 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Monday the 2nd day of October,

19 89, at 9:00 a.m./~~p.m.~~ & Fri., Oct. 13 at 1:00 p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson, Md. 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 9/26/89

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(✓)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____

Date: 9/27/89 Fee: $ 15.00

Edward L. Blake
SHERIFF OF BALTO. CO., MD.

SHERIFF

MICROFILM

854

Walk

IN THE MATTER OF * BEFORE THE ZONING

Pickersgill SE/E * COMMISSIONER OF

Chestnut Avenue * BALTIMORE COUNTY

Towson, Md. * CASE NO. 89-444-SPH

REC'D - SHERIFF'S OFFICE
1989 SEP 26 P 1:25

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Gerry Siwierski
Baltimore County DEPREM
401 Bosley Ave.
Towson, Md.

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg., 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Monday the 2nd day of October,

19 89, at 9:00 a.m./~~p.m.~~ & Fri., Oct. 13 at 1:00 p.m.

YOU ARE COMMANDED TO produce the following documents or objects: Any and all documents, files, notes, memos, schematics, studies, data, and any and all information that relates to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson, Md. 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date Sept. 24, 1989

Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(✓)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 9/27/89 Fee: $ ~~15.00~~

SHERIFF OF BALTIMORE COUNTY, MD.
SHERIFF

RECORDED FILMED

Walk
8-54

IN THE MATTER OF * BEFORE THE ZONING

Pickersgill SE/E * COMMISSIONER OF

Chestnut Avenue * BALTIMORE COUNTY

REC'D - SHERIFF'S OFFICE
1989 SEP 26 P 1:25

Towson, Md. * CASE NO. 89-444-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Michael Moorefield
Baltimore County DEPREM
County Courthouse
Towson, Md.

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg., 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Monday the 2nd day of October,

19 89, at 9:00 a.m./~~p.m.~~ XXXX & Fri., Oct. 13 at 1:00 p.m.

YOU ARE COMMANDED TO produce the following documents or objects: Any and all documents, files, notes, memos, schematics, studies, data, and any and all information that relates to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson, Md. 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 9/26/89

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(✓)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____

Date: 9/27/89

Fee: $ 15.00

SHERIFF OF BALTO. CO., MD.

SHERIFF

83 P Walk

IN THE MATTER OF * BEFORE THE ZONING

Pickersgill SE/E REC'D-SHERIFF'S OFFICE COMMISSIONER OF

Chestnut Avenue 1989 SEP 26 P BALTIMORE COUNTY

Towson, Md. * CASE NO. 89-444-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Louise Hanson
Baltimore County DEPREM
County Courts Bldg.
Towson, Md.

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg., 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Monday the 2nd day of October,

19 89, at 9:00 a.m./~~p.m.~~ & Fri., Oct. 13 at 1:00 p.m.

YOU ARE COMMANDED TO produce the following documents or objects: Any and all documents, files, notes, memos, schematics, studies, data, and any and all information that relates to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson, Md. 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 9/26/89

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(✓)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 9/27/89

Fee: $ 15.00

Edward Wahle
SHERIFF OF BALTO. CO., MD.
SHERIFF

8 3 4 Wash

IN THE MATTER OF * BEFORE THE ZONING

Pickersgill SE/E * COMMISSIONER OF

Chestnut Avenue * BALTIMORE COUNTY

Towson, Md. * CASE NO. 89-444-SPH

REC'D - SHERIFF'S OFFICE
1989 SEP 26 P 1:26

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Dan Artly
Public Works
County Office Bldg., 3rd Fl.
Towson, Md.

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg., 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

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J. Carroll Holzer, 305 W. Chesapeake Ave. Towson, Md. 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 9/26/89

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(✓)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 9/27/89

Fee: $ 15.00

SHERIFF OF BALTO. CO., MD.

SHERIFF

Wellh
8/54

IN THE MATTER OF * BEFORE THE ZONING

Pickersgill SE/E REC'D-SHERIFF'S OFFICE * COMMISSIONER OF

Chestnut Avenue 1989 SEP 26 P 1:25 * BALTIMORE COUNTY

Towson, Md. * CASE NO. 89-444-SPH

* * * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Paul Wellman
Public Works
County Office Bldg., 3rd Fl.
Towson, Md.

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg., 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Monday the 2nd day of October,

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J. Carroll Holzer, 305 W. Chesapeake Ave. Towson, Md. 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 9/26/89

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(✓)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____

Date: 9/27/89 Fee: $ 15.00

Edward Blake
SHERIFF OF BALTO. CO., MD.
SHERIFF

854 Walk

IN THE MATTER OF * BEFORE THE ZONING

Pickersgill SE/E * COMMISSIONER OF

Chestnut Avenue * BALTIMORE COUNTY

Towson, Md. * CASE NO. 89-444-SPH

REC'D-SHERIFF'S OFFICE
1989 SEP 26 P 1:25

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Jack Berger
Sediment Control
County Office Bldg.
Towson, Md.

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg., 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Monday the 2nd day of October,

19 89, at 9:00 a.m./~~p.m.~~ XXXX & Fri., Oct. 13 at 1:00 p.m.

YOU ARE COMMANDED TO produce the following documents or objects: Any and all documents, files, notes, memos, schematics, studies, data, and any and all information that relates to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson, Md. 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 9/26/89

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(✓)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____

Date: 9/29/89 Fee: $15.00

Edward Burke
SHERIFF OF BALTO. CO., MD.
SHERIFF

Walk
714

IN THE MATTER OF * BEFORE THE ZONING

Pickersgill SE/E * COMMISSIONER OF

Chestnut Avenue * BALTIMORE COUNTY

Towson, Maryland * CASE NO. 89-444-SPH

RECEIVED
1989 AUG 11 AM 10 25
SHERIFF'S OFFICE
BALTO. CO.

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Michael Moorefield
Baltimore County DEPREM
County Courthouse
Towson, Maryland

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, MD
(Place where attendance is required)

on Tuesday the 22nd day of August,

19 89, at 9:30 a.m./~~P.M.~~

YOU ARE COMMANDED TO produce the following documents or objects: Any and all documents, files, notes, memos, schematics, studies, data, and any and all information that relates to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Avenue, Towson, MD 21204
(Name of Party or Attorney, Address and Phone Number requesting subpoena) 825-6960

Date 8-9-89

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(✓)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 8/11/89 Fee:$ 15

SHERIFF

IN THE MATTER OF * BEFORE THE ZONING

Pickersgill SE/E * COMMISSIONER OF

Chestnut Avenue * BALTIMORE COUNTY

Towson, Maryland * CASE NO. 89-444-SPH

RECEIVED
1989 AUG 11 AM 10 34
SHERIFF'S OFFICE
BALTO. CO.

714

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Gerry Siwierski
Baltimore County DEPREM
401 Bosley Avenue
Towson, Maryland

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, M
(Place where attendance is required)

on Tuesday the 22nd day of August,

19 89, at 9:30 a.m./~~P.M.~~

YOU ARE COMMANDED TO produce the following documents or objects: Any and all documents, files, notes, memos, schematics, studies, data, and any and all information that relates to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Avenue, Towson, MD 21204
(Name of Party or Attorney, Address and Phone Number requesting subpoena) 825-6960

Date 8-9-89

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(✓)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 8/11/89 Fee:$ 15

SHERIFF

Wash 7/4

IN THE MATTER OF * BEFORE THE ZONING

Pickersgill SE/E * COMMISSIONER OF

Chestnut Avenue * BALTIMORE COUNTY

Towson, Maryland * CASE NO. 89-444-SPH

RECEIVED
1989 AUG 11 AM 9:
SHERIFF'S OFFICE
BALTO. CO.

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Louise Hanson
Baltimore County DEPREM
County Courts Building
Towson, MD

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, MD
(Place where attendance is required)

on Tuesday the 22nd day of August,

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J. Carroll Holzer, 305 W. Chesapeake Avenue, Towson, MD 21204
(Name of Party or Attorney, Address and Phone Number requesting subpoena) 825-6960

Date 8-9-89

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(✓)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 8/11/89 Fee: $ 15

SHERIFF

Blue 714

IN THE MATTER OF	*	BEFORE THE ZONING
Pickersgill SE/E	*	COMMISSIONER OF
Chestnut Avenue	*	BALTIMORE COUNTY
Towson, Maryland	*	CASE NO. 89-444-SPH

RECEIVED
1989 AUG 11 AM 10:25
SHERIFF'S OFFICE

* * * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Thomas I. Brobrogi
Baltimore County DEPREM
County Courts Building, Room 416
Towson, Maryland

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, MD
(Place where attendance is required)

on Tuesday the 22nd day of August,

19 89, at 9:30 a.m./~~P.M.~~

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer, 305 W. Chesapeake Ave., Towson, MD 21204
(Name of Party or Attorney, Address and Phone Number requesting subpoena) 825-6960

Date 8-9-89

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(✓)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 8/11/89 Fee:$ 15

_____
SHERIFF

Office
714

IN THE MATTER OF * BEFORE THE ZONING

Pickersgill SE/E * COMMISSIONER OF

Chestnut Avenue * BALTIMORE COUNTY

Towson, Maryland * CASE NO. 89-444-SPH

1989 AUG 10 AM 10:26

SHERIFF'S OFFICE
BALTO. CO.

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Robert Sheesley, Director
Baltimore County DEPREM
401 Bosley Avenue
Towson, Maryland

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, MD
(Place where attendance is required)

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YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer, 305 W. Chesapeake Ave., Towson, MD 21204
(Name of Party or Attorney, Address and Phone Number requesting subpoena) 825-6960

Date 8-9-89

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(✓)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 8/11/89 Fee:$ 15

SHERIFF

Ofice
714

IN THE MATTER OF * BEFORE THE ZONING

Pickersgill SE/E * COMMISSIONER OF

Chestnut Avenue * BALTIMORE COUNTY

Towson, Maryland * CASE NO. 89-444-SPH

RECEIVED
1989 AUG 11 AM 10:25
SHERIFF'S OFFICE
BALTO. CO.

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Mr. Pat Keller, Deputy Director
Office of Planning and Zoning
4th Floor
County Courts Building, Towson, Maryland 21204

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, MD
(Place where attendance is required)

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J. Carroll Holzer, 305 W. Chesapeake Avenue, Towson, MD 21204
(Name of Party or Attorney, Address and Phone Number requesting subpoena) 825-6960

Date 8-9-89

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(✓)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 8/11/89 Fee: $ 15.00

SHERIFF

Wald Office 7/14

IN THE MATTER OF * BEFORE THE ZONING

Pickersgill SE/E * COMMISSIONER OF

Chestnut Avenue * BALTIMORE COUNTY

Towson, Maryland * CASE No. 89-444-SPH

RECEIVED
1989 AUG 11 AM 10 24
SHERIFF'S OFFICE
BALTO. CO.

* * * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Jack Berger
Sediment Control
County Office Building
Towson, Maryland

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, MD
(Place where attendance is required)

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J. Carroll Holzer, 305 W. Chesapeake Ave., Towson, MD 21204
(Name of Party or Attorney, Address and Phone Number requesting subpoena) 825-6960

Date 8-9-89

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 8/14/89 Fee:$ 15

RECEIVED
AUG 16 1989
ZONING OFFICE

J Edward Dalene
SHERIFF Balto Co

Walk Office 714

IN THE MATTER OF * BEFORE THE ZONING

Pickersgill SE/E * COMMISSIONER OF

Chestnut Avenue * BALTIMORE COUNTY

Towson, Maryland * CASE NO. 89-444-SPH

RECEIVED 1989 AUG 11 AM 11 SHERIFF'S OFFICE BALTO. CO.

* * * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Paul Wellman
Public Works
County Office Building, 3rd Floor
Towson, Maryland

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

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(Name of Party or Attorney, Address and Phone Number requesting subpoena) 825-6960

Date 8-9-89

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 8-14-89 Fee:$ 15-

RECEIVED
AUG 16 1989
ZONING OFFICE

J Edward Scalone
SHERIFF
Balto Co

Walk
714

IN THE MATTER OF * BEFORE THE ZONING

Pickersgill SE/E * COMMISSIONER OF

Chestnut Avenue * BALTIMORE COUNTY

Towson, Maryland * CASE NO. 89-444-SPH

RECEIVED
1989 AUG 11 PM 12 25
SHERIFF'S OFFICE
BALTO. CO.

* * * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Custodian of the Records
Zoning Office
County Office Building
Towson, Maryland

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, MD
(Place where attendance is required)

on Tuesday the 22nd day of August,

19 89, at 9:30 a.m./~~P.M.~~

YOU ARE COMMANDED TO produce the following documents or objects: Any and all Baltimore County Zoning files that relate to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Avenue, Towson, MD 21204
(Name of Party or Attorney, Address and Phone Number requesting subpoena) 825-6960

Date 8-9-89

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 8-14-89 Fee:$ 15-

RECEIVED
AUG 16 1989
ZONING OFFICE

J. Edward Malone
SHERIFF Balto Co

Wall Flow 714

IN THE MATTER OF * BEFORE THE ZONING

Pickersgill SE/E * COMMISSIONER OF

Chestnut Avenue * BALTIMORE COUNTY

Towson, Maryland * CASE No. 89-444-SPH

RECEIVED
1989 AUG 11 PM 1:26
SHERIFF'S OFFICE
BALTO. CO.

* * * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Dan Artly
Public Works
County Office Building, 3rd Floor
Towson, Maryland

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

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(Place where attendance is required)

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J. Carroll Holzer, 305 W. Chesapeake Avenue, Towson, MD 21204
(Name of Party or Attorney, Address and Phone Number requesting subpoena) 825-6960

Date 8-9-89

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____

Date: 8-14-89 Fee:$ 0 -

RECEIVED
AUG 16 1989
ZONING OFFICE

J. Edward Ingalsa
SHERIFF Balto Co

Wall 714

IN THE MATTER OF * BEFORE THE ZONING

Pickersgill SE/E * COMMISSIONER OF

Chestnut Avenue * BALTIMORE COUNTY

Towson, Maryland * CASE NO. 89-444-SPH

RECEIVED
1989 AUG 11 AM 10:25
SHERIFF'S OFFICE
BALTO. CO.

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

RECEIVED
AUG 17 1989
ZONING OFFICE

TO: Officer Patrick Rooney
Central Traffic
Towson Precinct

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, MD
(Place where attendance is required)

on Tuesday the 22nd day of August,

19 89, at 9:30 a.m./~~P.M.~~

YOU ARE COMMANDED TO produce the following documents or objects: Latest detail reports and data re: traffic, accidents, speeding violations, traffic flow, and peak hours of traffic congestion around the area of West Joppa Road and the subject property.

J. Carroll Holzer, 305 W. Chesapeake Avenue, Towson, MD 21204
(Name of Party or Attorney, Address and Phone Number requesting subpoena) 825-6960

Date 8-9-89

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(✓)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 8-14-89 C7M Fee:$ 15

J Edward Malone
SHERIFF

IN THE MATTER OF * BEFORE THE ZONING

Pickersgill SE/E * COMMISSIONER OF

Chestnut Avenue * BALTIMORE COUNTY

Towson, Md. * CASE NO. 89-444-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Officer Patrick Rooney
Central Traffic
Towson Precinct

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg., 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Monday the 2nd day of October,

19 89, at 9:00 a.m./~~p.m.~~ & Fri., Oct. 13 at 1:00 p.m.

YOU ARE COMMANDED TO produce the following documents or objects: Latest detail reports and data re: traffic, accidents, speeding violations, traffic flow, and peak hour traffic congestion around the area of West Joppa Rd. and the subject property.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson, Md. 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 9/26/89

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: _____ Fee:$ _____

SHERIFF

MICROFILM

FILE
CASE #

LAW OFFICES
LEVIN, GANN & HANKIN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
FAX 301-296-2801

CALMAN A. LEVIN
STANFORD G. GANN*
ROBERT M. HANKIN
MELVIN A. STEINBERG
JULIUS W. LICHTER
SIDNEY WEIMAN
ROBERT L. PRELLER
ANDREW R. SANDLER
RANDOLPH C. KNEPPER
BRIAN J. FRANK
HOWARD L. ALDERMAN, JR.
STUART D. KAPLOW
JUDITH S. GANN+
MARC C. GANN+
*ALSO ADMITTED IN DC
+ALSO ADMITTED IN NEW YORK

ELLIS LEVIN (1893-1960)

BALTIMORE OFFICE
10 LIGHT STREET
BALTIMORE, MD 21202
301-539-3700
FAX 301-625-9050

CARROLL COUNTY OFFICE
1137 LIBERTY ROAD
SYKESVILLE, MD 21784

January 4, 1989

RECEIVED
JAN 6 1989
ZONING OFFICE

J. Robert Haines, Zoning Commissioner
Baltimore County Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204

Re: Pickersgill, Inc. - Proposed Development

Dear Commissioner Haines:

I am writing to you on behalf of our client, Pickersgill, Inc., located on Chestnut Avenue here in Towson. As you may be aware, a Special Exception for a Convalescent Center was granted to Pickersgill on January 6, 1958 in Case No. 4324-X (copy enclosed). Pursuant to that approval of use, Pickersgill is currently State certified for 94 Domiciliary beds and 75 Internal Comprehensive beds.

Pickersgill is presently providing care for the elderly who have resided within a 5-6 mile radius of the facility. To meet the overwhelming demand for moderate income facilities to serve the "well elderly," Pickersgill is proposing the development of 100 elderly housing units on their Towson site. Included in this proposal is the conversion of 16-20 spaces in the existing facility to studio or efficiency units. The balance of the proposed units would be contained in new structures, together with a new community gathering area to serve the residents.

The purpose of this letter is to seek guidance from you regarding the changes made to the Baltimore County Zoning Regulations by County Council Bill NO. 36-88. The site is currently zoned DR 3.5 and DR 5.5. Our engineers advise that the acreage breakdown in each classification yield a combined total of 88 dwelling units. Our understanding of BCZR 1B02.2.A is that the maximum gross residential density for elderly housing facilities in D.R. zoning is to be calculated in density units per acre. Thus, there are 88 density units associated with this site. We are proposing the development of these new elderly housing facilities under the existing zoning, without a request for a density increase as provided for in Bill No. 36-88.

MICROFILMED

As mentioned previously, a Special Exception exists on this site for a Convalescent Center. You are no doubt aware that the BCZR definition of Convalescent Center was deleted and the term Nursing Home substituted therefor. The Baltimore County Zoning Regulations, the Zoning Policy Manual and the Operating Policy of Baltimore County through your office does not and has not attributed density to State certified facilities and uses such as presently exist and operate at Pickersgill. Therefore, the planned construction of elderly housing units can be accomplished under the density available on the site in accordance with the existing zoning as specified above.

Our client has retained a complement of consultants (architects, engineers, etc.) and are preparing plans to file for CRG purposes. In order that we facilitate the progress of the project, we hereby request that you confirm in writing that the existing Pickersgill facility does not impact the available density of the site for the purposes as described herein.

We are in need of a prompt response. I will be available at your request to discuss this matter should you feel that you require any additional information prior to responding to this letter.

Sincerely,

Julius W. Lichter

JWL:lsp
Enclosure

cc: Mr. Brant Hart,
Director of Pickersgill, Inc.

Charles E. Partridge, Esquire

Les Pitler, Esquire
Director, Community Development

Mr. P. David Fields
Director of Office of Planning & Zoning

Howard L. Alderman, Esquire

MICROFILMED

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
FAX 301-296-2801

CALMAN A. LEVIN
STANFORD G. GANN*
MELVIN A. STEINBERG
JULIUS W. LICHTER
SIDNEY WEIMAN
ROBERT L. PRELLER
ANDREW R. SANDLER
RANDOLPH C. KNEPPER
MICHAEL J. KANDEL
BRIAN J. FRANK
HOWARD L. ALDERMAN, JR.
JUDITH S. GANN+
MARC C. GANN+
MAYER E. GUTTMAN
*ALSO ADMITTED IN DC
+ALSO ADMITTED IN NEW YORK

ELLIS LEVIN (1893-1960)

BALTIMORE OFFICE
10 LIGHT STREET
BALTIMORE, MD 21202
301-539-3700
FAX 301-625-9050

CARROLL COUNTY OFFICE
183 LIBERTY ROAD
SYKESVILLE, MD 21784

RECEIVED
MAY 9 1989
ZONING OFFICE

May 10, 1989

HAND DELIVERED

J. Robert Haines
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Pickersgill, Inc., et al
Petition for Special Hearing
Case No. 89-444 SPH

Dear Mr. Haines:

I am in receipt of your letter of May 3, 1989. I can advise you that I would prefer that the hearing be held on June 28, 1989 as a first choice, June 15, 1989 as a second choice, and July 7, 1989 as a third choice. I would be unavailable on June 14, 1989. Please advise as to the date selected at your earliest convenience as I have a number of consultants to notify.

Sincerely,

Julius W. Lichter

JWL:lsp

cc: J. Carroll Holzer, Esquire
Mrs. Ann Mangels

Marc - Check with Julie + Carroll. I have no objection.

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
FAX 301-296-2801

ELLIS LEVIN (1893-1960)

BALTIMORE OFFICE
900 MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201
301-539-3700
TELECOPIER 301-625-9050

CARROLL COUNTY OFFICE
1137 LIBERTY ROAD
SYKESVILLE, MD 21784

CALMAN A. LEVIN
STANFORD G. GANN*
MELVIN A. STEINBERG
JULIUS W. LICHTER
SIDNEY WEIMAN
ROBERT L. PRELLER
ANDREW R. SANDLER
RANDOLPH C. KNEPPER
MICHAEL J. KANDEL
BRIAN J. FRANK
HOWARD L. ALDERMAN, JR.
JUDITH S. GANN+
MARC C. GANN+
MAYER E. GUTTMAN
EDWARD B. STEINBERG
*ALSO ADMITTED IN DC
+ALSO ADMITTED IN NEW YORK

August 31, 1989

RECEIVED
SEP 1 1989
ZONING OFFICE

J. Robert Haines, Esquire
Zoning Commissioner for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Pickersgill Cases
Case No. 89-444-SPH and Case No. 89-538-SPH

Dear Mr. Haines:

I called your office today to confirm the following and spoke with Mrs. Novak concerning same. Our last direct testimony expert will be unavailable to testify on October 2, 1988 as originally thought. However, I have spoken with Mr. Holzer, attorney for the opponents, and he has agreed to allow the expert to testify on October 13th out of turn, subject to your concurrence. I would appreciate your calling me upon receipt of this letter to advise as to your feelings as to the taking of this testimony out of turn.

Otherwise, the schedule that we are prepared to move forward on is Monday, October 2, 1989 at 9:00 a.m. through 12:30 p.m., thereafter on October 13, 1989 beginning at 1:00 p.m. through 5:00 p.m., thereafter, if necessary, on October 18, 1989 beginning at 9:00 a.m. Should additional time be required, we would confer with you to arrange any further dates that may be required.

Sincerely,

Julius W. Lichter

JWL:lsp

cc: J. Carroll Holzer, Esquire
Mr. Brant Hart
Mrs. Sally Diggs

THE RUXTON - RIDERWOOD - LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

Box 204
Riderwood, Md. 21139

MICROFILMED

RECEIVED
JAN 17 1989
ZONING OFFICE

J. Robert Haines
Zoning Commissioner for Baltimore County
Towson,
Maryland 21204

January 17, 1989

Dear Mr. Haines:

This letter is being written to you on behalf of the Advisory Board to the Pickersgill, Inc. development and expansion project. The Board was officially created at the request of Mr. Brant Hart, Executive Director of Pickersgill, Inc. to represent the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc. on August 1, 1988.

The purpose of creating the Board was to have concerned, responsible individuals that are also adjacent property owners and therefore have a vested interest in the life care facility to interact with a committee representing Pickersgill regarding the development and expansion project. We have been actively meeting and working with Pickersgill since that date. It has recently been brought to our attention by Don Herche and John Goodwin, of E.M.A. Management, Inc., that they did not need to obtain a Special Exception in order to build their 100 apartments for life care.

The Advisory Board, as well as the immediate community, feel that Pickersgill, Inc. does indeed fall under some of the legislation enacted by Bill # 36-38. Because there appears to be some confusion, we are requesting that you explore this question by way of a Special Hearing in order to determine whether or not Pickersgill needs a Special Exception.

We would appreciate a response from you regarding this request as soon as possible.

Sincerely yours,

Gail B. O'Donovan
Chairman of Zoning

Susan J. Meinert
Co-Chairman of Advisory Board

Mary R. Wolfe
Co-Chairman of Advisory Board

THE RUXTON - RIDERWOOD - LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

MICROFILMED

Box 204
Riderwood, Md. 21139

J. Robert Haines
Zoning Commissioner for Baltimore County
Towson, Maryland 21204

January 26, 1989

Dear Mr. Haines:

We have not heard from you in response to our letter of January 17, 1989 requesting a Special Hearing in order to determine whether or not Pickersgill, Inc. needs a Special Exception to build their 100 apartments for life care.

We are concerned because we have just received a letter from the Pickersgill Development Subcommittee which sounds as though they think they have full authority with respect to all phases of the development project and do not need to negotiate or interact with our Advisory Board except as a courtesy to the neighborhood.

We would appreciate hearing from you as soon as possible on this so that we know where we stand regarding the project.

Sincerely yours,

Gail B. O'Donovan /MRW

Gail B. O'Donovan
Chairman of Zoning

Mary R. Wolfe

Mary R. Wolfe
Co-Chairman of Advisory Board

RECEIVED
JAN 26 1989
ZONING OFFICE

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

J. HOWARD HOLZER
1907-1989

LAW OFFICES
HOLZER, MAHER & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 825-6960
FAX (301) 825-6964

WASHINGTON, D.C. OFFICE
SUITE 700
1725 DeSALES STREET, N.W.
WASHINGTON, D.C. 20036

MICROFILMED

April 24, 1990
#6394

RECEIVED
APR 26 1990
ZONING OFFICE

Mr. Robert Haines
Zoning Commissioner of
Baltimore County
County Office Building
Towson, Maryland 21204

RE: Pickersgill

Dear Mr. Haines:

I received your letter of April 19, 1990 in which you suggest that I did not appeal case no. 89-444-SPH in my original letter of appeal. I believe that is in error and am enclosing the attached.

Very truly yours,

J. Carroll Holzer

enclosure

cc: Board of Appeals, Baltimore County

JCH/blt

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

MICROFILMED

April 27, 1990

Dennis F. Rasmussen
County Executive

J. Carroll Holzer, Esquire
Holzer, Maher & DeMilio
305 West Chesapeake Avenue
Suite 105
Towson, MD 21204

RE: Pickersgill, Inc.
Case #89-444-SPH

Dear Mr. Holzer:

In response to your letter of April 24, 1990 regarding the above case, let me further clarify my letter of April 19, 1990 to the Baltimore County Board of Appeals.

When you appealed cases #89-438-SPH and #89-444-SPH on March 14, 1990, the original letter which was sent to the Board of Appeals on March 15, 1990 failed to reference case #89-444-SPH. My letter of April 19, 1990 to the Board of Appeals was merely to clarify that both cases were indeed appealed at the same time.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:scj

cc: Baltimore County Board of Appeals

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 825-6960

WASHINGTON, D.C. OFFICE
225 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005

PLEASE REPLY TO:

February 8, 1989
#6394

Ms. Jane Croft
Chairperson
Development Subcommittee
Pickersgill, Inc.
615 Chestnut Avenue
Towson, Maryland 21204

RE: Development Project

Dear Ms. Croft:

Please be advised that I have been retained by the Ruxton-Riderwood Improvement Association, the Development Advisory Group for Pickersgill, of the Ruxton-Riderwood Association, and individual property owners residing in the immediate area.

I am writing on behalf of Mrs. Mary R. Wolfe, Co-Chairman of the Advisory Board, with whom you've met on a number of occasions to present various architectural designs and development proposals. During the course of those presentations, certain facts, plats and explanations of development intent have been suggested to the members of our Board which reflect the nature and type of operation that would be contained in the proposed development at Pickersgill. My clients had prepared a substantive response to your most recent plans which were requested by you. That response is attached hereto in a letter dated February 3, 1989.

Unfortunately, at a meeting held in the office of Diane Itter, of Baltimore County, on Wednesday, February 1st, a presentation was made by Mr. Alderman and information provided which conflicts with the facts and proposals previously provided by you regarding the operation of the Pickersgill Development. This factual discrepancy raises extreme concern among the members of the Association concerning the actual nature of the operation being proposed at Pickersgill and throws into serious question the protection to be afforded the immediate neighborhood in regard to this project.

MICROFILMED

(Exh #5)

I, therefore, call upon you to clarify promptly the precise use to be made of these new additions and the type of operation which will be conducted therein, in order to allow the Community to respond to a concrete and firm plan.

Absent further clarification, my clients may be required to seek interpretation of the legitimacy and legality of this project before the appropriate authorities.

Thank you for your kind attention to this request.

Very truly yours,

J. Carroll Holzer

JCH:mlg

cc: Julius Lichter, Esquire
Howard Alderman, Esquire
Mary R. Wolfe, Co-Chairman, Advisory Board
Robert E. Scott, Jr.
John Hodge-Williams, Advisory Board
Gail O'Donovan, Advisory Board
Members of the Advisory Board
Diane Itter, Planning Office
James E. Dyer, Zoning Supervisor
Robert Haines, Zoning Commissioner
The Honorable Barbara F. Bachur

MICROFILMED

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 825-6960

WASHINGTON, D.C. OFFICE
225 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005

PLEASE REPLY TO:

RECEIVED
MAR 30 1989
ZONING OFFICE

March 29, 1989

Mr. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Petition for Special Hearing, Pickersgill

Dear Commissioner Haines:

I have received a notice from your office that the above-captioned matter has been scheduled for a hearing and then postponed by your most recent letter. I have had an opportunity to talk with Jules Lichter and understand that he desires to have time to file a petition on behalf of Pickersgill before the matter is set. I have no problem in extending Jules that courtesy and time necessary to prepare his position for filing in a petition.

I would like, however, after reasonable opportunity for Pickersgill to present their petition that this case be scheduled for a hearing at a convenient time prior to the summer months. Thank you very much for your consideration.

Very truly yours,

J. Carroll Holzer

cc: Advisory Board - Polly Wolfe
Jules Lichter, Attorney for Pickersgill

JCH/blt

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 825-6960

WASHINGTON, D.C. OFFICE
225 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005
PLEASE REPLY TO:

May 4, 1989
#

Mr. Robert Haines
Zoning Commissioner of
Baltimore County
County Office Building
Towson, Maryland 21204

RE: Pickersgill, Inc., et al

Dear Bob Haines:

I am receipt of your letter of May 3, 1989 and the suggestion of the possible hearing dates. I would advise that I am not available for the July 7th hearing in that I will be out of town for that entire 4th of July week. Of the remaining dates, June 28th is preferable to me, however, I can be available on June 15th and as a last resort on June 14th. Please advise as promptly as possible as to the date selected.

Very truly yours,

J. Carroll Holzer

cc: Jules Lichter 321-0600
Polly Wolfe

JCH/blt

RECEIVED
MAY 8 1989
ZONING OFFICE

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 825-6960

WASHINGTON, D.C. OFFICE
225 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005

PLEASE REPLY TO:

89-444
89-538

June 21, 1989
#6394

Custodian of the Records
Zoning Office
County Office Building
Towson, Maryland 21204

RE: Pickersgill Hearing, June 28, 1989

Dear Sir/Madam:

Please be advised that the hearing date before Commissioner Robert Haines, scheduled for Wednesday, June 28, 1989, to which you have been summonsed, has been postponed by mutual agreement and reset for Tuesday, August 22 and Thursday, August 24, 1989. The summonses, which have been issued for your attendance on June 28, will apply to the hearing dates of August 22 & 24. I would appreciate your putting those dates on your calendar and I will endeavor to advise you of the time frame that you will be needed on those days. If you have any questions, please feel free to call.

Very truly yours,

J. Carroll Holzer

cc: Robert Haines

JCH/blt

RECEIVED
JUN 23 1989
ZONING OFFICE

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 825-6960

WASHINGTON, D.C. OFFICE
225 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005

PLEASE REPLY TO:

July 25, 1989
#6394

Mr. Robert Haines
Zoning Commissioner of
Baltimore County
County Office Building
Towson, Maryland 21204

RECEIVED
JUL 27 1989
ZONING OFFICE

RE: Zoning Petition No. 89-444

Dear Commissioner Haines:

I have been requested by the Ruxton Riderwood-Lake Roland Area Improvement Association, Inc. to enter their appearance as a party-petitioner to the above captioned case. I am including as part of the record, the Board of Governors' Minutes of June 26, 1989 and July 17, 1989, wherein the motion was made to become a "party in the petition with the members of the advisory board of Pickersgill supporting the petition."

I would request the petition be so amended on the record.

Very truly yours,

J. Carroll Holzer

cc: Louise M. Schultz, Ruxton Riderwood-Lake Roland Area Improvement Association, Inc.
John Hodge Williams, Co-Chairman of Advisory Board
Polly Wolfe, Co-Chairman of Advisory Board
Julias Lichter, Esquire, Attorney for Pickersgill

JCH/blt

File → 89-538 +444

11/13/91 TO WCR

2400' to

THE ROBERT B. BALTER COMPANY GEOTECHNICAL/ENVIRONMENTAL ENGINEERS

November 8, 1991

RECEIVED
NOV 12 1991
ZONING OFFICE

Mr. Brant Hart
Pickersgill, Inc.
615 Chestnut Avenue
Towson, Maryland 21204

Dear Mr. Hart:

Re: **Maryland Department of the Environment**
Approved Contaminated Soil Contingency Plan
For Grading Operations and Construction
Proposed Addition

The Robert B. Balter Company contacted the Maryland Department of the Environment (MDE) on October 5, 1991 in order to establish an approved contingency plan in the event that petroleum contaminated soils are encountered during grading and construction activities proposed for the project site. Ms. Jennifer Thomas of the MDE indicated that the MDE would require stockpiling and covering any soils, suspected of having petroleum contamination, on plastic. The soils would then have to be tested for Total Petroleum Hydrocarbons (TPH) and left on-site or removed as per order of the MDE. Ms. Thomas indicated that although the MDE should be notified if contaminated soils are encountered, there is no reason why construction or grading operations should have to cease unless an unforeseen surface release of contamination to the site or surrounding properties occurs.

The Robert B. Balter Company will be available during the grading and construction operations to respond to any environmental concerns which may surface. Please call this office if you have any questions concerning this matter.

Sincerely,

David A. Iseri

David A. Iseri, M.S.
Geologist

RECEIVED
NOV 13 1991
By pcj

cc: Jennifer Thomas (MDE)
Dan Schwab (J. Vinton Schafer & Sons, Inc.)
Brigid Kenney (Venable, Baetjer & Howard)
Baltimore County Zoning Commissioner
Baltimore County Department of Environmental Protection

Pickersgill Inc.

615 CHESTNUT AVENUE
TOWSON, MD. 21204
825-7423

January 23, 1989

Mrs. Mary R. Wolfe, Co-Chairman
Development Advisory Board
Ruxton-Riderwood Improvement Association
Towson, Maryland 21204

Dear Mrs. Wolfe and Members of the Advisory Board:

Thank you for your letter of January 19, 1989. On behalf of the members of the Pickersgill Devlopment Subcommittee, I want to express our appreciation for the time that you and your Board have taken to participate in the development process at Pickersgill. I am sure that you will agree that it is an exciting time for all involved.

After our meeting of January 11th, the Development Subcommittee and the entire Board of Directors met to discuss the various conceptual designs submitted by Sherertz, Franklin, Crawford & Shaffner, the architectural firm responsible for the design of the project. ~~As I~~ am sure that you are aware, the Board of Directors of Pickersgill retains the final authority with respect to all phases of the development project.

The Committee and the Board directed the following priorities of the Board in the site and building design:

1. Maintain the appearance of large open areas on the site;

2. Lessen the encroachment of the buildings on Chestnut Avenue;

3. Promote a residential exterior appearance;

4. Facilitate accessibility of Pickersgill residents to open spaces and outdoor recreational areas on the site;

5. Reduce the visual impact of parking areas;

6. Manage pre- and post-development surface runoff on the Pickersgill site; and

MICROFILMED

7. Comply with all development requirements of Baltimore County and the State of Maryland.

The feeling of the Board of Directors is that the conceptual design which depicts the shorter building closest to Chestnut Avenue best satisfies the priorities outlined above.

Unfortunately, our engineers have not finalized the Topographic information from the site, and thus, no plans are available which would be meaningful to your Board.

We are anxious to finalize our site design so that we can move ahead in the approval process. We are awaiting your comments regarding the conceptual design and look forward to working with your Advisory Board.

We would appreciate hearing from you by February 3, 1989.

Sincerely,

Jane Croft, Chairperson
Development Subcommittee

JC:plc

MICROFILMED

(Exh #4)

MICROFILM

February 3, 1989

Dear Members of the Board:

The area community residents have serious concerns regarding the feasibility of any new development on the Pickersgill tract. It is the overwhelming opinion of area residents that the area already is and will become more overcrowded with the 280 apartments at the Mission Helpers lifecare and the 40-bed convent on the corner of Joppa Road and Chestnut Avenue. With the proposed 1100 car trips a day at the new Mission Helpers development, traffic will become a nightmare on Chestnut Avenue. There are serious and grave concerns about storm water management for the residents of Piccadilly Road. As you are already aware, there are continuous flooding problems caused by springs and run-off from your property onto Piccadilly Road.

At present, Pickersgill has 169 units. There has already been a substantial negative environmental impact on the community from flooding and oil seepage from your facility. The neighborhood is very concerned about any new development in general. We want to know how you plan to address the problem of the increase in traffic caused by the new apartments; what you plan to do about the already existing storm water flooding problems; and what you plan to do with the long-standing problem of oil seepage into the soil and stream.

Assuming that you can and, therefore, will attempt to build additional units on your land, the following recommendations are respectfully submitted to you by the community:

1) Please clarify what you propose to become with your newly proposed additions, and what will become of your existing programs and services.
2) Conduct an environmental study to determine possible damage from the new development to properties on Piccadilly Road and the area in general.
3) Dramatically reduce the proposed number of units to lessen the negative impact on traffic, storm water management, and the environment in general which any new development will have.
4) Re-design the water retention pond. As currently planned it is too dangerous for the young children who live in the area.
5) Re-design the parking areas so that they become less visible to the area residents.
6) Keep the entrance at its present location.

In conclusion, it is clear that the community is gravely concerned about your proposed development. Therefore, it is not possible for us to pick either of your plats at this time as we feel much more research must go into the feasibility of the entire project.

Sincerely yours,

Mary R. Wolfe

Mary R. Wolfe
Co-Chairman Advisory Board

cc: Members of the Advisory Board
Robert E. Scott, Jr.
J. Carroll Holzer

File

PAT KELLER to Mitch - Zoning Commissioner

MRS. A. REID JOHNSON
616 PICCADILLY ROAD
BALTIMORE, MD 21204

August 30, 1989

Mr. P. David Fields
Director of Planning and Zoning
County Courts Building
401 Bosley Avenue
Towson, MD 21204

Dear Mr. Fields:

As there was no time for input from different people at the hearings on the Pickersgill expansion, I have written a statement expressing my husband's and my sentiments.

Please make this statement part of the hearing record. We believe it would be a tragedy and grossly unfair if Pickersgill is not given the permit.

Thank you for your consideration of our comments.

Sincerely,

Judy Johnson

Judith C. Johnson

RECEIVED
SEP 5 1989
ZONING OFFICE

RECEIVED
AUG 29 1989
OFFICE OF
PLANNING & ZONING

616 PICCADILLY ROAD
TOWSON, MARYLAND 21204

COMMENTS ON EXPANSION PLANS FOR PICKERSGILL
August 30, 1989
by Judith C. Johnson

My husband and I moved to 616 Piccadilly Road about 20 years ago. One thing that attracted us to the area was the amount of open space surrounding Pickersgill, though I feared, even at that time, that the chances of it remaining undeveloped were slim. I understood that in making a move, any hospital or retirement home would be very shortsighted if it did not purchase enough land for expansion. Pickersgill purchased a beautiful tract of land, suitable for present and forseeable needs.

For many years I was a volunteer at Keswick, the Home for Incurables, and served, first on the Junior Board, and then on the Board of Lady Managers and as its Treasurer for some years. I came to know of the great reputation that Pickersgill had at that time. Keswick had a good deal of open space when I first was associated with it. During my years of volunteer service there and since then, they have built three additional large buildings and converted other buildings to different uses in order to keep up with the times and provide the kind of nursing home and ambulatory care that is needed in today's world.

I have had business experience and was Assistant to the Manager of The Philadelphia Orchestra for ten years and in charge of all operations in his absence; and came to Baltimore to be Manager of the Baltimore Symphony, a position I held until my marriage. In 1970 I founded the Committee to Preserve Assateague Island, have been its President ever since and have been presented with a number of national conservation awards. I am a member of Maryland's Coastal Resources Advisory Committee and served on the special task force which made recommendations for Maryland's Non-tidal Wetlands Law, passed this year.

H. WARD CLASSEN

October 24, 1989

Dear Comissioner Haines;

I am writing to you in regards to the Zoning variance requested by Pickersgill. I have lived on Chestnut Avenue for the past three years and my property directly borders Pickersgill's property at the south end along Chestnut Avenue (601 Chestnut Avenue).

It is my strong belief that their request should be rejected on moral social and legal grounds.

First the social grounds. The increased traffic, congestion, visual and aural pollution created by this new development will severely affect the quality of life in the neighborhood. Traffic will increase significantly, threatening the safety of the neighborhood's residents especially the children. We bought our houses partly because of the ambience provided by the Pickersgill property. I am not unreasonable. I believe Pickersgill should be allowed to develop their property to the extent allowed by law and no more! Their reasoning that their project is not feasible unless 100 units are built is ludicrous. Using that justification, everyone in the neighborhood would be justified in taking in boarders or renting rooms to pay their mortgages.

Moor — File

RECEIVED
AUG 24 1989
ZONING OFFICE

417 Range Road
Towson, Md. 21204

August 19, 1989

J. Robert Haines, Zoning Commissioner
Baltimore County
Towson, Maryland 21204

Dear Mr. Haines,

Register, please, another NAY against the Pickersgill Expansion / Zoning Issue.

I am opposed to the expansion of an already congested small residential community, one having as family members Loyola High School, Mission Helpers (soon to expand), Baltimore County Board of Education, and the Pickersgill Home. NAY to increased traffic.

NAY to the widening of Chestnut Avenue along any of its length to accommodate increased traffic. Is it wise to take for granted the concentrative abilities of teen high schoolers and older citizens along a major traffic route?

And, would expansion resolve the annoying costly problems of inadequate drainage for certain Picadilly Road residents? I believe more property owners would suffer.

NAY to Pickersgill expansion.

Thanking you,
Trina M. Gelford
Trina M. Gelford
Chestnut Hills Resident

MRS. A. REID JOHNSON
616 PICCADILLY ROAD
BALTIMORE, MD 21204

RECEIVED
AUG 29 1989
ZONING OFFICE

August 30, 1989

Mr. Robert Haines
Zoning Commissioner of Baltimore County
111 W. Chesapeake Avenue
Towson, MD 21204

Dear Mr. Haines:

As there was no time for input from different people at the hearings on the Pickersgill expansion, I have written a statement expressing my husband's and my sentiments.

Please make this statement part of the hearing record. We believe it would be a tragedy and grossly unfair if Pickersgill is not given the permit.

Thank you for your consideration of our comments.

Sincerely,

Judy Johnson

Judith C. Johnson

MICROFILMED

619 Chestnut Avenue
Towson, Maryland 21204

RECEIVED
OCT 5 1989
ZONING OFFICE

Mr. C. Robert Haines
Zoning Commissioner, Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Haines:

We write as concerned neighbors of Pickersgill relative to the proposed building expansion at Pickersgill. We have lived on Chestnut Avenue adjacent to their property for twenty-six years.

Because of my years of professional experience as head of a rehabilitation department in a long term care facility, I understand clearly the concept and need for housing for the elderly and the operation of a facility such as Pickersgill.

I support meeting this need, but I do not support building an apartment complex of the proposed unit size as a further extension of a facility in a stable residential neighborhood. I also strongly support homeowners' protection from this kind of expansion, i.e., the number of units proposed in a residential community.

The size of this proposed building and the issues of space density, property values, flood control, water run-off, change in environment, and increased traffic are valid concerns to all of us in this area and impact on us as home owners. The proposed enlargement of this institution also impacts on future real estate sales and values in this community. This concern has been voiced by new property owners on Chestnut Avenue who state they would not have bought their properties had this proposal come up prior to settlement.

In 1978 when an addition to Pickersgill was built, there was no prior notice posted nor did Pickersgill communicate with or apprise the neighborhood until questioned. We knew nothing of this until digging equipment arrived at the site.

Pickersgill is a fine facility, but we recognize the lack of response and communication that has existed between the administration and the board of Pickersgill and this community until this current exchange. Although they feel it is their land and they should be allowed to do as they see fit with it, it would appear that they forget there are zoning constraints that protect residential areas.

89-444

RECEIVED
JUL 11 1989
ZONING OFFICE

PETITION

Baltimore County Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Property: Pickersgill, Inc.
Chestnut Avenue, Towson, Maryland 21204

We, the undersigned, are neighbors of the Applicant and live in the immediate area of Chestnut Avenue, Joppa Road, Picadilly Road and Trafalgar Road, and are familiar with Pickergill's request to renovate their existing nursing home and to construct 100 apartments for the well elderly which has been submitted. We support this request and ask that you grant the relief sought which will promote the housing of the well elderly. Pickersgill has been and remains a valuable neighbor. We look forward to a long-term relationship with Pickersgill.

DATE	NAME	ADDRESS	DISTANCE FROM PROPERTY
6-14-89	Carolyn J. Meredith	202 Churchwardens Rd Baltimore Md 21212	Approx 5 Miles
6-14-89	Matt Meredith	" "	" "
6-17-89	Michael C. Meredith	202 CHURCHWARDENS RD BALTO MD 21212	APPROX 4 MILES
"	Christ H Meredith	"	"

I do solemnly declare and affirm under the penalties of perjury, that I, CAROLYN J. MEREDITH, personally witnessed the above parties execute this Petition on the date above shown.

Carolyn J. Meredith

Testimony at zoning hearing regarding Pickersgill addition given October 2, 1989

My husband and I reside at 811 Trafalgar Road on property adjoining Pickersgill and have done so since 1965. I am here today to convey our reservations regarding Pickersgill's willingness to address valid concerns of their neighbors and the implications of those reservations in relation to the proposed addition.

As neighbors, we have become weary of their willingness to deal with the legitimate requests of their neighbors in a direct and forthright manner -- a weariness that emerged with the expansion of an off street parking facility in late 1973 or early 1974 near our property line. Faced with a parking clutter in a direct line of vision from our living room, we wrote first on March 21, 1974 to the then director of Pickersgill -- Mr Buck -- citing the need for screening and again on February 25, 1975, this time to Mrs. Hammond -- as a member of the Pickersgill Board and in charge of gardening. While the letters and our subsequent phone calls were politely received, they failed to produced any action. We wrote again on April 30, 1979, this time to Mrs. Barton, the then Chairman of the Pickersgill Board, reminding her of our unanswered request and of County zoning ordinances regarding off street parking in residential areas. The letter went unanswered.

Finally, exasperated after six years of inaction, we proceeded to lodge a formal complaint with the County on April 10, 1980. A violation citation was issued on April 11, 1980 (Zoning violation #C-80-577, H E Phipps, Inspector) and was followed with a letter from us, dated April 21, 1980 and sent to Mr Buck and Board members, explaining our action and the reasons for it. The matter was resolved to the satisfaction of the County August 8, 1980 -- nearly six and half years after our initial request for action, and then taken only grudgingly by Pickersgill. We append, for the record, copies of our letters dated February 25, 1975, April 30, 1979, and April 21, 1980, as well as a copy of the zoning complaint, violation citation, and correction notice.

The fact that we were forced to take legal steps in order to get action, in spite of a good faith effort on our part to avoid that, leaves us uneasy as to the corporate resolve of Pickersgill in dealing with valid issues and concerns in the future in relation to their proposed addition.

Attachments

Letter dated February 25, 1975 to Mrs Hammond
Letter dated April 30, 1979 to Mrs Barton
Letter dated April 21, 198[illegible] to Mr Buck
Zoning complaint dated A[illegible]
Zoning citation dated Apri[illegible]
Zoning correction notice d[illegible]

10/3/89

Please enter into the file regarding Pickersgill Addition.
Thank you.

Susan Maynard

Oct. 13, 1989

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Elizabeth H. Sexton	600 Chestnut Ave Towson 21204
Mary R. Wolfe	602 Chestnut Ave. Towson 21204
Jim Moschos	808 Eton Rd. Towson 21204
Harry Kabel	545 Piccadilly Rd.
Carol Southall	806 ETON RD
Anne B. Fiddes	627 Chestnut Ave.
Mrs. Coleman Romine	515 Piccadilly Rd.
Naomi O. Willey	546 Piccadilly Rd.
Mary Gregory	543 Piccadilly Rd.
Cynthia Sullivan	604 Chestnut Ave.
Elizabeth W. Horst	616 Chestnut Ave Towson Md 21204
Frances F. Haber	616 Chestnut Avenue Towson 21204
Janet S. Lowell	620 Chestnut Ave. Towson 21204
	518 Charles St Ave 21204

MICROFILMED

Pickersgill October 13

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Bree L. Geary	5609 Enderly Road. 21212
Sally S. Diggs	5705 Stony Run Dr 21210
Grant Hart	128 N. Meadow Dr. 21061
RICHARD E. MATZ	19 MARCIE WOODS CT. 21208
WES GUCKERT	414 E. JOPPA RD. TOWSON 21204
(The Rev.) Charles E. Warner, Jr.	830 W. 40th St. ; Balto. 21211 Apt. 253
Thomas M. Brandt	830 W. 40th St. - apt 312 - 21211
Joan M. Wallace	909 St. George's Rd, 21210
Nancy Sasser	1820 Circle Rd 21204
Jo Hecker	6811 Sunset Drive Sykes. 21082
Carys Mendell	207 Churchwarden 21212
Kim W Goodwin	2018 Pinnacle Drive Edgewood MD 21040
Holly D. Demo	7529 Club Road - Parkville 21234
Dorothy C Boyce	7919 Sherwood Ave Rayton 21204
Frances S. Freeland	722 Morningside - 21204

MICROFILMED

8-24-89

Pickersgill Supporters

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

Please print

NAME	ADDRESS
Sally Diggs	5705 Story Run Dr 21210
Mildred Taylor	3832 Granthley Rd 21215
Townsend Knott	103 Castlewood Rd. 21210
Mary-Moore Holmes	722 Morningside Dr 21204
Jennie L. Faulkner	9309 Byfield Rd 21212
Anne-Stewart Palmer	308 Edgevale Rd. 21210
Joan Wallace	909 St. George's Rd, 21210
Margaret P. Masterson (from Virginia Colleen (Information)	615 Chestnut Ave 21204 Jean Faber R Gibson
A. Rutherford Holmes	3130 Golf Course Rd W 21117
Mary W. Barton	5902 Tibbs Ln.
Ann W. Hammond	6009 Hunt Club Lane 21210
Carolyn Meredith	202 Churchward Sq's Rd 21212
Virginia L. Boyce	1018 Wagner Rd. 21204
Rose P. Machen	1400 Malvern Rd. 21204
Jane A. Croft	7503 Club Rd. 21204
Jean B. Rustin	1318 Berwick Rd 21204
Marietta K. Nolley	5423 Willowmere Way 21212
Cathy Pollock	116 Upnor Rd 21212
Helen M. Albon	918 Southerly Rd. Towson
Jane W. D. Dickenson	1708 Kellenston Rd 21204
Eleanor D. Mace	Phoenix Maryland
Susan S. Uhlig	2009 Ridgecrest Ct. Ruxton, Md 21204
D'Arcy Jones	6515 Darnall Rd. Baltimore Md 21204
Julianne C. Watts	7511 Lithuondale Club Rd Baltimore 21204

MICROFILMED

PICKERSGILL SUPPORTERS

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Susan W. Hunter	425 Alabama Rd. 21204
Mrs Howard Benson	615 Chestnut Gr 21204
Nancy Roche	106 St. Albans Way, 21212
Richard Parsons West Towson Neigh Assoc.	412 Woodbine Ave – For information.
FRANK W. UEBERSAX West Towson Neighborhood Assoc.	604 Allegheny Ave INFORMATION
JOHN W. GOODWIN	2318 PINOAK DRIVE FINKSBURG MD
Welby H. Soare	16 Meadow Rd - 21212
Abbot Boucher	810 Chestnut Glen Garth 21204
Jean N. Boucher	" " " " "
Meredith P. Millspaugh	203 Ridgewood Rd. 21210
Henry C. Lancaster, Jr.	1113 BELLEMORE RD. - 21210
Nancy A. Bennerhoff	1804-A Circle Road 21204
Ann W. Mangels	1901 Eastland Rd. 21204
Phyllis Devlin (Congresswoman Bentley's office)	200 E. Joppa Rd 21204
Martha R. Lancaster	1113 Bellemore Rd 21210
~~BRANTLEY~~ C. HART JR	128 N. Meadow Dr. 21061
GERALD D. THOMPSON	E.T.T.I., 9-D GWINNS MILL CRT, OWINGS MILLS 21117
DONALD H. HERCHE	6511 Sunset Drive Sykesville MD 21784
Peg Jones	14 w Kirk ave roanoke va 24011

MICROFILMED

For Info. - Interested Parties

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

Supporters 89-538 SPH

NAME	ADDRESS
Mary Elizabeth Ginn	606 Hornerock Rd, 21204

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

MICROFILMED

NAME	ADDRESS
GEORGE H. PRYOR, JR.	3214 ASCOT LA. - FALLSTON, MD
Neil A. Weinstein	10403 Englishman Drive Rockville 20852
Julius W. Lichter	Levin & Gann, P.A. Suite 113
Howard L. Alderman, JR.	305 W. Chesapeake Ave Towson, MD 21204

Pickersgill Oct. 13

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Alice Cronk	7503 Glen Rd. 21204
Emma G. Bright	1416 Gardman Ave 21209
Otis E Mace	2011 Stockton Rd 21131
Ann Hammond	6009 Hunt Club Lane 21210
Susan Hunter	425 Alabama Rd. 21204
Jean Ristine	1318 Berwick Rd 21204
Virginia A. Boyce	1018 Wagner Rd. 21204
Virginia Colles	615 Chestnut Ave. 21204
Eleanor D Mace	Phoenix Maryland
Sandra H. Nottingham	3519 N. Calvert St. 21218
Cathy Polack	116 Upnor Rd 21212
Anne Stewart Palmer	308 Edgevale Rd 21210
Mary-Moore Holmes	722 Morningside DR 21204
Linda Soller	7605 Roland Ave 21210
Scott Bremermann Jr	811 Dickens Place
Jane W. Dickenson	1708 Killington Rd 21204
Mary D. White	7308 Yorktowne Rd 21204
Louise O'Connor	19 Ruxview Ct 21204
Janet Yearley	117 Charleshroke Rd 21212
Frazier Yearley	5512 Woodlawn Rd. 21210
Dorothy Yearley	704 Benston Place 21210
FRANK HEBERSAX West Towson Neighborhood Assoc.	604 Allegheny Ave. For Information
Susan Uhlig	2009 Ridgecrest Ct. Balto 21204
Nancy S. Bebringhoff	1804-A Circle Rd. 21204
Sara Mattern	2218 Wonderview Rd. 21093

B737215C

19890444 "A" supplemental

&

19890538 "A" supplemental

EXHIBITS

EXHIBITS

(1)

NOTE: AREA BETWEEN SITE TRIANGLES TO REMAIN CLEAR OF OBSTRUCTIONS

CHESTNUT AVENUE

PICCADILLY ROAD

ETON ROAD

TRAFALGAR ROAD

CHESTNUT HILL ROAD

BEGINNING POINT

DISTANCE 155'

PROP. D'SAN.

PROP. S'SAN.

EX. DWG.

EX. POLE #6787

EX. POLE #6788

EX. POLE #6789

EX. POLE #6790

EX. POLE #6791

EX. POLE #6792

EX. POLE #6793

EX. POLE #6794

EX. POLE #6795

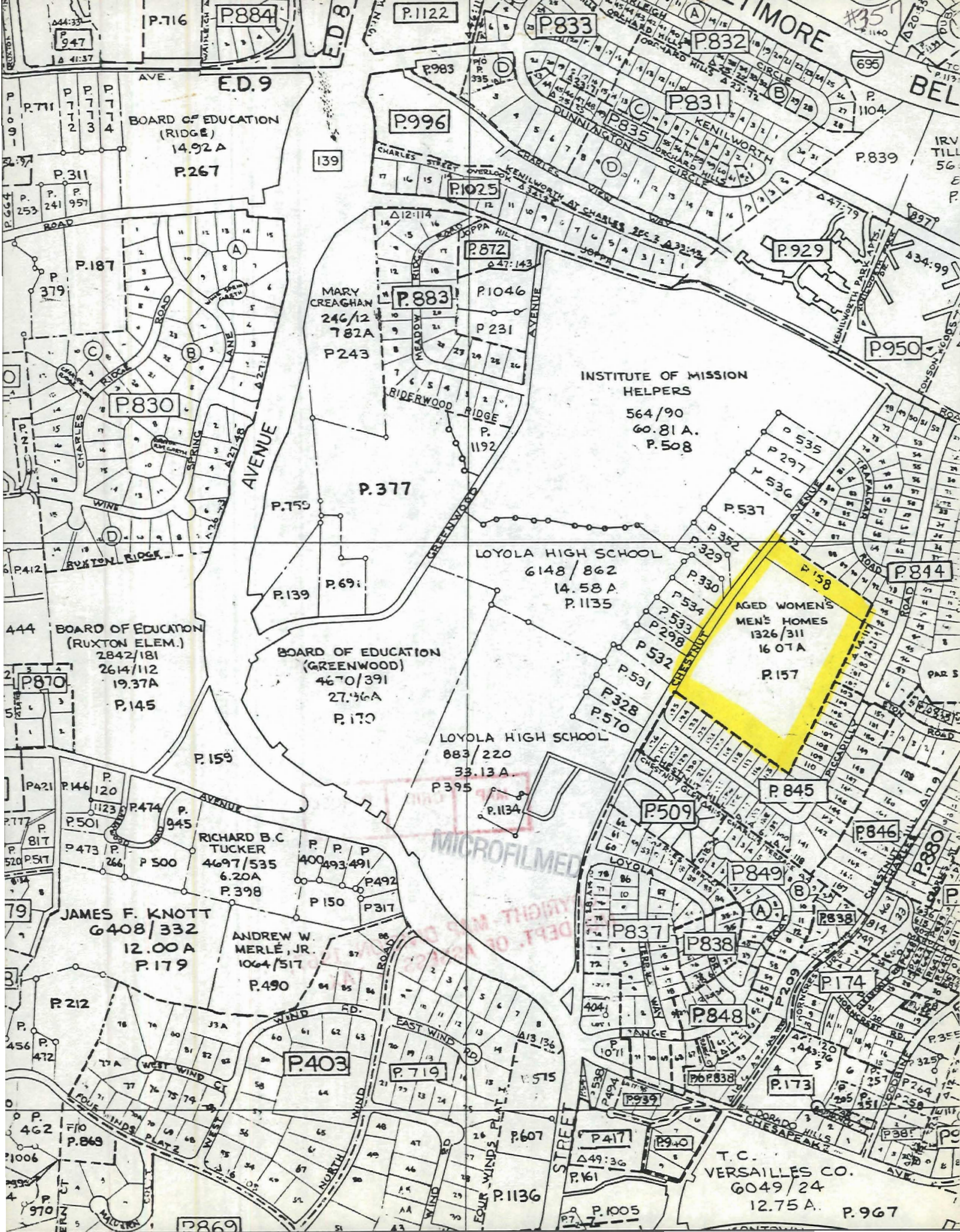
EX. POLE #6796

EX. POLE #6797

EX. POLE #6798

EX. POLE #6799

EX. POLE


P.884
P.716
P.947
E.D.9
P.1122
P.833
P.832
P.831
P.835
P.983
P.996
P.1025
P.1104
P.839
P.771
P.772
P.773
P.774
BOARD OF EDUCATION
(RIDGE)
14.92 A
P.267
139
P.311
P.253
P.241
P.957
P.187
P.379
P.872
P.883
P.1046
P.231
MARY CREAGHAN
246/12
7.82A
P.243
P.929
P.950
INSTITUTE OF MISSION HELPERS
564/90
60.81 A.
P.508
P.830
P.377
P.759
P.1192
P.535
P.297
P.536
P.537
P.352
P.329
P.330
P.534
P.533
P.298
P.532
P.531
P.328
P.570
LOYOLA HIGH SCHOOL
6148/862
14.58 A
P.1135
P.139
P.691
P.412
P.844
P.158
AGED WOMEN'S
MEN'S HOMES
1326/311
16.07 A
P.157
P.870
BOARD OF EDUCATION
(RUXTON ELEM.)
2842/181
2614/112
19.37A
P.145
BOARD OF EDUCATION
(GREENWOOD)
4670/391
27.96A
P.170
LOYOLA HIGH SCHOOL
883/220
33.13 A.
P.395
P.1134
P.159
P.845
P.509
P.846
P.849
P.837
P.838
P.880
P.174
P.848
P.421
P.146
P.120
P.1123
P.474
P.945
P.501
P.473
P.266
P.500
RICHARD B.C TUCKER
4697/535
6.20A
P.398
P.400
P.493
P.491
P.492
P.150
P.317
JAMES F. KNOTT
6408/332
12.00 A
P.179
ANDREW W. MERLE, JR.
1064/517
P.490
P.212
P.403
P.719
P.715
P.1071
P.839
P.173
P.939
P.538
P.494
P.417
P.940
P.161
P.462
P.869
P.1006
P.970
P.1136
P.607
P.1005
P.967
T.C. VERSAILLES CO.
6049/24
12.75 A.
P.869
AVENUE
ROAD
LANE
CIRCLE
STREET
COURT
PLACE
TERRACE
WAY
MICROFILMED

ZONED DR 5.5.
RESIDENTIAL

S 25° 33' 16" W 654.20'

ZONED DR 5.5.

11.4 ACRES±

GRASS AREA

EXISTING HOUSE

DRIVEWAY

GRASS AREA

EXISTING BARN TO BE REMOVED NEW ADDITION TO REPLACE BARN AS STORAGE BUILDING

EXISTING PARKING

SIDEWALKS

EXISTING SERVICE ENTRANCE

ZONED DR 5.5
RESIDENTIAL

S 64° 18' 45" E 628.47'

EXISTING PARKING

SIDEWALK

GRASS AREA

SIDEWALK 32'

NEW ONE STORY BRICK & BLOCK STORAGE ADDITION

45'

MAIN ENTRANCE

GRASS AREA

EXISTING PARKING

NOTE: ALL DRIVEWAYS & PARKING ARE MACADAM SURFACE

ZONED DR 3.5

EXISTING FIRE HYDRANT

MAIN DRIVEWAY

EXISTING FIRE HYDRANT

988.46' TO ℄ OF JOPPA ROAD

N 57° 30' 00" E 636.81'

CHESTNUT AVENUE

ZONED DR 5.5
ACROSS ST. FROM
NURSING HOME

N 59° 41' 50" W 760.01'±

ZONED DR 5.5
6.0 ACRES

GRASS AREA

EXISTING TREES FOR SCREENING AROUND PERIMETER OF PROPERTY & NEW ADDITION

ZONED DR 3.5

N 24° 36' 10" E 351.95'

N 59° 41' 50" W 769.10'

ZONED DR 5.5
RESIDENTIAL

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY David Flowers
PLANNING
DATE 7-6-83
BY James E. Dyer
ZONING COMMISSIONER
DATE 7/6/83

C-266-82

4324

NOTE
TOTAL NUMBER OF BEDS 164 BEDS

TOTAL NUMBER OF PARKING SPACES = 114

REFERENCE LETTER DATED 5.17.1976 TO BALTIMORE COUNTY TRAFFIC ENGINEERING DEPT.

REF: AS TO CIRCUMFERENTIAL DRIVEWAY WHICH IS NOW TWO WAY, COULD BE MADE ONE WAY AND YIELD ANOTHER 50 PARKING SPACES FOR A TOTAL OF 114

NOTE:
PUBLIC FACILITIES
EXISTING

PLAT FOR SPECIAL HEARING
SCALE: 1" = 50'
PREVIOUS CASE NO: 4324
9TH ELECTION DISTRICT

NORTH

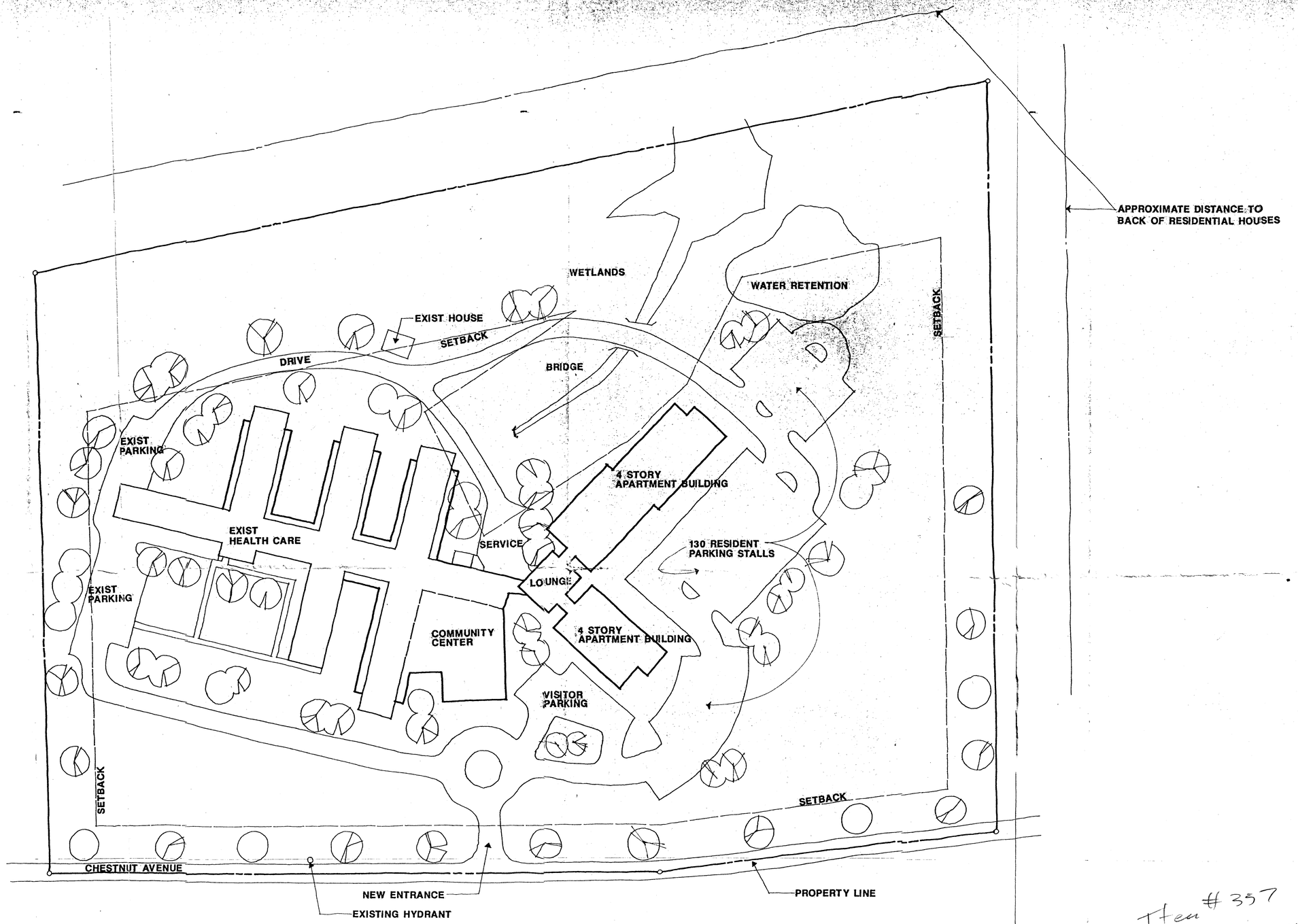
JAMES W BOYCE
Drafting Consultant
104 Greenridge Road
Lutherville Maryland

Storage Addition For:
PICKERSGILL INC.
615 Chestnut Avenue
Towson, Md 21204

PLAT FOR SPECIAL HEARING

DATE: 2/14/83
SCALE: 1"=50'
REV:

PL1



ADDITIONS AND ALTERATIONS TO:
PICKERSGILL INC.

0' 50' 100'

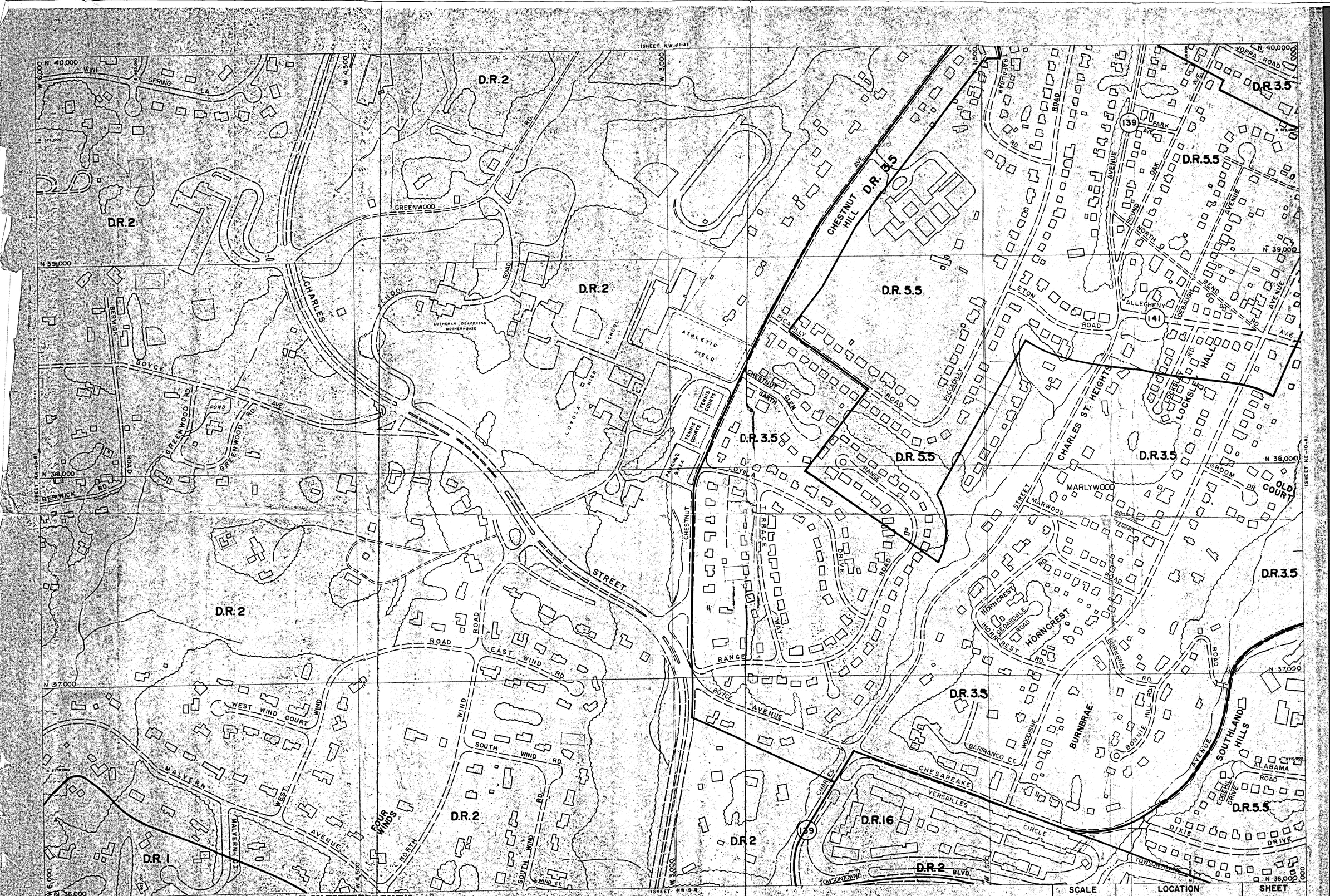
17.34 ± Acres

Comm.No. 88071.01
January 11, 1989

SFCS

Item #337
REVISED PLANS
EXH #6 2/23/89

1 Sign
615 Chestnut Ave.



1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200' ±	TOWSON	N.W.
DATE OF PHOTOGRAPHY JANUARY 1986		10 - A

MICROFILMED

0 - NE N - NW
S - SE R. - SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210
BY

NOTE ON PHASES

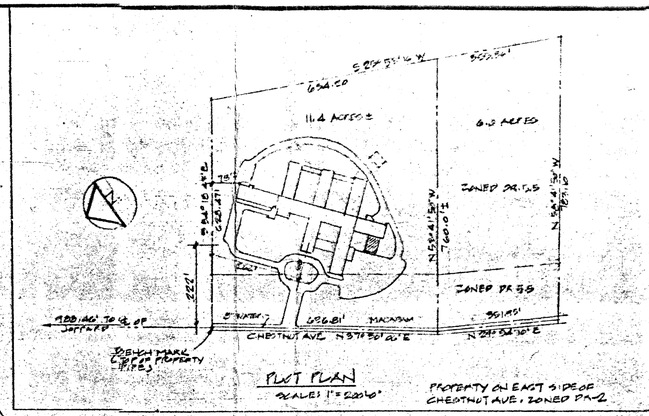
1. PHASE ONE:
CONTRACTOR TO ERECT NEW STORAGE ADDITION PRIOR TO DEMOLITION OF BARN

2. PHASE II
OWNER SHALL REMOVE ALL STORAGE MATERIALS FROM EXISTING BARN & RELOCATE TO NEW ADDITION.

3. PHASE III
CONTRACTOR SHALL DEMOLISH EXISTING BARN AFTER RELOCATION OF ALL STORAGE TO NEW ADDITION - SEE NOTES TO RIGHT CONCERNING BARN & EXISTING CONDITIONS

NOTE:
1. CONTRACTOR SHALL RELEAVE & RE SOD TO CONFORM TO EXISTING SURROUNDINGS PROVIDE STAKING OF SOD

EXISTING WOOD FRAMED BARN TO BE REMOVED, EXCEPT FOR STONE WALL FOUNDATION - FILL IN WITH EARTH AS REQUIRED - SEE NOTE ON PHASES



PLOT PLAN
SCALE: 1" = 200'-0"

EXISTING PARKING

EXISTING BUILDING
GROUND FLOOR EL. 461.50'
FIRST FLOOR EL. 462.00'
SECOND FLOOR EL. 475.00'

EXISTING DRIVEWAY

CONTRACTOR SHALL VERIFY NEW GRADE ELEVATIONS W/ EXISTING & ACCOMODATE TO EXISTING ACCORDINGLY

CONTRACTOR TO PROVIDE SWALE OR RAKE TO DRIVEWAY - AS SHOWN - RE-RAKE & RESEED ON BOTH SIDES

EXISTING TREE TO REMAIN

EXISTING GAS LINE TO REMAIN

EXISTING TREE TO REMAIN

NEW 4' WALK

NEW ONE STORY PREFABRICATED STORAGE ADDITION

EXISTING WALK

EXISTING BENCH TO REMAIN

CONNECT NEW DRAIN TO EXISTING STORM DRAIN INLET - SEE ME-1

EXISTING TREE TO REMAIN

EXISTING PARKING

NORTH

SITE PLAN
SCALE: 1" = 20'-0"

JAMES W BOYCE
Drafting Consultant
104 Greenridge Road
Lutherville Maryland

Storage Addition For:
PICKERSGILL INC.
615 Chestnut Avenue
Towson, Md. 21204

SITE PLAN

DATE: 8/24/1982
SCALE: 1"=20'-0"
REV: 08-14-1984

S1

11/14/91
To WCR
2

cy

SITE REMEDIATION REPORT TWO
PICKERSGILL NURSING HOME
RECOVERY OPERATION

PREPARED FOR

PICKERSGILL, INC.
615 CHESTNUT AVENUE
TOWSON, MARYLAND 21204

PREPARED BY

THE ROBERT B. BALTER COMPANY
18 MUSIC FAIR ROAD
OWINGS MILLS, MARYLAND 21117

RECEIVED
NOV 15 1991
By scj

NOVEMBER 8, 1991

File WCR

PICKERSGILL, INC.
SITE REMEDIATION REPORT ONE

PREPARED FOR

PICKERSGILL, INC.
615 CHESTNUT AVENUE
TOWSON, MARYLAND 21204

PREPARED BY

THE ROBERT B. BALTER COMPANY
18 MUSIC FAIR ROAD
OWINGS MILLS, MARYLAND 21117

JULY 8, 1991

3727-92

LETTER OF TRANSMITTAL

The Robert B. Balter Company
Geotechnical Engineers
18 Music Fair Rd.
Owings Mills, Maryland 21117
(301) 363-1555

1/19/9- 8 to wk - then put in file

DATE 2/18/92 | JOB NO. 11625 MD

ATTENTION Zoning Commissioner

RE: Pickersgill Nursing Home
Site Remediation

89-144-SPH

TO Baltimore County Zoning Commissioner
Baltimore County Zoning Commission
111 W. Chesapeake Ave., Rm. 109
Towson, MD 21204

GENTLEMEN:

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

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

COPIES	DATE	NO.	DESCRIPTION
1	2/17/92		Site Remediation Report Three - Pickersgill Nursing Home

RECEIVED
FEB 20 1992
By PCJ

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☒ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ _____
☐ FOR BIDS DUE _____ 19_____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS

The Robert B. Balter Company is conducting on-going remedial activities associated with petroleum contaminated groundwater at the Pickersgill Nursing Home (615 Chestnut Ave., Towson). Enclosed is a copy of the most recent remedial progress report. The report is provided for inclusion to your files. If you have any questions, please do not hesitate to contact this office

Sincerely,
Bruce Martin
Environmental Scientist

COPY TO _____

SIGNED: _____

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

SITE REMEDIATION REPORT THREE
PICKERSGILL NURSING HOME
RECOVERY OPERATION

PREPARED FOR

PICKERSGILL, INC.
615 CHESTNUT AVENUE
TOWSON, MARYLAND 21204

PREPARED BY

THE ROBERT B. BALTER COMPANY
18 MUSIC FAIR ROAD
OWINGS MILLS, MARYLAND 21117

February 17, 1992

SITE REMEDIATION REPORT FOUR
PICKERSGILL NURSING HOME
RECOVERY OPERATION

PREPARED FOR

PICKERSGILL, INC.
615 CHESTNUT AVENUE
TOWSON, MARYLAND 21204

PREPARED BY

THE ROBERT B. BALTER COMPANY
18 MUSIC FAIR ROAD
OWINGS MILLS, MARYLAND 21117

April 30 , 1992

B749124 MD

19890444 "A" supplemental
&
19890538 "A" supplemental

PETITIONER'S
EXHIBIT

(4)

Pit Ex

STATE OF MARYLAND CITY OF BALTIMORE to wit:

I HEREBY CERTIFY that on this 15th day of Janurry in the year one thousand nine hundred and forty-four before me the subscriber a Notary Public of the State of Maryland in and for the City of Baltimore aforesaid personally appeared Bernard H Feustman President of Middle River Homes Incorporated the within named grantor and acknowledged the aforegoing deed to be the act of said body corporate

IN TESTIMONY WHEREOF I hereunto set my hand and affix my notarial seal

(Notarial Seal) Adam J Geyer

Notary Public

MICROFILMED

Received Jan 24 1944 at 11 A M & Exd per

Robert J Spittel - Clerk (Rod MP)

Examiners (J&G)

53694

Safe Deposit & Trst Co. Trus.

Deed to

Aged Womens & Aged Men's Homes

THIS DEED Made this 18th day of January in the year one thousand nine hundred and forty-four by and between SAFE DEPOSIT AND TRUST COMPANY OF BALTIMORE Trustee under the Fifth, Item of the Last Will and Testament of Roberta R McLaughlin deceased which Will is now of record in the office of the Register of Wills for Baltimore City in Wills Liber J H B No 200 folio 481 party of the first part and the Aged Women's and Aged Men's Homes Franklin Square Baltimore a corporation of the State of Maryland party of the second part

WHEREAS by deed dated July 15 1942 and recorded among the Land Records of Baltimore County in Liber C H K No 1237 folio 226 the said party of the first part Trustee as aforesaid acquired title to the property herein after described from Robert Bell Deford Jr et al the said property having been purchased by the said party of the first part Trustee as aforesaid in accordance with the above mentioned Will and in compliance with a decree of the Circuit Court of Baltimore City passed March 7 1942 in a cause in said Court entitled "Safe Deposit and Trust Company of Baltimore Executor and Trustee Vs The Aged Womens and Aged Mens Homes Franklin Square Baltimore et al "Docket 81 A Folio 473 and

WHEREAS under the terms of said Will it was provided that after the land had been purchased and certain repairs and improvements had been completed and the property should be in condition for use as a Country Home for said party of the second part then the said Trustee was directed to assign convey transfer and deliver said property to the said party of the second part upon certain conditions as therein outlined which said conditions have now been complied with and the said party of the first part Trustee as aforesaid by order of the Circuit Court of Baltimore City passed November 12 1943 in the cause above mentioned was ordered to convey the rest and residue of said trust estate including the property hereinafter described unto the said party of the second part

89-538-SPH PETITIONER'S EXHIBIT 1

3
1429 - 140

DEED. 158

140

(Notarial Seal)

Notary Public

Recorded Jan 15 1946 at 11:45 A M & exd per

Robert J Spittel Clerk

(Rec'd by [illegible])

For value received, THE Back and Middle River Building and Loan Association Incorporated, a body corporate, does hereby release the within or aforegoing mortgage.

As Witness the corporate seal of said body corporate, and the signature of Anton Wm. Hubers, the President thereof, this 1st day of February, 1961.

Attest: Walter R. Haile

The Back And Middle River Building And Loan Association Incorporated, a body corporate

(Corporate seal) By Anton Wm. Hubers, President.

Rec Feb. 2, 1961 at 2:15 P M & E xd per Walter J. Rasmussen - clerk

MICROFILMED

[illegible] } THIS DEED Made this 15th day of

Robert Hall Deford Jr et ul } January in the year one thousand nine

Deed to } hundred and forty-six by and between

The Aged Women's & Men's Homes Franklin Sq Balto } Robert Hall Deford Jr and Anne V

[illegible] $2.50 } Deford his wife and Robert B Deford

---------- } Jr and Dorothee H Deford his wife all

of Baltimore County State of Maryland parties of the first part and The Aged Women's and Aged Men's Homes Franklin Square Baltimore a corporation of the State of Maryland party of the second part

WITNESSETH that in consideration of the sum of five dollars and other valuable considerations this day paid the receipt whereof is hereby acknowledged the said parties of the first part do hereby grant and convey unto the said party of the second part its successors and assigns in fee simple all that lot of ground situate in Baltimore County in the State of Maryland and described according to a survey made by Edward V Coonan & Co Surveyors and Civil Engineers on January 7 1946 as follows that is to say

BEGINNING for the same on the center of Chestnut Summit Avenue at the end of the first or north forty-five degrees eighteen minutes east five hundred and thirty-seven feet line of the land described in a deed from Robert B Deford and wife to Safe Deposit and Trust Company dated July 15 1942 and recorded among the Land Records of Baltimore County in Liber G L B No 1237 folio 226 etc thence running with and binding on the second line of said land south forty-six degrees thirty minutes east six hundred and forty-eight and eighty-five one-hundredths feet thence leaving said line and running for lines of division now made north thirty-three degrees forty-three minutes east one hundred and one and forty-eight one hundredths feet north forty-six degrees thirty minutes west six hundred and twenty-eight and forty-seven one-hundredths feet to the center of Chestnut Summit Avenue and thence binding thereon south forty-five degrees eighteen minutes west one hundred and five one-hundredths feet to the place of beginning Containing one and four hundred and sixty-six one-thousandths acres

89-538-SPH

PETITIONER'S EXHIBIT 2

R.J.S. 1429-

3

Liber 1329

BEING part of the property which by deed dated August 5 1935 and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. No 959 folio 210 was granted and conveyed by Robert B Deford and wife to Robert Bell Deford Jr in fee simple

TOGETHER with the buildings and improvements thereupon and the rights alleys ways waters privileges appurtenances and advantages to the same belonging or in anywise appertaining

TO HAVE AND TO HOLD the said lot of ground and premises unto and to the use of the said The Aged Women's And Aged Men's Homes Franklin Square Baltimore its successors and assigns in fee-simple

AND the said parties of the first part covenant that they will warrant specially the property hereby granted and conveyed and that they will execute such further assurances of the said land as may be requisite

WITNESS the hands and seals of the said grantors

WITNESS

J Milton Brandt

Robert Bell Deford Jr (Seal)

Anne M Deford (Seal)

Robert B Deford Sr (Seal)

Dorothea H Deford (Seal)

STATE OF MARYLAND BALTIMORE CITY TO WIT

I HEREBY CERTIFY that on this 15th day of January in the year one thousand nine hundred and forty-six before me the subscriber a notary public of the State of Maryland in and for Baltimore City aforesaid personally appeared Robert Bell Deford Jr and Anne M Deford his wife Robert B Deford Sr and Dorothea H Deford his wife the within named grantors and they severally acknowledged the aforegoing deed to be their respective act

IN TESTIMONY WHEREOF I hereunto set my hand and affix my notarial seal

(Notarial Seal)

J Milton Brandt

Notary Public

Recorded Jun 16 1946 at 11:50 A M. and per

Robert J. Spittel Clerk

Examined (JAF)

(Rec'd by WZH)

98033

The Aged Women's & Men's Homes Franklin Sq Balto

Deed to

Robert B Deford Sr.

$2.20 $2.00

THIS DEED Made this 15th day of January in the year one thousand nine hundred and forty-six by and between The Aged Women's And Aged Men's Homes Franklin Square Baltimore a corporation of the State of Maryland party of the first part and Robert B Deford Sr of Baltimore County State of Maryland party of the second part

WITNESSETH that in consideration of the sum of five dollars and other valuable considerations this day paid the receipt whereof is hereby acknowledged the said party of the first part doth hereby grant and convey unto the said party of the second part his heirs and assigns in fee simple all that lot of ground situate in Baltimore County in the State of Maryland and described according to a survey made by Edward Y Coonan & Co Surveyors and Civil Engineers on January 7 1946 as follows that is to say

BEGINNING for the same on the center of Chestnut Summit Avenue at the end of the north fifty-three degrees thirty-seven minutes west seven hundred and seventy-eight and

MICROFILMED

89-538-SPH PETITIONER'S EXHIBIT 3

#4324 X

MAP #9 "X" 12/26/51

PETITION FOR SPECIAL EXCEPTION

IN THE MATTER OF : BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

AGED WOMEN'S & AGED MEN'S LIMES :

For a Special Exception

To The Zoning Commissioner of Baltimore County

Aged Women's & Aged Men's Home Franklin Square Legal Owner

Contract Purchaser

hereby petition for a Special Exception, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 877 of the Acts of the General Assembly of Maryland of 1945, for a certain permit and use, as provided under ... Regulations and Act, as follows:

A Special Exception to use the land (and improvements now or be erected thereon) hereinafter described for Convalescent Home

All that parcel of land in the Ninth District of Baltimore County on the Southeast side of Chestnut Avenue, beginning 988 feet Southwest of Joppa Road; thence Southwesterly and binding on the Southeast side of Chestnut Avenue [illegible] feet; thence South 53 degrees 42 minutes East 760.02 feet; thence North 25 degrees 53 minutes East 654.20 feet; thence North 54 degrees 19 minutes West 628.47 feet to the place of beginning.

636.81

Aged Women's & Aged Men's Homes, Franklin Square

Contract Purchaser

Virginia A. Boyce

Legal Owner

President, Board of Managers

1/16/52 10 A.M.

MICROFILM

89-538-SPH

PETITIONER'S EXHIBIT 4

APPLICATION FOR PERMIT

BALTIMORE COUNTY MARYLAND

OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

BUILDING ADDRESS	615 [illegible] AVENUE
OWNER'S NAME	(PICKERSGILL, INCORPORATED) AND MOYER'S S
MAILING ADDRESS	615 [illegible] AVE., TOWSON, MD. 21204
TENANT	
BUILDING CONTRACTOR	THE WILLIAM T. LYONS COMPANY, INC., 28 E. SUSQUEHANNA AVE., 21204
DESIGNER OR ARCHITECT	[illegible] 21202
IF LAND CONTRACT OF SALES GIVE SELLER'S NAME AND ADDRESS	
TRANSFER DESCRIPTION	[illegible]

PERMIT NO. C-272-78 DATE ISSUED

A. TYPE OF IMPROVEMENT

1. ☐ NEW BUILDING CONSTRUCTION
2. ☒ ADDITION
3. ☐ ALTERATION
4. ☐ REPAIR
5. ☐ WRECKING (ENTER NO. UNITS DEDUCTED _____)
6. ☐ MOVING
7. ☐ OTHER

RESIDENTIAL

01. ☐ ONE FAMILY
02. ☐ TWO FAMILY
03. ☐ THREE AND FOUR FAMILY
04. ☐ FIVE OR MORE FAMILY (ENTER NO. UNITS _____)
05. ☐ SWIMMING POOL
06. ☐ GARAGE
07. ☐ OTHER

C. TYPE OF USE

NON-RESIDENTIAL

08. ☐ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. ☐ CHURCH OR OTHER RELIGIOUS BUILDING
10. ☐ FENCE (LENGTH _____ HEIGHT _____)
11. ☐ INDUSTRIAL, STORAGE BUILDING
12. ☐ PARKING GARAGE
13. ☐ SERVICE STATION, REPAIR GARAGE
14. ☐ HOSPITAL, INSTITUTIONAL, NURSING HOME
15. ☐ OFFICE, BANK, PROFESSIONAL
16. ☐ PUBLIC UTILITY
17. ☐ SCHOOL (COLLEGE, OTHER EDUCATIONAL)
18. ☐ SIGN
19. ☐ STORE ☐ MERCANTILE ☐ RESTAURANT
SPECIFY TYPE _____
20. ☐ SWIMMING POOL (NO HEALTH DEPT. APPR. REQ.)
21. ☐ TANK, TOWER
22. ☐ TRANSIENT HOTEL, MOTEL (NO. UNITS _____)
23. ☒ OTHER RETIREMENT HOME

DESCRIBE PROPOSED WORK

CONSTRUCT AN ADDITION TO EXISTING RETIREMENT HOME WITH MASONRY EXTERIOR WALLS, CONCRETE ROOF AND FLOOR DECKS AND DRYWALL AND MASONRY PARTITIONS PER PLANS SUBMITTED.

FOUNDATION: ☐ SLAB ☐ BLOCK ☐ CONCRETE ☐ BASEMENT ☐ FULL ☐ PARTIAL ☐ NONE

CHECK APPROPRIATE CATEGORIES FOR RESIDENTIAL ONLY

STORIES	TYPE	BATHS	HEAT	ATTIC	USE REGISTRATION	CODE

24. PROPOSED USE: [illegible]
EXISTING USE: [illegible]

B. OWNERSHIP

1. ☒ PRIVATELY OWNED 2. ☐ PUBLICLY OWNED

ESTIMATED COST OF MATERIAL & LABOR $20,000.00

D. TYPE OF CONSTRUCTION

1. ☒ MASONRY 3. ☐ STRUCTURE STEEL
2. ☐ WOOD FRAME 4. ☐ REINF. CONCRETE

TYPE OF HEATING FUEL
1. ☐ GAS 3. ☐ ELECTRICITY
2. ☒ OIL 4. ☐ COAL

TYPE OF SEWAGE DISPOSAL
1. ☐ PUBLIC SEWER
2. ☐ PRIVATE SYSTEM ☒ EXISTS ☐ PROPOSED
SEPTIC ☐ EXISTS ☐ PROPOSED
PRIVY ☐ EXISTS ☐ PROPOSED

TYPE OF WATER SUPPLY
1. ☒ PUBLIC SYSTEM ☒ EXISTS ☐ PROPOSED
2. ☐ PRIVATE SYSTEM ☐ EXISTS ☐ PROPOSED

IS THERE CENTRAL AIR CONDITIONING
1. ☐ YES 2. ☒ NO

IS THERE AN INCINERATOR
1. ☒ NO 2. ☐ YES - WITH AIR POLLUTION CONTROL
3. ☐ YES - WITHOUT AIR POLLUTION CONTROL
NO. OF ELEVATORS TO BE INSTALLED _____
NUMBER OF OFF-STREET PARKING SPACES _____
ENCLOSED _____

E. RESIDENTIAL ONLY

SINGLE FAMILY UNITS
1. TOTAL NO. OF BEDROOMS _____

MULTI FAMILY UNITS
HOW MANY APARTMENTS HAVE
2. EFFICIENCY (NO SEPARATE BEDROOMS) _____
3. ONE BEDROOM _____
4. TWO BEDROOMS _____
5. THREE BEDROOMS OR MORE _____
6. TOTAL NO. OF BEDROOMS _____
7. TOTAL NO. OF APARTMENTS _____

F. DIMENSIONS

GARBAGE DISPOSAL	YES	NO	POWDER ROOM	BATHROOMS	KITCHEN

BUILDING SIZE	LARGEST OVERALL DIMENSIONS INCLUDING GARAGE			
FOOTPRINT AREA	WIDTH	DEPTH	HEIGHT	STORIES
12,744	204'0"	125'0"	35'0"	3

TOTAL SITE 14.4 AC.

PROPERTY LINE SETBACKS	FRONT	SIDE	SIDE STREET	REAR
	1000'	251'		1000'

IN LINE WITH EXISTING BLDGS	YES	NO	CORNER LOT	YES	NO	LOT WIDTH

ZONING INFORMATION	ZONE DISTRICT	ZONING MAP NO.	PETITION NO.	DATE

IMPROVEMENT LAND: 14.4 AC
IMPROVEMENT: 125,388 SF
TOTAL: 991,813

SUBDIVISION NAME
H.
BLOCK | SECTION | LOT | FOLIO

BUILDING

I HEREBY CERTIFY THAT THE APPLICATION AND ENTRY THE SAME IS CORRECT AND THAT ALL WORK WILL BE DONE IN THE BALTIMORE COUNTY AND STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOW AND WILL REQUEST ALL REQUIRED INSPECTIONS.

THE WILLIAM T. LYONS COMPANY INC.
DATE
28 E. SUSQUEHANNA AVE., TOWSON, MD.
CITY STATE
AGENT ☐ OWNER ☒
PHONE 825-6110

PAYABLE TO BALTIMORE COUNTY MARYLAND
RECEIPT NO. 73997 DATE 3-17-78

PLANNING AND ZONING	APPROVAL SIGNATURE	DATE
	[illegible]	3/17/78

89-538-SPH

PETITIONER'S LIBERTY
EXHIBIT 5

baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 494-3353

S. ERIC DINENNA
ZONING COMMISSIONER

MICROFILMED

February 24, 1978

PETITIONER'S EXHIBIT 6

89-538-SPH

Mr. William Alton Edgerton
Edmunds and Hyde, Inc.
1025 Saint Paul Street
Baltimore, Maryland 21202

RE: Proposed Addition to
Pickersgill Nursing Home
9th Election District

Dear Mr. Edgerton:

I am in receipt of your letter in which you request information on the above referenced matter.

It has been the policy of this office to permit an existing use, which has been granted a Special Exception, to expand no more than 25% of the original building area. Since the proposed 4,248 square foot addition is far less than the maximum allowed expansion (approximately 4%), it can be approved for submittal of a building permit application.

If you have any further questions, please do not hesitate to contact this office.

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

SED:DI:smw

cc: Mr. George J. Martinak, Deputy Zoning Commissioner

Mr. James E. Dyer, Zoning Supervisor

Ms. Diana Itter, Planning & Zoning Associate III

Pickersgill Inc.

615 CHESTNUT AVENUE • TOWSON, MD. 21204 • Telephone: 825-7423

March 17, 1978

FILMED

Baltimore County
Traffic Engineering Dept.

Dear Sirs:

At present our retirement home is licensed for 141 beds. We now have 68 parking spaces.

Our new addition is planned for an additional 28 beds. We will lose 4 parking spaces which will leave us 64 spaces for 169 beds.

If necessary our circumferential drive way which is now two-way could be made one-way and would yield another 50 parking spaces for a total of 114 parking spaces.

Yours truly,

Richard B. Buck

Richard B. Buck
Executive Director

RBB/pk

PETITIONER'S EXHIBIT 7

89-538-SPH

[redacted]

Parkes subd.
SE/S Ch. Joppa Rd.

3C

PETITIONER'S EXHIBIT 8
89-538-SPH

Aug 5-83 1:30

#3-23-83-SPH

See 89-444-SPH
89-538-SPH

PETITIONER'S EXHIBIT 10
89-444-SPH

WORTHINGTON VALLEY

COCKEYSVILLE

TIMONIUM

LUTHERVILLE

DULANEY VALLEY

CAVES

5 MILES

PICKERSGILL

RUXTON

STEVENSON

PIKESVILLE

MT. WASHINGTON

BALTIMORE CITY

PROVIDENCE

JOPPA

PARKVILLE

WHITE MARSH

OVERLEA

HAMILTON

ROADSIDE CULTURE

NORTH

SCALE

August 1989

© 197 TO S.H.A.

CURRENT RESIDENTS

INTERESTED APARTMENT RESIDENTS

Harris, Smariga, Matz, Inc.
Planners/Engineers/Surveyors
115 B Shadbrook Lane/Pikesville, MD 21208

PICKERSGILL, INC.
615 Chestnut Avenue
Towson, Maryland

PICKERSGILL SERVICE AREA AND SURROUNDING NEIGHBORHOODS

PETITIONER'S EXHIBIT 9

89-538-SPH

PETITION

MICROFILMED

Baltimore County Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Property: Pickersgill, Inc.
Chestnut Avenue, Towson, Maryland 21204

We, the undersigned, are neighbors of the Applicant, and are familiar with Pickergill's request to renovate their existing nursing home and to construct 100 apartments for the well elderly which has been submitted. We support this request and ask that you grant the relief sought which will promote the housing of the well elderly. Pickersgill has been and remains a valuable neighbor. We look forward to a long-term relationship with Pickersgill.

DATE	NAME	ADDRESS	DISTANCE FROM PROPERTY
7/11/89	Margaret M Wills	13801 York Rd Cockeysville	5 miles
8-12-89	David Love	406 Campbell Lane	1 mile
8-17-89	Rosalyn Conner	2 Alabama Ct	1 mile
8/17/89	William F Hunter Jr.	425 ALABAMA RD	1 MILE

I do solemnly declare and affirm under the penalties of perjury, that I, Susan W. Hunter, personally witnessed the above parties execute this Petition on the date above shown.

Susan W. Hunter

PETITIONER'S EXHIBIT 11

89-538-SPH

MICROFILMED

RECEIVED
JUN 22 1989

NEIL A. WEINSTEIN, R.L.A., AICP

LICENSES AND CERTIFICATION:

- Maryland Registered Landscape Architect # 625, Virginia Certified Landscape Architect # 269, Member American Institute of Certified Planners

REPRESENTATIVE ADMINISTRATIVE AMENDMENTS & COURT CASE PREPARATION:

REZONINGS:

1. Williamsgate, Prince William County, Virginia - 1200 unit mixed use development

2. Stafford Centre Port, Stafford County, Virginia - 900 acre commercial industrial development

3. Glennsford, Prince George's County, Maryland - 400 unit comprehensive design zone, residential development

4. Ryan's Corner, Loudon County, Virginia - 220 unit residential development

SPECIAL EXCEPTIONS:

1. Oxhill Baptist Church, Fairfax County, Virginia

2. Ted Britt Mazda Automobile Dealership, Prince William County, Virginia

3. Kinder Care Children's Learning Center, Fairfax County, Virginia

4. George Mason Bank, Fairfax County, Virginia

COURT TESTIMONY PREPARATION:

1. Springfield By-Pass, Fairfax County, Virginia - Preparation of materials for right-of-way taking negotiations for the Office of the Fairfax County Attorney

2. Centennial Boulevard, Fairfax County, Virginia - Preparation of condemnation materials for appraisal for taking of street right-of-way for private concern

VARIANCES:

1. Kent Residence, Fairfax County, Virginia relief from yard setback

2. Manchester Lakes, Fairfax County, Virginia relief from height and yard setbacks in residential zones

NOTE: AREA BETWEEN SITE TRIANGLES TO REMAIN CLEAR OF OBSTRUCTIONS

CHESTNUT AVENUE
EX. DWG.
EUGENE L. JR. & MARY C. WOLFE 4574/195 #602
CARLTON C. & ELIZABETH SEXTON 7935/156 #600
NELSON E. JR. & CH LUKEMIRES 7580/474 #604
ALEXANDER T. & SHARON DAGNAULT 5658/092 #606
JOHN M. & ERIC HODGE - WILLIAMS 7865/613 #608
J. KING SR JR. & JANE I. SEGGAR 6905/699 #610
DAWSON L. JR. & PATRICIA PARKER 1867/305 #612
JOHN A. HORST #616
EDWIN W. & FRANCIS E. HUBER 6789/016, 5557/015 #620
300' RESIDENTIAL TRANSITION AREA
350' SIGHT LINE
B.C.M.O.
PROF. 8" SAN.
EX. 8" W.
EX. 6" W.
EX. 6" H.P.G.
EX. 6" L.P.G.
EX. 40' R/W
PROP. R/W & CURB
PROP. 21.0'
LIMIT OF DISTURBANCE
PRIVATE OPEN SPACE
EX. P.E.S. TO BE REMOVED
TRANSITION AREA
300'
EX. 10' DRAINAGE & UTILITY EASEMENT
EX. 8" SAN. (48-403)
HENRY WARD ISAACSON 7281/382 #600
ROBERT V. & IRENE DALLMUS 1800/200 #502
JOHN & RITA M. BILLSTONE 5928/0286 #506
WILLIAM F. JR. & ANA M. DALBEY #508
JOHN R. & MOLLIE S. WAILES 8458/604 #810
F. NEILLY & JACQUEL MITCHELL 7460/773 #512
PHILLIPS & MARGARET L. HUFFMAN #514
FRANCIS T. & ALINE DALY 855/022 #516
JOHN J. & DOROTHY A. BARRY #520
EDWARD W. MAGOWSKI 7057/178 #522
MICHAEL & PAULA ALFONE 7068/0475 #524
EDWARD M. & CAROLYN E. DEEMS 5990/380 #536
JAMES G. & FANNY CHARDIS 6818/302 #538
RABET H. ROSTAMI 7881/320 #540
DOUGLAS OWEN & BARBARA HART 7691/056 #542
JAMES K. & MARGARET M. MANUS 6859/399 #544
FREDERICK J. JR. & NAOMI WILLEY 5219/499 #546
RAFAEL & MARYA GARCIA SANUEL 4908/249 #548
JAMES M. & SANDRA F. MOLICKI 4684/78 #552
GLEB M. & BARBARA F. MOLICKI 4684/78 #554
LUDOVIC C. & ANNE R. DUPAY #602
ALFONSO M. & GWENDOLYN 5122/609 #604
DANIEL SCOTT & REBECCA DOYLE 5858/421 #606
GEORGE W. & LOUISE H. HARGEST #608
ERNA M. ENGROFF #610
WARREN A. & EDNA C. BONNSTOCK 3002/351 #612
#614
#616
HARRY G. & ROBERTA LEES 4180/0015 #619
CURTIS L. & SUSAN J. MEINERT 4491/325 #811
JESSE R. & MILDRED C. SACHSE 9254/598 #809
JESSE R. & MILDRED C. SACHSE 2111 / 031 #811
GREGORY G. & IDA B. PRENTIS 4614/416 #805
RONALD C JR. & EVELYN O'CONNOR 4263/309 #803
A. REID & JUDITH C JOHNSON 4902/115
TRAFALGAR ROAD
CHESTNUT HILL ROAD
ETON ROAD
S.W.M. POND 'A' (SEE COMPUTATIONS BELOW)
PRIVATE OPEN SPACE
FIELD LOCATED WETLANDS
STREAM BUFFER
EX. WELL
EX. SEPTIC
NEW 2nd FLOOR ADDITION SEE SPECIAL NOTE C
LIMIT OF DISTURBANCE
SWALE TO BE GRADED TO CARRY SURFACE WATER TO INLETS
EX. 36" D.
SEE NOTE 28
EX. 8" SAN. (48-402)
EX. 8" SAN. (48-404)
EX. 8" SAN. (48-522)
EX. 6" SAN. (48-490)
EX. 8" SAN. (48-403)
EX. 6" SAN.
EX. 8" W.
EX. 6" W.
EX. 10" DRAINAGE & UTILITY EASEMENT
EX. 15" D.
EX. 8" D.
EX. 6" D.
EX. 4" D.
EX. 12" D.
EX. 10" D.
EX. 24" D.
EX. 18" D.

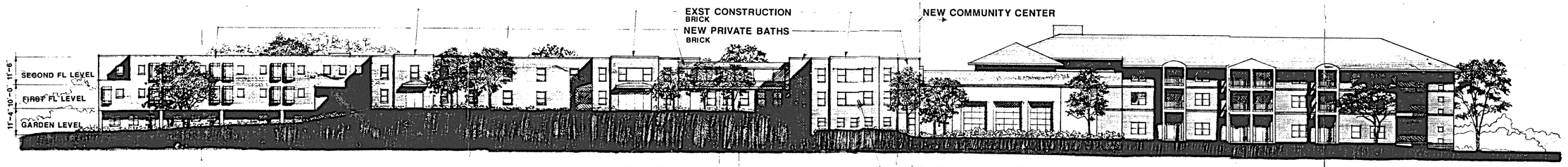
PICKERSGILL

PRELIMINARY HYDROLOGY STUDY

JULY 5,1989

MICROFILMED

PETITIONER'S
EXHIBIT 15

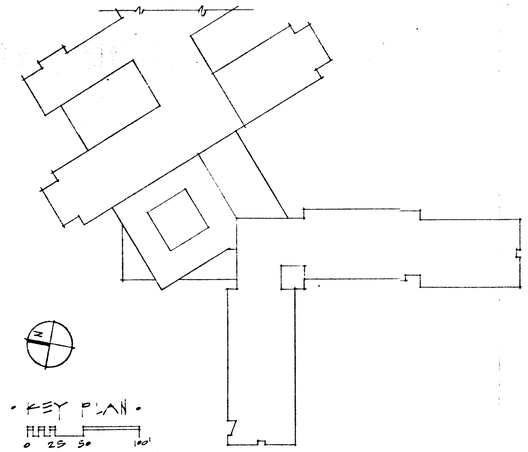


WEST ELEVATION

PETITIONER'S EXHIBIT 16

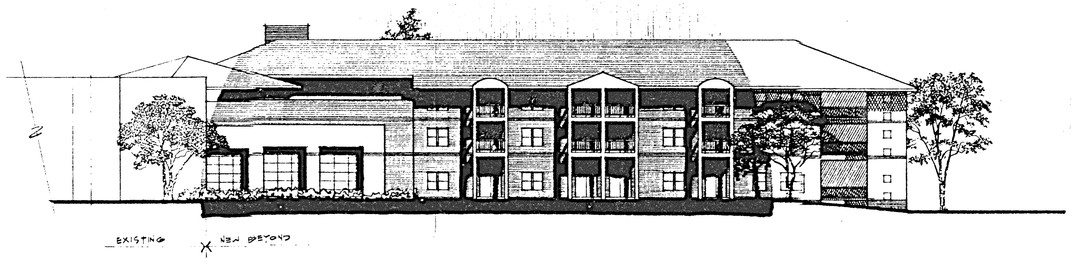
89-444-SPH

MICROFILMED



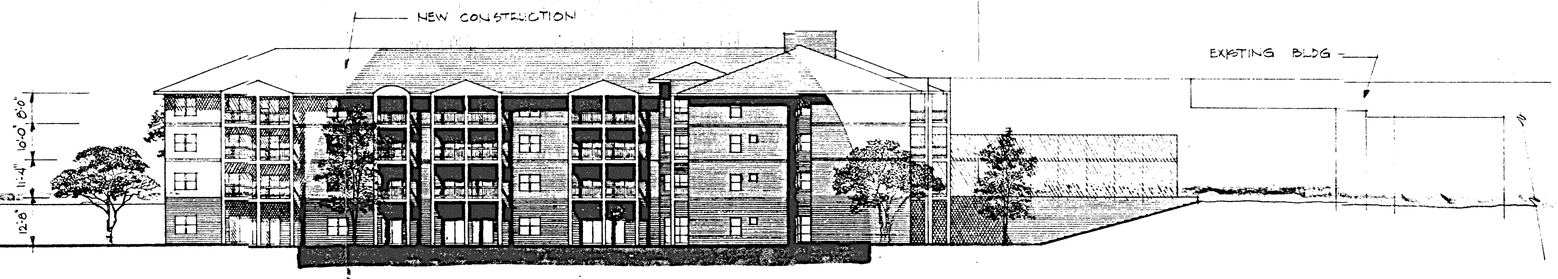
• KEY PLAN •

0 25 50 100'



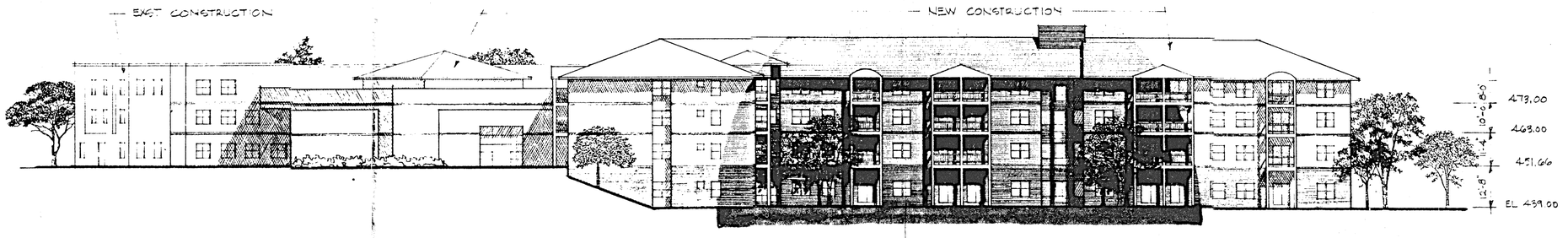
• NORTH ELEVATION •

0 16 32'



• SOUTH ELEVATION •

0 16 32'



• WEST ELEVATION •

0 16 32'

PETITIONER'S EXHIBIT 17

89-444-SPH

MICROFILMED

NEW APARTMENTS

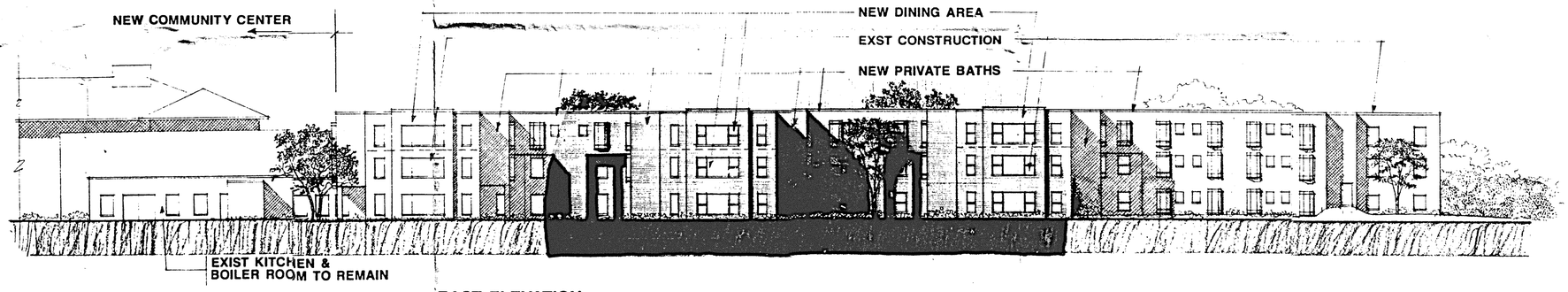
PICKERSGILL

SFCS

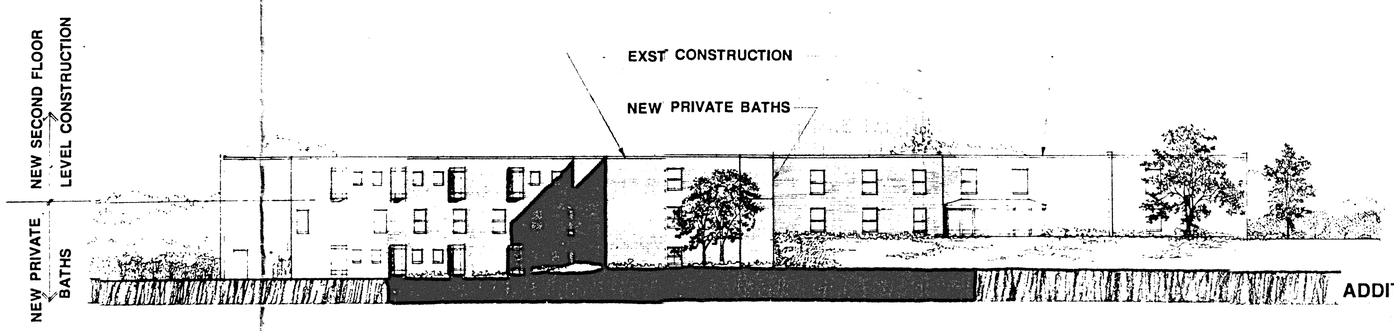
89071.01

20FEB89

WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION

1/16"=1'-0"

PETITIONER'S EXHIBIT 18

89-444-SPH

PICKERSGILL

ADDITION TO EXISTING BLDG

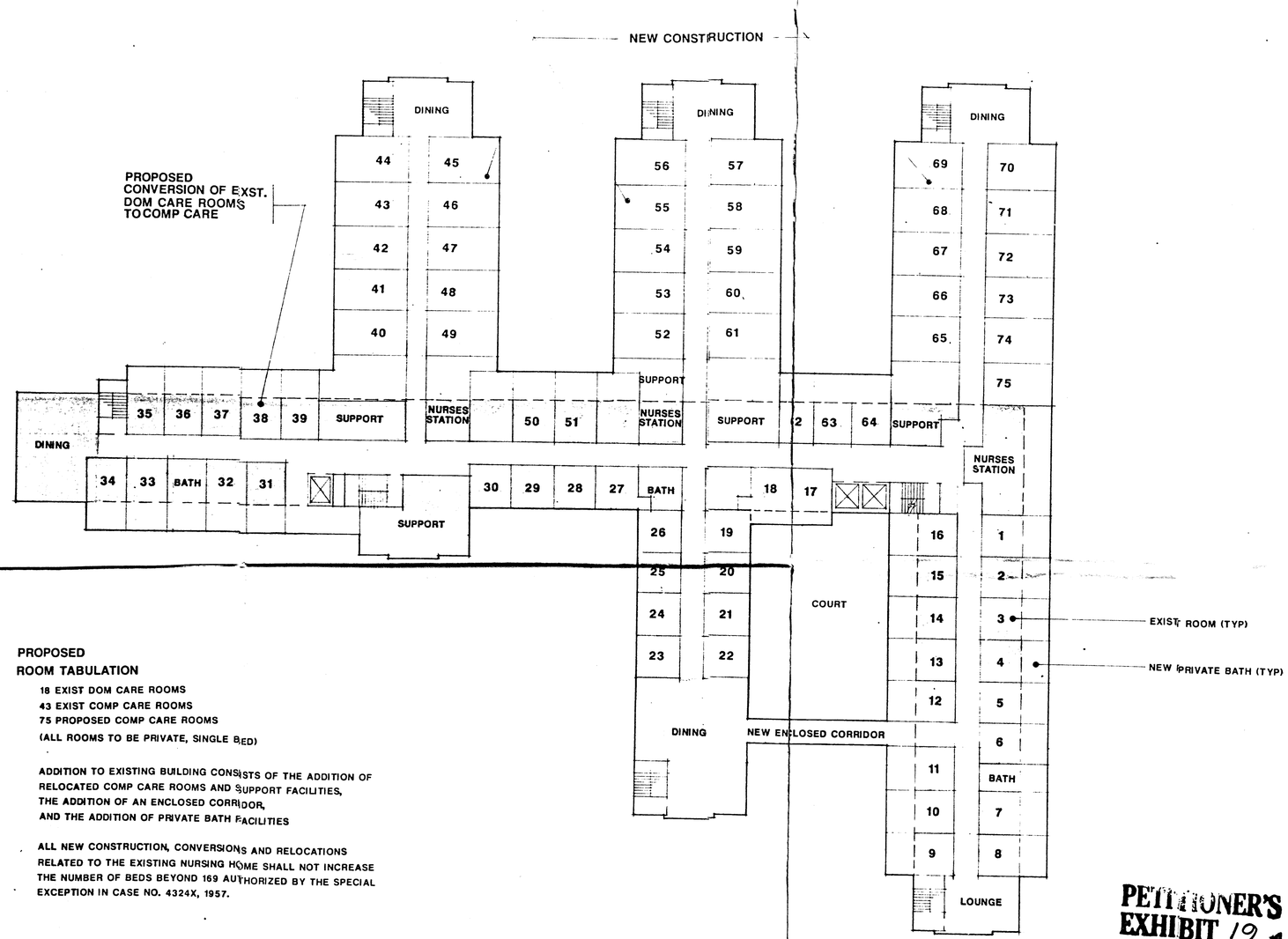
COMM NO 88071.01

JUNE 5, 1989

SFCS

MICROFILMED

89-4444-SPH



PROPOSED
ROOM TABULATION

18 EXIST DOM CARE ROOMS
43 EXIST COMP CARE ROOMS
75 PROPOSED COMP CARE ROOMS
(ALL ROOMS TO BE PRIVATE, SINGLE BED)

ADDITION TO EXISTING BUILDING CONSISTS OF THE ADDITION OF RELOCATED COMP CARE ROOMS AND SUPPORT FACILITIES, THE ADDITION OF AN ENCLOSED CORRIDOR, AND THE ADDITION OF PRIVATE BATH FACILITIES

ALL NEW CONSTRUCTION, CONVERSIONS AND RELOCATIONS RELATED TO THE EXISTING NURSING HOME SHALL NOT INCREASE THE NUMBER OF BEDS BEYOND 169 AUTHORIZED BY THE SPECIAL EXCEPTION IN CASE NO. 4324X, 1957.

SECOND FLOOR PLAN

0' 16' 32'

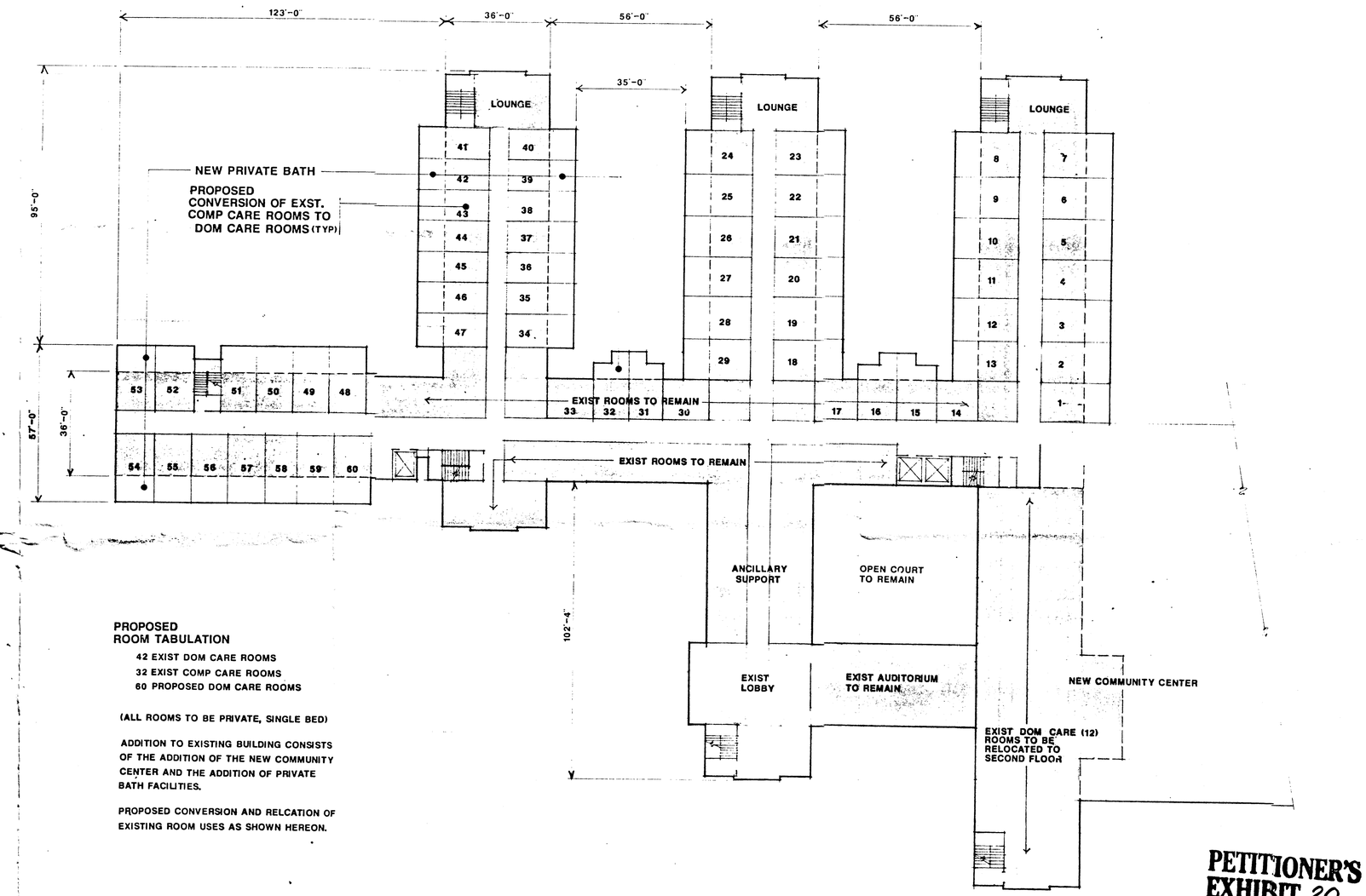
PETITIONER'S EXHIBIT 19

PICKERSGILL
ADDITION TO EXISTING BLDG.

COMM.NO. 88071.01
JUNE 5, 1989

SFCS

MICROFILMED



PROPOSED ROOM TABULATION

42 EXIST DOM CARE ROOMS
32 EXIST COMP CARE ROOMS
60 PROPOSED DOM CARE ROOMS

(ALL ROOMS TO BE PRIVATE, SINGLE BED)

ADDITION TO EXISTING BUILDING CONSISTS OF THE ADDITION OF THE NEW COMMUNITY CENTER AND THE ADDITION OF PRIVATE BATH FACILITIES.

PROPOSED CONVERSION AND RELCATION OF EXISTING ROOM USES AS SHOWN HEREON.

FIRST FLOOR PLAN

0' 16' 32'

PETITIONER'S EXHIBIT 20

PICKERSGILL
ADDITION TO EXISTING BLDG.

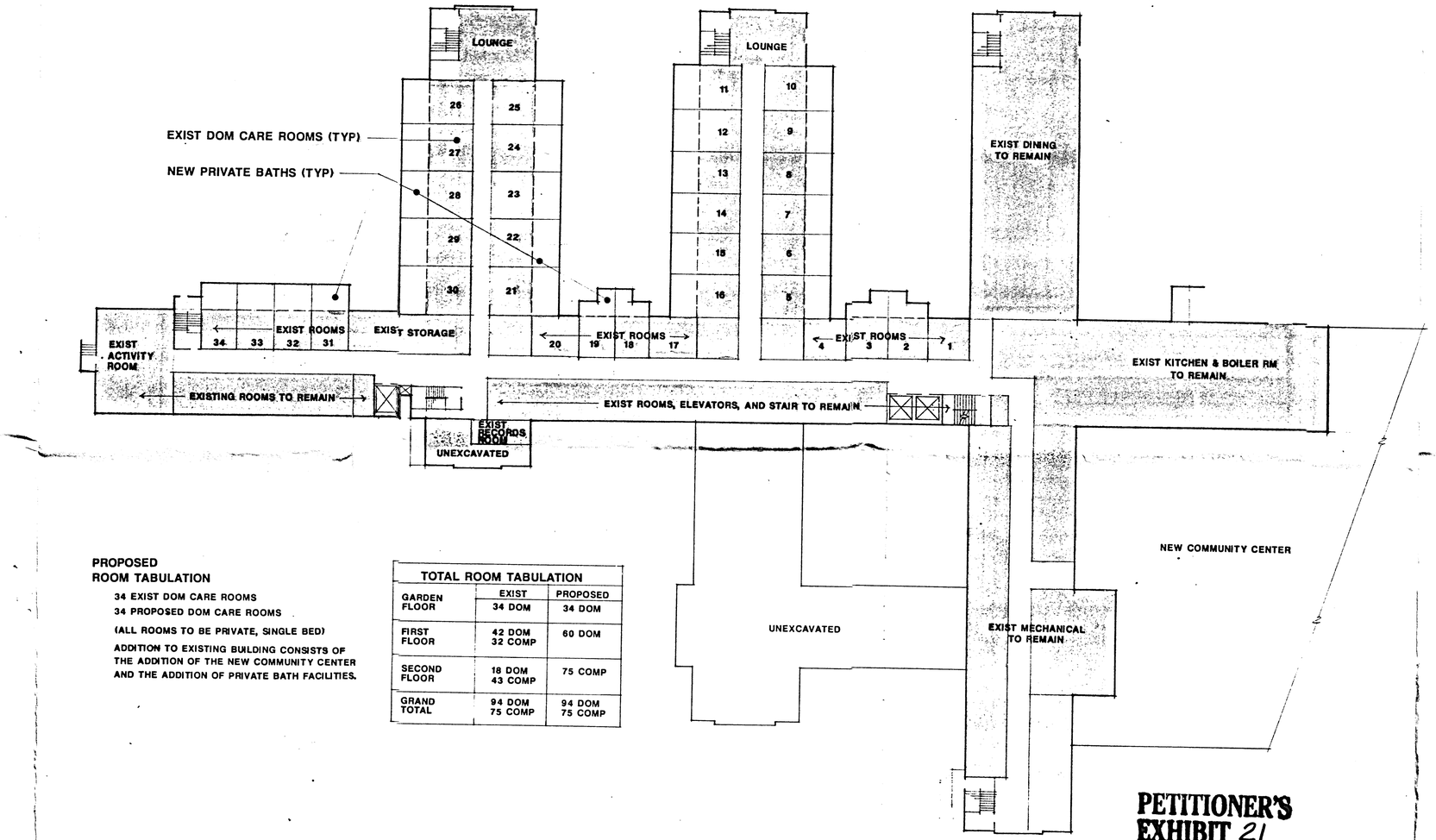
COMM.NO. 88071.01
JUNE 5, 1989

SFCS

MICROFILMED

89-444-SPH

HDS-4444-58



PROPOSED
ROOM TABULATION

34 EXIST DOM CARE ROOMS
34 PROPOSED DOM CARE ROOMS

(ALL ROOMS TO BE PRIVATE, SINGLE BED)

ADDITION TO EXISTING BUILDING CONSISTS OF THE ADDITION OF THE NEW COMMUNITY CENTER AND THE ADDITION OF PRIVATE BATH FACILITIES.

TOTAL ROOM TABULATION		
	EXIST	PROPOSED
GARDEN FLOOR	34 DOM	34 DOM
FIRST FLOOR	42 DOM 32 COMP	60 DOM
SECOND FLOOR	18 DOM 43 COMP	75 COMP
GRAND TOTAL	94 DOM 75 COMP	94 DOM 75 COMP

GARDEN LEVEL

0' 16' 32'

PETITIONER'S EXHIBIT 21

PICKERSGILL
ADDITION TO EXISTING BLDG.

COMM.NO. 88071.01
JUNE 5, 1989

MICROFILMED

SFCS

FELLOW AMERICAN ACADEMY OF
ALLERGY AND IMMUNOLOGY

FELLOW AMERICAN ACADEMY OF
PEDIATRICS

R. DONALD ENEY, M. D.
RUXTON TOWERS
8415 BELLONA AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 301/825-6969

October 16, 1989

Towson Times
409 Washington Avenue
Towson, MD 21204

Gentlemen:

I would like to heartily second the letter in Towson Times last week supporting the Pickersgill expansion program. It is entirely understandable that some persons in the immediate neighborhood of Pickersgill have expressed concern about possible increased traffic problems on Chestnut Avenue, but as previously pointed out, other possible development of the Pickersgill property would add immeasurably more traffic than would a retirement home.

I have had the privilege of visiting a family member at Pickersgill on many occasions during the past several years. I have been impressed by the excellent maintenance of the property both interior and exterior. I have never seen litter about the grounds; shrubbery and lawns are attractively maintained, and I have never heard any evidence of a noise problem. The care given to the Pickersgill residents is outstanding and the residents have a unique opportunity to participate in social activities in the Towson Community. The proximity to several major hospitals for emergency needs make the proposed Pickersgill expansion ideal.

Residentual care for an aging population is obviously greatly needed in the Towson and Baltimore area. I wonder if those who currently are protesting the Pickersgill expansion might not be delighted to have Pickersgill's doors open to them when they reach their retirement days. Clearly, as stated previously in the Towson Times, the Pickersgill expansion should be approved without further delay.

Very truly yours,

R. Donald Eney, M.D.

RDE/b

PETITIONER'S EXHIBIT
MICROFILMED
PETITIONER'S EXHIBIT 22

B749936 RA

(5)

19890444 "A" supplemental
&
19890538 "A" supplemental

PROTESTANT'S
EXHIBITS

(5)

3-15-89

PICKERSGILL, INC.

Case History

The Pickersgill Nursing Home is located at 615 Chestnut Avenue in Baltimore County. Nursing Homes are allowed in all DR Zones by special exception.

In 1957 the Aged Women's and Aged Men's Home was granted a special exception under zoning case 4324X for a nursing home. The plat and description for the special exception was for approximately 10.08 acres. The zoning map from 1958 shows an area of approximately that size. This plan also shows sections of the present building that were never constructed. There is no record showing the number of approved beds or other limitations such as height, bulk, or parking required by the Office of Planning & Zoning.

In 1978, a building permit (No. 272-78) was granted for a 3 story addition for the Nursing Home. No mention of the number of additional beds is noted. We cannot tell if the record is incomplete or if the County dealt with the plan as an expansion of the special exception.

In 1983, a special hearing (No. 83-253) granted the right to amend the site plan as approved in case no. 4324X to allow a one story 1600 square foot storage facility. The description published in the paper describes the section of the property where the original special exception was granted (case no. 4324X).

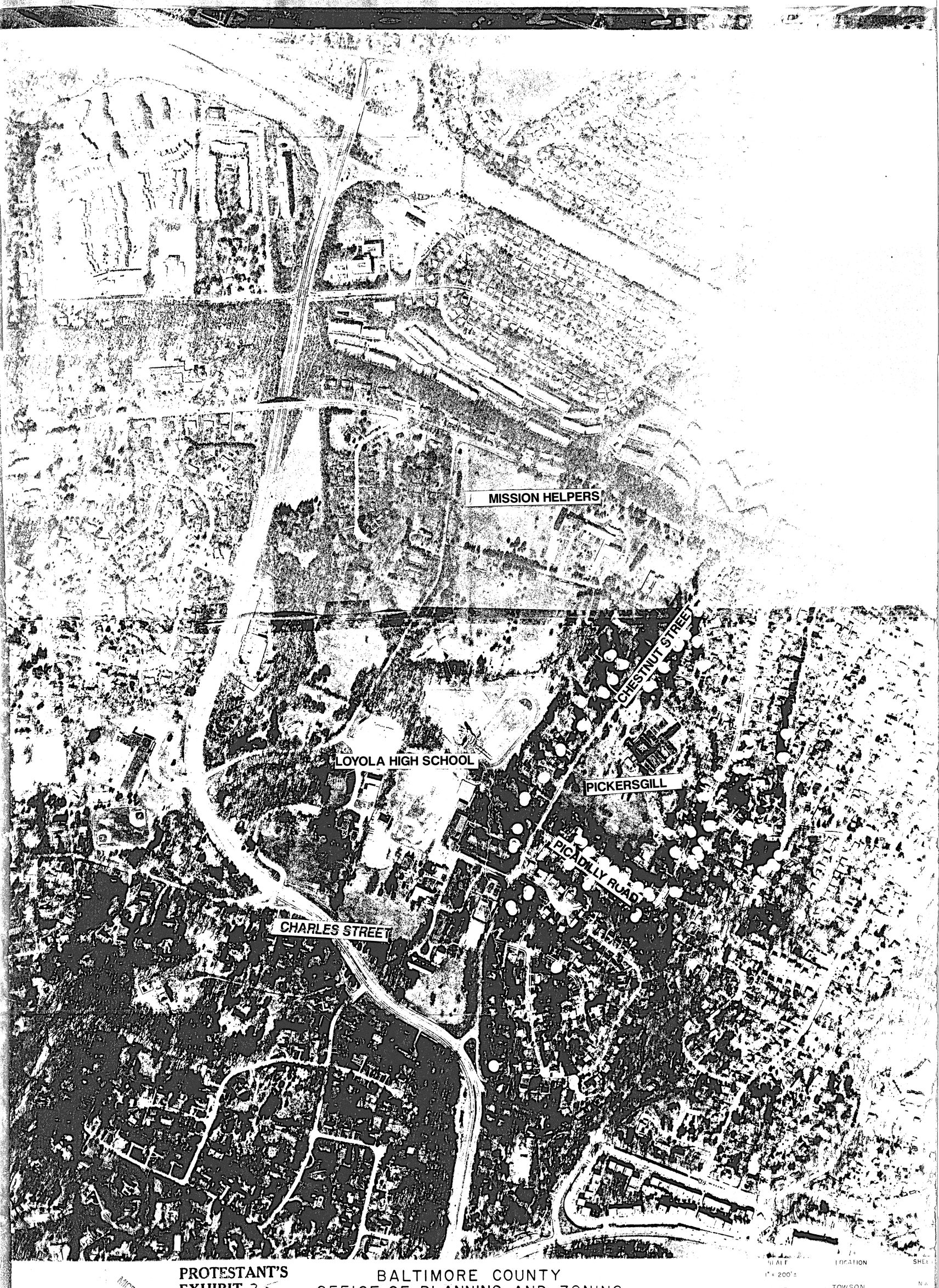
Parking

a. According to the 1958 zoning ordinance, the existing facility would have been classified as a nursing home. The current 169 beds, under the 1958 regulations would have required 1 parking space per 10 beds for a total requirement of 17 spaces (169/10).

b. According to the current parking requirements of Bill 26-88, for parking regulations adopted March 7, 1988 a nursing home requires 1 parking space per 3 beds. The existing 169 beds requires 57 spaces (169/3).

c. Proposed Elderly Housing facility of 100 units (not in town center) will require 1 parking space per 1 1/2 Class 'A' or 1 - Class 'B' dwelling unit = 100 spaces.

PROTESTANT'S EXHIBIT 1



PROTESTANT'S EXHIBIT 2
86-444-SPH

MICROFILMED

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE 1" = 200'±
DATE OF PHOTOGRAPHY 1986
LOCATION TOWSON
SHEET NO. 10

KELLY AIR PHOTOGRAPHICS, INC.

MISSION HELPERS

CHESTNUT STREET

LOYOLA HIGH SCHOOL

PICKERSGILL

PICADILLY ROAD

CHARLES STREET

PROTESTANT'S
EXHIBIT 2
89-444-SPH

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200'±	TOWSON	N.W. 10-A
DATE OF PHOTOGRAPHY JANUARY 1986		

AIR PHOTOGRAPHICS, INC.
Md. 25401

PROTESTANT(S) EXHIBIT (3)

MICROFILM

SMITH, SOMERVILLE & CASE
ATTORNEYS AT LAW
SUITE 600 · 100 LIGHT STREET
BALTIMORE, MARYLAND 21202-1084
TELEPHONE (301) 727-1164
CABLE ADDRESS "CLARKLAW" · TELEX 908068

ANNAPOLIS OFFICE
7 KING CHARLES PLACE
ANNAPOLIS, MARYLAND 21401-2622
TELEPHONE 269-1164, 267-9712

TOWSON OFFICE
40 WEST CHESAPEAKE AVENUE
LAFAYETTE BUILDING, SUITE 200
TOWSON, MARYLAND 21204-4826
TELEPHONE (301) 583-5343

ROBERT E. POWELL
DIRECT DIAL 301-347-9508

PROTESTANT'S EXHIBIT 4

August 22, 1989

Hon. J. Robert Haines
Zoning Commissioner for Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

Ref: Petition of Pickersgill

Dear Hon. Haines:

My wife and I, who own 516 and 518 Charles Street Avenue and reside at 518 Charles Street Avenue, strongly oppose the granting of any building permits or the rezoning of the property currently owned and occupied by Pickersgill. We totally favor earnest efforts to assist and provide a comfortable life for the elderly. However, our concern rests with the effect that further development of the Pickersgill property will have on the neighborhood and particularly our property. Unfortunately the undersigned cannot be present at the scheduled hearings on this matter. Consequently, we submit this letter in opposition to the application.

Of primary concern to us is the increase in run-off of surface waters, which increased development of that property would bring. The Board should be made aware of the fact that the primary run-off of surface waters from that property, adjacent properties and Trafalger and Piccadilly Roads is into a stream which bisects the rear of 518 Charles Street Avenue, passing close by our home, and wending its way across 516 Charles Street Avenue and through property locations all along Charles Street Avenue to the south.

REVISED
SUBDIVISION PLAT
ADDITION TO
CHESTNUT HILL
CHARLES STREET AVENUE
JOPPA ROAD & CHESTNUT AVENUE
NEAR TOWSON, BALTIMORE COUNTY, MD.
MONUMENTAL CORPORATION

SCALE: 1"=50' MARCH 15, 1949

14/118

CHARLES STREET AVENUE

PICCADILLY ROAD

ETON ROAD

CHESTNUT AVENUE

LOTS NUMBERED 1 THRU 5 SHOWN ON A PLAT ENTITLED "REVISED SUBDIVISION PLAT CHESTNUT HILL"

RESERVED PARCEL C
SPECIAL SETBACK

10 FT. R/W FOR STORM SEWER

20 FT. R/W FOR STORM SEWER

45' R/W FOR STORM SEWER

5 FT. FOR WIDENING OF CHARLES STREET AVE.

10' EASEMENT

5' EASEMENT

30' SETBACK

25' SETBACK

22' SETBACK

HIGHWAYS DEPARTMENT OF BALTIMORE COUNTY.
STREET ALIGNMENT AND LOCATION.
Approved J. Enid Griffith ROADS ENGINEER.
Date June 14 1949

OWNER'S CERTIFICATE

The requirements of Sections 72A to 72J of Article 17 of the Annotated Code of Maryland, 1939 Edition, Chapter 1018 of the Acts of 1945, as amended by Chapter 768 of the Acts of 1947, and subsequent Acts, if any, in regard to the site, as far as they concern the making of the plat and setting of the markers, have been complied with.

Monumental Corporation
by: Hugh R. Hoffman

ENGINEER'S CERTIFICATE

I, ALBERT E. POHMER, a registered professional Engineer and Land Surveyor of the State of Maryland, hereby certify that the land shown hereon has been laid out and the plat thereof prepared in conformance with Section 72 of Article 17 of the Annotated Code of Maryland, 1939 Edition, as enacted or amended by Acts of 1945, Chapter 1018, and subsequent Acts, if any, and that I am a duly licensed surveyor.

Albert E. Pohmer
Registered Professional Engineer and Land Surveyor

NOTE:
ROADS AND OTHER HIGHWAYS ARE SHOWN HEREON FOR THE PURPOSE OF DESCRIPTION ONLY AND NOT FOR THE PURPOSE OF DEDICATION.

NOTE:
The courses shown hereon are based on the True Meridian as established in the Baltimore County Metropolitan District and are referred to the following traverse stations

Station No.	Value	
5356	W 99582	N 30343.44
5357	W 1289.11	N 40466.15
5358	W 2234.58	N 39240.04
5341	W 1482.83	N 37659.98

PROTESTANT'S EXHIBIT 5

ALBERT E. POHMER
PROFESSIONAL ENGINEER & LAND SURVEYOR
172
STATE OF MARYLAND

ALBERT E. POHMER
SURVEYOR & CIVIL ENGINEER
322 N. CHARLES ST, BALTIMORE
SCALE: 1"=50' ISSUED: MARCH

Exhibits

PICKERSGILL
EXPANSION

CASE #89-444-SPH

PETITIONERS:
MARY R. WOLFE, et al

Prot Ex #7

Photos

IN THE MATTER OF	*	BEFORE THE
PICKERSGILL	*	ZONING COMMISSIONER
615 CHESTNUT AVENUE	*	OF BALTIMORE COUNTY
	*	CASE NO. 89-444-SPH

* * * * * * * * * * * * *

AFFIDAVIT

I, Mary R. Wolfe, am over 18 years of age and competent to testify in the above captioned matter.

Because I will be out of the country and unable to testify at the next hearing on Monday, October 2, 1989, I hereby verify that I took those photographs entered as exhibits in the above matter and they accurately represent the scenes of water runoff I saw at locations referenced in the photographs.

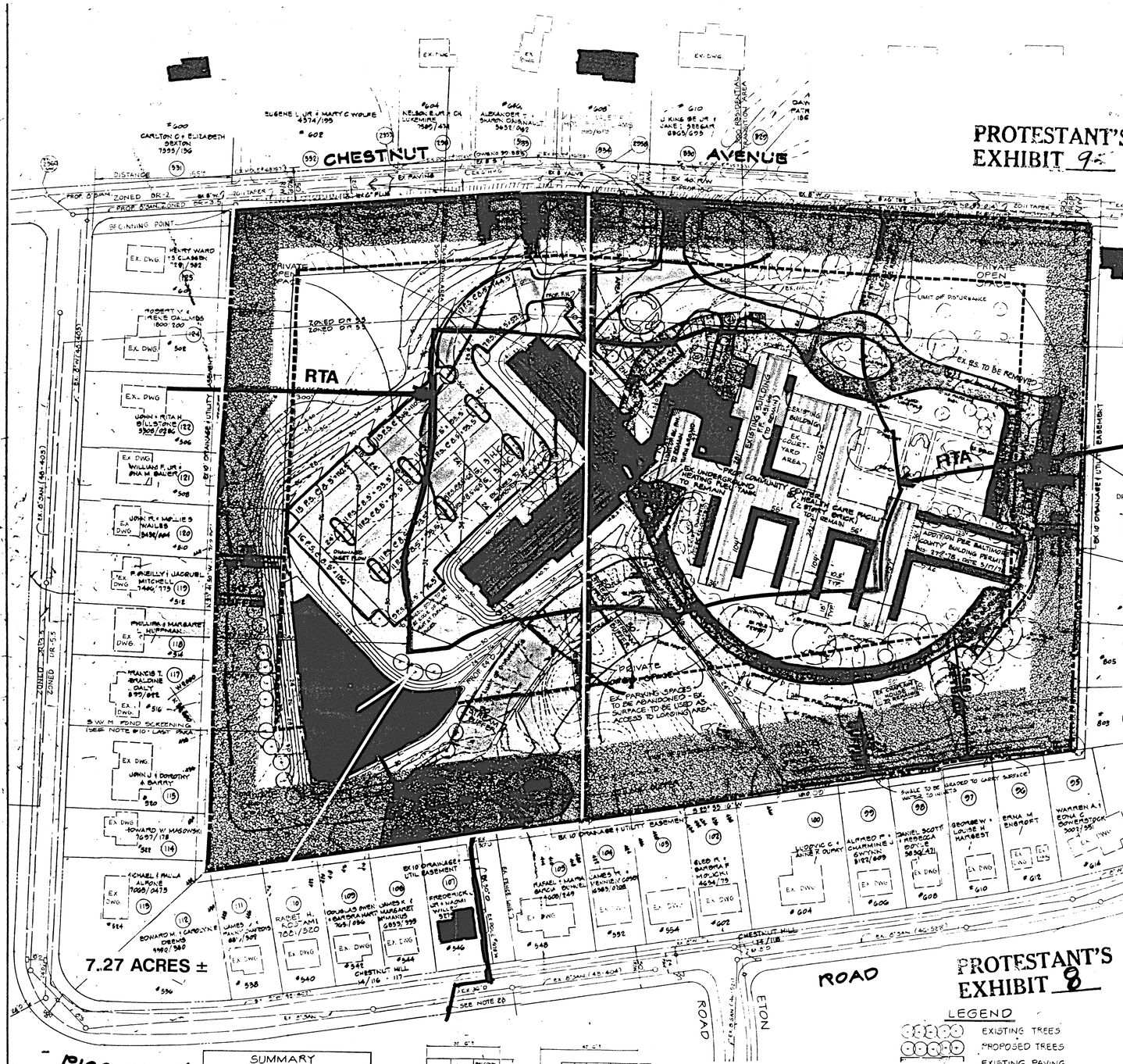
I solemnly affirm under the penalties of perjury that the contents of the foregoing affidavit are true to the best of my knowledge, information and belief.

Sept. 13, 1989
Date

Mary R. Wolfe
Mary R. Wolfe
Member Ruxton-Riderwood
Lake Roland Area Improvement
Association Advisory Board

PROTESTANT'S EXHIBIT 9c

PROTESTANT'S EXHIBIT 9


CHESTNUT AVENUE
ROAD
ETON
PICCADILLY
TRAFALGAR ROAD
RTA
PRIVATE OPEN SPACE
EX. BLDG. TO BE REMOVED
EX. BUILDING TO REMAIN
EX. COURT YARD AREA
PROP. COMMUNITY CENTER, HEALTH CARE FACILITY (3 STORY BRICK)
ADDITION PER BALTIMORE COUNTY BUILDING PERMIT #97-78 DATED 5/31/78
PROP. PARKING
EX. PARKING SPACES TO BE ABANDONED - EX. SURFACE TO BE USED AS ACCESS TO LOADING AREA
PROP. DUMPSTER
EX. 10' DRAINAGE & UTILITY EASEMENT
EX. 15' DRAINAGE & UTILITY EASEMENT
EX. 30' DRAINAGE & UTILITY EASEMENT
EX. 40' R/W
EX. 60' R/W
EX. 80' R/W
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EX. 8" SAN. (AC-39')
EX. 8" SAN. (AC-37')
EX. 8" SAN. (AC-35')
EX. 8" SAN. (AC-33')
EX. 8" SAN. (AC-31')
EX. 8" SAN. (AC-29')
EX. 8" SAN. (AC-27')
EX. 8" SAN. (AC-25')
EX. 8" SAN. (AC-23')
EX. 8" SAN. (AC-21')
EX. 8" SAN. (AC-19')
EX. 8" SAN. (AC-17')
EX. 8" SAN. (AC-15')
EX. 8" SAN. (AC-13')
EX. 8" SAN. (AC-11')
EX. 8" SAN. (AC-9')
EX. 8" SAN. (AC-7')
EX. 8" SAN. (AC-5')
EX. 8" SAN. (AC-3')
EX. 8" SAN. (AC-1')
EX. 8" SAN. (AC+1')
EX. 8" SAN. (AC+3')
EX. 8" SAN. (AC+5')
EX. 8" SAN. (AC+7')
EX. 8" SAN. (AC+9')
EX. 8" SAN. (AC+11')
EX. 8" SAN. (AC+13')
EX. 8" SAN. (AC+15')
EX. 8" SAN. (AC+17')
EX. 8" SAN. (AC+19')
EX. 8" SAN.

PICKERSGILL

GROSS SITE AREA - 16.40 ACRES±

BY ZONING

DR 3.5 - 3.62 ACRES±
DR 5.5 - 12.78 ACRES±
16.40 ACRES±

MAXIMUM GROSS RESIDENTIAL DENSITY FOR
ELDERLY HOUSING FACILITIES (BY BCZR 1B02.2 A)

IN DENSITY UNITS PER ACRE

DR 3.5 - 3.5 DENSITY UNITS PER ACRE X 3.62 ACRES± = 12.67 DENSITY UNITS
DR 5.5 -5.5 DENSITY UNITS PER ACRE X 12.78 ACRES± = 70.29 DENSITY UNITS
TOTAL PERMITTED DENSITY UNITS = 82.96 DENSITY UNITS

PROPOSED ELDERLY HOUSING FACILITY / EXISTING CONVALESCENT HOME

EXISTING CONVALESCENT HOME		PROPOSED ELDERLY HOUSING FACILITY
SITE AREA	9.13 ACRES±	7.27 ACRES±
DR 3.5	N.A.	3.5 DENSITY UNITS X 1.33 ACRES = 4.67 DENSITY UNITS
DR 5.5	N.A.	5.5 DENSITY UNITS X 5.94 ACRES = 32.67 DENSITY UNITS

UNITS
169 BEDS
PLUS 1 CHAPLAIN RESIDENCE

ALLOWABLE FOR DEVELOPMENT 37.34 DENSITY UNITS

PROPOSED

STUDIOS 10@ 0.50 DENSITY UNITS = 5.00
ONE BEDROOM 20@ 0.75 DENSITY UNITS = 15.00
TWO BEDROOM 17@ 1.00 DENSITY UNITS = 17.00

ADDITIONAL UNITS 47 — 37.00 DENSITY UNITS

PROPOSED ELDERLY HOUSING FACILITY

TOTAL PERMITTED DENSITY 82.96 DENSITY UNITS

EXISTING:

COMPREHENSIVE CARE BEDS - 75 BEDS @ .25 DENSITY UNITS BED = 18.75
DOMICILLARY CARE BEDS - 94 BEDS @ .25 DENSITY UNITS BED = 23.50
CHAPLAIN RESIDENCE - 1 @ 1.00 DENSITY UNITS DWELLING = 1.00

SUBTOTAL EXISTING = 43.25 DENSITY UNITS

ALLOWABLE FOR PROPOSED DEVELOPMENT 39.71 DENSITY UNITS

PROPOSED

STUDIOS 10 @ 0.50 DENSITY UNITS STUDIO = 5.00
ONE BEDROOM 20 @ 0.75 DENSITY UNITS ONE BEDROOM = 15.00
TWO BEDROOM 19 @ 1.00 DENSITY UNITS TWO BEDROOMS = 19.00

49 ADDITIONAL UNITS — 39.00 DENSITY UNITS

PROTESTANT'S
EXHIBIT 10
89-444-SPH

MICROFILMED

STANFORD R. MINSKER
421 RANGE ROAD
TOWSON, MD 21204

Prot Ex #11

August 18, 1989

To: J. Robert Haines, Zoning Commissioner, Baltimore County

Subject: Pickersgill Expansion/Zoning Issues
Hearings scheduled for Aug. 22 & 24.

Dear Mr. Haines,

The community in West Towson is very concerned regarding the plans of Pickersgill as currently proposed. It will be helpful toward a final solution if the questions and suggestions of residents such as ourselves were addressed fully by you and your office, both at the hearings and the following deliberations.

Inasmuch as prior commitments prevent me from attending the hearings, this letter is offered as evidence of concern.

Building an apartment complex of 100 units, in addition to the existing complex, raises the question of whether this move is in full compliance with the 1988 Bill concerning Elderly Housing Facilities? Full compliance? No waivers needed?

THE WATER PROBLEM is perhaps the biggest concern that needs to be addressed, aside from the legality situation mentioned above.

The layout of land, buildings and paved areas, as appearing on the plat submitted causes considerable uneasiness on my part. Not enough "what ifs?".

The underground springs, and storm water runoff pose significant exposure to what appears to be an optomistic solution to water control and disposition. Even with the the property as presently constituted there have been problems for the neighbors.

We cannot afford optomism here. We should consider a degree of redundency that no one questions its ability to handle the unexpected. After all, this is a community hazard, not just an individual property owner's hazard.

THE PROBLEMS-of exceptions to the law, and the feelings of the neighborhood -- let me cite a recent and somewhat personal experience. See Exhibit attached.

David C. Dembert

August 23, 1989

J. Robert Haines
Zoning Commissioner
1111 W. Chesapeake Avenue
Towson, MD 21204

PROT Ex #12

Dear Mr. Haines,

We are residents of the Chestnut Hills area in West Towson. Our house is on Ecton Road which is in close proximity to the Pikesgill Nursing Home.

As members of this neighborhood, we are deeply concerned with the development plans that are being presented by Pikesgill.

While we understand that Pikesgill owns its property and as such is entitled to make improvements to enhance its operation; however, it must be understood that the nursing home is located in the middle of a residential neighborhood and therefore, must be sensitive to the needs and desires of its fellow neighbors.

Our greatest concern with the development plans as presented by Pikesgill is the increase

PHILIP A. HOFFMAN

514 PICCADILLY ROAD
TOWSON, MARYLAND 21204
301/825-0618

September 25, 1989

PROT EX #13

Mr. J. Robert Haines
Zoning Commissioner, Baltimore County
Room 106, 111 West Chesapeake Ave.
Towson, Maryland 21204

Dear Mr. Haines:

My wife and I live on the southern perimeter of the Pickersgill property and have lived here since 1951. On two occasions we were subjected to very disturbing noise resulting from malfunctioning of the Pickersgill furnace. On both occasions the noise lasted for several months before it was corrected. The noise from the pulsing furnace resembled the noise from an idling diesel locomotive and caused windows on the rear of our house to rattle when the furnace burner was operating.

The first occasion occurred during September, October and November of 1984. Mr. Buck of Pickersgill was notified. He acknowledged that the furnace was malfunctioning and said that it would be repaired as soon as possible.

The second and worst malfunctioning of the furnace occurred during November and December of 1988 and January of 1989. Several calls were made to the Pickersgill office but

Eugene L. Wolfe, Jr.
602 Chestnut Ave.
Baltimore, MD 21204

August 21, 1989

Mr. J. Robert Haines
Zoning Commissioner
Twoson, Maryland 21204

PROT Ex #14

Subject: Pickersgill Expansion
Case #89-444-SPH

Dear Sir:

I will be unable to appear at the Zoning Hearing on August 24th regarding Pickersgill's Expansion and this letter will replace testimony I would have given about my concern over taxes.

Pickersgill is one of three institutions along Chestnut Avenue and is of particular interest to me as it is directly across the street from my home. The Department of Assessments tells me that Pickersgill, Property Tax I.D. #09-01-270040, pays no taxes. Yet their proposed expansion will require services - police, fire ambulance, trash removal among others - all of which will be furnished by the taxpayers.

As both a taxpayer and one who will look at the expansion from his front door, I would vote that the less expansion, the better. More realistically, I have to accept expansion as inevitable. But I am concerned at a thought that has been expressed, "Hey, we're talking about the elderly. We're serving the community. Give us a break."

I am a Senior Citizen myself; a taxpaying Senior Citizen. I don't want to see any "break" or bending of the rules that would give the Pickersgill expansion even one unit more than is permitted under existing zoning regulations.

Most of us like to see some one get a "break" but in this case, that would add some load to me and to other taxpayers. Therefore, in this case, I would not like it and I hope you can add this thought to others expressed at the Hearing.

Respectfully,

E. J. Wolfe

IN THE MATTER OF THE APPLICATIONS OF MARY R. WOLFE AND PICKERSGILL, INC. FOR SPECIAL HEARINGS AND IN THE MATTER OF PICKERSGILL ADDITION RE: CRG DECISION ON PROPERTY LOCATED ON THE SOUTHEAST SIDE OF CHESTNUT AVENUE, NORTH OF PICCADILLY ROAD (615 CHESTNUT AVENUE) 9TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NOS. 89-444-SPH 89-538-SPH AND CBA-89-156

* * * * * * * * * *

OPINION

Case Nos. 89-444-SPH and 89-538-SPH come before this Board on appeal from a decision of the Zoning Commissioner finding that Case No. 89-444-SPH was dismissed as moot and Case No. 89-538-SPH granted the requested Petition with restrictions. Case No. CBA-89-156 is an appeal from a decision by the County Review Group (CRG) wherein the Plan was approved and is the sole jurisdiction of this Board. At a pretrial conference between the attorneys, the Board was made aware that, after lengthy and exhausting negotiations between the Petitioner and the Protestants noted as the Advisory Board/Neighbors, agreement had been reached on a Restrictive Covenant Agreement which was to be entered among the Land Records of Baltimore County prior to any development occurring. It was agreed between all parties that on the record this Restrictive Covenant Agreement would be entered as an exhibit and become a permanent part of the case file but that no actual testimony was to be presented. In lieu of testimony, it was agreed by all parties that the tapes from the entire Zoning Commissioner's hearing, the records from the CRG's hearing, and the entire case file would be presented. The Board has carefully considered all

of these factors and in lieu of a detailed Opinion and Order will adopt the Consent Order entered as Joint Exhibit No. 1B and the Restrictive Covenant Agreement entered as Joint Exhibit 1A as constituting a final Order in this case. These two exhibits are attached hereto and made a part hereof.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

DATE: June 25, 1990

Lynn B. Moreland
Lynn B. Moreland

MICROFILMED

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

June 25, 1990

J. Carroll Holzer, Esquire
Holzer, Maher & DeMilio
Suite 105
3.5 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case Nos. 89-444-SPH, 89-538-SPH, and CBA-89-156
(Mary R. Wolfe, Pickersgill, Inc. and Pickersgill Addition)

Dear Mr. Holzer:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

LindaLee M. Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Julius W. Lichter, Esquire
Howard L. Alderman, Jr., Esquire
Pickersgill, Inc.
Harris, Smariga Matz, Inc.
Keith S. Franz, Esquire
Director of Planning
Current Planning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey
David L. Thomas
S. Wallis
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Nancy C. West, Asst. County Attorney
Arnold Jablon, County Attorney

Pickersgill Joint Ex. -

IN RE: PICKERSGILL, INC.
SE/s Chestnut Avenue
N. of Piccadilly Road
(615 Chestnut Avenue)
Ninth Election District
Appeal of Zoning Commissioner's Decision, Case Nos. 89-444-SPH and 89-538-SPH
Appeal of CRG Approval, July 13, 1989, of Pickersgill Addition Plan, Case No. CBA-89-156

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

* * * * * * * * * * * * * *

CASES CONSOLIDATED

CONSENT ORDER

These appeals have been filed with this Board regarding the Baltimore County Review Group's approval on July 13, 1989 of the County Review Group Plan known and designated "Pickersgill Addition Plan" submitted by Pickersgill, Inc., a Maryland corporation ("Pickersgill"), and regarding the decision of the Baltimore County Zoning Commissioner on February 12, 1990 regarding Petitions for Special Hearing filed by Pickersgill and individual property owners in the neighborhood in which Pickersgill is located (the "Advisory Board"). The Neighbors who served as the "Advisory Board" (not pursuant to Section 432.3.F of the Baltimore County Zoning Regulations) and other property owners in the Pickersgill neighborhood who have objected to the Pickersgill development plans as originally presented to the County Review Group and the Zoning Commissioner (these neighborhood owners together with the neighbors who served as an

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Exhibit No. 5

advisory board collectively shall be hereinafter referred to as the "Neighbors"). The three appeals have been consolidated for hearing before this Board.

Pickersgill is a non-profit corporation and the legal owner of a tract of land (the "Property") consisting of approximately 16.4 acres, located on the east side of Chestnut Avenue, between Trafalgar and Piccadilly Roads, in the Fourth Councilmanic District of Baltimore County, Maryland, which tract is more particularly described in two deeds recorded among the Land Records of Baltimore County in Liber 1326, folio 311, and Liber 1429, folio 140. The Property is presently improved with a convalescent/nursing home granted under a Special Exception pursuant to the Baltimore County Zoning Regulations in Case Nos. 4323-X and 83-253-SPH. Approximately 12.78 acres of the Property are presently zoned D.R. 5.5 and approximately 3.62 acres are presently zoned D.R. 3.5.

On July 13, 1989, the Baltimore County Review Group ("CRG") approved at a public hearing the Pickersgill Addition Plan, IX-510/89118, wherein Pickersgill's conceptual and schematic proposal called for renovations and additional improvements to the existing convalescent/nursing home and for the construction of 100 new rental apartments for the elderly. The CRG approval of the Pickersgill Addition Plan was given over the objection of the Neighbors. The neighbors who served as an advisory board filed an appeal of the CRG approval to the Baltimore County Board of Appeals on July 28, 1989.

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Pickersgill filed with the Zoning Commissioner a Petition for Special Hearing, known as Case No. 89-538-SPH, to amend the site plan approving the Special Exception for a Convalescent Home on the Property in Case Nos. 4324-X and 83-253-SPH consistent with the CRG approved Pickersgill Addition Plan, and seeking a determination that the existing and proposed improvements were an integrated and unified facility for the elderly and that the Baltimore County Zoning Regulations do not assign or calculate density as to the existing convalescent/nursing home use. Pickersgill presented expert testimony to support their position that neither its existing use nor its proposed development would constitute an "assisted living facility" as defined in the Zoning Regulations. Pickersgill's expert witness testified that the Baltimore County Zoning Regulations do not assign or calculate density with regard to convalescent/nursing home uses and that both the existing and proposed uses were "like" residential uses each with separate zoning requirements (one permitted as of right and one by special exception) to be constructed and utilized as an integrated facility on the same parcel of land. Applying the Zoning Commissioner's Policy No. RM-22, Pickersgill's expert further opined that residential density was to be calculated on the overall acreage and that since no density was attributable to the existing use pursuant to the Baltimore County Zoning Regulations, the entire 82.96 density units were available for the proposed development of an apartment mix containing 100 apartments for rent to the elderly.

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The neighbors who served as an advisory board filed with the Zoning Commissioner for Baltimore County a Petition for Special Hearing, known as Case No. 89-444-SPH, wherein they objected to Pickersgill's calculation of available density on the Property and the classification of the existing and proposed improvements. The expert witness testifying on behalf of the Neighbors before the Zoning Commissioner opined that the existing 94 domiciliary care beds and the 75 comprehensive care beds located within the convalescent/nursing home, for which Pickersgill is presently licensed, are synonymous with an "assisted living facility" as defined in the Zoning Regulations requiring calculation of density at .25 density units per bed. Using this method of allocating density, the Neighbors' expert witness opined further that the existing use at Pickersgill utilized 43.25 density units, leaving a total of 39.61 density units available on the subject property for the development of rental apartments for the elderly. In the alternative, the expert witness for the Neighbors opined that the existing use on the subject property was supported by 9.13 acres leaving the balance of the site, 1.33 acres zoned DR 3.5 and 5.94 acres zoned DR 5.5, for development; yielding a total of 37.34 density units available for development of rental apartments for the elderly.

After the completion of a five-day hearing before the Zoning Commissioner, at which time both Pickersgill and the Neighbors presented complete and exhaustive testimony of their respective positions relative to a number of issues including the issue of

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available density on the Property, counsel for the respective parties submitted legal memoranda in support of their respective positions. This Board has considered the taped proceedings before the Zoning Commissioner and the legal memoranda submitted, together with all demonstrative evidence presented at those hearings.

On February 12, 1990, the Zoning Commissioner for Baltimore County granted Pickersgill's Petition in part, subject to six enumerated restrictions and dismissed the Neighbors' Petition as well as portions of Pickersgill's Petition. The Zoning Commissioner found that the issue of density for elderly housing facilities and the application of special exception uses were not addressed in legislation adopted by the Baltimore County Council. The Zoning Commissioner held that, "consistent with existing policy, an area review and not a density review" was the correct method of calculating density on the Pickersgill site. The Zoning Commissioner rejected the Neighbors' and Pickersgill's density calculations and applied a hybrid approach of the experts opinions before him. Assigning approximately .078994 acres of land zoned DR 3.5, and 3.641 acres zoned DR 5.5 to the existing convalescent/nursing home use, the Zoning Commissioner found that the remaining acreage was available for density calculation to be applied to the proposed apartments. Using this hybrid approach, the Zoning Commissioner found that there was a total of 62.657 density units available on the Pickersgill site.

On February 15, 1990, Pickersgill filed an appeal of the

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Zoning Commissioner's decision and the relief granted pursuant to its Petition in Case No. 89-538-SPH. On March 14, 1990, the Neighbors filed an appeal of the relief granted pursuant to Pickersgill's Petition in Case No. 89-538-SPH and to the dismissal by the Zoning Commissioner of the Neighbors' Petition in Case No. 89-444-SPH.

The appeal of the CRG plan approval and the respective appeals to the Order of the Zoning Commissioner were scheduled to be heard by the Baltimore County Board of Appeals, beginning on May 23, 1990.

All parties have requested that this Board consolidate the aforedescribed appeals and the request has been granted. The Neighbors and Pickersgill have met and negotiated in an effort to reach agreement on modification of Pickersgill's plans to make renovations and additions to its existing facility and to integrate therewith, the construction of a new community center and apartments for rent to the elderly. The modifications sought by the Neighbors include a reduction in the proposed number of new apartments, and a reduction in the size, scope and potential impacts of the proposed construction on the surrounding neighborhood.

After numerous meetings and negotiations, the parties have advised this Board that they have successfully reached an Agreement, which they have reduced to writing in the form of a Restrictive Covenant Agreement dated May 23, 1990. It is the intent of all parties that the provisions of said Agreement be

incorporated into any decision made by the executive branch of Baltimore County relative to Pickersgill's plans as described herein, and that said Agreement be recorded among the Land Records of Baltimore County.

All parties to this case have requested this Board, pursuant to a proposed "Consent Order" jointly submitted, to adopt and incorporate the provisions of the Restrictive Covenant Agreement dated May 21, 1990 between the parties into the Final Order of this Board.

Every case creates its own unique set of facts and circumstances, and this Order is narrowly tailored to address the facts and circumstances arising out of the particular use proposed at the subject location. Expert and lay witnesses for both the Petitioner and the Neighbors candidly recognized the growing need for quality, affordable housing and care for Baltimore County's growing elderly population. Further, the preamble of County Council Bill No. 36-88 aforementioned, now Section 432 of the B.C.Z.R., clearly indicates the intent of the drafters of this legislation to "especially encourage" and "promote" housing for the elderly.

In view of the above, the Board of Appeals should afford every benefit and right to the elderly residents of this County insofar as the relief is consistent with the B.C.Z.R.

It is clear that the B.C.Z.R. permits the continued use of the existing nursing home in the D.R. 5.5 zone by special exception. It is equally clear that the continued use would not

be detrimental to the primary uses in the vicinity. In accordance with the provisions of Section 502.1 of the B.C.Z.R., Pickersgill has shown that the continued use subject to the restrictions, conditions and limitations of the Agreement 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 continued use on the Property as limited by the Agreement would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone.

The continued use of the existing nursing home, additions thereto, and the proposed elderly housing facility 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 B.C.Z.R. if developed in accordance with the conditions and restrictions contained in this Order.

There was no evidence submitted that the decision of the CRG was arbitrary or otherwise illegal under the mandate of Section 22-61 of the Baltimore County Code, therefore, the Board affirms the findings of the CRG as modified by the agreement of the parties and further finds that said modifications are non-material amendments of the approved CRG Plan and are merely plan refinements, as defined in the CRG Comprehensive Manual of

Administrative Procedures, and will so order and shall not require compliance with the amendment procedure set forth in Section 22-63 of the Baltimore County Code.

This Board has considered the Restrictive Covenant Agreement, together with the complete file of the County Review Group, and the evidence and exhibits presented at the hearings before the Zoning Commissioner, together with and as recorded on the seven recording tapes of the Zoning Commissioner's hearings.

Pursuant to the advertising, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the Petitioner's Petition for Special Hearing shall be granted, in part, and the Neighbors' Petition for Special Hearing dismissed and the Neighbors' Appeal of the approved CRG Pickersgill Addition Plan shall be DENIED, all as more particularly described below.

THEREFORE, IT IS ORDERED by the County Board of Appeals for Baltimore County this 25th day of JUNE, 1990 that: Special Exception Case No. 4324-X shall be amended to reflect the use of the Property for the existing convalescent/nursing home, together with uses accessory and incidental thereto, and additions, modifications and changes as shown on Exhibit 1, and as an integrated facility this Board hereby approves apartments for the elderly having a density for the apartment units of 70 Density Units consistent with the spirit and intent of the B.C.Z.R. and as permitted by the existing zoning classification of the

Property and as agreed upon by the parties to these appeals in Case Nos. 89-538-SPH and 89-444-SPH and this Board affirms the decision of the County Review Group (CRG) approving the Pickersgill Addition Plan in Case No. CBA-89-156 as modified by this Order and the Restrictive Covenant Agreement, and this Board orders that said modifications are non-material in nature and are merely plan refinements, as defined in the CRG Comprehensive Manual of Administrative Procedures, not subject to the amendment procedure set forth in Section 22-63 of the Baltimore County Code. The approvals granted herein are subject to the following restrictions, conditions and limitations:

1. The Pickersgill Addition Plan hereby approved shall conform in all respects to the terms and conditions of the May 23, 1990 Restrictive Covenant Agreement and Exhibits thereto, which are incorporated as part of this Order as if they were fully set forth herein.

2. The approvals granted pursuant to this Order subject to the limitations and restrictions herein shall survive any provision of the Restrictive Covenant Agreement between the parties to the contrary.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Lynn B. Moreland
Lynn B. Moreland

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

Pickersgill Point 1a

RESTRICTIVE COVENANT AGREEMENT

THIS RESTRICTIVE COVENANT AGREEMENT (the "Agreement") is entered into this 23rd day of MAY, 1990, by and between PICKERSGILL, INC., a Maryland corporation ("Pickersgill"), and MARY R. WOLFE, GAIL B. O'DONOVAN, ELIZABETH SEXTON, SUSAN J. MEIKERT, JOHN HODGE-WILLIAMS, FREDERICK J. WILLEY, NAOMI WILLEY, and HARRY R. KAKEL, (the "Advisory Board"), DAWSON L. BARBER, JR., ERWIN W. HUBER, FRANCES F. HUBER, SARAH P. DAIGNAULT, HOWARD RITTER, JR., and ROBERTA A. LEES (together with the Advisory Board are collectively referred to hereinafter as the "Neighbors").

RECITALS:

A. Pickersgill is a non-profit corporation and the legal owner of a tract of land (the "Property") consisting of approximately 16.4 acres, located on the east side of Chestnut Avenue, between Trafalgar and Picadilly Roads, in the Fourth Councilmanic District of Baltimore County, Maryland, which tract is more particularly described in two deeds recorded among the Land Records of Baltimore County in Liber 1326, folio 311, and Liber 1429, folio 140. The Property is presently improved with a convalescent/nursing home granted under a Special Exception pursuant to the Baltimore County Zoning Regulations in Case Nos. 4323-X and 83-253-SPH.

B. Approximately 12.78 acres of the Property are presently zoned D.R. 5.5 and approximately 3.62 acres are presently zoned

D.R. 3.5.

C. On July 13, 1989, the Baltimore County Review Group ("CRG") approved at a public hearing the Pickersgill Addition Plan, IX-540/89118, wherein Pickersgill's conceptual and schematic proposal called for renovations and additional improvements to the existing convalescent/nursing home and for the construction of 100 new rental apartments for the elderly. The CRG approval of the Pickersgill Addition Plan was given over the objection of the Neighbors. The Advisory Board filed an appeal of the CRG approval to the Baltimore County Board of Appeals on July 28, 1989.

D. The Advisory Board filed with the Zoning Commissioner for Baltimore County a Petition for Special Hearing, known as Case No. 89-444-SPH, wherein they objected to Pickersgill's method of calculating available density on the Property and the classification of the existing and proposed improvements. The expert witness testifying on behalf of the Neighbors before the Zoning Commissioner opined that the existing 94 domiciliary care beds and the 75 comprehensive care beds, for which Pickersgill is presently licensed, are synonymous with an "assisted living facility" as defined in the Zoning Regulations requiring calculation of density at .25 density units per bed. Using this method of allocating density, the Neighbors' expert witness opined further that the existing use at Pickersgill utilized 43.25 density units, leaving a total of 39.61 density units available on the subject property for development. In the alternative, the expert

witness for the Neighbors opined that the existing use on the subject property was supported by 9.13 acres leaving the balance of the site, 1.33 acres zoned DR 3.5 and 5.94 acres zoned DR 5.5, for development; yielding a total of 37.34 density units available for development.

E. Pickersgill filed with the Zoning Commissioner a Petition for Special Hearing, known as Case No. 89-538-SPH, to amend the site plan approving the Special Exception for a Convalescent Home on the Property in Case Nos. 4324X and 83-253-SPH consistent with the Pickersgill Addition Plan, and seeking a determination that the existing and proposed improvements were an integrated and unified facility for the elderly and, therefore, that there is no density calculation associated with the existing convalescent/nursing home use. Pickersgill presented testimony that neither its existing use nor its proposed development would constitute an "assisted living facility" as defined in the Zoning Regulations. Pickersgill's expert witness opined that both the existing and proposed uses were "like" residential uses each with separate zoning requirements (one permitted as of right and one by special exception) to be constructed and utilized as an integrated facility on the same parcel of land. Applying the Zoning Commissioner's Policy No. RM-22, Pickersgill's expert further opined that residential density was to be calculated on the overall acreage and that since no density was attributable to the existing use pursuant to the Baltimore County Zoning Regulations, the entire 82.96 density units

were available for the proposed development of an apartment mix containing 100 apartments for rent to the elderly.

F. After the completion of a five-day hearing before the Zoning Commissioner, at which time both Pickersgill and the Neighbors presented complete and exhaustive testimony of their respective positions relative to a number of issues including the issue of available density on the Property, counsel for the respective parties submitted legal memoranda in support of their respective positions.

G. On February 12, 1990, the Zoning Commissioner for Baltimore County granted Pickersgill's Petition in part, subject to six enumerated restrictions and dismissed the Advisory Board's Petition as well as portions of Pickersgill's Petition. The Zoning Commissioner found that the issue of density for elderly housing facilities and the application of special exception uses went unaddressed by the Baltimore County Council. The Zoning Commissioner held that, consistent with existing policy, an "area review" and not a "density review" was the correct method of calculating density on the Pickersgill site. The Zoning Commissioner rejected Pickersgill's density calculations and applied a hybrid approach of the expert opinions before him. Assigning approximately .078994 acres of land zoned DR 3.5 and 3.641 acres zoned DR 5.5 to the existing convalescent/nursing home use, the Zoning Commissioner found that the remaining acreage was available for density calculation to be applied to the proposed

apartments. Using this approach, the Zoning Commissioner found that there was a total of 62.657 density units available on the Pickersgill site.

H. On February 15, 1990, Pickersgill filed an appeal of the Zoning Commissioner's decision and the relief granted pursuant to its Petition in Case No. 89-538-SPH. On March 14, 1990, the Advisory Board filed an appeal of the relief granted pursuant to Pickersgill's Petition in Case No. 89-538-SPH and to the dismissal by the Zoning Commissioner of the Advisory Board's Petition in Case No. 89-444-SPH.

I. The appeal of the CRG plan approval and the respective appeals to the Order of the Zoning Commissioner are scheduled to be heard by the Baltimore County Board of Appeals, beginning on May 21, 1990.

J. Pickersgill is willing to reduce the number of new elderly apartments that it will build, together with a reduction in building mass and a reduction in surface parking footprint by constructing a parking deck, and the Neighbors will not contest or challenge the Pickersgill Plans, as modified hereby, if Pickersgill agrees to the covenants and restrictions set forth herein.

K. Pickersgill and the Neighbors desire to appear, through their respective counsel, before the Baltimore County Board of Appeals ("Board") and proffer the evidence in lieu of and with the same force and effect as actual testimony that each would present

if the above-described appeals were tried before the Board.

L. Pickersgill and the Neighbors desire to be bound by the proposed Order of the Board, resolving the issues on appeal in a manner consistent with the agreements, covenants and restrictions herein contained.

M. The aforegoing Recitals are deemed by each party hereto to be material provisions of this Agreement.

AGREEMENTS:

NOW, THEREFORE, in consideration of the mutual agreements and understandings contained in this Agreement, and for other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties agree to be bound as follows:

1. Renovations. The proposed additions, modifications and changes to the existing building shall be those which are consistent with the CRG Pickersgill Addition Plan approved on July 13, 1989, attached hereto and made a part hereof as Exhibit 1.

2. New Apartments. The proposed new apartments shall be constructed within the building outline as shown on Exhibit 2. The new apartment mix shall be limited to a total of seventy (70) Density Units, as characterized by the Baltimore County Zoning Regulations. The number of new apartments shall be limited to eighty-seven (87).

3. There shall be a reduction in the mass of the proposed construction for the new apartments consistent with the square foot limitation described in Agreement No. 4 hereof. The parties acknowledge that the reduction in mass required hereby may be translated into portions of the buildings, which are shown on Exhibit 2 in two dimensions only, being reduced or eliminated.

4. The total building square footage to be constructed as new apartments and common and utility areas associated therewith shall be not greater than 84,000 square feet. The building outline, or footprint, of the new apartments and common and utility areas associated therewith shall be not greater than 26,000 square feet.

5. The building outline of the new community center to be constructed as shown on Exhibit 2 shall be not greater than 15,000 square feet.

6. The parking to be constructed shall consist of surface and deck parking within the area shown, shaded and labeled as "Proposed Parking" on Exhibit 3. The proposed deck parking shall not exceed a maximum of two levels; the floor level of the upper level shall not be at an elevation higher than the lowest floor level elevation of the apartments ("lowest finished floor elevation").

7. Except as otherwise specifically provided in this Paragraph 7, reasonable adjustments in the location of buildings, parking and other features shown on the Exhibits hereto shall be

permitted upon the direction and approval of any agency of Baltimore County, after receiving approval from the majority of the Neighbors, which approval shall not be unreasonably withheld, it being the express intention of all parties to maximize the retention of existing trees and vegetation on the Property, and to permit a degree of flexibility in addressing the nature and constraints of the site, appropriate governmental building standards and the requirements and needs of the elderly residents and the Neighbors. Specific limitations and restrictions on the improvements shown on the Exhibits hereto shall be:

a. Existing and proposed improvements shall be limited to a maximum number of floors as follows:

(i) Parking Deck -- 2 levels

(ii) Existing Nursing Home -- 3 floors (Existing Garden and First Floor Levels and Proposed Second floor. The proposed second floor additions to be constructed on the three rear wings of the existing Pickersgill facility shall not exceed the height of the existing building as viewed from Chestnut Avenue.)

(iii) Community Center -- 2 floors

(iv) New North Building -- 4 floors

(v) New South Building -- 4 floors

b. There shall be a maximum of 199 parking spaces.

c. The footprint of the renovations and new construction, including deck and surface parking areas, intended by Pickersgill shall not be greater than the footprints described in this Agreement and

as shown on the Exhibits hereto.

d. None of the proposed buildings or parking areas shown on the attachments hereto shall be moved by more than five (5) feet in any direction beyond that shown on the Exhibits hereto. In the event that subsurface conditions prevent the improvements from being constructed as shown on the Exhibits hereto, the proposed buildings and parking areas may be moved up to a maximum of ten (10) feet in any direction beyond that shown on the Exhibits hereto.

e. All exterior lighting on existing and proposed improvements shall be arranged or shielded to reflect light away from the public streets and adjoining residential areas.

8. Pickersgill and the Neighbors agree that the Property shall be landscaped in excess of the minimum requirements of the Baltimore County Landscape Manual using existing vegetation and new plantings in accord with a schematic Landscape Plan attached hereto as Exhibit 4 which proposes additional planting beyond that previously approved by the CRG. The parties mutually agree that a landscape plan will be prepared by Pickersgill in conformance with Exhibit 4 hereof which will be submitted to Baltimore County for approval and shall also be subject to the reasonable review and suggestions of the Neighbors. All existing and proposed trees outside of the areas of limited disturbance shall be retained. The

landscaping materials to be installed on the Pickersgill site shall be maintained by Pickersgill. Pickersgill agrees to promptly replace any landscaping material, installed pursuant to this Paragraph 8, which dies within a three (3) year period of its initial installation; any replacement materials shall be of substantially the same species and height of the material being replaced. Further, Pickersgill agrees to remove the existing driveway entrance as shown on Exhibit 2 and sod or seed said area. Further, Pickersgill agrees to plant, at its expense, a large Ilex "Nellie Stevens" on each side of the existing walkway, together with a total of five (5) evergreen shrubs (such as Ilex Blue Prince and Blue Princess or Rhododendrons) on the property known as 610 Chestnut Avenue, the maintenance of which shall remain the responsibility of the owner of 610 Chestnut Avenue. This planting on 610 Chestnut Avenue only shall be done in consultation with the owner of said property during the first planting season before commencement of construction of the proposed Pickersgill improvements.

9. It is the intention of the parties to this Agreement to resolve their differences which occurred at the CRG hearing and the Zoning Commissioner's hearings by:

a. Introduction of the CRG Pickersgill Addition Plan and comments approved on July 15, 1989.

b. Proffering, through counsel, testimony and by introduction of the tapes of the recorded testimony

before the Zoning Commissioner, numbered 1 of 7 through and including 7 of 7, in lieu of, and with the same legal force and effect as actual testimony that would be offered at the hearing before the Board;

c. Introduction of this Agreement executed by all parties hereto; and

d. Jointly submitting a Consent Order to the Board of Appeals for its approval, said Consent Order to be consistent with the terms and agreements contained herein.

10. The Neighbors shall aid and support Pickersgill's development renovations and improvements, subject to the terms and limitations of this Agreement and the Exhibits thereto, in any and all proceedings that may be necessary to obtain required governmental approvals and permits therefor; provided, however, that the Neighbors reserve the right to protest any changes in Pickersgill's development and renovation plans that are not consistent with this Agreement and the Exhibits thereto or are contrary to existing Federal, State, or local law or regulation.

11. The use of the Property shall be limited to the renovated, improved convalescent/nursing home and the operation thereof, 87 Class B Elderly Housing apartments for the elderly, and uses accessory and incidental thereto, all as defined in the Baltimore County Zoning Regulations and the laws and

regulations of the State Department of Health and Mental Hygiene.

12. The parties agree that the conditions of the Order of the Zoning Commissioner listed below are to be included in the Consent Order submitted to the Board for its approval and Pickersgill agrees to be bound thereby:

a) Pickersgill shall erect a six-foot high wooden stockade fence around the southern and eastern portions of the storm water management pond. Further, Pickersgill shall provide a vegetative buffer on the side of the fence facing Pickersgill's neighbors, said buffer to be consistent with Zoning Commissioner's Exhibit 2.

b) Pickersgill shall submit a plan, both statistical and written narrative, describing the affirmative measures that will be taken by Pickersgill to guarantee that construction of the proposed facility will not disturb, so as to injure the environment, any underground oil pools resulting from the buried oil tanks on the subject site. Pickersgill shall submit said plan to the Director of the Department of Environmental Protection and Resource Management and the Zoning Commissioner for approval prior to the issuance of any permits.

c) Further, prior to the commencement of construction, six months after the commencement of construction, and one year following completion of such construction, Pickersgill shall have an independent firm submit a report to the Director of the Department of Environmental Protection and Resource Management and the Zoning Commissioner regarding the capture, retention, and disposal of oil emanating from the tanks on the subject site.

d) Pickersgill shall submit to the Zoning Commissioner for approval within ninety (90) days of receiving all required development approvals, a new site plan prepared by a registered professional engineer and/or land surveyor, which clearly identifies all buildings, landscaping, required fencing and any other information as may be required to be a certified site plan.

e) The entire site, consisting of 16.42 acres, more or less, shall not be subdivided. Further, the existing nursing home and the proposed elderly housing facility shall remain under the sole ownership and control of a single entity.

13. The Neighbors shall aid, assist and support Pickersgill in its efforts to have the modifications made to the approved CRG plan as amended by this Agreement and agree that the modifications are non-material in nature and advocate and support the findings and the issuance of an Order by the Board of Appeals determining and affirmatively stating that the modifications to the CRG Pickersgill Addition Plan approved on July 13, 1989 made pursuant to the terms of this Agreement are deemed a "non-material amendment" pursuant to Baltimore County regulations. If the amendments to the approved CRG plan are required, pursuant to Baltimore County Regulations, to be considered as part of the waiver process by the Baltimore County Planning Board, the Neighbors agree to aid, support and assist Pickersgill in obtaining an unappealed approval of such waiver.

14. Maintenance and Operation. Pickersgill agrees to maintain its facilities and to limit its operations as follows:

(a) Prior to dedication of the Stormwater Management (SWM) Pond and outfall area to Baltimore County, Pickersgill shall maintain said SWM facilities in accordance with applicable Baltimore County law and regulations. After dedication of the SWM facilities to Baltimore County, Pickersgill's responsibilities under this subparagraph 14(a) shall terminate and have no further force or effect.

(b) All landscape, grass and buffer areas shall be maintained in a reasonable and presentable manner, weather conditions permitting.

(c) The wooden stockade fence and vegetative buffer to be constructed around the SWM Pond, pursuant to the restriction of the Zoning Commissioner, shall be maintained in good condition.

(d) Deliveries to the Pickersgill site shall only occur between 8:00 a.m. and 5:30 p.m., Monday through Saturday. Pickersgill agrees to discourage any deliveries on Saturdays.

(e) Sanitation trucks may service the Pickersgill site only between 9:00 a.m. and 5:00 p.m. Monday-Friday.

(f) All shift change personnel will be advised and required to maintain themselves in a reasonable, quiet, and orderly manner so that their voices and vehicles may not be unreasonably heard on the residential properties adjoining the Pickersgill site. All dropping off or picking up of shift personnel shall occur in the vicinity of the proposed Community Center entrance or the existing main entrance to the present Pickersgill facility.

(g) Pickersgill will be required to maintain Chestnut Avenue in accordance with all applicable laws and regulations during the period of construction of the proposed improvements.

(h) All earth moving work and concrete hauling shall occur only after 8:00 a.m., Monday - Friday.

(i) The provisions of subparagraphs 14(d), (e) and (f) above shall take effect upon the issuance of a Certificate of Occupancy for the proposed elderly apartments and community center.

15. Except as otherwise provided specifically herein, the terms and conditions of this Agreement shall become effective and binding upon the parties, on the date and time of execution of this Agreement. Pickersgill at its sole cost and expense shall cause this Agreement to be recorded among the Land Records of Baltimore County, Maryland, within seven (7) days after the expiration of all applicable appeal periods regarding said Consent Order and approval of the amendments to the previously approved CRG Plan and no appeal of any kind having been taken by any person or entity during the applicable appeal period, and unless terminated as provided herein the same shall run with and be binding upon the land, and upon all

present and future owners thereof, and shall be binding upon and inure to the benefit of each of the parties respectively, their successors and assigns.

16. This Agreement shall terminate and have no further force or effect, the parties hereto shall be relieved from any and all obligations hereunder, and Pickersgill shall be entitled to record a Notice of Termination of this Agreement among the Land Records of Baltimore County, Maryland, setting forth the conditions resulting in termination in the event that any of the following conditions do not occur:

a) The entry of a Consent Order by the Board of Appeals consistent with the terms of this Agreement.

b) A finding by the Board of Appeals and Baltimore County that the amendments to the approved CRG plan described herein are a non-material amendment not requiring further CRG approval as provided for in the Baltimore County Development Regulations.

c) The expiration of the time for appeal from the Consent Order described in sub-paragraph a) hereof and from the decision of the Board of Appeals, Baltimore County or the Planning Board granting the amendments to the approved CRG plan described herein without challenge or appeal of any kind having been taken by any person or entity whatsoever.

d) The final and satisfactory resolution of all other approvals, proceedings or appeals related to the development and renovations or improvements intended by Pickersgill. (Resolution of such approvals, proceedings or appeals shall be deemed "satisfactory" if it permits the construction and development of the renovations/improvements and new structures on the Property in a manner consistent with all other terms of this Agreement and the Exhibits thereto.)

e) Pickersgill, in its sole and exclusive judgment, determines prior to December 31, 1993 or the expiration of the approval of the CRG and/or Special Exception (including any extensions thereof), whichever shall last

occur, that it is feasible to proceed with construction of the proposed apartments, improvements and renovations. (The Neighbors agree to support any Pickersgill request to extend the approval of the CRG and/or Special Exception, provided that said request is consistent with the terms of this Agreement.)

17. The parties to this Agreement recognize that the proposed reduction in the impervious surfaces previously approved by the CRG will possibly permit a reduction in the size of the proposed SWM pond. Pickersgill, in accordance with the terms of this Agreement, will, with the approval of Baltimore County, use its best efforts to ensure that the final design and location of the SWM pond will be a minimum of 75 feet from the delineated wetlands as shown on Exhibit 2.

18. It is the express intention of the parties hereto to retain the power to amend this Agreement by a written instrument in recordable form, executed by Pickersgill and a majority of the Neighbors or their successors or assigns. No language contained in this Agreement shall be interpreted to preclude such amendment. If an amendment to this Agreement is requested by a party hereto, the party requesting such amendment shall be responsible for the reasonable attorneys' fees associated with the non-requesting party's review and modification of such amendment.

19. The parties warrant and represent that they have taken all necessary action required to be taken by their respective charters, by-laws, or other organizational documents to authorize the execution of this Agreement.

20. This Agreement, which may be executed in counterparts,

contains the entire understanding of the parties.

21. Each of the parties warrants that it has carefully read and understands this Agreement, is cognizant of the terms hereof, and has had ample time to consult with counsel of its choice regarding its respective rights and obligations in connection therewith.

22. Failure, in any instance, to enforce any of the covenants, restrictions, and conditions contained in this Agreement, shall in no event constitute a waiver or estoppel of the right to enforce the same or any other covenant, restriction, or condition in the event of another violation occurring prior or subsequent thereto. In the event any one or more of the covenants, restrictions and conditions herein contained should for any reason be declared invalid, the remaining covenants, restrictions or conditions shall continue in full force and effect.

23. All terms used herein are to be defined and construed pursuant to the definitions and provisions of the Baltimore County Zoning Regulations and Development Regulations in existence at the date of this Agreement. Wherever the provisions of this Agreement and the Exhibits thereto shall conflict with or contradict the previously approved CRG Plan, the provisions of this Agreement and Exhibits thereto shall prevail and control.

24. If any party to this Agreement, or any party's successor, is required to institute legal action to enforce the terms of this Agreement, and is successful thereafter (whether by judgment or by

settlement) in obtaining enforcement of the Agreement, that party or successor shall be entitled to recover reasonable attorneys' fees and court costs of the action from the person or entity against whom enforcement is obtained. However, as a prerequisite to the recovery of fees under this paragraph, the person or entity seeking enforcement shall serve the alleged violator of the Agreement with written notice of the violation, and only if the alleged violator has failed to remedy or to make substantial progress toward remedying the violation within sixty (60) days after receipt of this notice may legal action be instituted. All notices required herein shall be in writing and sent via Certified Mail, Return Receipt Requested, to the Executive Director of Pickersgill, Inc., or the Chairman of the Advisory Board, as the nature of the violation may require.

25. Pursuant to an agreement with the Maryland Department of the Environment (MDE), Pickersgill shall:

1. remove the existing oil absorption pads and saturated soil in the vicinity of the existing oil recovery pits and replace the soil removed with clean fill; and

2. install a MDE approved oil recovery system and maintain same in accordance with the requirements of MDE until MDE advises that all recovery operations may be permanently discontinued and the recovery operations finalized.

26. The Exhibits attached hereto and made a part hereof are as follows:

EXHIBIT NO.	DESCRIPTION
1.	Approved CRG Plan showing renovations shaded in red, including second floor on three

portions of existing building.

2. Approved CRG Plan showing New Apartments and Community Center shaded in red.

3. Approved CRG Plan showing paved areas inclusive of deck and surface parking shaded in red.

4. Approved CRG Plan showing Schematic Landscaping to be installed by Pickersgill.

5. Proposed Consent Order to be issued by the Baltimore County Board of Appeals in disposition of the appeals before it.

WITNESS/ATTEST:

PICKERSGILL, INC.

BY: Sally S. Diggs (SEAL)
SALLY S. DIGGS, PRESIDENT
BOARD OF DIRECTORS

ADVISORY BOARD/NEIGHBORS:

Naomi O. Willey — Mary R. Wolfe (SEAL)
MARY R. WOLFE

Gail B. O'Donovan (SEAL)
GAIL B. O'DONOVAN

Elizabeth Sexton (SEAL)
ELIZABETH SEXTON

Susan J. Meinert (SEAL)
SUSAN J. MEINERT

John Hodge-Williams (SEAL)
JOHN HODGE-WILLIAMS

Frederick J. Willey (SEAL)
FREDERICK J. WILLEY

Naomi O Willey (SEAL)
NAOMI WILLEY

(SEAL)
HARRY R. HAKEL

(SEAL)
DAWSON L. FARBER, JR.

(SEAL)
EDITH M. HUBER

(SEAL)
FRANCES F. HUBER

(SEAL)
SARAH P. DAIGNAULT

(SEAL)
HOWARD RITTER, JR.

(SEAL)
ROBERTA A. LEES

3-19-90

IN RE: PETITION FOR SPECIAL HEARING
SE/S Chestnut Avenue
988' S of Joppa Road
(615 Chestnut Avenue)
9th Election District
4th Councilmanic District

Pickersgill, Inc.

Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* Case No.: 89-538-SPH and 89-444-SPH

* *

NOTICE OF APPEAL

MARY R. WOLFE, et al., Protestants in the above-referenced case, by an through their attorney, J. Carroll Holzer, hereby enter an appeal to the County Board of Appeals from the decision of the Zoning Commissioner in Case numbers 89-538-SPH and 89-444-SPH granting Petitioner's Petition for Special Hearing with restrictions, and denying Protestants' Petition for Special Hearing as moot.

J. Carroll Holzer I.S.

J. CARROLL HOLZER
Holzer, Maher & Demilio
305 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204
(301) 825-6960
Attorney for Protestants

Rec. 3/19/90

IN RE: PETITION FOR SPECIAL HEARING
SE/S Chestnut Avenue
988' S of Joppa Road
(615 Chestnut Avenue)
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Pickersgill, Inc.
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case Nos. 89-538-SPH and Case No. 89-444-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This case comes before the Zoning Commissioner as a result of two separately filed Petitions for Special Hearing, specifically, Case No. 89-444-SPH, filed by Mary R. Wolfe, et al, hereinafter referred to as Protestants, and Case No. 89-538-SPH, filed by Pickersgill, Inc., hereinafter referred to as Petitioners.

The Petitioners herein request a special hearing to approve an amendment to the special exception and site plan granted in Case No. 4324-X to permit the modification and expansion of an existing nursing home (formerly known as a convalescent home) and the addition of 100 Class B elderly housing units, together with accessory facilities, as an integrated facility as being consistent with Section 102.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), as more particularly described in Petitioner's Exhibit 1.

The Protestants request a determination by the Zoning Commissioner that the proposed additions and alterations to Pickersgill must be developed pusuant to Sections 101, 432, 1B01.1, 1B01.1.C, 1B02.2.C.1 and 1B02.2.A of the B.C.Z.R., and also a determination that a special exception is required.

Julius W. Lichter, Esquire and Howard L. Alderman, Esquire, appeared on behalf of Petitioners. J. Carroll Holzer, Esquire, appeared on

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behalf of the Protestants. Numerous witnesses appeared on behalf of both parties over the five plus days of testimony taken in this matter. The case files are replete with letters and petitions from neighbors and community groups representing concerns both in opposition to and in support of Petitioners' request. In view of the multitude of concurring opinions that were presented both in favor of and in opposition to Petitioners' request, the recount of testimony herein shall appear in summary fashion to avoid unnecessary repetition, hopefully enhancing the readability of this Opinion.

Testimony indicated that the subject property, known as 615 Chestnut Avenue, consists of 16.40 acres more or less, split zoned D.R. 3.5 and D.R. 5.5, and is the site of the Pickersgill Nursing Home, hereinafter referred to as Pickersgill. Pickersgill has a rich history as was indicated by the testimony of Mrs. Sally Diggs. The pertinent zoning history is as follows: In 1958, a special exception was granted in Case No. 4324-X for the operation of a convalescent home on the subject site. In 1978, a building permit (No. 272-78) was granted for a three-story addition to the nursing home. However, a search of the public records revealed no indication of a public hearing being held regarding the granting of the aforementioned permit for the addition. In 1983, a special hearing was held in Case No. 83-253-SPH for the approval of an amendment to the site plan previously approved in Case No. 4324-X to permit a one-story, 1600 sq.ft. storage facility on the site. This relief was granted and a new site plan was accepted.

Pickersgill is now proposing major renovations to the existing facility by installing additional bathroom facilities for each existing apartment, an additional floor, kitchen renovations, a new "skin" on the outside walls of the existing facility and renovations of the mechanical

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and auxiliary support units. (See Petitioner's Exhibits 12, 14, 19, 20 and 21.)

Testimony indicated that Petitioners are proposing the addition of 100 apartments/efficiency units, which will be "incorporated" into the site in two new buildings. Petitioners contend that the proposed apartments will be rented for approximately $795 to $1900 per month, and tenants will receive cooking facilities, one meal per day (proposed as the dinner meal) in the proposed community dining areas, cleaning of apartments once each week, laundry services, access to group transportation for shopping and recreation, access on a "pay as you go basis" to medical professionals who visit the existing facility, and emergency notification capabilities to enable Pickersgill staff to notify emergency personnel if the need arises.

Brantley Hart, Jr., Executive Director of Pickersgill, testified at length regarding the historical development of the subject property. He testified that in view of the rising costs in supplying affordable housing for the elderly, the infusion of the proposed apartments and existing facility is essential for the practical management and financial survival of Pickersgill. Mr. Hart testified that the proposed apartments will create a more "independent" living arrangement for residents as compared to the domiciliary care patients in the existing facility, who receive personal services in the nature of medical and nursing care. Mr. Hart testified that Pickersgill is licensed by the State of Maryland for the 94 domiciliary care beds and 75 comprehensive care beds currently within the facility.

Neil Weinstein, a land planner and registered landscape architect, testified on behalf of the Petition regarding the density implications of

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Petitioners' proposal. He testified that in his opinion, the 100 proposed elderly apartments could be constructed on the site without a change in zoning classification or density increase under Section 432.2 or 432.3 of the B.C.Z.R. He stated that, in his opinion, the existing nursing home facility would have no assigned density. According to his interpretation of the B.C.Z.R., the necessary density units for the proposed apartment building are present on the site. Mr. Weinstein further testified that although the proposed apartments provide an "independent living environment" for the tenants, the tenants will still have access to the community center and will have medical and nursing care available through the existing facility. Additionally, he testified that in his opinion, Petitioners' proposal will not adversely impact on the health, safety or general welfare of the community, and otherwise meets the requirements of Section 502.1 of the B.C.Z.R.

Leslie Pittler, Director of Baltimore County's Department of Community Development, testified generally regarding the need for elderly housing in Baltimore County. He stated that Baltimore County has the largest elderly population in the metropolitan area. Mr. Pittler testified that it is important for the elderly to stay in the community that they are familiar with and that the integration of the proposed apartments with the existing Pickersgill facility will provide desirable and affordable housing for the elderly of this community.

Richard Matz, a civil engineer, testified regarding the wetlands and storm water management. He stated that a dry storm water management pond will be located on the southern corner of the subject property (See Petitioner's Exhibits 12 and 13) and will be designed to accommodate a 100-year storm. Mr. Matz testified that water outfall studies have been

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conducted along the perimeter of the Pickersgill property and as a result, a new drainage system will be implemented to divert water runoff away from the adjoining properties, specifically, Lots 95 through 100, as referenced on Petitioner's Exhibit 1. Water runoff will be diverted into the pond and then discharged at a controlled rate. Mr. Matz indicated that the proposed storm water management program is expected to not only prevent the additional discharge of water onto Lots 95 through 100, but will reduce the amount of water runoff currently entering these lots. Additionally, he testified that a fence, compatible with the surrounding neighborhood, will be erected around the proposed pond for safety purposes.

Mr. Larry Yeager, professional engineer, testified that in his opinion, the proposed storm water management system will be adequate to accommodate the water runoff from the subject property.

Mr. James I. Melhorn, President of Fairhaven Nursing Home and Episcopal Services for the Aging, testified on behalf of the Petition. Mr. Melhorn testified regarding what he perceives as a considerable need in Baltimore County for affordable elderly rental housing, nursing care and domiciliary care facilities. He testified that Pickersgill is becoming less competitive in this market, and will, in his opinion, be facing financial problems in the foreseeable future if it does not diversify.

Henry Schwartz, Esquire, formerly legal counsel for the Maryland State Health Department, testified regarding the licensing requirements for a facility such as Pickersgill. Mr. Schwartz indicated that Pickersgill is currently licensed to offer both comprehensive and domiciliary care, of which there are currently 75 and 94 beds, respectively. Further, he stated that no additional state license is required for the proposed

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apartment complex, as neither comprehensive or domiciliary care will be offered at the proposed facility.

Gregory Jones, architect, appeared and testified on behalf of the Petition. Mr. Jones indicated that from a Baltimore County Code standpoint, the buildings will be considered as "separate" structures, for purposes of fire, safety, and zoning code purposes.

Wes Guckert, traffic engineer, testified regarding the impact Petitioners' proposal will have on traffic patterns in the surrounding community. Mr. Guckert estimated a total of 19 morning peak hour trips and 30 evening peak hour trips would be generated by the proposed apartment building. He testified that a site distance of approximately 634 feet along Chestnut Avenue is sufficient for safe ingress and egress at the subject site. Additionally, he testified that in his opinion, the proposed additions for Pickersgill will have no negative impact on the traffic in the surrounding community or adversely affect the health, safety or general welfare of this residential neighborhood.

Numerous individuals and community association representatives appeared and testified in opposition to Petitioners' proposal. The areas which generated the majority of concern for the Protestants were increased traffic, the environment, property values, and the general health and safety of the community. The environmental impact of Petitioners' proposal was of primary concern among the majority of those in opposition. A number of the Protestants testified regarding their past experiences in this neighborhood with flooding and were concerned that Petitioners' proposal will exacerbate this situation, particularly, but not limited to, Lots 95 through 100 along Piccadilly Road, as indicated on Protestant's Exhibit 8. Testimony indicated that considerable amounts of surface water flows onto

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these lots from the Pickersgill property. Neighbors testified that they have installed, at their own expense, drainage to divert some of this surface water away from their properties.

Messrs. Powell, Gwynn, Maschas and Mrs. Willey testified regarding the adverse impact they believe would result to the existing stream and wetlands, as depicted on Protestant's Exhibit 8, should Petitioners' request be granted. The Protestants testified that the subject stream receives considerable storm water runoff during heavy rains and its banks are routinely flooded. Mr. Powell stated that the stream curves abruptly as it passes his property and during heavy rains reaches the top of the retaining wall along his property. He also indicated, as did other Protestants, that a distinct odor of oil is present along the stream and is visible in the stream after heavy rains. The uncontradicted testimony indicated that the oil origins on the Pickersgill property from two underground heating oil storage tanks. Testimony also indicated that Pickersgill has taken steps, in cooperation with the EPA, to minimize oil seepage into the subject wetlands. The Protestants testified that the stream in recent years is overflowing its banks more frequently and has caused some homeowners living in close proximity to the stream and the subject community to experience basement flooding. Mrs. Willey testified that the water discharge pipe exiting the proposed storm water management pond passes underneath her property (See Protestant's Exhibit 8) and she voiced concern as to who would be responsible for maintaining the pipe. She testified that the wetlands on the subject property are usually discharging water year round and she is concerned that the proposed storm water management will not adequately protect her property. Mrs. Willey testified, as did others, regarding oil in the subject stream. She indi-

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cated she is concerned that further disturbance of the land on the site adjacent to the wetlands may release pools of sub-surface oil and adversely impact the environment.

Petitioners argue that Protestants' "oil concerns" are not germane to the issues before the Commissioner and therefore, should not be considered when granting or denying the requested relief. However, there is no evidence that the oil problems do not create a health and safety issue. In fact, there is no evidence concerning the impact of the new development on the oil problem. Pursuant to Sections 500.6, 500.7 and 502.2 of the B.C.Z.R., the Zoning Commissioner has the authority to pass such orders that are necessary for the enforcement of all zoning regulations, for the protection of the surrounding and neighboring properties -- for the ultimate protection and preservation of the health, safety and general welfare of the locality involved. It is the opinion of the Zoning Commissioner that the Protestants' "oil concerns" are germane to the issues presented for determination. The Protestants indicated that their concerns would be placated given an appropriate testing/monitoring restriction in the Commissioner's Order. Restrictions Nos. 3 and 4 are designed to meet these concerns and will safeguard the health, safety and general welfare of the community.

Also of great concern to the Protestants was how Petitioners' proposal will impact traffic in this community. Messrs. Williams, Tully, Ridder, and Maschas indicated that this neighborhood experiences heavy traffic, which they attribute in large part to Loyola High School, Wisteria Helpers, and Pickersgill. Testimony indicated that homeowners along Chestnut Avenue and Piccadilly Road have considerable difficulty backing out of their driveways during peak traffic hours at which time traffic consistent-

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ly backs up along the entire length of Chestnut Avenue. Protestants took issue with the findings of Mr. Cucker (Petitioner's Traffic Expert) relative to the safety of the proposed entrance to the site and the existing "dip" on Chestnut Avenue.

Officer Rooney of the Baltimore County Police Department appeared and testified on behalf of the Protestants. Officer Rooney patrols the subject community in the course of his employment with the Baltimore County Police Department. He discussed the vehicular accident and citation history of the area in proximity to the Pickersgill site.

Mr. Patton, who was qualified as a land planner expert, testified at length on behalf of the Protestants regarding the issue of density relative to the subject site. Mr. Patton, referencing Bill Nos. 36-88, 37-88 and pertinent zoning regulations, testified that in his opinion, an "elderly housing facility" as defined in Section 101 of the B.C.Z.R., is an umbrella definition which encompasses "assisted living facility", "continuing care facility", and "housing for the elderly facility." Mr. Patton testified that Pickersgills' 94 domiciliary care beds and 75 comprehensive care beds are synonymous with an assisted living facility (defined infra.), which requires a .25 density calculation for each bed. (See Protestant's Exhibit 1).) Mr. Patton calculated the subject property to have 82.96 density units. He then calculated the existing facility to be using 43.25 density units, which, when deducted from 82.86 density units, leaves 39.61 density units available for developing the proposed elderly housing facility. Mr. Patton stated that in his opinion, this approach of reducing density based on the existing facility is consistent with Bill No. 36-88 and that it avoids "double counting" by counting the existing beds at Pickersgill. Mr. Patton discussed a second approach for calculating densi-

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ty (See Protestant's Exhibit 10) which involves the application of Zoning Commissioner's Policy Manual Rule No. RM-22 which reads in pertinent part as follows:

> "If mixed uses or like uses each with separate zoning requirements are proposed on one property, each separate use must be supported on its own land area. Residential density may be calculated on the overall acreage if both uses are residential and it is allowed in that zone."

Mr. Patton introduced Protestant's Exhibit 9 (overlay on Protestant's Exhibit 8) to support his ascertion that the existing Pickersgill facility is supported by 9.13 acres, which leaves a balance of 7.27 acres for the proposed elderly housing facility. The 7.27 acres consist of 1.33 acres zoned D.R. 3.5 and 5.94 acres zoned D.R. 5.5, providing a total of 37.34 density units for the proposed facility.

The Protestants argue that the B.C.Z.R., Bill Nos. 36-88 and 37-88, and Zoning Commissioner's Policy Manual Rule RM-22 require Pickersgill to either subtract the land area subject to the original special exception in Case No. 4324-X from the gross acreage in determining density units, or calculate density by applying the required .25 density calculation to the subject site as aforementioned.

Petitioners contend that the B.C.Z.R. have been consistently applied so as not to require the decrease of available area for density calculation because of the presence of any other permitted use. Addressing Section RM-22 of the Zoning Commissioner's Policy Manual, Petitioners assert that the proposed apartment complex, to be physically and functionally "integrated" with the existing use, is a residential use permitted as of right in the D.R. zones. Petitioners contend that as both the existing and proposed uses are "like" residential uses situated on the same piece of property, one permitted as of right and the other by special exception,

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the B.C.Z.R. only requires a density calculation for the proposed apartment facility. Petitioners assert that although the existing facility and proposed apartments will be physically attached and integrated, each will occupy a separate area of the Pickersgill property. Thereupon, the Petitioners erroneously assert that as a matter of policy, residential density may be calculated on the overall acreage of the site, leaving the proposed facility under allowable density for the subject property.

Additionally, citing Pickersgill's continuous operation since 1958, Petitioners contend that Bill Nos. 36-88 and 37-88, specifically, the definitional sections contained therein, have no significant impact on the subject operation. Petitioners opined that the term "Assisted Living Facility" as defined by Bill No. 36-88 (which requires a density calculation), describes a use separate and distinct from the domiciliary care currently provided at Pickersgill. Further, Petitioners assert that the term "nursing home", as defined by the B.C.Z.R., includes the former term "Convalescent Home" (i.e. Pickersgill). Petitioners testified that their reading of Bill Nos. 36-88 and 37-88, enacted June 13, 1988, reveal no intent on behalf of the County Council to have the new definitions enunciated therein apply to pre-existing uses, and therefore, no density should be assigned to existing Pickersgill.

Relying on the modifications made to Section 1B02.2A by Bill No. 36-88, Petitioners reasoned that said modifications provide that the gross residential density for elderly housing facilities, except as provided in Sections 432.2 and 432.3 of the B.C.Z.R., shall be calculated in density units per acre. Petitioners thereupon assert that their density calculation (82 density units) for the proposed elderly housing facility is in accordance with the requirements and within the spirit and intent of the

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B.C.Z.R. The Petitioners' application of the B.C.Z.R. is not consistent with Zoning Commissioner's Policy RM-22 and the Protestants' application of Bill Nos. 36-88 and 37-88 is misguided. Both parties failed to apply Zoning Commissioner's Policy RM-22 and Bill Nos. 36-88 and 37-88 do not change the application of RM-22 to a special exception.

Both the Protestants and the Petitioners agreed that the subject property, containing a gross site area of 16.40 acres more or less, contains a total of 82.96 density units. The parties reached impasse in determining the number of these density units that are available to support the proposed elderly housing facility.

The facts are that the Baltimore County Council left the issue of density for elderly housing facilities and the application of special exception uses unaddressed. Therefore, the correct application of these interrelated issues is left to the Zoning Commissioner under the authority of Section 500.6 and 500.7 of the B.C.Z.R. I believe the application of Zoning Commissioner's Policy RM-22 must be followed. Policy RM-22 was applied in many zoning cases before Bill Nos. 36-88 and 37-88 were enacted. Clearly, the County Council was in agreement with the Zoning Commissioner's application of Policy RM-22 and, therefore, that policy must be applied in this instance.

Zoning Commissioner's Policy RM-22 clearly requires an area review and not a density review. Therefore, for the purposes of argument, I will review the density calculations method. The parties have argued this point very strongly and the record must be resolved.

Petitioner contends that the existing facility, for reasons aforementioned, is not subject to density calculations and therefore, the total 82.96 density units are available to support the proposed facility. Peti-

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tioner contends that the current "domiciliary care" beds at Pickersgill, as defined by Section 19.301(e) of the Health-General Article of the Maryland Anotated Code, have no parallel definitive section within the B.C.Z.R. that addresses this use for purposes of calculating density. This argument is unpersuasive. Section 19.301(e) defines domiciliary care as follows:

> "(e) Domiciliary care:
>
> (1) "Domiciliary care" means services that are provided to aged or disabled individuals in a protective, institutional or home-type environment.
>
> (2) "Domiciliary care" includes:
>
> (i) Shelter;
> (ii) House;
> (iii) Board;
> (iv) Facilities and resources for daily living; and,
> (v) Personal surveillance or direction in the activities of daily living."

A comparison of this language to Section 101 - "Assisted Living Facility" of the B.C.Z.R. reveals a remarkable parallel in language and, arguably, intent. The B.C.Z.R. defines "Assisted Living Facility" as follows:

> "Assisted Living Facility: A building or section of a building that provides a residential living environment assisted by congregate meals, housekeeping, and personal services, for persons 62 years of age or older, who have temporary or periodic difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility, and for any person, regardless of age, who has a physical or developmental disability. Density for such facilities shall be calculated at .75 for each bed."

The aforementioned Sections from the Health-General Article and the B.C.Z.R., when broken down into their relative component requirements, list as follows:

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Domiciliary Care	Assisted Living Facility
Shelter	Residential living environment
House	Building
Board	Meals
Facilities & Resources for daily living	Residential living environment; housekeeping, feeding, bathing, etc.
Personal surveillance or direction in the activities of daily living.	Personal Services

A simple comparison of the above Sections clearly indicates that the domiciliary care provided at Pickersgill is synonymous with an "Assisted Living Facility" as that term is defined by Section 101 - Definitions of the B.C.Z.R. It therefore logically follows that the 94 domiciliary care beds currently at Pickersgill are indeed subject to the density calculations promulgated in the B.C.Z.R. at .25 per bed.

Petitioners argue, relative to the 75 comprehensive care beds provided by Pickersgill, that "The State requirements for nursing care to be provided by a comprehensive care facility correlates to the B.C.Z.R. definition of "nursing home" (formally "convalescent home") which stated in the conjunctive, requires all three elements of board, shelter, and nursing care." Bill No. 37-88 amended the B.C.Z.R. by deleting the definition of a convalescent home and adding the following definition of "nursing home" which incorporates the former convalescent home:

> "Nursing Home (Formerly Convalescent Home)": A facility which provides board, shelter, and nursing care to chronic or convalescent patients. This term also includes facilities which provide domiciliary care within a nursing home."

Section 10.07.02.01E of the Code of Maryland Regulations (COMAR) defines "comprehensive care facility", reading in pertinent part:

> "Comprehensive Care Facility" means a facility which admits patients suffering from disease or disabilities

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or advanced age, requiring medical service and nursing service rendered by or under the supervision of a registered nurse."

The parallels between these two Sections are compelling and Petitioner's argument regarding same persuasive. It is therefore the opinion of the Zoning Commissioner that the term "Comprehensive Care Facility" is synonymous with the term "nursing home" as those terms describe uses regulated by the B.C.Z.R. It therefore logically follows, that as the B.C.Z.R. does not require density calculations for a "nursing home", the 75 comprehensive care beds at Pickersgill will likewise receive no density calculation (See Section 101 - Definitions on "Nursing Home", B.C.Z.R.).

This density calculation review is the wrong methodology to be applied in Baltimore County in a case where a special exception use and a density supported use are mixed on the same unified lot. As stated above, the separate and distinct area methodology set forth in Zoning Commissioner's Policy RM-22 is the correct methodology to be employed when both a special exception use and a density use are to exist on the same site.

The Protestants presented two approaches for calculating density on the subject site as set forth on Protestant's Exhibit 10. The first approach subtracts the 9.13 acres associated with the original special exception from the gross site area of 16.40 acres, leaving 7.27 acres available for density calculations. This method provides 37.14 density units for the proposed facility.

Although the Protestants articulated the correct methodology in calculating area, they used erroneous information in their formula. Assigning 9.13 acres more or less to the existing special exception, dedicates more land than is necessary to support the proposed use at this

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particular location given the nature of the use and the interrelationship of all the uses.

Neither the Protestants nor the Petitioner have accurately applied the B.C.Z.R. density guidelines in the subject case in a manner consistent with the spirit and intent of the Regulations. Policy RM-22 has been for many years, the yardstick utilized by Baltimore County for calculating density for mixed uses on one property. Further, the enactment of Bill Nos. 36-88 and 37-88 did nothing to change the way density is calculated for an elderly housing facility. Therefore, Policy RM-22 must be applied to the Pickersgill facility. Consistent with Policy RM-22, a land area with its respective density units must be designated to support the existing special exception nursing home use. The remaining acreage and its respective density units may then be utilized to support other uses. This is not a legally "rigid" formula and must be applied on a case by case basis. Every case creates its own unique set of facts and circumstances, and this Order is narrowly tailored to address the facts and circumstances arising out of the particular use proposed at the subject location.

Expert and lay witnesses for both the Petitioners and the Protestants candidly recognized the growing need for quality, affordable housing and care for Baltimore County's growing elderly population. Further, the preamble of County Council Bill No. 36-88 aforementioned, now Section 432 of the B.C.Z.R., clearly indicates the intent of the drafters of this legislation to "especially encourage" and "promote" housing for the elderly.

In view of the above, the Zoning Commissioner should afford every benefit and right to the elderly residents of this County insofar as the

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relief is consistent with the B.C.Z.R. Upon careful scrutiny of the testimony, evidence, and pertinent law, it is the finding of the Zoning Commissioner that Petitioner's request for special hearing shall be granted in part and denied in part. The Protestant's Petition for Special Hearing is hereby rendered moot in view of the above, and is therefore dismissed.

The relief requested by Petitioners shall be granted in part as to the assignment of appropriate density for the subject property as follows: Referencing Zoning Commissioner's Exhibit 1, the area supporting the existing special exception shall be redrawn to include only that area indicated on Zoning Commissioner's Exhibit 1, consisting of 3.72 acres, more or less. Of this area within the special exception, approximately .078994 acres lies within the D.R. 3.5 zone and 3.641 acres lies within the D.R. 5.5 zone. The entire acreage within the special exception, when deducted from the gross site area of 16.40 acres, leaves 12.68 acres, more or less, on which density may be calculated to support the proposed facility. The density computes as follows:

D.R. 3.5	=	3.62 acres, plus or minus
D.R. 5.5	=	12.78 acres, plus or minus
Total Gross Acreage	=	16.40 acres, plus or minus
D.R. 3.5 x 3.62	=	12.67
D.R. 5.5 x 12.78	=	70.29
Total Density Units	=	82.96

Total Acreage inside Special Exception Area = 3.719994 acres, more or less.

Gross D.R. 3.5 acreage	=	3.62
Minus D.R. 3.5 acreage within special exception area	=	.078994
Total D.R. 3.5 acreage available for density calculation	=	3.541
Gross D.R. 5.5 acreage	=	12.78
Minus D.R. 5.5 acreage within special exception area	=	3.641
Total D.R. 5.5 acreage available for density calculation	=	9.139

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D.R. 3.5 x 3.541	=	12.353
D.R. 5.5 x 9.139	=	50.284
TOTAL DENSITY UNITS AVAILABLE FOR PROPOSED ELDERLY HOUSING FACILITY	=	62.657

Generally, all necessary parking, open space, etc., must be located within the land area designated to support the special exception use. However, in view of the uniqueness of this site, specifically, the interrelated nature of the uses, open space, buffer zones, parking, etc., this site may be calculated for the entire site. Both the existing Pickersgill and the proposed facility will share many support facilities, such as the storm water management system, open space and parking. For these reasons, this order is narrowly tailored to address the particular set of facts and circumstances presented by Petitioner's request.

A nursing home, by special exception, must have a minimum land area designated to support it and this determination must be made on a case by case basis. In view of the uniqueness of this site and the unified nature of the uses thereon, it is not necessary to require the open space and parking facilities to be located entirely within the designated area for the special exception. All of the facilities are under the control of one owner and for the benefit of all uses. The buffer zones separating the community and the institutional uses were calculated in consideration of the entire site and will more than support both uses.

In considering the requested relief, the Zoning Commissioner must impose such conditions, restrictions, or regulations as may be deemed necessary and advisable for the protection of the surrounding and neighboring properties (Section 502.2, B.C.Z.R.). The aforementioned approach is within the spirit and intent of the B.C.Z.R. and the on-going use of the

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special exception nursing home clearly complies with the requirements of Section 502.1 of the B.C.Z.R.

It is clear that the B.C.Z.R. permits the continued use of the existing nursing home in the D.R. 5.5 zone by special exception. It is equally clear that the continued use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the continued use of the existing nursing home met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the continued 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 continued use at the particular location described by Petitioner's Exhibits 1, 12 and 14 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 continued use of the existing nursing home and the proposed elderly housing facility 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 B.C.Z.R.

Pursuant to the advertising, posting of the property, and public hearing on these Petitions held and for the reasons given above, the relief requested in the Petitioner's Petition for Special Hearing shall be

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the Zoning Commissioner regarding the capture, retention, and disposal of oil emanating from the tanks on the subject site.

5) Petitioner shall submit to the Zoning Commissioner for approval by no later than May 15, 1990, a new site plan prepared by a registered professional engineer and/or land surveyor, which clearly identifies all buildings, landscaping, required fencing and any other information as may be required to be a certified site plan.

6) The entire site, consisting of 16.40 acres, more or less, shall not be subdivided. Further, the existing nursing home and the proposed elderly housing facility shall remain under the sole ownership and control of a single entity.

IT IS FURTHER ORDERED that the Protestant's Petition for Special Hearing to determine that the proposed additions and alterations to Pickersgill, Inc., must be developed pursuant to Sections 101, 432, 1B01.1A.1, 1B01.1.C, 1B01.2.C.1, and 1B02.2.A of the B.C.Z.R, and to determine if a special exception is required, be and is hereby DISMISSED as moot.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:JCM:bjs

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granted, in part, and the Protestant's Petition for Special Hearing dismissed, as more particulary described below.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of February, 1990 that Special Exception Case No. 4324-X shall be amended to reflect the decrease in acreage supporting the existing nursing home, in accordance with Zoning Commissioner's Exhibit 1, and as such, the Petitioner's Petition for Special Hearing be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall erect a six-foot high wooden stockade fence around the southern and eastern portions of the storm water management pond. Further, Petitioner shall provide a vegetative buffer on the side of the fence facing Pickersgill's neighbors, said buffer to be consistent with Zoning Commissioner's Exhibit 2, appended hereto and made a part hereof.

3) Petitioner shall submit a plan, both statistical and written narrative, describing the affirmative measures that will be taken by Petitioner to guarantee that construction of the proposed facility will not disturb, so as to injure the environment, any underground oil pools resulting from the buried oil tanks on the subject site. Petitioner shall submit said plan to the Director of the Department of Environmental Protection and Resource Management and the Zoning Commissioner for approval prior to the issuance of any permits.

4) Further, prior to the commencement of construction, six months after the commencement of construction, and one year following completion of such construction, Petitioner shall have an independent firm submit a report to the Director of the Department of Environmental Protection and Resource Management and

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the Zoning Commissioner regarding the capture, retention, and disposal of oil emanating from the tanks on the subject site.

5) Petitioner shall submit to the Zoning Commissioner for approval by no later than May 15, 1990, a new site plan prepared by a registered professional engineer and/or land surveyor, which clearly identifies all buildings, landscaping, required fencing and any other information as may be required to be a certified site plan.

6) The entire site, consisting of 16.40 acres, more or less, shall not be subdivided. Further, the existing nursing home and the proposed elderly housing facility shall remain under the sole ownership and control of a single entity.

IT IS FURTHER ORDERED that the Protestant's Petition for Special Hearing to determine that the proposed additions and alterations to Pickersgill, Inc., must be developed pursuant to Sections 101, 432, 1B01.1A.1, 1B01.1.C, 1B01.2.C.1, and 1B02.2.A of the B.C.Z.R, and to determine if a special exception is required, be and is hereby DISMISSED as moot.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:JCM:bjs

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12-11-89

IN THE MATTER OF * BEFORE THE
PICKERSGILL SE/E * ZONING COMMISSIONER
CHESTNUT AVENUE, * OF BALTIMORE COUNTY
TOWSON, MARYLAND * CASE NO.: 89-444-SPH &
* CASE NO.: 89-538-SPH

* * * * * * * * * * * *

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DEC 1
ZONING OFFICE

PROTESTANTS MEMORANDUM

Statement of the Case

The above captioned cases come before the Zoning Commissioner for a public hearing based upon Petitions for Special Hearing filed by both parties. A Petition for Special Hearing was filed by the Protestants on February 13, 1989, at which the time the following issues were raised:

1. That the proposed additions and alterations to Pickersgill, Inc., as proposed by Pickersgill to include the construction of 82.86 density units of new elderly housing was in violation of the Baltimore County Zoning Regulations as to permitted density on the proposed site.

2. That a special exception hearing was required pursuant to the proposal of Pickersgill for review by the Zoning Commissioner as to the effect of the project upon Section 502.1 of the Baltimore County Zoning Regulations.

3. Whether the proposed project at Pickersgill fell within the provisions of Bill No. 36-88, Section 432(a) and 432.1(a)(2); whether the special exception granting Pickersgill, Inc. the right to exist as a convalescent/nursing home requires amendment by way of special hearing to develop

the requested project.

4. Whether Pickersgill, Inc. has utilized all or some of its existing density units permitted on the site; or in the alternative have they utilized existing density units or site requirements under existing zoning laws to preclude their ability to develop the requested number of units.

5. To determine the maximum number of density units available to Pickersgill for this site.

Subsequent to the Protestants filing their Petition for Special Hearing, Pickersgill, Inc. filed a Separate Petition for Special Hearing on May 24, 1989, requesting an amendment to the Special Exception granted them in Case no. 3424-X to allow the modification and expansion of the existing nursing home (convalescent home) and the addition of 100 class B elderly housing units together with accessory facilities as an integrated facility. As a result of these two petitions, numerous hours of hearings were held and 36 Exhibits were submitted as evidence to the Zoning Commissioner for Baltimore County. It may be stated at this point that at the time the original Petition for Special Hearing was filed by the Protestants, a determination had not been made that Pickersgill would be requesting a special hearing to amend the previously granted special exception and as a result a number of the issues in the Protestants Petition for Special Hearing have been addressed by the simple fact of a hearing having been held by the Zoning Commissioner. There are, however significant

issues which have been further defined by the days of hearings, which resulted in the need for clarification and summarization in this Memorandum.

Issues

The issues generally to be addressed in this case lend themselves to two major areas of concern. The First issue being the question of whether or not the proposed Pickersgill improvements to the old facility and the addition of the new 100 unit elderly housing facility meet the current requirements as set forth in Section 502.1 of the Baltimore County Zoning Regulations. The issues defined at the hearing in the form of conflicting testimony include: 1 - storm water runoff from the property; 2 - continued oil pollution problems from the subsoil; 3 - the storm water management facility and its ability to protect the community from further flooding damage; 4 - traffic problems relating to the proposed relocation of the entrance to Pickersgill, as well as the concern of the neighborhood for increased traffic generated by the project upon the streets surrounding the facility, particularly Chestnut Avenue. The Second major issue defined by the days of testimony relates to the question of the density allowed on the specific site based upon the fact that there exists a nursing home presently on the site. In conjunction with this issue is the request of the Petitioner Pickersgill to develop 82.86 density units which is calculated upon the gross site area the maximum density units allowable under existing

zoning, without consideration for the present density utilized by the existing nursing facility.

Statement of Facts and Argument

A. History of Site. The Pickersgill nursing home is located at 615 Chestnut Avenue, in Baltimore County upon a gross site area of approximately 16.40 acres, more or less, of which 3.62 acres are Zone DR 3.5 and 12.7 acres are Zone DR 5.5. In 1957 the predecessor to Pickersgill was granted a special exception under Zoning Case No. 4324-X for a nursing home. The plat and description for this special exception was for approximately 10.08 acres. (See Protestants Exhibit 1.) This fact will support the contention made by Protestants later in this Memorandum, (which the Baltimore County Zoning Regulations RM-22 further confirm), that this site should be viewed as two separate parcels or land areas, each of which must support its own density calculation for the differing use. The zoning map from 1958 shows an area of approximately 10 acres for the size of the special exception granted by the Zoning Commissioner.

In 1978 a building permit (#272-78) was granted for a three story addition for the nursing home. There is no record nor indication that any public hearing was held, nor any Petition for Special Hearing to amend the existing special exception was filed in the Baltimore County Zoning Office. Indeed, the testimony of the Protestants appears to support the proposition that there was no formal review, amendment, or

approval of the previously granted special exception under Case No. 4324-X.

In 1983, a Special Hearing (#83-253) was held, granting Pickersgill the right to amend the site plan as approved in Case No. 4324-X to allow a one story, 1600 square foot storage facility. Apparently the description of this site coincided with the area of the original special exception from the 1957 case.

B. Testimony and Exhibits. Pickersgill is proposing for their site at 615 Chestnut Avenue, a major renovation of its existing nursing/convalescent home by providing additional bathroom facilities for each existing apartment, an additional floor, a renovation of the kitchen, the mechanical and auxiliary support units as well as providing a new "skin" to accomplish the renovation of the existing facility. The existing footprint of Pickersgill, Inc. is 39,030 square feet and the existing total square footage is 88,200 square feet. This footprint will be increased by an additional 48,800 square feet to total 87,830 total square feet. The existing square footage will be increased by 153,801 square feet for a total of 242,001 total square in the new facility. The new facility will increase the size of the existing facility by approximately 66%. (See testimony of Petitioner's witness Greg Jones, Architect.) The dramatic increase of the overall size and dimensions of the new facility may be seen by the "yellow color" reflecting the new additions on Petitioner's Exhibits

19, 20 and 21. It is clear from the testimony of Petitioner's witnesses Sally Diggs and Brant Hart, that the additional 100 units, while attached to the existing building, will not be part of the nursing/convalescent facility as it exists today. Further, the residents of the 100 proposed apartments will have no right nor entitlement to the utilization or to automatic admittance to the nursing/convalescent or domiciliary care or comprehensive care units existing in the present Pickersgill, Inc. In the words of Mrs. Diggs, "the additional 100 units will be typical apartments". The proposed Pickersgill 100 apartments will be a mixture of efficiency, one bedroom, one bedroom and a den, two bedrooms, two bedrooms and a den. Mr. Hart, the Executive Director of Pickersgill testified that the present Pickersgill facility is licensed for 75 comprehensive care beds and 94 domiciliary beds, totalling 169. He equated the domiciliary care units of the present Pickersgill with the definition of "assisted care units" as defined under the Baltimore County Zoning Regulations. (Hart and Diggs testimony) It is clear from the testimony of these Petitioner's witnesses that the "new facility" consisting of the 100 units and the existing 169 beds will not be and cannot be defined as a nursing/convalescent home which would be permissible under the Zoning Regulations by way of special exception for nursing homes. It is further clear that these are two separate and distinct types of operations and uses which must stand on their own.

The Petitioner's witness Neil Weinstein, qualifying as an expert planner testified in regard to the permissible density available to Pickersgill. He presented the proposition that the existing nursing home under the special exception utilized no density units from the site and that the Petitioners would be free to develop to the full extent of density on the entire acreage as if it were a vacant undeveloped lot and therefore concluded that 82.86 density units would permissible on this site. The absurdity of this position, that is to say no density has attached by way of the special exception and that this site could be treated as if nothing existed there, was further highlighted by the acknowledgement by Mr. Weinstein later in his testimony during questions by the Zoning Commissioner. In response to questions by the Commissioner that Policy RM-22 would appear to require that each use must be supported by its own land area, Mr. Weinstein acknowledged that if both the use as related to the apartments and the nursing/convalescent home are mixed uses then the 100 units of apartments must be supportable on its own land (testimony of Weinstein - cross examination).

By far the most telling document in support of the fact that the Petitioner recognized the obligation and the legal requirement that they could not develop to the full extent of the 82 density units as requested in this plan was Protestants' Exhibit No. 1, a case history dated March 15, 1989, prepared by representatives of the Petitioner and

obtained from the file of Mr. Weinstein during the course of the hearing. In that document, it is clearly acknowledged that the Petitioner, calculated density allotted to the existing building and developed the allowable dwelling units as being 49. 45 in DR5.5 Zone and 12.04 in the DR3.5 Zone for a total of 61.49 total units.

This is the second instance of evidence developed in this case that the uses as proposed must be able to be supported on its own land area. The first, being the fact that the special exception granted in Case No. 4324-X was only for 10.08 acres of the total overall acreage of the site.

C. Protestants' Testimony re 502.1 Criteria. The Protestants presented testimony, photographs and documents which raised a number of environmental and traffic concerns which must be considered by the Zoning Commissioner under the requirements of Section 502.1 in regard to Petitioner's Petition for Special Hearing to amend the special exception. This testimony should result in the denial of the amendment to the special exception on the basis that this project, its size and configuration, will adversely impact the community in regard to the health, safety and welfare. To support their position, the Protestants presented the following for consideration:

1. The wetlands on the site were improperly designated by the developer, resulting in the County, after citizens complaints, redefining and enlarging the wetland area

to be delineated in its present fashion on the plat. The Protestants' concerns relate to the inability to properly protect the wetlands based upon the historical evidence presented through testimony of longtime neighbors as well as the photographs showing the extreme degree of water runoff through the wetland area.

2. The 1977 leak of oil and the oil recovery system which has been in place since that time clearly established the lack of sensitivity and commitment on the part of Pickersgill. Over the past twelve years while over 150,000 gallons have been pumped out of the wells set up for recovery, Pickersgill has failed to properly file monthly reports as well as to maintain and provide for the maintenance of the recovery system. It has only been after repeated neighborhood and community complaints in this case, that Pickersgill has shown a willingness and commitment to resolve the problem. It is clear from the photographs submitted by Protestants No. 67 through 76 that Pickersgill's commitment to the maintenance of the plywood covers and the absorbency pads has been less than adequate and certainly established that for the future there is no real hope to expect a better performance.

3. It is clear that the surface flow from the 1978 addition to Pickersgill has caused severe flooding problems at the rear properties of 604, 606, 608, 612 Picadilly Road. Over the past 11 years, these properties have flooded necessitating the installation by the individual owners of

their own water management systems, despite requests to Pickersgill to resolve the problem. Mr. Robert Powell testifying on behalf of the Protestants was clear in his concerns regarding this problem even downstream from the Pickersgill site.

4. It is the Protestants' position that because of the natural flow of surface water in the area as a whole and the increased surface flow caused by Pickersgill in the 1978 addition, that the Zoning Commissioner should examine this issue under Section 502.1 as a pre-existing one in the neighborhood which should in and of itself cause denial of this Petition to amend the special exception.

5. The stormwater retention pond is certainly suspect based upon the testimony of the community as to the degree and the amount of water being generated on the site. Such testimony is supported by Protestants' pictures no. 31 through 44, showing results of rain on July 16, 1989 as well as photos of Protestants' Exhibits No. 45 through 49 showing the force of the outfall of this water into the stream bed. While Petitioners have theoretically calculated the water retention and capabilities of the storm water pond, it is certainly clear from the "lay" testimony that there is a natural condition and problem which may exceed the ability of the engineers to resolve. Not only does the degree of water flowing across the property exceed the analytical approach but also the direction and path may well be different than that projected by the

"experts". In addition to the ability of the storm water retention pond to handle this problem, the Protestants further believe that the record of negligence in maintaining other systems such as the oil recovery system does not bode well for the community when the maintenance of the Stormwater Management Pond is considered. Pickersgill's history is one of minimal effort in regard to maintenance. Again, the testimony on behalf of the Protestants indicates that maintenance of the storm water management pond is important in regard to filtering outflow pipes and simple maintenance of the pond itself to prevent breaching and overflow.

6. In addition to the environmental concerns under Section 502.1, the Protestants presented a number of witnesses and many letters concerning the existing traffic problems on Chestnut Avenue occasioned by existing institutions already established on Chestnut Avenue such as Loyola High School, the existing Pickersgill and the proposed Mission Helpers facility at Chestnut Avenue and Joppa Road. The problem is already one of extreme concern at the Chestnut Avenue, Charles Street intersection as well as the intersection of Chestnut Avenue and Joppa Road. Mr. Steve Tully and Mr. Bud Ritter testified as to the number of trips projected from the Mission Helpers study as well as from the enlargement of Loyola High School. Dr. King Seegar whose home will be facing the proposed new entrance of Pickersgill likewise testified as to the negative impact on his property by this increase. His driveway and house can be

viewed in Protestants' pictures no. 22, 25 and 26.

Finally, Officer Rooney of the Baltimore County Police Department testified on behalf of the Protestants. Officer Rooney testified that Chestnut Avenue is a parallel road for Charles Street but there are no traffic controls to get on to Charles Street from Chestnut Avenue. That Chestnut Avenue is a 25 mile per hour limit; that Loyola High School impacts Chestnut Avenue in the morning at 6:30 to 8:15 and in the evening from 2:30 to 5:00 p.m.; incidently these times coincide with the testimony of Mr. Guckert, Petitioner traffic expert, that the residents of the proposed addition to Pickersgill would be utilizing the entrances during that 2:30 in the afternoon time period. In addition, Officer Rooney was concerned about parking problems along Chestnut Avenue after school hours. He further described Chestnut Avenue as being an "asphalt two lane road with a dividing line and no passing". Further, "from Joppa Road southbound it is a downgraded street and that the curve and trees north of the driveway entrance to Pickersgill creates a sight problem". He further elaborated that north of the present driveway on Chestnut Avenue there is a dip which hides southbound vehicles. He further testified that there was significant traffic between 8:30 a.m and 2:30 in the afternoon on Chestnut Avenue, the road being used as a cut-through from Towson State University. Further, many delivery vehicles utilize Chestnut Avenue during that period of time. He further testified that there was a higher rate of accidents

on this road which is only three blocks long. Officer Rooney testified in regard to the number of personal injury accidents which have occurred at Chestnut Avenue and Joppa Road as being 19 in the years 1987 through 1989; at Charles Street and Chestnut Avenue through those same years there have been 46 personal injuries, for a total of 65 personal injuries at the north and south ends of Chestnut Avenue. It is submitted that 65 is a significant number of injuries for a road that is only three blocks long and serving only a residential area. Certainly, any additional traffic generated by the proposed addition to Pickersgill is going to significantly impact and increase those figures which are already serious ones from the standpoint of health, safety and welfare. Finally, Officer Rooney testified that in the years 1987, 1988 and 1989, a total of 114 speeding tickets have been issued on that three block length of Chestnut Avenue again. He concluded that this is an extremely dangerous road; one into which elderly drivers will be attempting to gain access to the Pickersgill apartments. It is again submitted by the Protestants that this fact alone warrants the Zoning Commissioner denying the Petitioners request pursuant to Section 502.1, in that there is a clear and present danger to the health, safety and welfare of the community by granting of this Petition. This very concern of increased traffic and the nature of the neighborhood was referred to by the Zoning Commissioner in denying a Special Exception request in a previous case captioned "Petiton of

Mission Helpers", Case No. 89-89-XA.

D. <u>Protestants' Testimony - Density Issue</u>. The second major issue on behalf of the Protestants relates to the question of allowable density of the specific site of the existing Pickersgill, Inc.

The position of the Petitioners in this case, as already stated, is that they are entitled to develop their complete density available to them for the 16.40 acres, disregarding any existing use of the site by the Pickersgill Nursing Home which comprises 169 beds with accompanying supporting staff. It is interesting to point out again at this stage that on Protestants' Exhibit No. 1 it is clearly stated that the original granting of the special exception was for approximately 10 acres, leaving the balance not covered by the special exception. Secondly, the Protestants' Exhibit No. 1 which was a document obtained from Petitioners witness Weinstein, acknowledges under "Site data" paragraph B that the density allotted to the existing building being subtracted out would only allow for 61.49 total dwelling units which I believe strongly suggest that originally the Petitioners' position was the same as the Protestants, and that is that the existing facility or the site for the existing facility must be deducted from the overall gross acreage to determine the degree of density allowable to the improvements.

The Protestants, presented the testimony of Mr. Jim Patton, a qualified expert witness who has had extensive

experience with Bill No. 36 and 37-88, as well as with a number of projects in Baltimore County concerning elderly housing facilities. Mr. Patton prepared Protestants' Exhibits 8, 9 and 10 to illustrate the Protestants' theory as to the allowable density units. Protestants' Exhibit No. 9 was the overlay plat which established the physical site area necessary for the existing Pickersgill facility which then allowed the remaining land area to be utilized for the proposed apartment complex. Protestants' Exhibit No. 10 was a chart outline of the methods for determining the density units for the site.

Bill No. 36-88, introduced by Councilwoman Bachur is a comprehensive enactment concerning elderly housing facilities and significantly amends the Baltimore County Zoning Regulations pertaining thereto. Bill No. 37-88 defines nursing home as "a facility which provides board, shelter and nursing care to chronic convalescent patients". This terms also includes facilities which provide "domiciliary care within a nursing home". Of interest in Bill No. 37-88 is paragraph 12 found on page 5 as follows: "Notwithstanding the provisions of Section 104, the reconstruction of an existing nursing home which is destroyed by fire or other casualty. However such reconstruction may not increase the size or ground floor area of the structure or alter the location or use of the structure". This provision by implication appears to preclude the enlargement or the granting of the existing special exception for purposes of enlarging the area covered by the

Pickersgill Special Exception. Protestants would submit however that Bill No. 37-88 does not materially affect the instant case for the reasons later set forth in this Memorandum.

The testimony of Mr. Patton consisted of an analysis of the integration of Bill No. 36-88 into the existing zoning regulations covering the development of nursing homes and elderly housing facilities. He analyzed Section 101 - <u>Definitions</u> examining first the definition of "assisted living facility" in which he indicated that in his opinion there were 94 assisted living facility beds in the existing Pickersgill facility. That section defining "assisted living facility" further calls for density for such facilities to be calculated at .25 for each bed. He then analyzed the definition of "continuing care facility" and testified that the 75 existing beds in the Pickersgill facility constituted a continuing care facility under the definition. He further testified that he would apply the same density calculation of .25 to the continuing care facility based on his interpretation of the total intent of the legislation. Further, he defined "housing for the elderly Class B", which definition within Section 101 fits the the additional proposed 100 units for the new apartment complex requested by Pickersgill. Finally under the same definitional section, he applied the definition of "elderly housing facility" to the overall complex which is being proposed for Pickersgill. The "elderly housing facility"

definition is a umbrella definition which contains within it "assisted living facility", "continuing care facility" and "housing for the elderly facility". Mr. Patton's testimony was that Pickersgill's 94 domiciliary care beds equate to the assisted living facility definition which requires a .25 calculation for each bed. Mr. Brant Hart agreed that those definitions could be equated during his cross-examination during the Petitioner's case.

Mr. Patton then analyzed Section 432 - Elderly Housing Facilities in DR Zones and concluded that the Pickersgill proposal fell under Section A of Section 432, subject to the conditions that are set forth in the zoning regulations. He further found that by definition, Pickersgill did not fall under Section 432.B. in that Pickersgill did not comply with the definition of "institutional" uses. This position is confirmed by a letter in the file in this case from the Honorable Barbara Bachur, the councilwoman who introduced this legislation, to the effect that nursing homes are not considered "institutions". It is clear in the instant case from Mr. Patton's testimony that under no circumstances could Pickersgill apply for a modification or waiver of the maximum residential density standard as set forth under Section 432.B. and Section 432.1.A.4., nor could they apply for an increase in residential density pursuant to Section 432.2, 432.3 and 432.4. Under all of the above sections, it is clear that had Pickersgill asked for a density increase thereunder, they would

not have been entitled to obtain such relief. The fact of the matter is there is no petition, nor request in the instant case which supports a density increase request and therefore we are left with an analysis of the allowable density pursuant to the normal zoning regulations as heretofore discussed.

Mr. Patton then turned his attention to the allowable density as permitted in DR Zones, more particularly described in Section 1B02.2 of the Baltimore County Zoning Regulations and the chart established therein setting forth the permitted density units per acre. In Protestants's Exhibit No. 10, Mr. Patton developed two alternative methods of determining the permitted density units for this site. First, he determined that the total permitted density units for the site was 82.86 density units. He then analyzed the proposed "elderly housing facility" under the existing Baltimore County Zoning Regulations, incorporating the amendments made by Bills 36-88 and 37-88 and concluded:

That the existing facility consisted of

Comprehensive Care - 75 beds at .25 density units = 18.75
Domiciliary Care - 94 beds at .25 density units = 23.50
Chaplin residence - 1.00 density unit = 1.00

for a total of 43.25 density units.

He further testified that left 39.71 density units allowable for proposed development. Utilizing the same ratio of units as proposed by Pickersgill (10 studios, 20 one bedroom, 19 two bedrooms) he concluded that 39.00 new density units could be

added to the existing Pickersgill facility. This first approach is consistent with the intent of Bill 36-88, when one considers the umbrella definition of "elderly housing facility" which included all of the proposed aspects of the new Pickersgill facility. One cannot escape the clear intent of the new legislation by defining certain types of facilities for the housing of the elderly and to permit these facilities in certain residential zones of the county. If the clear intent of the legislation is followed and the clear language of the bill is adhered to, there can be no escaping the proposition that "double counting" is clearly avoided by the utilization of the new legislation and by the counting of the existing beds at Pickersgill. In the case of Petition for Special Hearing and Special Exception - Grant Coolidge et ux, decided before the Zoning Commissioner of Baltimore County on the 10th day of July 1989, the principals set forth in State v. Fabritz, 276 Md (1975), cert. denied 425 US 942 (1976) are accepted on page 4 of said opinion.

> The Court in the Fabritz case stated "the cardinal rule in the construction of statutes to effectuate the real and actual intent of the legislature. ...equally well settled is the principal that statutes are to be constructed reasonably with reference to the purpose to be accomplished... In other words, every statutory enactment must be considered in its entirety, and in the context of the

purpose of its enactment. ...a statute should be construed according to the ordinary and natural import of its language, since it is the language of the statute which constitutes the primary source for determining the legislative intent.... Thus where statutory language is plain and free from ambiguity and expresses a definite and sensible meaning, courts are not at liberty to disregard the natural import of the words with a view towards making the statute express an intention which is different from its plain meaning. 'Gateward v. State', 244 Md 609, 224 2d 677 (1966)."

The second approach analyzed by Mr. Patton in his testimony concerning Protestants' Exhibit No. 10 consisted of a practical analysis of prior, normally utilized rules and procedures of the Baltimore County Zoning Office which have been interpreted as a matter of course by that office. The zoning office has historically utilized a rule captioned RM-22, Mixed Uses on One Property (residential or commercial), which rule was first raised during the testimony of Mr. Weinstein by the Zoning Commissioner. The rule calls for among other things in paragraph A. the following: "If mixed uses or like uses each with separate zoning requirements (emphasis supplied) are proposed on one property, each separate use must be supported on its own land area. Residential density may be calculated on the overall acreage if both uses are residential and it is

allowed in that zone." In analyzing this approach, Mr. Patton prepared an overlay which is identified as Protestants' Exhibit No. 9 which clearly establishes the existing land area for the present Pickersgill facility as 9.13 acres. That would leave a balance of 7.27 acres remaining for the proposed 100 elderly housing apartments. There are 1.33 acres of 3.5 density and 5.94 acres of 5.5 density providing a total of 37.34 density units allowable for development. Utilizing the same ratio of studios, one bedroom and two bedroom facilities, Mr. Patton concluded that an additional 47 units could be constructed for elderly apartments under this theory.

In analyzing Mr. Patton's conclusion that 37 density units would be available, it is clear that the application of RM-22 is appropriate. First, the Protestants would submit that the uses proposed by Pickersgill are in fact mixed uses in the respect that the comprehensive care beds and domiciliary care beds in the existing facility are different use and not in fact residential in the normal sense of that word. They certainly differ from the 100 new units proposed in the elderly housing facility and therefore each separate use must be supported on its own land area. Second, Protestants would argue that even if the proposed uses of the comprehensive care and domiciliary care beds are like uses as the 100 new apartment units being proposed, it is clear that each like use is only permissible based upon separate zoning requirements. (The residential use is permitted as a matter of right, differing from a nursing or

convalescent home which was allowable by way of a separate special exception.)

If the argument is made that these are like uses, i.e., the comprehensive care, domiciliary care and elderly housing Class B facility are like uses with the same zoning requirement, then the inescapable conclusion is that under the Baltimore County Zoning Regulations as amended by Bill No. 36-88 & 37-88, all of these uses fall under the new definition of an "elderly housing facility" which requires the application of density units to be applied to the existing beds in the comprehensive care and domiciliary care areas, along with the proposed new apartment units.

The inescapable conclusion that must be drawn from a detailed analysis of Bill No. 36-88, Zoning Office Rule RM-22, and the cumulative testimony in this case, is that there is no conceivable method of avoiding the clear language of either the old law as it existed prior to Bill No. 36-88 or the new law as it exists pursuant to the adoption of Bill No. 36-88, that "double counting" is not permitted or available to the Petitioners. Protestants in this Memorandum will not belabor the obvious logical arguments that had been submitted and testified to extensively during the course of the hearing, that "double counting" is not an acceptable practice for increasing the density and the land use of a piece of property appropriately zoned in Baltimore County.

Legal Argument

The Protestants are cognizant of the fact that this appears to be a case of first impression in Baltimore County concerning convalescent/nursing homes and elderly care facilities as historically defined in the Baltimore County Zoning Regulations and more recently amended by Bills No. 36-88 and 37-88. While it is true that this appears to be a case of first impression upon initial review, and analysis of the previous regulations dealing with convalescent nursing homes and Bills No. 36 and 37 read together, leads to the conclusion that there is nothing unique since there are many prior examples of the Baltimore County Zoning Office application of RM-22; and furthermore, that a reading of the integrated and codified law as its stands in the Baltimore County Zoning Regulations is clear and convincing as to the method of calculating density as previously set forth in this Memorandum. The alternatives are quite simple in this case; first, you apply the existing rules and regulations to subtract the land area from the site to calculate the remaining allowable density, or second, you read the clear intent of Bills 36 and 37 and the applicable definitions and apply them to the present request of Pickersgill for an "elderly housing facility" which will encompass comprehensive, domiciliary care and elderly housing Class B units. This alternative will require a calculation of density units consistent with the testimony of Mr. Patton.

The Zoning Commissioner, by way of a letter dated October 16, 1989, proposed a series of questions which Protestants submit have been responded to in the body of this Memorandum under the section captioned Facts and Argument. In order to further summarize the Protestants' positions in regard to each of the subject questions, they will be herein, followed by a short and specific response:

Question No. 1. Discuss the ramifications of bills 36 and 37, 1988, now codified in the Baltimore County Zoning Regulations, upon a preexisting convalescent home now known as a nursing home, the associate issues of various types of care and the possible density impact upon the proposal as set forth by the Petitioners.

Answer: The Protestants have thoroughly explored Bill 36 and 37 and the manner in which they are now integrated in the remainder of the Baltimore County Zoning Regulation. Under the clear and unambiguous language of the law, the Pickersgill proposal, which has been testified to as being over a sixty (60%) percent change from the existing facility (both by the proposed new facility and renovations to the existing facility) requires the application of density units to the entire complex. If that interpretation is accepted by the Zoning Commissioner, the spirit and intent of the law will be complied with in that there will be no "double counting". In the alternative response, if the Zoning Commissioner chooses to view the existing Pickersgill facility as pre-existing, it is

clear that RM-22 would address the issue of "double counting" and require the subtraction of the land area necessary for each similar use with special zoning requirements to be subtracted out from the density calculations. This is the sum and substance of the Protestants position as submitted through Mr. Patton's testimony and Protestants Exhibit No. 10.

Question No. 2. Does the Petition for Special Hearing to amend the Special Exception request previously granted in Case No. 4324-X require the Petitioner to meet the current requirements of Section 502.1 and Section 101 of the Baltimore County Zoning Regulations.

Answer: The Protestants would certainly contend that the Petition for Special Hearing to Amend the Special Exception would require the Petitioners to meet the present requirements of Section 502.1 and Section 101. Protestants have previously raised in this Memorandum the issue as to whether or not the Petitioners can ask for an amendment to the whole site to a previously granted special exception for approximately 10.08 acres. The Protestants do not believe this procedure is allowable and available to the Petitioners. In addition, the Protestants would submit that the Petitioners have no right to amend a Special Exception for a "nursing/convalescent home" to expand it to include 100 apartments "elderly housing facility Class B" in which they would propose to utilize all of the existing density for the 100 apartment - "elderly housing facility Class B".

Question No. 3. What impact does the creation of the specific uses known as assisted living facilities, continuing care facilities, nursing homes, and/or Class B housing for the elderly have upon an existing convalescent home (now known as a nursing home) which existed prior to the regulatory change?

Answer: The Protestants would submit that the answer to this question has been previously responded to in Answer number 1 as well as in other sections of this Memorandum.

Question No. 4. Do the current residents of the special exception convalescent home fall within the current definition for nursing home or should those residents fall within one of the other types of residential care for the elderly as defined in the Baltimore County Zoning Regulations.

Answer: The Protestants would submit that the current residents of Pickersgill fall within the definition as contained in Bill 36-88 for comprehensive care beds and domiciliary care beds as acknowledged during the testimony of the Executive Director of Pickersgill, Inc., Mr. Hart.

Question No. 5. Present both legal and factual arguments to support or reject this projects compliance with specific criteria set forth in Section 502.1 of the Baltimore County Zoning Regulations.

Answer: The testimony of the numerous witnesses for the Protestants makes clear that this project, as proposed, does not comply with Section 502.1 of the Baltimore County Zoning Regulations in regard to a number of issues raised during the

course of the testimony presented by the Protestants. Because of the increased density being proposed for this site, there have been a number of environmental concerns raised by the Protestants relating to the wetlands, the surface flow of water, and the storm water management system being proposed by Pickersgill, which Protestants believe negatively impact the health, safety and welfare of the community. The factual testimony has been summarized in this memorandum under Statement of Facts and Argument, paragraph C. In addition to the environmental problems, certainly traffic issues have been thoroughly discussed by the Protestants in regard to the criteria of Section 502.1. The Protestants have reviewed "Guide to Maryland's Zoning Decisions" Second Edition, by Stanely D. Abrams (1984), Paragraph 7.1. In that section it is stated as follows:

> "A. Zoning or Re-zoning in order to support as a valid enactment of the police power must be in the general public interest for the promotion of health, safety and welfare of the community. Since local governments act in the public interest to provide necessary public facilities such as schools, roads, parks, sewer and water facilities it is equally imperative and proper that government in considering a zoning application assess its probable effect on these facilities both existing and proposed. The necessity for considering the effect of re-zoning

upon public facilities is threefold.

1. In order to assure the protection of the health, safety and welfare of the community it is appropriate to determine at the time of re-zoning whether the existing conditions and characteristics of the public facilities which serve the present community and which are intended to serve the development proposed are reasonable for the property under consideration. That a rezoning will ultimately lead to a land use which will not seriously impact schools or have a detrimental effect upon roads, sanitary and other public facilities is at least a serious indication that the zoning would be in the public interest. Conversely where evidence is induced that the zoning can produce deleterious results in the form of traffic congestion and other safety problems, the public interests would not be served and the lack of justification for granting the request would be apparent.

2. The introduction of large quantities of traffic, population, and school students may be an indication of the lack of compatibility of the proposed project with the character of the surrounding community. A recent case for special exception is Board of County Commissioner for Cecil County v. Holbrook 314 Md. 210 (550) Atlantic 2d 665

(1988), where a special exception request was denied on the basis that it would substantially diminish adjacent property values and create significantly greater adverse effects in this location than if it were located in other areas similarly zoned. The Court set the standard for determining whether to grant a special exception as "whether the use would cause an adverse effect upon adjoining and surrounding properties, unique and different, in kind or degree, than that regardless of its location inheritantly associated with such use regardless of its location within the zone." In that case the denial was justified in assuming that the presence of a mobile home on a small lot in close proximity to more expensive homes would adversely impact adjacent property values."

Certainly in the instant case the negative factors of the increased size of Pickersgill should be considered by the Zoning Commissioner.

Question No. 6. Any other issues or subjects which the Protestants or Petitioners believe are relevant to a final determination that this matter should be briefed in detail.

Answer: This has been done in other sections of this Memorandum.

Question No. 7. An additional question was submitted by the Zoning Commissioner suggesting precedent for the land

underlying a special exception being removed from a project and resulting separation of that site for use of a later permitted use.

Answer: Protestants believe that the Zoning Commissioner is seeking guidance as to the legality and permissablity of RM-2 and the previous zoning decisions which have utilized said rule in adopting the determination that mixed uses or uses of the same but with different zoning requirements require a separation or a divorcing of the land area for density purposes. It is clear that there is significant precedent to the use of this rule by the zoning office and to counsels knowledge after review, there has been no case either at the appellate level or, nisi prius, which challenges or denies the Zoning Commissioner the right to adopt such interpretation. Obviously, in addition to the basic common sense that has permitted the establishment of this rule concerning the density, we have utilization of that precedent by the zoning office in numerous cases without challenge. The case of City Council of Baltimore v. Poe, 224 Md. 428 (1961) is a leading case supporting the proposition that zoning ordinances are concerned with the underlying use of property and not with ownership thereof, nor with the purposes of the owners or occupants. Protestants have also reviewed, Robert M. Anderson "American Law of Zoning" Third Edition, Volume 3, Paragraph 18.15 for purposes of determining the definition of density and to find an appropriate precedent for this case. Therein, "density" is

defined as "the number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes. . ." In reviewing Anderson, "American Law of Zoning" the additional discussion centered on the use of the special exception technique to control uses which are especially troublesome and to soften their impact in particular locations. Said discussion is in paragraph 21.01. Further, in Paragraph 21.04, Anderson recognizes that the "Special Exception requirement has been imposed on "home care facilities" and a variety of unlike uses which pose a miscellany of threats to their neighbors". Further, in Paragraph 21.13, Anderson annotates the case of Alaimo v. Crowley, 22 MISC 2nd, 583, 196 NYS 2nd 267 (1960), in which a zoning board denied a special permit to increase the size of a nursing home in a residential area, the Court affirmed, indicating that the Board properly considered the addition as destructive of a "very fine" private residential area established by the zoning regulations. To summarize, Protestants submit the Zoning Commissioner has ample precedent and legal authority to adopt the proposition as set forth in RM-22.

SUMMARY

In summary, Protestants, for all of the reasons set forth during the hearing (without restating all of the pertinent testimony) and for the aforegoing reasons set for in this Memorandum, feel that there is sufficient factual basis as well as legal authority set forth under the Baltimore County Zoning

Regulations and Bills 36 and 37-88, to require the Zoning Commissioner to order a reduction in the size of the proposed Pickersgill facility consistent with this Memorandum.

Respectfully submitted:

J. Carroll Holzer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of December, 1989, a copy of the aforegoing Protestants Memorandum was mailed, postage paid to: Julius Lichter, 305 West Chesapeake Avenue, Suite 113, Towson, Maryland 21204, Attorney for Pickersgill.

J. CARROLL HOLZER

IN RE: PICKERSGILL

BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY

Case No. 89-538-SPH
89-444-SPH

POST-HEARING MEMORANDUM

Pickersgill Inc., by Julius W. Lichter, Howard L. Alderman, Jr. and Levin & Gann, P.A., its attorneys, hereby submits its Post-Hearing Memorandum as requested by the Zoning Commissioner for Baltimore County.

STATEMENT OF THE CASE

Pickersgill, Inc. ("Pickersgill"), Petitioner in Case No. 89-538-SPH, is a non-profit corporation and currently operates a 169 bed nursing/convalescent home at 615 Chestnut Avenue in Towson. Pickersgill was established in 1802 when it was known as the "Impartial" Female Humane Society. The original facility was located in Baltimore City, at its "Franklin Square" location. In the late 1950's, Pickersgill relocated to its present location in Towson. Pickersgill's total charitable, non-profit mission provides that if a resident's assets are depleted while residing at the existing facility, the Pickersgill endowment fund, built up over many years, ensures that all permanent residents' needs and care are provided until death.

A Special Exception was granted in 1958, in Case No. 4324-X,

for the operation of a convalescent home on the 16.4 acre, more or less, property in Towson, and Pickersgill has been in continuous operation at this location since that time. The full configuration of buildings approved in 1958 were never completely constructed. In 1978, pursuant to a County building permit (No. 272-78), an additional wing was constructed on the north side of the property. In 1983, pursuant to a Special Hearing Petition (83-253-SPH) approval of a proposed storage area and removal of an existing barn were authorized and subsequently constructed on the property.

Pickersgill currently provides both comprehensive/nursing care and convalescent/domiciliary care to its residents. Licenses issued by the State Department of Health and Mental Hygiene are approved for 75 comprehensive/nursing care beds, and for 94 convalescent /domiciliary care beds. The site contains both DR 3.5 and DR 5.5 zoning classifications. Approximately 3.62 acres of the site, located along the Chestnut Avenue boundary, are zoned DR 3.5. The balance of the site, approximately 12.78 acres are zoned DR 5.5.

The Baltimore County Council enacted legislation, Council Bills No. 36-88 and 37-88, during 1988 which deleted the term "convalescent home" from the definitions section of the Baltimore County Zoning Regulations ("BCZR"), but which had no effect on the availability of such use by way of Special Exception in DR zones. Additionally, the County Council modified BCZR Section 1B02.2.A to allow olderly housing units constructed in all DR zones to be

calculated as density units rather than dwelling units. Prior to the 1988 modification, density unit calculations were only available for units constructed within DR 16 zones. Other provisions of Council Bills No. 36-88 and No. 37-88 (the "elderly housing zoning package") such as medical office unit occupancy in RO zones or density increases for institutions or hospitals, have no effect on the proposed development of the property.

The endowment fund of Pickersgill has been used at an increasing rate to fund the deficits in the costs of providing needs and care of residents and the decline in governmental support for health care costs. Moreover, Pickersgill has been unable to compete in the market place due to overwhelming demand by the elderly for integrated services and facilities for their well years with the continuance of care as they get older together with amenities such as private baths and air conditioning, which facilities are not available at today's Pickersgill. Potential residents who might otherwise be attracted to Pickersgill and who would help maintain the endowment fund, have chosen other, more modern, facilities and Pickersgill has attracted elderly who need nursing home care and substantially cannot or will not be able to defray the costs of the services provided them. Faced with the projected inevitable depletion of the endowment fund and the extinction of its charitable mission in the not too distant future, the Board of Directors of Pickersgill was forced to investigate and evaluate other options for maintaining the viability of the

existing facility, the endowment fund, and its very worthy mission.

EMA Management Inc. was retained as a consultant to Pickersgill's Board of Directors to identify and evaluate the options available to Pickersgill at its existing location. Upon completing a comprehensive evaluation, including research, market studies, focus group surveys, examination of existing operations, facilities and history of Pickersgill, it was recommended that Pickersgill renovate its existing facility to meet current market demands for persons in need of health care services and construct apartments for occupancy by the "well elderly." After assembling a "development team" to assist in the preparation of its plans, Pickersgill proposed:

1. the addition of bathroom facilities and air conditioning to the existing facility by the construction of an outer skin on the existing facility, together with the efficient relocation of some of its existing nursing home beds and other facilities to enhance the ability to provide services without increasing the number of nursing home beds;

2. the construction of a community building that would provide a new dining hall and recreation areas; and

3. the integration of 120 new rental apartments joined to and with the existing facility that would provide independent housing for the well elderly.

Pickersgill, in its continued role as a model neighbor, established an advisory committee to meet with area residents. The

development plans were discussed with the community and the community members were invited to share with Pickersgill their ideas and concerns. As a result of the community's desire to ensure that the maximum amount of open space was retained, Pickersgill followed the suggestion to increase the elevation of the proposed apartments; the community felt that due to the contours of the site, an additional floor could be added without altering the residential character of the proposed units or the neighborhood.

After accurate engineering plans were prepared, Pickersgill was advised that the density of its site would not support 120 apartment units in a mix that would satisfy the demands of future residents as identified by its marketing research. Pickersgill reduced the number of proposed elderly apartments to a total of 100 units, containing a mix of studio/efficiency, 1 bedroom and 2 bedroom units, including some with dens as provided in the Baltimore County Zoning Regulations and as shown on the exhibits introduced.

Further modifications were required to Pickersgill's development plans to address community concerns and to address governmental requirements including, but not limited to, changes in on-site traffic circulation, provisions for a storm water collection and diversion facility to eliminate off-site effects of stormwater from the existing Pickersgill, and future site configuration. The development plans and studies revealed and

adjacent residents acknowledged that the storm water flowing onto their properties was generated by rain falling on their respective sites, water upstream from Pickersgill flowing onto the Pickersgill site, and from rain falling on the northern portion of the Pickersgill property. The proposed collection and diversion facility is designed to convey the stormwater from the northern portion of the Pickersgill site to the proposed stormwater management pond located further to the south.

The development plans were submitted to the Baltimore County Review Group ("CRG") for agency review and comment. After complete agency review, modifications were made to the proposed development plans to address all county comments. At a public meeting held by the CRG on July 13, 1989, the Pickersgill development plan was given final approval by the CRG. The protestants in this case have filed an appeal of the CRG approval to the Baltimore County Board of Appeals.

Pickersgill, a longtime resident of the community, is also a member of the Ruxton-Riderwood-Lake Roland Improvement Association, Inc. ("Ruxton"). In response to Ruxton's request, Pickersgill had been meeting voluntarily with an advisory committee established by Ruxton to ensure complete communication with regard to Pickersgill's development plans. When certain members of Ruxton's advisory group felt that their concerns were not being addressed adequately, these ten (10) members retained counsel on their own and filed a Petition for Special Hearing with the Zoning

Commissioner regarding Pickersgill's plans (Case No. 89-444-SPH). Partially in response to the Petition filed by the now protestants, and in response to the suggestion of the Baltimore County Zoning Office, Pickersgill filed its own Petition for Special Hearing (Case No. 89-538-SPH). Over five separate days of hearings, the Zoning Commissioner considered expert and lay testimony on the Petitions filed. Pickersgill showed that the development proposed was in keeping with the spirit and intent of the Baltimore County Zoning Regulations and that the development as proposed was permitted as of right without any special zoning approvals. Pickersgill presented extensive testimony regarding the existing uses at Pickersgill, the need for the proposed renovations and new apartments, the operation and day to day management of the proposed apartments and the minimal effect of its development plans on the community. The protestants asserted that there is insufficient density available to support the proposed apartments, that traffic would be increased and that the larger stormwater management pond --requested by community members--was too large for the site.

Neil Weinstein, a land planner and registered landscape architect with the firm of Harris, Smariga & Matz, testified on behalf of Pickersgill that the 100 proposed elderly apartments could be constructed on the site without a change in zoning classification or density increase under BCZR Section 432.2 or Section 432.3. Mr. Weinstein testified that the existing nursing home facility would have no assigned density associated with it

pursuant to any provision of the BCZR. Moreover, Mr. Weinstein noted that pursuant to the BCZR a Special Exception or Accessory use to which there was no assigned density associated, developed in conjunction with a primary use permitted as of right, would not be prohibited because the primary use had utilized the density available under the site's DR zoning classification. Mr. Weinstein's uncontradicted testimony was that the modification of the previously granted Special Exception, as requested in the Petition filed by Pickersgill, would be developed in accordance with all of the current requirements for Special Exception approval under BCZR 502.1. In response to comments filed by the Baltimore County Office of Planning and Zoning, Mr. Weinstein testified that the existing and proposed development of this site would conform to all requirements of BCZR Section 432.3.C. Although the protestants attempted, through the testimony of Mr. James Patton, to refute the affirmative showing made by Pickersgill, it became clear on cross-examination that Mr. Patton was unfamiliar with the definitions, provisions, and requirements of the BCZR, as well as the State Health Care Licensing requirements. Mr. Patton attempted to rehabilitate his failing by substituting his opinion of alleged "practices of the industry" in lieu of addressing specific and plain reading of the BCZR.

John Wesley Guckert, President of the Traffic Group, Inc., was definitive regarding the effect on local traffic by Pickersgill's proposed development. Utilizing trip factors developed from other

existing elderly facilities, together with actual traffic counts and site distance measurements at the subject site, Mr. Guckert opined that there would be no adverse impact upon traffic by the proposed development. The relocation of the existing entrance to Pickersgill, as shown on the Plat to Accompany the Petition filed by Pickersgill, will result in an increased site distance when looking northward; site distance to the south, in Mr. Guckert's opinion will remain above-average. These opinions are consistent with the review and approval by Baltimore County Department of Traffic Engineering and the CRG final approval obtained from Baltimore County.

Henry Schwartz, former Chief of the Department of Health and Mental Hygiene's Licensing and Certification Program with extensive experience and now a practicing attorney, testified with regard to state licensure requirements and the types of care provided at Pickersgill pursuant to their state license. Mr. Schwartz, having some familiarity with the BCZR, testified that neither the operation and practices of the existing facility nor the proposed apartment units would fit the definition of "assisted living facility" or "continuing care facility" as set forth in the BCZR.

Mr. James Melhorn, President of EMA Management, Inc., who possesses substantial credentials and is a recognized leader in the elderly health care industry in his own right, testified extensively regarding his familiarity with the present Pickersgill and the need for the proposed elderly apartments and the

interrelationship between the existing and proposed facilities. Notwithstanding the fact that the well elderly renting in the proposed apartments would have a priority but not a "guarantee" of future health care on a pay for services rendered basis, Mr. Melhorn opined that the proposed development would be attractive to and would address the demands of the elderly for a "continuum of care" to future residents at Pickersgill. Noting that Pickersgill's more recent admittees have come because they need to be there, Mr. Molhorn testified that the renovated facility and the proposed rental apartments would attract people that want to be there. Mr. Melhorn related that his knowledge of the State and Baltimore County elderly housing requirements together with the marketing efforts and demographics conducted for Pickersgill by EMA Management showed that there was an overwhelming current need for rental units of the type of apartments being proposed by Pickersgill.

Mr. Leslie Pittler, Director of Baltimore County's Community Development Administration, testified of the need for the types of apartments proposed by Pickersgill and of the County's strong support for the proposed development. Mr. Pittler praised the facility and its location, noting that the elderly would be able to remain in their own community, close to family and friends, and would not become isolated or uprooted to unfamiliar surroundings, all at private, non-profit expense without the requirement for public funding. Mr. Pittler urged the Zoning Commissioner to

review the Pickersgill proposal with favor and a liberal interpretation within the law to enable this much needed project to become a reality.

Mr. Brant Hart, Executive Director of Pickersgill, testified regarding the census of the existing facility and regarding the structure and operation of the proposed apartments. Mr. Hart noted that in excess of 80% of the existing Pickersgill community lived previously within a five (5) mile radius of the Chestnut Avenue location that they now call home. Mr. Hart testified that the planned renovations to the existing facility will improve management and provision of services by locating all comprehensive beds on one floor, and locating all domiciliary beds on two floors. Moreover, the provisions of private bathroom facilities and air conditioning will, in Mr. Hart's opinion based on comments from residents, make the existing Pickersgill a more attractive and pleasant place to live. According to Mr. Hart's uncontradicted testimony, no medical services or surveillance will be provided to the residents of the new apartments as part of their rent payment. Medical services will be available for purchase by the apartment residents, on a pay as you go basis, at the existing facility.

Ms. Sally Diggs, President of the Board of Directors of Pickersgill, described clearly the mission of Pickersgill and how this mission was being affected by declining admissions and increased demand on the endowment fund for payment of health care and living expenses of the existing residents due to rising health

care requirements, rising health care costs and declining governmental contributions for health services. Ms. Diggs recounted the numerous meetings, conversations and luncheons with members of the community regarding the proposed development. On behalf of the entire Board of Directors Ms. Diggs requested that the Zoning Commissioner look favorably on the development proposed by Pickersgill.

THE IMPACT OF COUNCIL BILL 36-88 ON THE EXISTING AND PLANNED USES AT PICKERSGILL.

The Baltimore County Council enacted Bill No. 36-88 to define issues regarding Elderly Housing Facilities. The legislation which took effect on June 13, 1988 defined elderly housing facilities, where such facilities could be located in Baltimore County, parking requirements, and provisions for waiving density standards in certain situations.

This legislation had no effect on the present operation of Pickersgill. As noted earlier, Pickersgill continues to operate in Baltimore County as it has since 1958 providing chronic/comprehensive and domiciliary care to its patients. None of the definitional or use portions of Bill 36-88 have any applicability to the existing use. Kastendike v. BARC, 267 Md. 389, 297 A.2d 745 (1972).

The appellants in this case suggested at the hearings held before the Commissioner that the term "assisted living facility" added by this legislation defines the domiciliary care patients at

Pickersgill. To apply this definition in the manner suggested would be clearly erroneous. The current definition of nursing home which expressly embodies the previous BCZR definition of convalescent home is controlling:

> "(Formerly Convalescent Home): A facility which provides board, shelter, and nursing care to chronic or convalescent patients. This term also includes facilities which provide domiciliary care within a nursing home".

Appellants' obvious and sole purpose for suggesting such definitional application is that they seek to have each bed at the existing Pickersgill assigned the density factor associated with assisted living facilities.

Appellants would have the Commissioner treat the definitions of Nursing Home and Assisted Living Facilities as relating to a single use. BCZR Section 432.1.A.2 recognizes clearly that each is a separate use. In fact, that section provides that "assisted living facilities developed in conjunction with a nursing home shall be permitted by special exception." (Emphasis added.) Thus, these statutes are neither inconsistent nor ambiguous; each must be allowed to stand on its own, in harmony with the other.

Appellants have also sought to have the existing and planned uses of Pickersgill be considered Continuing Care Facilities. Council Bill No. 36-88 defined a Continuing Care Facility as follows:

> A building or group of buildings that contain dwellings facilities for assisted living, and facilities for convalescent or nursing care on the same site, where occupancy of the facility is restricted to persons 60 years of age or older or couples where either the husband or wife is years of age or older.

The construction of this definition is important in determining legislative intent. As defined, a continuing care facility contains:

1. facilities for assisted living and facilities for convalescent care; or
2. facilities for assisted living and facilities for nursing care.

This definition makes it abundantly apparent that assisted living facilities are neither formerly defined convalescent care facilities nor are they synonymous with the presently BCZR defined nursing care facilities. As such, any proposed characterization of the Pickersgill development as a continuing care facility cannot be maintained. The single remaining question is how the proposed elderly apartments are to be utilized.

Pickersgill has always maintained that the proposed apartments are for the "well elderly" and, therefore, fall under the definition of "Class B Housing for the Elderly" as adopted by Bill No. 36-88. Testimony from Mrs. Diggs, Mr. Hart and Mr. Melborn consistently showed that the monthly fee charged for the apartments will include:

1. rental apartment complete with cooking facilities.
2. one meal available per day (proposed as the dinner meal) in the proposed community dining areas.

3. cleaning of the apartment once per week.
4. laundry services.
5. access to group transportation for shopping, recreation etc.
6. access, on a "pay as you go basis", to medical professionals who visit the existing facility.
7. provision of emergency notification capabilities to enable Pickersgill staff to notify emergency personnel if the need arises.

It was emphasized at the hearing, perhaps to a fault, that these apartments are for the well-elderly and that tenants who subsequently develop temporary or periodic difficulties with activities of daily living, or more serious problems, will be eligible for transfer to the existing facility on a priority basis, if space permits. Obviously, in the evolution of the proposed facility the priority for transfer into the nursing home, on a need basis, will become more meaningful. There will be no assistance regarding activities of daily living provided to these tenants. There will be no daily surveillance of the tenants. The apartments are independent living units with the above listed amenities provided in the monthly rental fee.

Council Bill 36-88 amended portions of the BCZR and added a new Section 432, entitled "Elderly Housing Facilities in D.R. Zones." The proposed apartments are affected only by BCZR Section 432.1.A.1 which provides that housing for the elderly is permitted as of right in D.R. zones. A density increase under BCZR Sections

432.2 or 432.3 is not being sought and is not needed by Pickersgill.

The approved Pickersgill CRG Plan and Pickersgill's Plat to accompany its Petition, which is part of the instant case, demonstrate clearly that Pickersgill relies on the modifications made to BCZR 1B02.2.A by Bill No. 36-88. That modification provides that gross residential density for elderly housing facilities, except as provided in BCZR 432.2 and 432.3, shall be calculated in density units per acre. The proposed unit mix of elderly apartments is calculated accurately on Pickersgill's plans in accordance with the BCZR and density available on the site.

THE IMPACT OF BILL 37-88 ON PICKERSGILL'S PRESENT AND PLANNED USES.

On June 13, 1988, Bill No. 37-88 took effect as enacted by the Baltimore County Council. This legislation, entitled "Zoning Regulations - Hospitals and Nursing Homes" added certain definitions to the Baltimore County Zoning Regulations (BCZR), deleted certain other definitions and defined certain permitted uses as related to the regulation of health care facilities in Baltimore County.

The existing facility known as Pickersgill was developed pursuant to a Special Exception for a "Convalescent Home" which was granted in 1958. The term convalescent home was defined in the 1955 BCZR as:

> "This term includes rest homes, nursing homes, convalescent homes for children, and homes providing chronic

and convalescent care. It does not include a "care home" as defined by the Maryland State Health Department, which merely provides board, shelter, and personal services in a protective environment for persons not gainfully employed."

Pickersgill has been in continuous operation since its opening at this location in providing chronic and convalescent care to its residents. It is presently operating under a license issued by the State of Maryland Department of Health and Mental Hygiene for 75 comprehensive (chronic) care beds and for 94 domiciliary (convalescent) care beds.

Section 1 of Bill 37-88 deleted from the BCZR the definition of convalescent home. Section 2 of the same Bill added the following definition of the term "Nursing Home":

> "(Formerly Convalescent Home): A facility which provides board, shelter, and nursing care to chronic or convalescent patients. This term also includes facilities which provide domiciliary care within a nursing home."

It is important to note that the Special Exception use of a Convalescent Home in D.R. zones, pursuant to BCZR 1B01.1.C.5 was not modified by the County Council, thus the Special Exception use remains valid. It is also important to note that the Council clarified the definition by requiring the provision of board, shelter, and nursing care. This refined definition, which by its express terms includes a convalescent home use, is more parallel to the licensing terms and requirements of the State. Pursuant to its State license as a 75 bed comprehensive care facility, Pickersgill must meet the State's definition of comprehensive care

facility adopted as Code of Maryland Regulations (COMAR) 10.07.02.01E, which reads in pertinent part:

> "Comprehensive Care Facility" means a facility which admits patients suffering from disease or disabilities or advanced age, requiring medical service and nursing service rendered by or under the supervision of a registered nurse.

The State requirements for nursing care to be provided by a comprehensive care facility correlate to the BCZR definition of Nursing Home (Formerly Convalescent Home) which, stated in the conjunctive, requires all three elements of board, shelter and nursing care. Accord, Appeal of Ethken Corp., 493 A.2d 787 (Pa. 1985).

Also recognized in the new BCZR definition are facilities which provide domiciliary care within a nursing home. The BCZR does not contain a definition of "domiciliary care." As stated above, Pickersgill has a State license for 94 domiciliary care beds. The State, pursuant to its licensing statutes, defines this term, in Section 19.301(e) of the Health-General Article, as follows:

> (e) Domiciliary care. -- (1) "Domiciliary care" means services that are provided to aged or disabled individuals in a protective, institutional or home-type environment.
>
> (2) "Domiciliary care" includes:
> (i) Shelter;
> (ii) House;
> (iii) Board;
> (iv) Facilities and resources for daily living; and
> (v) Personal surveillance or direction in the activities of daily living.

The Commissioner will recall the testimony of Mr. Brant Hart, Executive Director of Pickersgill, that personal surveillance is an important component of the services provided to the domiciliary care patients of Pickersgill.

In contrast to the services provided in the existing convalescent/nursing home, there was abundant testimony by Mr. Hart, Ms. Sally Diggs, President of the Pickersgill Board of Directors, and Mr. James Melhorn, a recognized expert in elderly housing issues, that the apartments planned for the Pickersgill site are neither domiciliary nor comprehensive care in nature. The residents will pay monthly fees for their independent apartment units and will be provided shelter, one meal per day, certain housekeeping services, trash collection from centralized locations, transportation opportunities and access to an emergency notification system. The testimony showed that persons occupying these proposed units will be healthy, i.e., without difficulty in performing essential activities of daily living, and will be responsible for their own health care.

THE CURRENT RESIDENTS OF PICKERSGILL ARE UNAFFECTED BY RECENTLY ENACTED LEGISLATION.

As described above in this Memorandum, the definition of Nursing Home contained in the BCZR expressly recognizes that the definition includes that formerly known as Convalescent Home. Moreover, while the "Convalescent Home" definition has been deleted, the Special Exception use is still permitted in D.R.

zones. BCZR 1B01.C.5.

A thorough examination of Council Bills Nos. 36-88 and 37-88 reveals that there is no intention by the County Council that the new definitions apply to pre-existing uses. The Court of Appeals of Maryland has long recognized the presumption of only prospective application of statutes and ordinances unless the legislative body manifestly intended otherwise. Kastendike v. Balto. Ass'n for Retard. Child, Inc., 267 Md.389, 395-96, 297 A.2d 745 (1972). This presumption against retroactive application is rebutted only where the statute contains a clear expression in favor of retrospective application. Any contrary construction increases the potential for interference with substantive rights. WSSC v. Riverdale Fire Co., 308 Md. 556, 520 A.2d 1319 (1987).

THE EXISTING FACILITY AND THE PROPOSED DEVELOPMENT COMPLY WITH BCZR SECTIONS 502.1 AND 101.

As mentioned previously, a Special Exception for use as a Convalescent Home was granted for the subject site in Case No. 4324-X. That case was heard and decided under the applicable portions of the 1955 Edition of the Baltimore County Zoning Regulations. The proposed use met the applicable definition of "Convalescent Home" as that term then defined included nursing homes and homes providing chronic and convalescent care. The operation at the existing facility has continued to provide the same types of quality care as authorized in 1958. As testified to by Mr. Brant Hart, Executive Director for Pickersgill, and by Mr.

Henry Schwartz, former Chief of the State Department of Health and Mental Hygiene's Licensing and Certification Program, Pickersgill operates currently under two validly issued state licenses. Pickersgill's nursing or chronic care is provided pursuant to a license authorized by the Code of Maryland Regulations (COMAR) 10.07.02. The domiciliary or convalescent operations at Pickersgill are licensed pursuant to COMAR 10.07.03.

Noted elsewhere in this memorandum is a discussion of the effect of Council Bill NO. 36-88 on the BCZR. In addition to modifying various sections of the BCZR not applicable to Pickersgill, or even the DR zoning classification, this legislation recodified the definition of "convalescent home" into a revised term identified as "Nursing Home (Formerly Convalescent Home)". No action of the Baltimore County Council pertaining to the BCZR in general, or to elderly facilities specifically, had any effect on the authorization permitting convalescent homes to be located and operated in DR zones by way of Special Exception.

A use permitted by way of special exception is a use that has been legislatively predetermined to be compatible with uses permitted as of right within a particular zoning classification, subject to specific conditions for approval contained in the applicable zoning ordinance. Creswell v. Baltimore Aviation Service, Inc., 257 Md. 712, 719, 264 A.2d 838 (1970). Moreover, the Maryland Court of Appeals has consistently held that a special exception use that is part of a comprehensive zoning plan shares

a presumption, with uses permitted as of right, that it is a valid use in the interest of the general welfare. Schultz v. Pritts, 291 Md. 1, 11, 432 A.2d 1319 (1981). The burden was on Pickersgill to show that the use of the existing facility meets the requirements of BCZR Section 502.1 and whether the special exception use at this location would have any adverse effects beyond those associated with a convalescent/nursing home irrespective of its location within the DR zones. Schultz, 291 Md. at 22-3.

In filing a Petition for Special Hearing to amend a previously granted Special Exception and associated site plan, Pickersgill must show that the requested relief conforms to the present requirements of BCZR Section 502.1.

With regard to compliance with BCZR Section 502.1, Pickersgill presented uncontradicted testimony from Mr. Neil Weinstein, Mr. J. W. Guckert and Mr. James Melhorn. The testimony of Mr. Weinstein was clear that in his expert opinion, all of the requirements of BCZR Section 502.1 were satisfied by the proposed Pickersgill development. Mr. Weinstein testified further that the development as proposed would comply with the provisions of BCZR Section 432.3.C, even though Pickersgill is not seeking an increase in density beyond that permitted by its existing zoning classifications and previous approvals.

The testimony offered by Pickersgill was clear that the renovations to the existing Special Exception use, when combined into an integrated complex including the apartment units, permitted

as of right, will not be detrimental to the health, safety or general welfare of the locality involved. In fact, many existing conditions such as stormwater management, traffic site distances, etc. will be improved as a result of the proposed development.

Mr. Guckert's testimony was equally clear that the proposed development will not create congestion in roads, streets, or alleys. Obviously, the County Council felt that traffic impact would be a sufficient basis to deny a zoning application, including a Petition for Special Exception use. In the instant situation, the Special Exception use pre-exists a permitted use to be developed in conjunction with it. Nevertheless, the Maryland Courts have held consistently that traffic impact associated with a Special Exception use is to be analyzed to determine if the use would have a more adverse effect on the subject site than it would have generally in the DR zone. Gotach Center v. Bd. of County Commissioners, 60 Md. App. 477, 483 A.2d 786 (1984). Mr. Guckert testified that the traffic impacts generated by the existing and proposed uses were based on similar tested and studied sites located elsewhere in Baltimore County. Additionally, Mr. Guckert testified that the traffic impact associated with a permitted use of non-elderly housing that could be constructed on this site would far exceed the impact of the development under consideration.

The integration of the existing and proposed buildings will ensure a unified development approach allowing the maximum areas of the site to be left open and unobstructed. The open space

preserved pursuant to the proposed development will far exceed that which would result from the development of single family detached homes. There is no crowding of structures, nor overcrowding of population, and the community would be able to continue their use of the open areas of Pickersgill's land for picnics, recreation, gardens, etc. As the evidence revealed, such a configuration of development will not create a potential hazard from fire, panic or other danger. Likewise, there will be no interference with adequate light and air.

The CRG process and final approval confirmed, and the evidence established that the proposed development will not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements. As noted earlier, transportation ingress/egress will be improved by an increased site distance to the north and existing stormwater flows behind the convalescent/nursing home will be diverted to the stormwater management plan proposed, thereby providing an improvement to existing conditions. The vegetative and impermeable surface requirements of the BCZR will be met and consistency therewith will be exceeded. The integration of the structures, the elimination of the loop road and the retention of vast areas of open spaces are all design factors proposed by Pickersgill that will ensure a quality development of a residential scale and character.

Pickersgill has met its burden, and more, with respect to the

requirements of BCZR 502.1. Pickersgill has also shown a definite and unmet need for the type of development proposed. Similar to any planning and zoning action, the approval of the relief requested is not subject to plebiscite and is not fatal because of its lack of popularity or support from a very few members of the community.

THE DENSITY OF THE PROPOSED DEVELOPMENT IS CONSISTENT WITH ITS ZONING CLASSIFICATION, THE BCZR AND THE ZONING COMMISSIONER'S POLICY MANUAL.

At the conclusion of the fifth day's hearing before the Zoning Commissioner, the issue of permitted density was raised by the Commissioner as an issue to be addressed by counsel in their Post-Hearing Memoranda. The issue raised was stated in the form of a "theory" which may or may not be applicable in the instant case. During their presentation, the Protestants eluded to a similar theory, both of which are based on the alleged inability to use density available which is calculated on the land underlying the existing special exception use. Protestants have also suggested, without any recognized support in law or fact, that the existing use at Pickersgill is an Assisted Living Facility, as defined by the BCZR, and therefore has density associated with it.

Assisted Living Facility Definition

Appellants have asserted that the existing facility at Pickersgill is an assisted living facility and that, as such, each bed licensed by the state has a .25 density unit factor associated

with it. As stated in depth earlier in this Memorandum, the BCZR recognizes a distinct difference between Assisted Living Facilities and Convalescent/Nursing Homes. The County Council created the present definition for both terms in companion pieces of legislation, enacted on the same day. An additional provision in this legislation created BCZR Section 432.1.A.3 which clearly recognizes a distinct difference between the two uses.

Notwithstanding the vague and somewhat disjointed references to "practices in the industry" by Appellants' expert, there is no support as a matter of law for the confusion or intermixing of these two uses. They exist as specifically provided for in the BCZR. Pickersgill has, since 1958, operated a convalescent/nursing home on this site, a use for which the BCZR do not assign any measure of density. The applicable state licenses issued to Pickersgill apply to the types of care specifically defined in the BCZR for a Nursing Home (Formerly Convalescent Home). Where the BCZR is clear and unambiguous, such an argument by Appellants surely must fail.

Supporting Land Theory

The theory described by the Zoning Commissioner, in essence, is that on a single parcel of ground where there exists a special exception use, the land area needed to support that use is to be subtracted from the gross site acreage before available density is calculated for the remaining portion of the site. The Commissioner referred to this concept as a "theory" not based on the regulations

or supporting case law.

At the outset, it should be noted that pursuant to authority conferred upon him by the BCZR, the Zoning Commissioner has adopted various written policies to serve as a guide in the interpretation of zoning questions. One policy of the Commissioner in particular, entitled "RM-22 Mixed Uses on One Property," has direct application to the density issue raised in this case.

Subsection A of Policy RM-22 reads in pertinent part:

> If mixed uses or like uses each with separate zoning requirements are proposed on one property, each separate use must be supported on its own land area. Residential density may be calculated on the overall acreage if both uses are residential and it is allowed in that zone.

The existing use on the Pickersgill site has been legislatively predetermined to be compatible with residential uses, subject to the conditions of BCZR 502.1 without assigned density. Croswell v. Balto. Aviation Serv. Inc., 257 Md. 712, 719, 264 A.2d 838, 842 (1970). The proposed apartments for the well elderly, which are to be physically connected and integrated with the existing use, are a residential use permitted as of right in the DR zones. Thus, like residential uses are proposed to be located on a single property, one permitted as of right and one subject to the special exception requirements. Based on a plain reading of the BCZR, density is calculated only for the proposed apartments.

Although the respective facilities will be physically attached and integrated, each will be constructed on different areas of the Pickersgill property. The proposed development meets all of the

requirements of this subsection A of Policy RM-22. Therefore, as a matter of policy, "residential density may be calculated on the overall acreage" of the site. The density in accordance with the gross area of the site is calculated as follows:

DR 5.5	x	12.78 Ac	=	70.3	D.U.
DR 3.5	x	3.61 Ac	=	12.6	D.U.
				82	D.U.

The proposed mix of elderly apartments utilized 80 dwelling units; the existing chaplain's home utilized another 1 dwelling unit, leaving the Pickersgill proposed development under allowable density. The Pickersgill development scheme is in complete harmony with the spirit, intent and letter of the BCZR, as well as policies adopted thereunder.

The BCZR specifically assigns density units to the proposed apartments for the elderly, BCZR 1B02.2.A, and specifically does not assign density units or density calculations to the existing and previously approved special exception use, BCZR 1B01.1.C.5. This is the same situation presented to the Maryland Court of Appeals in the case of Keseling v. City of Baltimore, 220 Md. 263, 151 A.2d 726 (1959). The property owners in this case owned a three-story and basement house which was used for four separate apartments, and a real estate office. Prior to the enactment of the Multiple Dwelling and Housing Law, the property owners had created seven separate non-housekeeping rooms, in addition to the four apartments and real estate office in the house. Considering the use of the premises under the newly enacted law pursuant to a

request for a certificate of occupancy, the Baltimore City Zoning Enforcement Officer disapproved the seven rental rooms as a commercial use which was not allowed in the applicable residential zone. Subsequently, the Zoning Enforcement Officer denied the owner's application for Certificate of Occupancy asserting that the seven rental rooms put the subject site in violation of the density restrictions of the zoning ordinance.

On appeal to the Board of Municipal and Zoning Appeals, that Board ruled that the density provisions of the zoning ordinance had been violated by the existence of the seven boarders. The Baltimore City Court affirmed the Board's decision. The Court of Appeals reversed in part and affirmed in part. The Court held that since the density restrictions of the City Zoning Ordinance were measured by "family units," the ordinance did not by its terms, "or by necessary implication, test the density of occupancy by other than the measure of family, and does not direct that roomers are to be counted in testing density." Keseling at 220 Md. 267. However, since the ordinance required that more than four boarders in a single residence be considered a business operation, the Court ruled that the business use of the property was prohibited in the residential zone in which it is located.

As applied to the instant case, the BCZR does not define density in a D.R. zone in any way as related to the existing convalescent/nursing home use. The proposed apartments for the well elderly, together with the existing chaplain's home utilize

all but one of the existing density units available on the subject property. Perhaps a more concrete example of how density is treated in Baltimore County, with regard to uses for which no density is assigned by the BCZR, is the Nativity Lutheran Church, currently under construction off of Silver Spring and Cottington Roads in eastern Baltimore County. The church site was shown on the development plan for the development known as Silver Spring Station. The density of the church site (identified on the Final Development Plan and Record Plat as Parcel "G") was utilized in the calculation of the overall density available for the residential development of Section Seven of Silver Spring Station, irrespective of the proposed church facility.

This application of the BCZR is consistent with County interpretations regarding other special exception uses. Throughout the County, special exception uses of professional offices have been approved within residential structures. While this is a separately defined use, which includes employment by as many as three non-resident people, there is no density associated with such a use. So long as the residential structure is located within applicable setbacks, and within the approved building envelope, such professional offices can be allowed to occupy as much as 25% of the total floor area of the residence. BCZR 1B01.1.C.9.B. The professional office is integrated with and is part of the residential structure. Moreover, the residential structure can be enlarged to accommodate this special exception use so long as the

above-described limitations are not exceeded, except by way of variance.

The singleness of operation of the proposed development at Pickersgill cannot be ignored. As described by both Mr. Melborn and Mr. Hart, the use permitted as of right and that permitted by special exception will be physically and operationally integrated. While there will exist two like residential uses, as defined in the BCZR, the singleness of actual use will result in a single building or structure. Accord, Feinberg v. Southland Corporation, 268 Md. 141, 301 A.2d 6 (1973).

The Court of Appeals has held that the "singleness of use and operation" of a use to be constructed prevail over various technical difficulties. Shapiro v. Baltimore, 230 Md. 199, 186 A.2d 605 (1962); Norwood Heights Imp. Ass'n. v. Baltimore, 191 Md. 155, 60 A.2d 192 (1948). In Shapiro certain neighbors appealed a building permit which would have allowed the erection of 320 garden apartments. The appellants sought to have the proposed apartments deemed to be townhouses and thereby prohibited. Recognizing the singleness of use of the apartments, and a single entity as the owner, the Court failed to accept the row house classification. Pickersgill, the sole owner of the site and proposed improvements, is proposing a single, integrated use, made up of the permitted convalescent/nursing home and the rental apartments for the well elderly.

The fact that the BCZR specifically allows both the existing

and proposed residential development cannot be under estimated. At a minimum, such combined uses are permitted by the express implication of density associated with one (the proposed apartments) and not the other (the existing convalescent/nursing home), as well as the BCZR's recognition of other combination of uses in the DR zones. The Shapiro court, in adopting portions of the opinion of the Baltimore City Court judge, found:

> That which is necessarily implied in a statute is as much a part of it as that which is expressed. In a broad sense, true implications are as much a part of the language which makes up the statute as the meanings of the various words are a part of it.

Shapiro at 230 Md. 210.

Moreover, an additional option available to Pickersgill would be to construct the proposed apartments on top of the existing facility and in portions of the previously approved footprint. Under this option, the existing and proposed uses would occupy essentially the same footprint and the land area needed to support both uses would be identical. The County Council knowingly did not attach a density calculation to a convalescent/nursing home when the present definition was adopted. It is equally clear that the Council could have proscribed the integration of the special exception use with a use permitted as of right. However, since neither action was taken, the County Council is deemed to have legislatively predetermined that the integration of these uses is consistent with the BCZR and the general welfare of the community.

Accord, Hofstra College v. Wilmerding, 204 N.Y.S.2d 476,488 (1960).

The BCZR defines the term 'Building' as: "a structure enclosed within exterior walls or firewalls for the shelter, support or enclosure of persons, animals, or property of any kind." The proposed community center and rental apartments for the well elderly will be physically integrated into the existing structure. Once completed, the exterior walls of the entire structure will be the basis upon which applicable setbacks and other standards are evaluated. Feinberg v. Southland Corp., 268 Md. 141, 301 A.2d 6 (1973).

Section 102.2 of the BCZR reads in pertinent part:

> No yard space or minimum area required for a building or use shall be considered as any part of the yard space or minimum area for another building or use.

It is evident, based upon the permitted nature of the existing and proposed development, and the fact that the structure will remain a single building, that Pickersgill's proposal meets the letter of the law, as well as the spirit and intent thereof. All applicable building setbacks have been observed; the CRG plan could not have been approved otherwise. Residential lots created in the RC zones, office lots created in the OT zone, and other uses permitted by the BCZR require a minimum lot area. The BCZR does not provide such requirements for either the existing convalescent/nursing homes or the proposed apartments. Yard space and local open space provided in the proposed development far exceed the requirements of the

BCZR.

Finally, the proposed development is consistent with the Declaration of Findings and the Purposes of the DR zones. The proposed development will avoid the removal or undesirable transformation of natural vegetation (BCZR Section 1B00.1.A); the proposed development will meet the evolving market for well elderly housing and enable the continuation of care for the more infirm without requiring a rezoning (BCZR Section 1B00.1.D); the development will permit the reservation of open space (BCZR Section 1B00.2.B); and the proposed development will not cause disruption in the density potential as contemplated by the County Council's designation of these permitted uses in DR zones (BCZR Section 1B00.2.D.)

CONCLUSION

The need for quality elderly housing and elderly care increases daily. The evolving desires of the increasing elderly population demand modern, updated facilities, as well as increases in the number of facilities available. Pickersgill's Mission is to provide a means for supplying shelter and care to the older members of our community. The charitable Mission which has existed for over 150 years is now being jeopardized by an inadequate facility which results in reduced contributions to and increased demands on its endowment fund. The County Council continues to recognize the importance of providing quality, affordable housing and care for the elderly. The Baltimore Count, Administration has

identified "affordable housing for the elderly" as one of its primary targets. Testimony by Mr. Leslie Pittler, on behalf of the County, identified the serious need in the Towson Area which the Pickersgill project will address and the County's wholehearted support for the Pickersgill development.

The zoning regulations and applicable Special Exception on this property have been in place since 1958. The continued use of the existing premises has not changed in 31 years; the required State licenses remain validly issued. Pursuant to a plain and direct reading of the Zoning Regulations, no density has been assigned to the existing convalescent/nursing home. Past and current interpretations of the BCZR have been consistently applied so as not to decrease the area available for density calculations because of the presence of another permitted use. This is evidenced by the continued granting of Special Exception uses in conjunction with a permitted use that has been constructed on a minimum size lot and the inclusion of density from a large parcel, designated as a church site, into the calculations for an adjacent subdivision.

The proposed development will exceed County requirements for open space and parking. The proposed improvements will resolve existing stormwater issues, improve site distance with respect to the entrance of the site, and the open areas used by members of the community for picnics, dog runs, gardens, etc. will be maintained. The proposed apartments will provide Pickersgill with an infusion

of well elderly, financially capable persons that will create a revitalized Pickersgill community that will provide the funds necessary to prevent depletion of its endowment fund. The existing residents of Pickersgill will be provided with what have become basic amenities, namely private baths and air conditioning.

The Zoning Commissioner, pursuant to the power and authority granted by BCZR 500.7, together with the evidence presented which clearly reflects that the Pickersgill project complies with or enhances the applicable development and zoning standards, has the opportunity to:

1. permit and encourage the provision of housing for the elderly which group of our citizenry has often been neglected;

2. exercise the police power by promoting the public health, safety and welfare of the general community by recognizing the unique nature of the Pickersgill project and its ability to meet the requirements of the elderly, all within the BCZR; and

3. advise the general public that the BCZR are interpreted so that the needs of the elderly within the community should be met within the generating community where such a project meets the regulations and will also cause a lesser impact than the allowable residential development of the subject property.

For all of the above reasons, we hereby request that the

relief sought by the Protestants in Case No 89-444-SPH be denied, that the amendment (requested in Case No. 89-538-SPH) to the previously granted Special Exception be granted, and that the Zoning Commissioner find that the existing use at Pickersgill is a convalescent/nursing home with which no density is attributable, and that the Commissioner approve the density calculations and mix of apartment units as shown on Petitioner's Plat to accompany its Petition in Case No. 89-538-SPH.

Respectfully submitted,

Julius W. Lichter

Howard L. Alderman, Jr.
Levin & Gann, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(301) 321-0600

Attorneys for Pickersgill, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of December, 1989, a copy of the aforegoing Post-Hearing Memorandum was hand-delivered to J. Carroll Holzer, Esquire, Suite 105, 305 West Chesapeake Avenue, Towson, Maryland 21204.

Howard L. Alderman, Jr.

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
FAX 301-296-2801

CALMAN A. LEVIN
STANFORD G. GANN*
MELVIN A. STEINBERG
JULIUS W. LICHTER
SIDNEY WEIMAN
ROBERT L. ZELLER
ANDREW B. SANDLER
RANDOLPH C. KNEPPER
CAROLE S. GOULD
MICHAEL J. KANDEL
BRIAN J. FRANK
HOWARD L. ALDERMAN, JR.
JUDITH S. GANN*
MARC C. GANN*
MARK E. GUTTMAN
EDWARD B. STEINBERG
*ALSO ADMITTED IN DC
*ALSO ADMITTED IN NEW YORK

ELLIS LEVIN 1893-1960

BALTIMORE OFFICE
900 MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201
301-539-3700
TELECOPIER 301-625-9050

CARROLL COUNTY OFFICE
117 LIBERTY ROAD
SYKESVILLE, MD 21784

December 11, 1989

HAND-DELIVERED

J. Robert Haines, Zoning Commissioner
Baltimore County Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Pickersgill, Inc.
Case Nos. 89-538-SPH
89-444-SPH

Dear Commissioner Haines:

Enclosed please find the Post-Hearing Memorandum requested by you on the final day of hearings on the above-referenced cases. If there is any issue which remains unclear or should you desire additional information, please contact me immediately.

In order for the appeal of the approved CRG to be heard before the County Board of Appeals on February 23, 1990 as scheduled, it is imperative that we receive your decision in these cases as quickly as possible.

Thank you for your prompt consideration in this matter.

Sincerely,

Julius W. Lichter

JWL/ls
Enclosure

cc: Ms. Sally Diggs, President
J. Carroll Holzer, Esquire

RECEIVED
DEC 11 1989
ZONING OFFICE

5-16-89

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
SE/S Chestnut Ave., 180' N C/L :
of Piccadilly (615 Chestnut : OF BALTIMORE COUNTY
Ave.), 9th Election District;
4th Councilmanic District :

PICKERSGILL, INC., Petitioner : Case No. 89-538-SPH

: : : : : : :

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.

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
887-2188

RECEIVED
JUN 5 1989
ZONING OFFICE

I HEREBY CERTIFY that on this 26th day of May, 1989, a copy of the foregoing Entry of Appearance was mailed to Julius W. Lichter, Esquire, Levin & Gann, P.A., 113 Chesapeake Bldg., 305 W. Chesapeake Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman

Peter Max Zimmerman

518

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-538-SPH

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 an amendment to the Special Exception and the site plan in Case 4224-X to allow the modification and expansion of the existing nursing home (convalescent home) and the addition of 100 Class B elderly housing units together with accessory facilities as an integrated facility as being consistant with Section 102.2 of the Baltimore County Zoning Regulations.

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

I, or we, agree to pay expenses of 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:	Legal Owner(s):
(Type or Print Name)	PICKERSGILL, INC. (Type or Print Name)
Signature	By: Ann W. Mangels Signature VICE PRESIDENT
Address	Ann W. Mangels (Type or Print Name)
City and State	Signature

Attorney for Petitioner: LEVIN & GANN, P.A.
Julius W. Lichter, Esquire
(Type or Print Name)

Signature

113 Chesapeake Building
305 W. Chesapeake Avenue
Address

Towson, Maryland 21204
City and State

Attorney's Telephone No.: (301) 321-0600

615 Chestnut Avenue (301) 825-7423
Address Phone No.

Towson, Maryland 21204
City and State

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

Julius W. Lichter, Esquire
Name

113 Chesapeake Building
305 W. Chesapeake Ave (301) 321-0600
Address Towson, MD 21204 Phone No.

ORDER RECEIVED FOR FILING
Date 5/24/89
By WJW

ORDERED By The Zoning Commissioner of Baltimore County, this 24 day of May, 1989, 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 28 day of June, 1989, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

Z.C.O.—No. 1

(over)

578

Harris, Smariga, Matz, Inc.
Planners/Engineers/Surveyors
115-B Sudbrook Lane, Pikesville, MD 21208
(301) 486-1511

FILMED

DESCRIPTION

15.9482 ACRE TRACT - SOUTHEAST SIDE OF CHESTNUT AVENUE, 152'± NORTH OF PICCADILLY ROAD, BALTIMORE COUNTY, MARYLAND

THIS DESCRIPTION IS FOR SPECIAL HEARING

BEGINNING at a point on the southeast side of Chestnut Avenue, 40 feet wide, as laid out and conveyed in the deed from Benjamin F. DeFord and others to County commissioners of Baltimore County dated April 19, 1904 and recorded among the Land Records of Baltimore County in Liber W.P.C. 286 Page 119 at a point 152 feet ± northeast of Piccadilly Road said point also being at the beginning of the South 53 degr. e 41 minutes 50 seconds East 762.96 foot line at the rear or lots 113 through 125 as shown on the plat of "Chestnut Hill" as recorded among said Land Records in Plat Book 14 Page 118, running thence binding on the southeast side of said Chestnut Avenue two courses (1) North 29 degrees 39 minutes 10 seconds East 352.93 feet and (2) North 37 degrees 24 minutes 52 seconds East 636.48 feet to a point at the end of the North 54 degrees 18 minuter 43 seconds West 624.92 foot line of the land as shown on the plat of "Chestnut Hill" as recorded among said Land Records in Plat Book 14 Pages 116, 117, said point being on the third line of the land described in the deed from Robert Bell DeFord, Jr. and others to The Aged Women's and Aged Men's Homes Franklin Square Baltimore, dated January 15, 1946 and

Harris, Smariga & Associates, Inc.
Frederick, MD/(301) 662-4488

Harris, Smariga, Orsilla, Inc.
Fairfax, VA/(703) 385-3666

MICROFILMED

Description
HSM Job No.: 40264
15.9482 acres of land
Page 2

recorded among said Land Records in Liber R.J.S. 1429 Page 140, thence binding reversely on a part of said third line and binding also on said 608.92 foot line (3) South 54 degrees 18 minutes 45 seconds East 608.92 feet, thence binding reversely on the second line in said Liber R.J.S. 1429 Page 140, and continuing to bind on part of the third line of the land described in the deed from Safe Deposit and Trust Company of Baltimore to Aged Women's and Aged Men's Homes Franklin Square Baltimore, dated January 18, 1946 and recorded among said Land Records in Liber R.J.S. 1326, Page 311, and also binding on the northwest outlines of said plats of "Chestnut Hill" (4) South 25 degrees 53 minutes 16 seconds West 1010.09 feet to the end of the second or South 45 degrees 52 minutes East 783.10 foot line of the land conveyed in the deed from The Aged Women's and Aged Men's Homes Franklin Square Baltimore, dated January 15, 1946 and recorded among said Land Records in Liber R.J.S. 1429 Page 141, thence binding reversely on a part of said second line and binding also on said 762.96 foot line of "Chestnut Hill" (5) North 53 degrees 41 minutes 50 seconds West 762.96 feet to the place of beginning.

CONTAINING 15.9482 acres of land.

RWB/rar

STATE OF MARYLAND — REGISTERED ENGINEER

89-538-SPH

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 24th day of May, 19 89.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner Pickersgill, Inc., et al
Petitioner's Attorney Julius W. Lichter

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

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

No. 066241

DATE 5/24/89 ACCOUNT R-01-615-000

AMOUNT $ 100.00

RECEIVED FROM LEVIN & GANN

FOR SH Item #518 (PICKERSGILL)

B B 106*****100:0:a 0256F

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

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

No. 074559

DATE 8/22/89 ACCOUNT R01-615-000

AMOUNT $ 149.58

RECEIVED FROM Pickersgill, Inc.

FOR P/A 89-538-SPH

B B014*****1495:8a 0224F

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towsen, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Date 6/21/89

Ronald F. Hammerman
County Executive

Pickersgill, Inc.
615 Chestnut Avenue
Towson, Maryland 21204

ATTN: ANN PRANGELS

Re: Petition for Special Hearing
CASE NUMBER: 89-538-SPH
SE/S Chestnut Avenue, 988' S Joppa Road
615 Chestnut Avenue
9th Election District - 4th Councilmanic
Petitioner(s): Pickersgill, Inc.
HEARING SCHEDULED: ~~WEDNESDAY, JUNE 28, 1989 at 9:30 a.m.~~

Dear Petitioner(s):

Please be advised that $ 149.58 is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the time it is posted by this office until the day of the hearing.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign & post set(s), there will be an additional $25.00 added to the above fee for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Julius W. Lichter, Esq.
File

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-538-SPH

District 9th Date of Posting June 2-89
Posted for: Special Hearing
Petitioner: Pickersgill Inc.
Location of property: S/S Chestnut Avenue 932' S of Joppa Road (615 Chestnut Avenue)
Location of Signs: Con front of 615 Chestnut Avenue
Remarks:
Posted by L. J. Arata Date of return: June 16-89
Number of Signs: 1

MICROFILMED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing
Case Number: 89-538-SPH
615 Chestnut Avenue
9th Election District
4th Councilmanic
Petitioner(s):
Pickersgill, Inc.
Hearing Date: Wednesday, June 28, 1989 at 9:30 a.m.

Special Hearing: To approve an amendment to the Special Exception and the site plan in Case

MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 8, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 8, 1989.

THE JEFFERSONIAN,

S. Zeke Orlan
Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing
Case Number: 89-538-SPH
615 Chestnut Avenue
9th Election District
4th Councilmanic
Petitioner(s):
Pickersgill, Inc.
Hearing Date: Wednesday, June 28, 1989 at 9:30 a.m.

Special Hearings To approve an amendment to the Special Exception and the site plan in Case #83-43-X to permit the enlargement of the existing parking area and the addition of 100 parking spaces on property located at 615 Chestnut Avenue in the 9th Election District and 4th Councilmanic District. Zoning Commissioner will hold a public hearing on the petition advertised as required by the Zoning Regulations. Interested persons may appear at the hearing. A public hearing may be held if the Director of Planning and Zoning determines that a public hearing is necessary. In the event a hearing is held, it will be held in accordance with the Baltimore County Zoning Regulations. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will however entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JUNE 8

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 8, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 8, 1989.

TOWSON TIMES,

S. Zeke Orlan
Publisher

MICROFILMED

109.58

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-538-SPH

District 9th Date of Posting August 4, 1989
Posted for: Special Hearing
Petitioner: Pickersgill, Inc.
Location of property: S/S Chestnut Avenue, 180' N/E of Piccadilly
615 Chestnut Avenue
Location of Signs: On front of 615 Chestnut Avenue at entrance to subject property
Remarks:
Posted by L. J. Arata Date of return: August 11, 1989
Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-538-SPH

District 9th Date of Posting 3-7-90
Posted for: Appeals
Petitioner: Pickersgill Inc.
Location of property: SE/S of Chestnut Avenue (615 Chestnut Ave)
Location of Signs: Con front of 615 Chestnut avenue at entrance to subject property
Remarks:
Posted by L. J. Arata Date of return: 3-9-90
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 W est Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number № 1439

Date

3/15/90

MICROFILMED

	QTY	PRICE
APPEAL FEES		
140 -OF ALL OTHER ORDERS	1 X	$105.00
150 -POSTING SIGNS / ADVERTISING	1 X	$45.00
	TOTAL:	$150.00

LAST NAME OF OWNER: PICKERSGILL, INC.

B B131*****15000:a 0764F

Please make checks payable to: Baltimore County

Cashier Validation:

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-538-SPH

District 9th Date of Posting 3-22-90
Posted for: Appeals
Petitioner: Pickersgill INC
Location of property: SE/S of Chestnut Avenue (615 Chestnut avenue)
Location of Signs: Con front of 615 Chestnut avenue
Remarks:
Posted by L. J. Arata Date of return: 3-30-90
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 W est Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number № 1734

Date

3/15/90

MICROFILMED

A7000043

	QTY	PRICE
APPEAL FEES		
140 -OF ALL OTHER ORDERS	1 X	$105.00
150 -POSTING SIGNS / ADVERTISING	1 X	$45.00
	TOTAL:	$150.00

LAST NAME OF OWNER: PICKERSGILL, INC.

CASE #'S 89-526-SPH
89-544-SPH

B B093*****15000:a 2159F

Please make checks payable to: Baltimore County

Cashier Validation:

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

J. Robert Haines
Zoning Commissioner

May 25, 1989

Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
CASE NUMBER: 89-538-SPH
SE/S Chestnut Avenue, 900' S Joppa Road
615 Chestnut Avenue
9th Election District - 4th Councilmanic
Petitioner(s): Pickersgill, Inc.
HEARING SCHEDULED: WEDNESDAY, JUNE 28, 1989 at 9:30 a.m.

Special Hearings to approve an amendment to the special exception and the site plan in Case #4324X to allow the modification and expansion of the existing nursing home (convalescent home) and to approve addition of 100 Class B elderly housing units together with accessory facilities as an integrated facility as being consistent with the Baltimore County Zoning Regulations.

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

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: J. Carroll Holzer, Esq.
Pickersgill, Inc.
Ms. Naomi Willey
Herbert B. Mittenthal
Harry R. Kakel
Frederick J. Willey
Mike Sifone
John Hodge-Williams
Susan J. Meinert
Elizabeth Sexton
Gail B. O'Donovan
Mary R. Wolfe
Julius Lichter, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

June 21, 1989

Dennis F. Rasmussen
County Executive

NOTICE OF REASSIGNMENT

Case #'s: 89-444-SPH and 89-538-SPH
Pickersgill
SE/S Chestnut Avenue, 180' W c/l Piccadilly
615 Chestnut Avenue
HEARING DATE: WEDNESDAY, JUNE 28, 1989

THE ABOVE MATTER, SCHEDULED TO BE HEARD ON June 28, 1989, HAS BEEN POSTPONED AND REASSIGNED.

THE HEARING WILL NOW TAKE PLACE AS FOLLOWS:

TUESDAY, AUGUST 22, 1989 and THURSDAY, AUGUST 24, 1989 at 9:30 a.m.
BALTIMORE COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE, ROOM 106
TOWSON, MARYLAND 21204

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY

JRH:gs

cc: Petitioners
J. Carroll Holzer, Esq.
Julius Lichter, Esq.
Files

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) [redacted] 887-3180

HEARING ROOM -
Room 301, County Office Bldg.

March 2, 1990

AMENDED NOTICE OF ASSIGNMENT AND CONSOLIDATION

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. ~~89-538-SPH~~ PICKERSGILL, INC., SE/s Chestnut Ave., N of Piccadilly Rd. (615 Chestnut Ave.)
9th Election District; 4th Councilmanic District

SPH -to amend the special exception and the site plan in Case No. 4324-X to allow the modification and expansion of existing nursing home.

AND 2/12/90 - Z.C. Order GRANTING Petition with restrictions.

CASE NO. CBA-89-156 PICKERSGILL ADDITION

RE: CRG Decision

7/13/89 - CRG Meeting wherein the plan was approved.

Case No. CBA-89-156 which was scheduled for hearing on May 4, 1990 has been consolidated with Case No. 89-538-SPH. Both cases to be heard at 10:00 a.m.

ASSIGNED FOR: ~~FRIDAY, MAY 4, 1990 at 10:00 a.m.~~

cc: J. Carroll Holzer, Esquire — Counsel for Appellants/Protestants (CRG)
Julius W. Lichter, Esquire — Counsel for Appellant/Developer (Zoning)
Howard L. Alderman, Jr., Esq. " " " " "
Pickersgill, Inc. — Appellant/Developer (Zoning)
Harris, Smariga Matz, Inc. — Engineer
Keith S. Franz, Esquire
Director of Planning
Current Planning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey
David L. Thomas
S. Wallis
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
✓Docket Clerk - Zoning
Nancy C. West, Asst. County Attorney
Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) [redacted] 887-3180

HEARING ROOM -
Room 301, County Office Bldg.

March 2, 1990

AMENDED NOTICE OF ASSIGNMENT AND CONSOLIDATION

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-538-SPH PICKERSGILL, INC., SE/s Chestnut Ave., N of Piccadilly Rd. (615 Chestnut Ave.)
9th Election District; 4th Councilmanic District

SPH -to amend the special exception and the site plan in Case No. 4324-X to allow the modification and expansion of existing nursing home. 2/12/90 - Z.C. dismissing Pet as moot

AND 2/12/90 - Z.C. Order GRANTING Petition with restrictions.

CASE NO. CBA-89-156 PICKERSGILL ADDITION

RE: CRG Decision

7/13/89 - CRG Meeting wherein the plan was approved.

Case No. 89-538-SPH & Case No. CBA-89-156 which was scheduled for hearing on May 4, 1990 has been consolidated with Case No. 89-538-SPH. Both cases to be heard at 10:00 a.m.

ASSIGNED FOR: FRIDAY, MAY 4, 1990 at 10:00 a.m.

cc: J. Carroll Holzer, Esquire — Counsel for Appellants/Protestants (CRG)
Julius W. Lichter, Esquire — Counsel for Appellant/Developer (Zoning)
Howard L. Alderman, Jr., Esq. " " " " "
Pickersgill, Inc. — Appellant/Developer (Zoning)
Harris, Smariga Matz, Inc. — Engineer
Keith S. Franz, Esquire
Director of Planning
Current Planning
Developers Engineering Division
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James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Nancy C. West, Asst. County Attorney
Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary

3/22/90 - Order revised & sent consolidating these 2 cases w/89-444-SPH.

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) [redacted] 887-3180

HEARING ROOM -
Room 301, County Office Bldg.

March 22, 1990

AMENDED NOTICE OF ASSIGNMENT AND CONSOLIDATION

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-444-SPH MARY R. WOLFE

SPH-to determine that additions/alterations be developed in accordance with zoning regulations; also is Special Exception required.

AND 2/12/90 - Z.C. Order DISMISSING Petition as moot.

CASE NO. 89-538-SPH PICKERSGILL, INC., SE/s Chestnut Ave., N of Piccadilly Rd. (615 Chestnut Ave.)
9th Election District; 4th Councilmanic District

SPH -to amend the special exception and the site plan in Case No. 4324-X to allow the modification and expansion of existing nursing home.

AND 2/12/90 - Z.C. Order GRANTING Petition with restrictions.

CASE NO. CBA-89-156 PICKERSGILL ADDITION

RE: CRG Decision

7/13/89 - CRG Meeting wherein the plan was approved.

Case Nos. 89-538-SPH & CBA-89-156 which were scheduled for hearing on May 4, 1990 have been consolidated with Case No. 89-444-SPH. All cases to be heard at 10:00 a.m.

ASSIGNED FOR: FRIDAY, MAY 4, 1990 at 10:00 a.m.

cc: J. Carroll Holzer, Esquire — Counsel for Appellants/Protestants
Julius W. Lichter, Esquire — Counsel for Appellant/Developer (Zoning)
Howard L. Alderman, Jr., Esq. " " " " "
Pickersgill, Inc. — Appellant/Developer (Zoning)
Harris, Smariga Matz, Inc. — Engineer
Keith S. Franz, Esquire
Director of Planning
Current Planning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey
David L. Thomas
S. Wallis
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Nancy C. West, Asst. County Attorney
Arnold Jablon, County Attorney

Postponed on request 5/04/90 to Thursday, July 21 @ 10:00 a.m.

LindaLee M. Kuszmaul
Legal Secretary

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) [redacted] 887-3180

HEARING ROOM - Room 301
COUNTY OFFICE BUILDING

May 4, 1990

POSTPONED ON RECOM 5/21/90 AT REQUEST OF COUNSEL AND RESET FOR 9:00 a.m. HEARING ON WEDNESDAY, May 23, 1990.

Notices not sent for 5/23/90.

NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-444-SPH MARY R. WOLFE

SPH -to determine that additions/alterations be developed in accord w/zoning regs; is SE required

AND 2/12/90 -Z.C. Order which DISMISSED Petition as MOOT.

CASE NO. 89-538-SPH PICKERSGILL, INC.

SPH -to amend SE and site plan in 4324-X to allow modification and expansion of existing nursing home

AND 2/12/90 -Z.C. Order which GRANTED Petition w/restrictions

CASE NO. CBA-89-156 PICKERSGILL ADDITION

RE: CRG Decision

7/13/89 -CRG meeting wherein plan was approved

SE/s Chestnut Ave., N of Piccadilly Rd (615 Chestnut Ave.) 9th Election District; 4th Councilmanic District

which were scheduled to be heard on May 4, 1990 were POSTPONED ON THE RECORD at request of Counsel to the mutually agreed-upon date of May 21, 1990 at 12:00 noon and have been

REASSIGNED FOR: MONDAY, MAY 21, 1990 at 12:00 NOON PP to 7/25/90

cc: J. Carroll Holzer, Esq. — Counsel for Appellants /Protestants
Julius W. Lichter, Esq. — Counsel for Appellant /Developer
Howard L. Alderman, Jr., Esq. " "
Pickersgill, Inc. — Appellant /Developer
Harris, Smariga Matz, Inc. — Engineer
Keith S. Franz, Esq.
Director of Planning
Current Planning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey
David L. Thomas
Steve Wallis
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk -Zoning
Arnold Jablon, County Attorney

Kathleen C. Weidenhammer
Administrative Assistant

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

HEARING ROOM -
Room 301, County Office Building

APPEAL HEARINGS SCHEDULED FOR
THE WEEK OF MAY 21, 1990

MONDAY 5/21/90 10:00 a.m. #CBA-89-156 — PICKERSGILL ADDITION
SE/s Chestnut Ave., N Piccadilly Rd. (615 Chestnut Ave.)
9th Election District
4th Councilmanic District

AND

#89-538-SPH — PICKERSGILL, INC.
SPH-Amend Special Exception in Case No. 4324-X/ modify & expand existing nursing home; addition of 100 Class B elderly housing units.

AND

#89-444-SPH — MARY R. WOLFE
SPH-to determine that additions/alterations be developed in accordance with zoning regulations and is Special Exception required.

(Day #2 continued from 5/4/90)

TUESDAY 5/22/90 10:00 a.m. #CBA-89-155 — SUGARWOOD 1ST AMENDED
SW/s Smithwood Ave., SE of Birdwood Ave.
1st Election District; 1st Councilmanic District
RE: CRG Decision

WEDNESDAY 5/23/90 10:00 a.m. #90-35-SPHA — GEORGE C. PEVERLY, III
SW/s Taylor Ave., 190' NW of c/l Oak Ave. (Lot F) and SW/s Taylor Ave., 240' NW of c/l Oak Avenue (Lot G)
9th Election District; 6th Councilmanic District
SPH -Commercial parking in R.O. zone
VAR -Building to tract boundary 5' in lieu of required 10'.

THURSDAY 5/24/90 HEARING ROOM NOT AVAILABLE FOR CBA HEARING

FRIDAY 5/25/90 10:00 a.m. #CBA-89-184 — ROBERT E. VOELKEL, JR./HEVAL
912 West Lake Ave.
RE: Violation of Baltimore County Investment Property Act

FRIDAY 5/25/90 1:00 p.m. #90-77-A — STEPHEN P. BROWN, ET UX, NW/cor German Hill Rd. and 51st St. (7014 German Hill Rd.)
12th Election District; 7th Councilmanic District
VAR -setbacks for addition to existing structure

* - CASE NO. 90-71-SPHA POSTPONED TO 6/27/90

cc: Executive Office
County Council
Law Office
People's Counsel
Planning Office
Current Planning
Board Members
Court Reporter
Information Desks (2)
✓Docket Clerk - Zoning

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesap. ke Ave.
Towson, Maryland 21204

000

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

June 7, 1989

Julius W. Lichter, Esquire
Levin & Gann, P.A.
113 Chesapeake Bldg
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Item No. 518, Case No. 89-538-SPH
Petitioner: Pickersgill, Inc., et al
Petition for Special Hearing

Dear Mr. Lichter:

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. 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer/jw

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Ms. Ann W. Mangels
Pickersgill, Inc.
615 Chestnut Avenue
Towson, MD 21204

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

Dennis F. Rasmussen
County Executive

June 6, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number~~518~~ 89.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/lvw

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 1, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for May 24, 1989 ~~Item 518~~ 89
Pickersgill, Inc.

The Developers Engineering Division has reviewed the subject zoning item and there appears to be a sewer capacity problem.

ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke
Chief

June 1, 1989

Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: Pickersgill, Inc.

Location: SE/S Chestnut Avenue, 180' N centerline of Piccadilly Road

Item No.: 518 Zoning Agenda: May 24, 1989

Gentlemen:

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

1. Fire hydrants for the referenced property are required and shall be located at intervals of 300' feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

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", 1988 edition prior to occupancy.

JK/ker

REVIEWER: Capt. Joseph Kelly 6-5-89 Noted and Approved Capt. John J. Bradley
Planning Group
Special Inspection Division
Fire Prevention Bureau

3-2-2 JED

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

To: Robert Haines Date: February 27, 1989
Zoning Commissioner

From: Councilwoman Barbara F. Bachur

Subject: Pickersgill

I recently met with the Advisory Board to the Pickersgill retirement home, to discuss various aspects of the changes being made on this site.

In situations such as Pickersgill's changes, I agree with Planning's view that existing densities should be included in the calculations.

BFB:mtf
cc: Jim Dyer

FILE: Pickersgill

RECEIVED
MAR 1 1989
ZONING OFFICE

May Deck

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

FROM: Barbara F. Bachur

RE: 89-444-SPH & 89-246-XA

June 28th
On May 31st Case 89-444-SPH is scheduled to be heard.

This is a special hearing to determine that proposed additions and alterations to Pickersgill, Inc., must be developed to several sections outlined in Bill 36-88.

Bob, I know you can read, however, I just wanted to let you know that my intent for these sections was not meant to allow for nursing home expansions.

In another zoning matter, on June 5th Case 89-246-XA is scheduled to be heard. The petitioner is requesting a special exception for a Class B office building and a variance to allow a floor area ratio of .36 in leiu of the maximum F.A.R. of .33, and to allow 8 ft. landscape buffer in leiu of the required 30 ft. and 10 ft. buffers.

I find both of these requests objectionable. The R.O. bill was re-written to discourage over building of a site. The F.A.R. maximum of .33 was carefully chosen to prevent this, and I don't feel that it should be waived. To allow for such a great reduction of landscaped areas is to continue to flaunt regulations that have been developed for sound reasons. Disregarding this, the landscaping required helps to form a vegetative barrier that shields the building from neighbors and passers by. It is needed and should be required.

BFB:cae

RECEIVED
MAY 08 1989
ZONING OFFICE

May Deck

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

FROM: Barbara F. Bachur

RE: 89-444-SPH & 89-246-XA

June 28th
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I find both of these requests objectionable. The R.O. bill was re-written to discourage over building of a site. The F.A.R. maximum of .33 was carefully chosen to prevent this, and I don't feel that it should be waived. To allow for such a great reduction of landscaped areas is to continue to flaunt regulations that have been developed for sound reasons. Disregarding this, the landscaping required helps to form a vegetative barrier that shields the building from neighbors and passers by. It is needed and should be required.

BFB:cae

RECEIVED
MAY 08 1989
ZONING OFFICE

Protestant offered as Exhibits. I refused to accept as exhibits 10-13-89 JRH

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

Date: June 9, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Pickersgill Nursing Home
Zoning Petition Nos. 89-444-SPH and 89-538-SPH

The petitioner has requested a special hearing (Zoning Petition No. 89-444) to determine if proposed additions and alterations must be developed in accordance with Section 432 - Elderly Housing in DR Zones, and definitions.

In reference to this request, staff provides the following information:

- Petition No. 89-444 - a hearing was set to establish whether compliance with Section 432 (BCZR) was required. It appears to staff that compliance with Section 432 is an option that can be exercised by the petitioner if they so desire. Development alternatives under zoning include 1) building to allowable density or 2) utilization of Section 432 for density bonuses. The question of allowing density units to equate with dwelling units essentially establishes density at the prescribed or allowable density. If density units are not allowed to equate with dwelling units, then the petitioner would have to either conform to the 82 dwelling units, or apply for density bonuses under Section 432 (BCZR).

The petitioner has also requested a special hearing (Zoning Petition No. 89-538) to amend a special exception to allow for the expansion of an existing nursing home and the addition of 100 density units or 80 dwelling units.

In reference to this request, staff provides the following information:

- The petitioner has 12.78 acres of DR 5.5 zoning and 3.62 acres of DR 3.5 zoning. The allowable density on this site is 82.925 dwelling units (General Note #2, Site Plan 5/24/89). The petitioner is providing 100 density units which translates into 80 dwelling units (General Note #5, Site Plan 5/24/89). The question of translating dwelling units into density units is germane to this request. Is it appropriate for housing for the elderly to be translated into density units versus dwelling units? Density units are currently used in planned developments. The planning rationale for using density units arises from weighting the impacts actually generated from development. It is generally recognized that different types of units will generate certain levels of habitation. For example, a single-family detached home will contain two or three people on average. An efficiency or or studio apartment will contain one person. Both units are equal to one dwelling unit, however, the studio has the impact of one person or one car or 1/2 the impact of a single-family house. Consequently, two studio apartments (density unit) equal one home (dwelling unit). The question of whether housing for the elderly should be treated in this manner needs to be resolved.

CPS-008

* The petitioner wil require CRG review and approval for this project.

* The site plan as proposed by the petitioner shows deficiencies in the following areas:

  - landscaping of the site should be upgraded (including required RTA, buffer areas, streetscape, etc.);

  - some pathway system for residents' recreational use should be provided through the site.

  - architectural elevations should be provided and reviewed for compatibility;

  - the stormwater management should be developed and landscaped in a more sensitive manner to blend in with the site;

  - the site plan dated 5/24/89 is very difficult to read, especially in regard to existing conditions and proposed changes;

  - the "Typical Handicapped Parking" detail provided on the site plan dated 5/22/89 doesn't appear to make sense.

* Several facilities noted on the plan that include 1) oil recovery facility; and 2) underground fuel tank; should be reviewed by DEPRM.

* The area designated as Local Open Space should be reviewed by the Dept. of Recreation and Parks to determine the most appropriate use and location of these areas.

* The expansion of this site for 80 dwelling units or 100 density units of housing for the elderly should be reviewed by the Dept. of Community Development to determine if affordable housing is appropriate for this site.

Based upon the analysis conducted, staff identifies the following:

* An interpretation of whether density units can be used in replacement of dwelling units for housing for the elderly in DR zones, needs to be decided.

* A CRG for this project will be required. Issues related to site plan deficiencies (landscaping, local open space, stormwater management, etc.) can be addressed at that time.

* If a density unit interpretation is deemed appropriate for housing for the elderly in DR zones, then 10% (or some other number determined by Community Development) should be required to be set aside for affordable units.

* Staff would suggest that if density units are deemed appropriate, then the requirements found in Section 432.3,C be used to evaluate the project.

PK/sf

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: July 17, 1989

FROM: Pat Keller, Deputy Director

SUBJECT: Zoning Petition No. 89-444, 538-SPH
Pickersgill, Inc. - Revised Comment

The Zoning Commissioner is being petitioned to 1) determine if proposed additions and alterations to an existing nursing home should comply with Section 432 B.C.Z.R. and 2) amend special exception to allow for the expansion of an existing nursing home and the addition of 100 density units or 80 dwelling units. In reference to this request, staff provides the following information:

1. Petition No. 89-444 - a special hearing was requested to determine if compliance with Section 432 B.C.Z.R. is required. It appears to staff that compliance with Section 432 B.C.Z.R. is an option that can be exercised by Pickersgill, Inc. if they so desire. Development alternatives under zoning include 1) building to allowable density for any number of uses permitted; or 2) utilization of Sec. 432 or any uses allowed by special exception.

2. Petition No. 89-538-SPH, special hearing, was requested (by Pickersgill, Inc.) to amend an existing special exception to allow modification and expansion of an existing nursing home and 100 elderly density units (or 80 dwelling units) and requisite support facilities.

   A. The petitioner has 12.78 acres of DR 5.5 zoning and 3.62 acres of DR 3.5 zoning. The allowable density on this site is 82.925 dwelling units (General Note #2, Site Plan 5/24/89). The petitioner is providing 100 density units which translates into 80 dwelling units (General Note #5, Site Plan 5/24/89). Density units are currently used in planned developments. The planning rationale for using density units arises from weighting the impacts actually generated from development. It is generally recognized that different types of units will generate certain levels of habitation. For example, a single-family detached home will contain two or three people on average. An efficiency or studio apartment will contain one person. Both units are equal to one dwelling unit,

however, the studio has the impact of one person or one car or 1/2 the impact of a single-family house. Consequently, two studio apartments (density unit) equal one home (dwelling unit). Section 1B02.2A B.C.Z.R. allows dwelling units to be converted to density units.

B. Pickersgill, Inc. is requesting an amendment to an existing special exception to modify an existing building and to provide for elderly housing at a density permitted on the entire parcel and transcribed into density units. The primary issue here is not whether the request is allowed by zoning because a) nursing homes are permitted by special exception without limitations on number of beds and b) elderly housing may be constructed to meet existing density and may be transcribed into density units.

   The primary issue is whether the special exception for a nursing home and housing for the elderly at the size and scale put forth by Pickersgill, Inc. should be approved.

C. On July 13, 1989, Baltimore County reviewed and approved a CRG for this project. This approval simply states that the particular project proposed by the petitioner meets County standards for development.

   The site plan as proposed by the petitioner however, should be amended to include the following:

   - landscaping of the site should be upgraded (including required RTA, buffer areas, streetscape, etc.);

   - some pathway system for residents' recreational use should be provided through the site;

   - architectural elevations should be provided and reviewed by the Director, Office of Planning and Zoning;

   - the stormwater management area should be developed and landscaped in a more sensitive manner to blend in with the site. The stormwater pond should have slopes not greater than 4 to 1 or 25% on average;

   - the site plan dated 5/24/89 is very difficult to read; especially in regard to existing conditions and proposed changes;

   - the "Typical Handicapped Parking" detail provided on the site plan dated 5/24/89 doesn't appear to make sense.

D. Several facilities noted on the plan including 1) oil recovery facility; and 2) underground fuel tank; should be reviewed by DEPRM and any problems should be reconciled.

E. The area designated as Local Open Space should be reviewed by the Dept. of Recreation and Parks to determine the most appropriate use and location of these areas.

F. The expansion of this site for 100 density units of housing or the elderly should be reviewed by the Dept. of Community Development to determine if affordable housing is appropriate or being provided for this site.

G. The use of the site as a special exception for a nursing home and elderly housing raises the issue of setting aside an area for the special exception and utilizing the remaining area for calculating density. The two solutions here are 1) the special exception should be weighed on its own merits in addition to allowable tract density (evaluated on the merits of the entire project); or 2) the special exception occupies a predetermined area as previously approved and the tract density should be tabulated based upon the remaining area. In essence, this addresses "double counting" of use or density on the site. The zoning regulations are not clear on this point and have to be reconciled by the Zoning Commissioner.

Based upon the analysis conducted and information provided, staff provides the following:

The use of density units for housing of the elderly should result in some affordable units being provided on site.

Staff would suggest that the requirements found in Section 432.3,C be used to evaluate this project.

PK/sf

Pat + Di to write + to file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Chairman, Board of Appeals

DATE: August 11, 1989

FROM: David L. Thomas, P.E., Asst. Chief
Bureau of Public Services

SUBJECT: Notice of Appeal for
Pickersgill Addition

On July 28, 1989, this office received a Notice of Appeal in the name of J. Carroll Holzer, Esq., of Holzer, Maher & Demilio, 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland, 21204, on behalf of those interested parties who spoke in opposition to the CRG approval as well as Mary R. Wolfe, Gail B. O'Donovan, Elizabeth Sexton, John Hodge Williams, Frederick Willey, Harry Kakel, Susan Meinert, Herb Mittenthal and Karen Willey, from the decision of the County Review Group made on July 13, 1989 in regard to the approval of the Plan of the Pickersgill Addition.

Attached is a copy of the Notice of Appeal, a copy of the receipt for $75.00 covering the filing cost, and a copy of the subdivision file.

If you would care to discuss this matter in any way, please contact me at your convenience.

David L. Thomas, P.E., Asst. Chief
Bureau of Public Services

DLT:jba
Attachments

cc: Pickersgill, Inc.
Office of Law
Director of Planning
Current Planning Office
Developers Engineering Division
Economic Development Commission
S. Wallis
File

RECEIVED
AUG 14 1989
OFFICE OF
PLANNING & ZONING

359

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

January 26, 1989

The Ruxton-Riderwood-Lake Roland Area
Improvement Association, Inc.
Box 204
Riderwood, Maryland 21139

Attn.: Ms. Gail G. O'Donovan, Chairman of Zoning
Ms. Susan J. Meinert, Co-Chairman of Advisory Board
Ms. Mary R. Wolfe, Co-Chairman of Advisory Board

RE: Expansion of Pickersgill

Ladies:

Reference is made to your letter of January 17, 1989 which has been referred to me for reply.

Please be advised that your request for a Special Hearing to determine whether or not Pickersgill needs a Special Exception for their proposed improvements, will be processed and scheduled for a hearing upon submittal of the petitions and proper forms by the owner of the property.

I would also like to advise you that this office has had preliminary meetings with attorneys representing Pickersgill, Mr. Julius Lichter and Howard Alderman, at which time zoning requirements and procedures were discussed. It is suggested that if you have not done so, you may wish to discuss same with Mr. Lichter, or you may schedule a meeting with the Zoning Commissioner for that purpose.

If you have any further questions, please feel free to contact me at 887-3391.

Very truly yours,

JAMES E. DYER
Zoning Supervisor

JED:cer

(Encl #3)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DUPLICATE

MICROFILMED
October 2, 1989

Dennis F. Rasmussen
County Executive

J. Carroll Holzer, Esquire
Holzer, Maher, Demilio
305 W. Chesapeake Avenue
Suite 105
Towson, Maryland 21204

Julius Lichter, Esquire
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Pickersgill

Gentlemen:

Please be advised that the continued hearing of Pickersgill is scheduled for Friday, October 13, 1989 at 1:00 to 5:00 P.M. and, again, on Wednesday, October 18, 1989 from 9:00 A.M. to 5:00 P.M. It is my understanding that we will conclude the hearing on October 18th and, therefore, I am not reserving additional time for this matter.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:mmn

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DUPLICATE

July 17, 1989

Dennis F. Rasmussen
County Executive

J. Carroll Holzer, Esquire
Holzer, Maher, Demilio
305 W. Chesapeake Avenue
Suite 105
Towson, Maryland 21204

RE: Pickersgill Hearings, August 22 and 24, 1989
9:30 A.M.

Dear Mr. Holzer:

I am in receipt of your letter dated June 27, 1989 regarding Pickersgill. If you and Julius Lichter are in agreement to proceed as set forth in you letter, then, we will conduct the hearing in that fashion.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:mmn
cc: Julius Lichter, Esquire
305 W. Chesapeake Avenue
Towson, Maryland 21204

Baltimore County
Area Agency on Aging
611 Central Avenue
Towson, Maryland 21204
(301) 887-3429

Gloria Albinak
Director

RECEIVED
AUG 15 1989
ZONING OFFICE

August 14, 1989

Dennis F. Rasmussen
County Executive

J. Robert Haines, Esq.
Baltimore County Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Haines:

The Area Agency on Aging advocates for elderly housing and most particularly for affordable continuing care. The role that Pickersgill, Inc. has chosen to take in adding to their current campus and providing moderate income housing for this population is worthy of support. Such private sector involvement in the community enriches the living environment for all Baltimore County citizens and marks our community as one that cares.

As an agency with strong ties to the county and to Towson in particular we understand the concerns of nearby residents. We also know, first hand, of the agonies adult children suffer when their parents can no longer remain independent. Alternatives to the nuclear family are critical elements in long term care and in preserving the dignity and strength of the eldest members of our community.

Baltimore County has made great strides in providing for its older residents. An opportunity such as this begs for approval. For 30 years the property at 615 Chestnut Avenue in Towson has provided a continuing care facility and is ideally suited for expansion.

We take this occasion to express our interest in and support for the special exception requested by Pickersgill, Inc.

Sincerely,

Gloria Albinak
Director

GA:mes

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 16, 1989

Dennis F. Rasmussen
County Executive

Frank W. Uebersax, President
West Towson Neighborhood Association, Inc.
604 Allegheny Avenue
Towson, Maryland 21204

Re: Pickersgill Hearings
Case Nos: 89-444-SPH and 89-538-SPH
Hearing Dates: August 22 & 24, 1989

Dear Mr. Uebersax:

This office welcomes the interest and input of all persons living or doing business in Baltimore County and, therefore, thanks you for your recent letter regarding the above captioned matter.

Be advised that our files are public records and can be viewed between the hours of 8:30 a.m. to 4:30 p.m. at the County Office Building, Room 113 on any date, but the date of the hearing.

The hearing process is designed, not only as a forum for the petitioning party to present the reasonableness of his request, it serves to air concerns and answer questions of all interested parties. Attendance of a hearing will ensure that all information received is less than second-hand and, of course, it is the only avenue in which one can actively participate by presenting testimony. Additionally, a sign-in sheet is provided at each hearing. A copy of the written Order is forwarded to all who use this sheet.

Please be further advised that the above hearings are scheduled to begin at 9:30 a.m. on each of the above dates.

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner
Baltimore County

JRH:gs
cc: File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

February 27, 1990

Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing
SE/S Chestnut Avenue
(615 Chestnut Avenue)
9th Election District, 4th Councilmanic District
PICKERSGILL, INC. - Petitioner
Case No. 89-538-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on February 15, 1990 by Julius Lichter, Attorney on behalf of the Petitioners. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Pickersgill, Inc.
615 Chestnut Avenue, Towson, Maryland 21204

Julius W. Lichter, Levin, Gann & Hankin
305 West Chesapeake Avenue, Suite 113, Towson, MD 21204

Howard L. Alderman, Levin, Gann & Hankin
305 West Chesapeake Avenue, Suite 113, Towson, MD 21204

J. Carroll Holzer, Holzer, Maher & Demilio
Suite 105, 305 W. Chesapeake Avenue, Towson, MD 21204

Sue Leary, 5609 Enderly Road, Baltimore, MD 21212

Cathy Pollock, 116 Upnor Road, Baltimore, MD 21212

Martha Lancaster, 1113 Bellemore Road, Baltimore, MD 21210

Dorothea Stieff, 102 Castlewood Road, Baltimore, MD 21210

Willa Shriver, 905 Southerly Road, Baltimore, MD 21204

Meredith Millspaugh, 203 Ridgewood Road, Baltimore, MD 21210

Jeanne Clark, 202 Churchwardens Road, Baltimore, MD 21212

Sally Diggs, 5705 Stony Run Drive, Baltimore, MD 21210

Brant Hart, 128 N. Meadow Drive, Glen Burnie, MD 21061

Richard Matz, 19 Marcie Woods Court, Baltimore, MD 21208

Dick Matz, 115B Sudbrook Lane, Baltimore, MD 21209

Neil Weinstein, Harris, Smariga, Matz
104 Church Lane, Baltimore, MD 21093

Wes Guckert, 414 E. Joppa Road, Towson, MD 21204

Charles Danner, 830 W. 40th Street, Apt. 253, Baltimore, MD 21211

Florence Brandt, 830 W. 40th Street, Apt. 312, Baltimore, MD 21211

Joan D. Wallace, 909 St. George's Road, Baltimore, MD 21210

Nancy Sasser, 1820 Circle Road, Baltimore, MD 21204

Dan Hueler, 6511 Sunset Drive, Sykesville, MD 21781

Carolyn Meredith, 20 Churchwarden's Road , Baltimore, MD 21212

John Goodwin, 2318 Pinoak Drive, Finksburg, MD 21048

Don Herche, 6511 Sunset Drive, Sykesville, MD 21184

Jean Ristini, 1318 Berwick Road, Baltimore, MD 21204

Holly Daine, 7529 Club Road, Ruxton, MD 21204

Dorothy Boyce, 7919 Sherwood Avenue, Ruxton, MD 21204

William & Diana Roth, 1820 Circle Road, Baltimore, MD 21204

Frances Truelove, 722 Morningside Drive, Baltimore, MD 21204

Jane Croft, 7503 Club Road, Ruxton, MD 21204

Emma Bright, 1416 Gardman Avenue, Baltimore, MD 21209

Otis Mace, 2011 Stockton Road, Phoenix, MD 21131

Ann Hammond, 6009 Hunt Club Lane, Baltimore, MD 21210

Susan Hunter, 425 Alabama Road, Baltimore, MD 21204

Jean Ristine, 1318 Berwick Road, Baltimore, MD 21204

Virginia Boyce, 1018 Wagner Road, Baltimore, MD 21204

Darla Nottingham, 3519 N. Calvert Street, Baltimore, MD 21218

Cathy Pollick, 116 Upnor Road, Baltimore, MD 21212

Anne Palmer, 308 Edgevale Road, Baltimore, MD 21210

Mary Moore-Holmes, 722 Morningside Drive, Baltimore, MD 21204

Rutherford & Mathilda Holmes, 3130 Golf Course Road (W)
Owings Mills, MD 21117

Tuda Solter, 5605 Roland Road, Baltimore, MD 21210

Mildred Taylor, 3870 Grantley Road, Baltimore, MD 21215

Jane Dickinson, 1708 Killington Road, Baltimore, MD 21204

Mary White, 7308 Yorktowne Drive, Baltimore 21204

Louise O'Connor, 19 Ruxview Court, Baltimore, MD 21204

Janet Yearley, 117 Charlesbrooke Road, Baltimore, MD 21212

Frazier Yearley, 5512 Woodlawn Road, Baltimore, MD 21210

Dorsey Yearley, 704 Benston Place, Baltimore, MD 21210

Frank Uerbersax, 604 Allegheny Avenue, Towson, MD 21204

Susan Uhlig, 2009 Ridgecrest Court, Baltimore, MD 21204

Nancy Benninghoff, 1804-A Circle Road, Baltimore, MD 21204

Sara Mattern, 2218 Wonderview Road, Baltimore, MD 21093

Mary Wolfe, 602 Chestnut Avenue, Towson, MD 21204

Elizabeth Sexton, 600 Chestnut Avenue, Towson, MD 21204

Jim Maschas, 808 Eton Road, Towson, MD 21204

Harry Kakel, 545 Piccadilly Road, Towson, MD 21204

Carol Southall, 806 Eton Road, Towson, MD 21204

William Sullivan, 547 Piccadilly Road, Towson, MD 21204

Janet Richardson, 535 Piccadilly Road, Towson, MD 21204

Mr./Mrs. Douglas Hart, 542 Piccadilly Road, Towson, MD 21204

George Grant, 629 Chestnut Avenue, Towson, MD 21204

J. Prestley Fisher, Jr., 826 Trafalgar Road, Towson, MD 21204

Robert Siliciano, 823 Trafalgar Road, Towson, MD 21204

Susie Meinert, 811 Trafalgar Road, Towson, MD 21204

Frances Daly, 516 Piccadilly Road, Towson, MD 21204

Mike Alfone, 524 Piccadilly Road, Towson, MD 21204

William Gregory, 543 Piccadilly Road, Towson, MD 21204

Joanne Enten, 518 Chestnut Avenue, Towson, MD 21204

Alice Mering, 507 Piccadilly Road, Towson, MD 21204

Jim Maeschas, 808 Eton Road, Towson, MD 21204

Gleb & Barbara Molicki, 602 Piccadilly Road, Towson, MD 21204

William Bader, 527 Piccadilly Road, Towson, MD 21204

Frank Lippy, 810 Eton Road, Towson, MD 21204

Robert Kunkel, 613 Piccadilly Road, Towson, MD 21204

Herbert Mittenhal, 507 Chestnut Avenue, Towson, MD 21204

Mary London, 512 Chestnut Avenue, Towson, MD 21204

Marion Sheehan, 621 Charles Street, Towson, MD 21204

Charles Rittenhouse, 544 Piccadilly Road, Towson, MD 21204

Frank Sheehan, 621 Charles Street, Towson, MD 21204

Mary Scott, 635 Piccadilly Road, Towson, MD 21204

Paul Felcher, 627 Chestnut Avenue, Towson, MD 21204

Coleman Romine, 515 Piccadilly Road, Towson, MD 21204

Naomi Willey, 546 Piccadilly Road, Towson, MD 21204

Mary Gregory, 543 Piccadilly Road, Towson, MD 21204

Christine Tukjimiri, 604 Chestnut Avenue, Towson, MD 21204

Evelyn Horst, 616 Chestnut Avenue, Towson, MD 21204

Margaret Hoffman, 514 Piccadilly Road, Towson, MD 21204

Coleman & Margaret Romine, 515 Piccadilly Road, Towson, MD 21204

Geraldine & Lisa Daly, 516 Piccadilly Road, Towson, MD 21204

Raymond & Margaret Boulay, 520 Chestnut Avenue, Towson, MD 21204

B. E. & Jane Seegar, 610 Chesnut Avenue, Towson, MD 21204

Philip Hoffman, 514 Piccadilly Road, Towson, MD 21204

Dawson & Patty Farber, 617 Chestnut Avenue, Towson, MD 21204

Joseph Zuraw, 821 Loyola Drive, Baltimore, MD 21204

George Grant, 629 Chestnut Avenue, Towson, MD 21204

John deRussy, 549 Piccadilly Road, Towson, MD 21204

Floyd Howard, 625 Chestnut Avenue, Towson, MD 21204

Mr/Mrs. John Wailes, 510 Piccadilly Road, Towson, MD 21204

James R. Cosby, 552 Piccadilly Road, Towson, MD 21204

Alexander & Sarah Daignault, 606 Chestnut Avenue, Towson, MD 21204

John & Evelyn Horst, 616 Chestnut Avenue, Towson, MD 21204

Frances Huber, 620 Chestnut Avenue, Towson, MD 21204

Robert & Janet Powell, 518 Charles Street, Baltimore, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

March 15, 1990

Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing
SE/S Chestnut Avenue
(615 Chestnut Avenue)
9th Election District, 4th Councilmanic District
PICKERSGILL, INC. - Petitioner
Case No. 89-538-SPH

Dear Board:

Please be advised that a second appeal of the above-referenced case was filed in this office on March 14, 1990 by J. Carroll Holzer, Attorney on behalf of the Protestants. All materials relative to the case were previously forwarded.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Pickersgill, Inc.
615 Chestnut Avenue, Towson, Maryland 21204

Julius W. Lichter, Levin, Gann & Hankin
305 West Chesapeake Avenue, Suite 113, Towson, MD 21204

Howard L. Alderman, Levin, Gann & Hankin
305 West Chesapeake Avenue, Suite 113, Towson, MD 21204

J. Carroll Holzer, Holzer, Maher & Demilio
Suite 105, 305 W. Chesapeake Avenue, Towson, MD 21204

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

April 19, 1990

Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building
Room 315
Towson, MD 21204

RE: Petition for Special Hearing
SE/S Chestnut Avenue, 988' S of Joppa Rd
(615 Chestnut Avenue)
9th Election District, 4th Councilmanic District
MARY R. WOLFE - Patitioner
PICKERSGILL, INC. - Legal Owner
Case No. 89-444-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on March 14, 1990 by J. Carroll Holzer, Attorney on behalf of the Protestants. All materials relative to this case were previously forwarded with Case No. 89-538-SPH. The letter sent to the Board of Appeals on March 15, 1990 failed to mention Case No. 89-444-SPH as also being appealed.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

J. Robert Haines
Zoning Commissioner

JRH:scj

Enclosures

RECEIVED
COUNTY BOARD OF APPEALS
APR 19 PM 2:08

Case No. 89-444-SPH Appeal Letter
April 19, 1990
Page 2

cc: Mary R. Wolfe
602 Chestnut Avenue, Towson, MD 21204

Pickersgill, Inc.
615 Chestnut Avenue, Towson, MD 21204

J. Carroll Holzer, Esquire
Holzer, Maher & Demilio
305 West Chesapeake Avenue, Suite 105, Towson, MD 21204

Julius W. Lichter, Esquire
Levin, Gann & Hankin
305 West Chesapeake Avenue, Suite 113, Towson, MD 21204

Howard L. Alderman, Esquire
Levin, Gann & Hankin
305 West Chesapeake Avenue, Suite 113, Towson, MD 21204

3/2/90 - Following parties notified of hearing set for May 4, 1990 at 10:00 a.m. and combined with Case No. CBA-89-156 (Pickersgill Addition):

J. Carroll Holzer, Esquire
Pickersgill, Inc.
Julius W. Lichter, Esquire
Howard L. Alderman, Jr., Esquire
Harris, Smariga Matz, Inc.
Keith S. Franz, Esquire
Director of Planning
Current Planning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey
David L. Thomas
S. Wallis
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Nancy C. West
Arnold Jablon

3/22/90 - Above parties notified of hearing set for May 4, 1990 at 10:00 a.m. combining 89-538-SPH, 89-444-SPH and CBA-89-156.

5/04/90 -All Pickersgill matters POSTPONED ON THE RECORD by mutual request of Counsel; reassigned to agreed-upon date of Monday, May 21, 1990 at 12:00 noon; should settlement be reached prior to 5/21, Counsel will advise and a 9:00 a.m. hearing date will be set by Board to put settlement on record.

5/21/90 -PP on the record; Agreement of Counsel to Wednesday, 5/23/90 at 9:00 a.m. NOTICES NOT TO BE SENT DUE TO SHORTNESS OF TIME; ALL INTERESTED PARTIES IN ATTENDANCE AT PP ON 5/21/90.

IN THE MATTER OF * BEFORE THE ZONING
Objection to approval of * COMMISSIONER OF
additions and alterations * BALTIMORE COUNTY
to Pickersgill, Inc. * CASE NO. 89-538-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Dan Artly
Public Works
County Office Bldg. 3rd Floor
Towson

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg. 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 28th day of June,
19 89, at 9:30 a.m. a.m./~~p.m.~~

YOU ARE COMMANDED TO produce the following documents or objects: Any and all documents, files, notes, memos, schematics, studies, data, and any and all information that relates to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date June 16, 1989 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date:_____ Fee:$_____

SHERIFF

IN THE MATTER OF * BEFORE THE ZONING
Objection to approval of * COMMISSIONER OF
additions and alterations * BALTIMORE COUNTY
to Pickersgill, Inc. * CASE NO. 89-538-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Dan Artly
Public Works
County Office Bldg. 3rd Floor
Towson

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg. 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 28th day of June,
19 89, at 9:30 a.m. a.m./~~p.m.~~

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J. Carroll Holzer, 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date June 16, 1989 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 6-19-89 Fee:$ 15

SHERIFF OF BALTO. CO., MD.

IN THE MATTER OF * BEFORE THE ZONING
Objection to approval of * COMMISSIONER OF
additions and alterations * BALTIMORE COUNTY
to Pickersgill, Inc. * CASE NO. 89-538-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Jack Berger 3733
Sediment Control
County Office Bldg, Towson

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg. 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 28th day of June,
19 89, at 9:30 a.m. a.m./~~p.m.~~

YOU ARE COMMANDED TO produce the following documents or objects: Any and all documents, files, notes, memos, schematics, studies, data, and any and all information that relates to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date June 16, 1989 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date:_____ Fee:$_____

SHERIFF

IN THE MATTER OF * BEFORE THE ZONING
Objection to approval of * COMMISSIONER OF
additions and alterations * BALTIMORE COUNTY
to Pickersgill, Inc. * CASE NO. 89-538-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Jack Berger
Sediment Control
County Office Bldg, Towson

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg. 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 28th day of June,
19 89, at 9:30 a.m. a.m./~~p.m.~~

YOU ARE COMMANDED TO produce the following documents or objects: Any and all documents, files, notes, memos, schematics, studies, data, and any and all information that relates to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date June 16, 1989 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 6-19-89 Fee:$ 15

SHERIFF OF BALTO. CO., MD.

IN THE MATTER OF * BEFORE THE ZONING
Objection to approval of * COMMISSIONER OF
additions and alterations * BALTIMORE COUNTY
to Pickersgill, Inc. * CASE NO. 89-538-SPH
* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Thomas I. Brobrogi
Balto. County DEPREM
County Courts Bldg. Room 416
Towson

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at Room 106, County Office Bldg. 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 28th day of June,
19 89, at 9:30 a.m. a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date June 16, 1989 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: _____ Fee:$_____

SHERIFF

IN THE MATTER OF * BEFORE THE ZONING
Objection to approval of * COMMISSIONER OF
additions and alterations * BALTIMORE COUNTY
to Pickersgill, Inc. * CASE NO. 89-538-SPH
* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Thomas I. Brobrogi
Balto. County DEPREM
County Courts Bldg. Room 416
Towson

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at Room 106, County Office Bldg. 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 28th day of June,
19 89, at 9:30 a.m. a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date June 16, 1989 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 6/19/89 Fee:$ 15.00

Deputy Judy Gregory

SHERIFF
SHERIFF OF BALTO. CO., MD.

IN THE MATTER OF * BEFORE THE ZONING
Objection to approval of * COMMISSIONER OF
additions and alterations * BALTIMORE COUNTY
to Pickersgill, Inc. * CASE NO. 89-538-SPH
* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Custodian of the Records
Zoning Office
County Office Bldg. Towson

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg. 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 28th day of June,
19 89, at 9:30 a.m. a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects: Any and all Baltimore County zoning files that relate to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date June 16, 1989 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: _____ Fee:$_____

SHERIFF

IN THE MATTER OF * BEFORE THE ZONING
Objection to approval of * COMMISSIONER OF
additions and alterations * BALTIMORE COUNTY
to Pickersgill, Inc. * CASE NO. 89-538-SPH
* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Custodian of the Records
Zoning Office
County Office Bldg. Towson

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg. 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 28th day of June,
19 89, at 9:30 a.m. a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects: Any and all Baltimore County zoning files that relate to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date June 16, 1989 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 6-14-89 Fee:$ 15.00

SHERIFF
SHERIFF OF BALTO. CO., MD.

IN THE MATTER OF * BEFORE THE ZONING
Objection to approval of * COMMISSIONER OF
additions and alterations * BALTIMORE COUNTY
to Pickersgill, Inc. * CASE NO. 89-538-SPH
* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Louise Hanson
Balto. County DEPREM
County Court Bldg. Towson

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg. 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 28th day of June,
19 89, at 9:30 a.m. a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects: Any and all documents, files, notes, memos, schematics, studies, data, and any and all information that relates to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date June 16, 1989 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 6/19/89 Fee:$ 15.00

Deputy Judy Gregory

SHERIFF
SHERIFF OF BALTO. CO., MD.

IN THE MATTER OF * BEFORE THE ZONING
Objection to approval of * COMMISSIONER OF
additions and alt ations * BALTIMORE COUNTY
to Pickersgill, Inc. * CASE NO. 89-538-SPH
* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Louise Henson
Balto. County DEPREM
County Court Bldg. Towson

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg. 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 28th day of June,
19 89, at 9:30 a.m. a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects: Any and all documents, files, notes, memos, schematics, studies, data, and any and all information that relates to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date June 16, 1989 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: _____ Fee:$_____

SHERIFF

IN THE MATTER OF * BEFORE THE ZONING
Objection to approval of * COMMISSIONER OF
additions and alterations * BALTIMORE COUNTY
to Pickersgill, Inc. * CASE NO. 89-538-SPH
* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Mr. Pat Keller, Deputy Director
Office of Planning and Zoning
4th Floor
County Courts Building Towson, Maryland 21204

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg. 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 28th day of June,
19 89, at 9:30 a.m. a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects: Any and all documents, files, notes, memos, schematics, studies, data, and any and all information that relates to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 6/19/89 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 6-20-89 Fee:$ 15.00

SHERIFF
SHERIFF OF BALTO. CO., MD.

IN THE MATTER OF * BEFORE THE ZONING
Objection to approval of * COMMISSIONER OF
additions and alterations * BALTIMORE COUNTY
to Pickersgill, Inc. * CASE NO. 89-538-SPH
* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Herb Meade 631-3442
State Dept. of Environment, Underground Storage Tank Div.
2500 Broening Highway
Balto., Md.

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg. 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 28th day of June,
19 89, at 9:30 a.m. a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects: Any and all documents, files, notes, memos, schematics, studies, data, and any and all information that relates to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date June 16, 1989 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: _____ Fee:$_____

SHERIFF

IN THE MATTER OF * BEFORE THE ZONING
Objection to approval of * COMMISSIONER OF
additions and alterations * BALTIMORE COUNTY
to Pickersgill, Inc. * CASE NO. 89-538-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Herb Meade 631-3442 City
State Dept. of Environment, Underground Storage Tank Div.
2500 Broening Highway
Balto., Md.

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg. 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 28th day of June,
19 89, at 9:30 a.m. a.m./~~p.m.~~

YOU ARE COMMANDED TO produce the following documents or objects: Any and all documents, files, notes, memos, schematics, studies, data, and any and all information that relates to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date June 16, 1989 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: _____ Fee:$_____

SHERIFF

IN THE MATTER OF * BEFORE THE ZONING
Objection to approval of * COMMISSIONER OF
additions and alterations * BALTIMORE COUNTY
to Pickersgill, Inc. * CASE NO. 89-538-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Michael Moorefield 3096
Balto. County DEPREM
County Courthouse, Towson

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg. 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 28th day of June,
19 89, at 9:30 a.m. a.m./~~p.m.~~

YOU ARE COMMANDED TO produce the following documents or objects: Any and all documents, files, notes, memos, schematics, studies, data, and any and all information that relates to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date June 16, 1989 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: _____ Fee:$_____

SHERIFF

IN THE MATTER OF * BEFORE THE ZONING
Objection to approval of * COMMISSIONER OF
additions and alterations * BALTIMORE COUNTY
to Pickersgill, Inc. * CASE NO. 89-538-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Michael Moorefield
Balto. County DEPREM
County Courthouse, Towson

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg. 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 28th day of June,
19 89, at 9:30 a.m. a.m./~~p.m.~~

YOU ARE COMMANDED TO produce the following documents or objects: Any and all documents, files, notes, memos, schematics, studies, data, and any and all information that relates to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date June 16, 1989 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(✓)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 6/19/89 Fee:$ 11.00

Deputy Judy Gregory

SHERIFF / SHERIFF OF BALTO. CO., MD.

IN THE MATTER OF * BEFORE THE ZONING
Objection to approval of * COMMISSIONER OF
additions and alterations * BALTIMORE COUNTY
to Pickersgill, Inc. * CASE NO. 89-538-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Officer Patrick Rooney 0396
Central Traffic
Towson Precinct

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg. 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 28th day of June,
19 89, at 9:30 a.m. a.m./~~p.m.~~

YOU ARE COMMANDED TO produce the following documents or objects: Latest detail reports and data re: traffic accidents, speeding violations, traffic flow, and peak hours of traffic congestion around the area of West Joppa Rd. and the subject property.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date June 16, 1989 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: _____ Fee:$_____

SHERIFF

IN THE MATTER OF * BEFORE THE ZONING
Fickersgill SE/E * COMMISSIONER OF
Chestnut Avenue * BALTIMORE COUNTY
Towson, Md. * CASE NO. 89-444-SPH

* * * * * * * * * * * * *

RECD-SHERIFF'S OFFICE 1989 SEP 28 P 12:

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Officer Patrick Rooney
Central Traffic
Towson Precinct

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg., 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Monday the 2nd day of October,
19 89, at 9:00 a.m. ~~p.m.~~ & Fri., Oct. 13 at 1:00 p.m.

YOU ARE COMMANDED TO produce the following documents or objects: Latest detail reports and data re: traffic, accidents, speeding violations, traffic flow, and peak hour traffic congestion around the area of West Joppa Rd. and the subject property.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson, Md. 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 9/28/89 J. Robert Haines
Robert Haines
Zoning Commissioner

RCD 9/27/89

SHERIFF'S RETURN

(✓)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 11/23/89 Fee:$ 15.00

SHERIFF OF BALTO. CO., MD.

SHERIFF

IN THE MATTER OF * BEFORE THE ZONING
Objection to approval of * COMMISSIONER OF
additions and alterations * BALTIMORE COUNTY
to Pickersgill, Inc. * CASE NO. 89-538-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Robert Sheesley, Director 3933
Balto. County DEPREM
401 Bosley Ave. Towson

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at Room 106, County Office Bldg. 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 28th day of June,
19 89, at 9:30 a.m. a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date June 16, 1989 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: _____ Fee:$_____

SHERIFF

IN THE MATTER OF * BEFORE THE ZONING
Objection to approval of * COMMISSIONER OF
additions and alterations * BALTIMORE COUNTY
to Pickersgill, Inc. * CASE NO. 89-538-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Robert Sheesley, Director
Balto. County DEPREM
401 Bosley Ave. Towson

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at Room 106, County Office Bldg. 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 28th day of June,
19 89, at 9:30 a.m. a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date June 16, 1989 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(✓)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 6/19/89 Fee:$ 11.00

Deputy Judy Gregory

SHERIFF / SHERIFF OF BALTO. CO., MD.

IN THE MATTER OF * BEFORE THE ZONING
Objection to approval of * COMMISSIONER OF
additions and alterations * BALTIMORE COUNTY
to Pickersgill, Inc. * CASE NO. 89-538-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Gerry Siwierski 3945
Balto. County DEPREM
401 Bosley Ave. Towson

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg. 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 28th day of June,
19 89, at 9:30 a.m. a.m./~~p.m.~~

YOU ARE COMMANDED TO produce the following documents or objects: Any and all documents, files, notes, memos, schematics, studies, data, and any and all information that relates to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date June 16, 1989 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: _____ Fee:$_____

SHERIFF

IN THE MATTER OF * BEFORE THE ZONING
Objection to approval of * COMMISSIONER OF
additions and alterations * BALTIMORE COUNTY
to Pickersgill, Inc. * CASE NO. 89-538-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Gerry Siwierski
Balto. County DEPREM
401 Bosley Ave. Towson

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg. 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 13th day of June,
1989, at 9:30 a.m. a.m./~~PM~~

YOU ARE COMMANDED TO produce the following documents or objects: Any and all documents, files, notes, memos, schematics, studies, data, and any and all information that relates to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date June 16, 1989 G. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 6/19/89 Fee:$ 11.15

Deputy Judy Gaeth

SHERIFF OF BALTO. CO., MD.

Mr. Sheriff/Private Process Server:
Please process this Subpoena Duces Tecum in accordance with Rule 4(c) of the Zoning Commissioner of Baltimore County.

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul, Legal Secretary

This subpoena request is made on behalf of the undersigned attorneys for the Property Owner/Petitioner, Pickersgill.

Howard L. Alderman, Jr.
LEVIN & GANN, P.A.
Suite 113
305 West Chesapeake Avenue
Towson, Maryland 21204
(301) 321-0600
Attorneys for the Property Owner/Petitioner

Dated: May 4, 1990

IN THE MATTER OF * BEFORE THE ZONING
Objection to approval of * COMMISSIONER OF
additions and alterations * BALTIMORE COUNTY
to Pickersgill, Inc. * CASE NO. 89-538-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Paul Wellman
Public Works
County Office Bldg. 3rd Floor
Towson

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg. 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 28th day of June,
1989, at 9:30 a.m. a.m./~~PM~~

YOU ARE COMMANDED TO produce the following documents or objects: Any and all documents, files, notes, memos, schematics, studies, data, and any and all information that relates to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date June 16, 1989 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date:_____ Fee:$_____

SHERIFF

IN THE MATTER OF * BEFORE THE ZONING
Objection to approval of * COMMISSIONER OF
additions and alterations * BALTIMORE COUNTY
to Pickersgill, Inc. * CASE NO. 89-538-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Paul Wellman
Public Works
County Office Bldg. 3rd Floor
Towson

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg. 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 28th day of June,
1989, at 9:30 a.m. a.m./~~PM~~

YOU ARE COMMANDED TO produce the following documents or objects: Any and all documents, files, notes, memos, schematics, studies, data, and any and all information that relates to the subject property and development plans.

J. Carroll Holzer, 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date June 16, 1989 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 6-14-89 Fee:$ 15

SHERIFF OF BALTO. CO., MD.

IN THE MATTER OF : BEFORE THE
PICKERSGILL : BALTIMORE COUNTY BOARD
: OF APPEALS
: Case Nos: 89-538-SPH
: 89-444-SPH
: CBA-89-156

RECEIVED
COUNTY BOARD OF APPEALS
90 MAY 11 PM 1:55

REQUEST FOR SUBPOENA DUCES TECUM

Please issue a subpoena duces tecum for the following named witness and command him to appear at the hearing on the above-referenced matter scheduled before the Baltimore County Board of Appeals on Monday, May 21, 1990 at 12:00 noon, on Monday, June 4, 1990 at 12:00 noon, and on Monday, June 25, 1990 at 9:00 a.m. at the Board's Hearing Room in Room 301 of the County Office Building, Towson, Maryland, 21204:

Leslie M. Pittler, Director
Department of Community Development
One Investment Place
Towson, Maryland 21204

The witness should also be directed to bring with him to the Hearing any and all documents, plans, files and records in his custody, possession or control concerning the County Review Group approval and any related matters for the above captioned case and property.

COST $ 15.00
SUMMONED 5-9-90 19
NOT SERVED _____ 19
REASON NOT SERVED _____

SHERIFF
OF BALTIMORE COUNTY
J. EDWARD MALONE

90 MAY -7 AM 10:29
RECEIVED
COUNTY BOARD OF APPEALS

IN THE MATTER OF : BEFORE THE
PICKERSGILL : BALTIMORE COUNTY BOARD
: OF APPEALS
: Case Nos: 89-538-SPH
: 89-444-SPH
: CBA-89-156

RECEIVED
COUNTY BOARD OF APPEALS
90 MAY 11 PM 1:55

REQUEST FOR SUBPOENA DUCES TECUM

Please issue a subpoena duces tecum for the following named witness and command him to appear at the hearing on the above-referenced matter scheduled before the Baltimore County Board of Appeals on Monday, May 21, 1990 at 12:00 noon, on Monday, June 4, 1990 at 12:00 noon, and on Monday, June 25, 1990 at 9:00 a.m. at the Board's Hearing Room in Room 301 of the County Office Building, Towson, Maryland, 21204:

David Thomas, Acting Bureau Chief
Bureau of Public Services
111 West Chesapeake Avenue
Towson, Maryland 21204

The witness should also be directed to bring with him to the Hearing any and all documents, plans, files and records in his custody, possession or control concerning zoning issues regarding the property and the County Review Group approval and any related matters for the above captioned case and property.

COST $ 00
SUMMONED 5-9-90 19
NOT SERVED _____ 19
REASON NOT SERVED _____

SHERIFF
OF BALTIMORE COUNTY
J. EDWARD MALONE

90 MAY -7 AM 10:29
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IN THE MATTER OF : BEFORE THE
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: OF APPEALS
: Case Nos: 89-538-SPH
: 89-444-SPH
: CBA-89-156

RECEIVED
BUREAU OF PUBLIC SERVICES
APR 26 1990

REQUEST FOR SUBPOENA DUCES TECUM

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Mr. David Thomas, Assistant Bureau Chief
Bureau of Public Services
111 West Chesapeake Avenue
Towson, Maryland 21204

SUD
COST $ .00
SUMMONED 26 19
NOT SERVED _____ 19
REASON NOT STATED

OF BALTIMORE COUNTY

The witness should also be directed to bring with him to the Hearing any and all documents, plans, files and records in his custody, possession or control concerning the County Review Group approval and any related matters for the above captioned case and property.

90 APR 24 AM 9:16
RECEIVED
COUNTY BOARD OF APPEALS

90 APR 30 PM 3:03
RECEIVED
COUNTY BOARD OF APPEALS

IN THE MATTER OF : BEFORE THE
PICKERSGILL : BALTIMORE COUNTY BOARD
: OF APPEALS
: Case Nos: 89-538-SPH
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COUNTY BOARD OF APPEALS
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Leslie M. Pittler, Director
Department of Community Development
One Investment Place
Towson, Maryland 21204

The witness should also be directed to bring with him to the Hearing any and all documents, plans, files and records in his custody, possession or control concerning zoning issues regarding the property and the County Review Group approval and any related matters for the above captioned case and property.

COST $ 15.00
SUMMONED 5-9-90 19
NOT SERVED _____ 19
REASON NOT SERVED _____

SHERIFF
OF BALTIMORE COUNTY
J. EDWARD MALONE

90 MAY -7 AM 10:29
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COUNTY BOARD OF APPEALS

90 APR 24 AM 9:16
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COUNTY BOARD OF APPEALS

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COUNTY BOARD OF APPEALS

IN THE MATTER OF : BEFORE THE
PICKERSGILL : BALTIMORE COUNTY BOARD
: OF APPEALS
: Case Nos: 89-538-SPH
: 89-444-SPH
: CBA-89-156

RECEIVED
RECD - SHERIFF'S OFFICE
90 APR 25 A 10:23
BALTIMORE COUNTY BOARD
OF APPEALS

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Leslie M. Pittler, Director
Department of Community Development
One Investment Place
Towson, Maryland 21204

COST $ .00
SUMMONED SUD 19
NOT SERVED _____ 19
REASON NOT STATED 26-90

OF BALTIMORE COUNTY

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90 APR 24 AM 9:16
RECEIVED
COUNTY BOARD OF APPEALS

90 APR 30 PM 3:03
RECEIVED
COUNTY BOARD OF APPEALS

IN THE MATTER OF : BEFORE THE
PICKERSGILL : ZONING COMMISSIONER
Petition for Special Hearing : OF BALTIMORE COUNTY
: Case No.: 89-538-SPH

: : : : : : : : : : : : :

REQUEST FOR SUBPOENA DUCES TECUM

Please issue a subpoena duces tecum for the following named witness and command him to appear at the continued hearing on the above-referenced matter scheduled before the Zoning Commissioner of Baltimore County on Wednesday, October 18, 1989 at 9:30 a.m. at the Commissioner's Hearing Room in Room 106 of the County Office Building, Towson, Maryland, 21204:

Mr. Thomas Bostrom
Department of Environmental Protection & Resource Management
401 Bosley Avenue
Towson, Maryland 21204

The witness should also be directed to bring with him to the Hearing any and all documents, plans, files and records in his custody, possession or control concerning the County Review Group approval and any related matters for the above captioned case and property.

IN THE MATTER OF : BEFORE THE
PICKERSGILL : ZONING COMMISSIONER
Petition for Special Hearing : OF BALTIMORE COUNTY
: Case No.: 89-538-SPH

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Mr. Lee A. Dreiger, P.E.
Department of Environmental Protection & Resource Management
401 Bosley Avenue
Towson, Maryland 21204

The witness should also be directed to bring with him to the Hearing any and all documents, plans, files and records in his custody, possession or control concerning the County Review Group approval and any related matters for the above captioned case and property.

IN THE MATTER OF : BEFORE THE
PICKERSGILL : ZONING COMMISSIONER
Petition for Special Hearing : OF BALTIMORE COUNTY
: Case No.: 89-538-SPH

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Ms. Louise Hanson
Department of Environmental Protection & Resource Management
401 Bosley Avenue
Towson, Maryland 21204

The witness should also be directed to bring with him to the Hearing any and all documents, plans, files and records in his custody, possession or control concerning the County Review Group approval and any related matters for the above captioned case and property.

IN THE MATTER OF : BEFORE THE
PICKERSGILL : ZONING COMMISSIONER
Petition for Special Hearing : OF BALTIMORE COUNTY
: Case No.: 89-538-SPH

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Mr. Herb Meade, Chief
Enforcement Section
UST Program
2500 Broening Highway
Baltimore, Maryland 21224

The witness should also be directed to bring with him to the Hearing any and all documents, plans, files and records in his custody, possession or control concerning the County Review Group approval and any related matters for the above captioned case and property.

IN THE MATTER OF : BEFORE THE
PICKERSGILL : ZONING COMMISSIONER
Petition for Special Hearing : OF BALTIMORE COUNTY
: Case No.: 89-538-SPH

: : : : : : : : : : : : :

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Mr. Rocky Powell
Department of Environmental Protection & Resource Management
401 Bosley Avenue
Towson, Maryland 21204

The witness should also be directed to bring with him to the Hearing any and all documents, plans, files and records in his custody, possession or control concerning the County Review Group approval and any related matters for the above captioned case and property.

IN THE MATTER OF : BEFORE THE
PICKERSGILL : ZONING COMMISSIONER
Petition for Special Hearing : OF BALTIMORE COUNTY
: Case No.: 89-538-SPH

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Mr. Paul Wellman
Bureau of Engineering
Room 200
111 West Chesapeake Ave.
Towson, Maryland 21204

The witness should also be directed to bring with him to the Hearing any and all documents, plans, files and records in his custody, possession or control concerning the County Review Group approval and any related matters for the above captioned case and property.

IN THE MATTER OF : BEFORE THE
PICKERSGILL : ZONING COMMISSIONER
Petition for Special Hearing : OF BALTIMORE COUNTY
: Case No.: 89-538-SPH

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REQUEST FOR SUBPOENA DUCES TECUM

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Mr. Stephen E. Wilber
Bureau of Traffic & Engineering
401 Bosley Avenue
Towson, Maryland 21204

The witness shou'd also be directed to bring with him to the Hearing any and all documents, plans, files and records in his custody, possession or control concerning the County Review Group approval and any related matters for the above captioned case and property.

Supporters of 89-444SPH

PROTESTANT(S) SIGN-IN SHEET 89-538 SPH

NAME	ADDRESS
Elizabeth H. Sexton	6000 Chestnut Ave Towson 21204
Polly Woelfe (Mary P.)	602 Chestnut Ave 21204
George S Grant	624 CHESTNUT AVE 21204
[illegible]	549 Piccadilly Rd 21204
Carol L Southall	806 Otis Rd. 21204
[illegible]	604 PICCADILLY RD 21204
[illegible]	821 LOYOLA DRIVE 21204
Lloyd M. Howard	625 Chestnut ave.
Ben B. Tilley	627 Chestnut Ave.
[illegible]	
Magdalena L. Daly	516 Piccadilly Road
[illegible]	516 Piccadilly Road
[illegible]	514 " "
[illegible]	620 CHESTNUT AVE
Dawson Forbes	614 Chestnut Ave
Patty Forbes	"
Francis J. Hurley	600 Chestnut Ave
King B. E. Seegar Jr. M.D.	610 Chestnut Ave.
Margaret L. Hoffman	514 Piccadilly Rd.
Jane D. S. Seegar	610 Chestnut Ave.
Raymond E. Bailey	520 Chestnut Ave
Margaret E. Bailey	520 Chestnut Ave
Margaret Remine	515 Piccadilly Rd.
Coleman L. Remine	515 Piccadilly Rd.

10-2-89 89-444SPH

PLEASE PRINT CLEARLY — PROTESTANT(S) SIGN-IN SHEET

Mary June Burgess	520 Chas, Sh. Ave,
Harley J. Burgess	" " " "
Emma Huber	620 CHESTNUT Ave
Frances Huber	620 Chestnut Ave.
Janet Lowell	516-18 Charles St. Ave
Harry Kabel	545 Piccadilly Rd
E. L. Wolfe Jr	602 CHESTNUT AVE
Alfred P. Hagner	606 Piccadilly Rd.
Deborah S. Cheney	505 Chestnut Ave.
Susie Meinst	811 Trafalgar Ave
John Hodge - Williams	608 Chestnut Ave.
Mr. King Seegar Jr	613 Chestnut Ave.
Mr. J. King B.E. Seegar Jr.	613 Chestnut Ave.
Cyrus B. Tolliver	627 Chestnut Ave
Geraldine L. Daly	516 Piccadilly Road
Margaret L. Hofstetter	514 " "
Margaret Romine	515 " "
Sarah P. Daigneault	606 Cheapside Ave
Howard Ritter	625 CHESTNUT AVE
Robert E. Powell	516-518 Charles St Ave
Roberta A. Lees	613 Chestnut Ave.
Anne Augustus	609 Piccadilly Rd
Guy Hoddinge	514 Piccadilly Rd.
LEANDRA LAIRD	463 CHESTNUT Ave
Faye Tully	405 Chestnut Ave.
Catherine L. Romine	515 Piccadilly Rd
Naomi Willey	546 Piccadilly Rd.
Betsy Sexton	600 Chestnut Ave.

PROTESTANTS — 8-24-89

Aug 24th 1989

PLEASE PRINT CLEARLY — ~~PETITIONER(S)~~ SIGN-IN SHEET

NAME	ADDRESS
Mary P. Wolfe	602 Chestnut Ave. 21204
Emma Huber	620 CHESTNUT Ave
Elizabeth H. Sexton	600 Chestnut Ave 21204
Howard Ritter Jr	623 Chestnut Ave. 21204
John Hodge - Williams	608 Chestnut Ave.
Margaret L. Hofstetter	514 Piccadilly Rd 21204
Philip C. Hofstetter	514 Piccadilly Rd 21204
Frances F. Haley	610 Chestnut Rd. 21204
J. J. Mc Cabe	808 Eton Rd. 21204
Geoffrey M. Howard	625 Chestnut ave. 21204
Cyrus B. Tolliver	627 Chestnut Ave 21204
J. King B.E. Seegar, Jr.	610 Chestnut Ave. 21204
John J. S. Seegar	610 Chestnut Ave. 21204
Sylvia W. Hirst	616 Chestnut Ave. 21204
Peter A. Hirst	616 Chestnut Ave. 21204
Harry Kabel	545 Piccadilly Rd
Raymond Bentley	520 Chestnut Ave
Cowper J. Priestley	420 Ronan Rd
Robt. M. Roche	707 Terrace Way 21204
Mr & Mrs Cole Romine	515 Piccadilly Rd. 21204
Barbara Maichi	602 Piccadilly Rd
CLEO R. MAICHI	602 Piccadilly Rd
Penelope Melville	826 Loyola Dr
Elizabeth Melville	826 Loyola Dr
Margaret L. Bentley	520 Chestnut Ave.

Pickersgill

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Julius W. Lichter, Esq	305 W. Chesapeake Ave
Howard L. Alderman, Jr, Esq	Towson, Md 21204
James Mellhorn	7200 53rd Avenue
John Goodwin	Sykesville MD 21784
Dori Hercher	
Elizabeth W. Obern	906 St. George's Rd. 21210
Brent Hart	128 N. Hayden Dr 21061
Ann Magers	1901 Eastbrand Rd 21204
Sally Diggs	5705 Stony Run Dr 21210
Jesse May Smith	615 Chestnut Ave Towson
Richard A. Hinchliffe	615 Chestnut - Pickersgill
Jay Dickinson	1708 Killington 21204
Virginia Collis	615 Chestnut Ave Towson 21204
Eleanor D. Mace	Phoenix Maryland
Virginia L. Boyce	1018 Wagner Rd. 21204
Louis Hunter	425 Alabama Rd. 21204
Gail Hunter	425 ALABAMA RD. 21204
FRANK HEDERSAX West Towson Neighborhood Group 614 Allegheny Ave Towson 21204	
Alice Mace	2011 Stockton Rd Phoenix 21131
Holly B. Dove	7519 Club Point - 21204
Mallory Yearley	5512 Woodlawn Rd.
Nancy Yearley	704 Benston Place 21210
Cathy Pollock	1116 Upney Rd 21212
Laura Yearley	704 Benston Pl. 21210-1415
Townsend Knef	103 Castlewood Rd 21210

10-18-89

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Poolie Wolfe (Mary P.)	602 Chestnut Ave. Towson 21204
Harry P. Kabel	545 Piccadilly Rd 21204
Jim Maschas	808 Eton Rd 21204
E. L. Wolfe Jr	602 CHESTNUT Ave 21204
Alexander Hagner	515 Piccadilly Rd. 21204
Geraldine L. Daly	516 Piccadilly Road 21204
Margaret V. Romine	515 Piccadilly Rd. 21204

10-2-89

Pickersgill

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
✓ Julius W. Lichter Esq	Levin & Gann, P.A., Suite 118
✓ Howard L. Alderman, Jr Esq	305 W. Chesapeake Ave Towson MD 21204
✓ Neil Weinstein	Harris Cameron Inc
✓ Dick Watts	1158 Eastbrook Lane 21234
✓ Sally Diggs	5705 Stony Run Dr. 21210
✓ Brent Hart	128 N. Hayden Dr. 21061
✓ Susan Wheley	3009 Ridgewood Ct. Towson, Md. 21204
✓ John Goodwin	2318 Air Estates Drive Eldersburg MD 21784
✓ Don Hercher	6511 Sunset Dr Sykesville MD 21784
✓ Joan Reuter	1318 Bonnie Rd - 21204
✓ Linda S. Shannon	905 Southern Dr 21204
✓ Virginia Collis	615 Chestnut Ave 21204
✓ Mary Sadler	1820 Circle Rd 21204
✓ Diana Roth	1830 Circle Road 21204
✓ John E. Roth	" " " "
✓ Steve C. Orth	1503 Cub Rd 21204
✓ Walter D. Northam	3519 N. Calvert St.
✓ Merdith Mellepaugh	203 Ridgewood Rd 21212
✓ Cindy Merdith	202 Churchwardard 21212
✓ Jeanne F. Edwards	" " " "
✓ Donald N. Wallace	909 N. Georges Rd 21210
✓ Ann W. Hammond	6009 Hunt Club Lane 21210
✓ Hunter D. Lancaster	1113 Bellemore Rd 21210
✓ Walter S. Reams	16 Meadow Rd. 21212
✓ Willie N. Dame	1708 Killington Rd - 21204

10-2-89

Pickersgill

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
✓ Rose L. Machen	1900 Malvern Ave 21204
✓ Mitchell Clark Holzer	3130 Bell Course Rd. W. 21117
✓ Elizabeth Howard Holzer	3130 Bellcourse Rd W 21117
✓ Louis L. Hunter	425 Alabama Rd. 21204
✓ Cathy Pollock	1116 Upney Rd 21212
✓ Dorothea S. Stiffa	102 Castlewood Rd 21210
✓ Jane W. Dickinson	1708 Killington Rd 21204
✓ Virginia D. Boyce	1018 Wagner Rd. 21204
✓ Alice L. Mace	2011 Stockton Rd. 21131
✓ Eleanor D. Mace	Phoenix Maryland
✓ FRANK HEDERSAX West Towson Neighborhood Group 614 Allegheny Ave For Information	
✓ Dorothy C. Boyce	7919 Sherwood Ave 21204

LAW OFFICES
HOLZER, MAHER
& DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 113
TOWSON, MARYLAND
21204
(301) 825-6960

RE: OBJECTION TO THE APPROVAL OF ADDITIONS AND ALTERATIONS TO PICKERSGILL, INC. WITHOUT ADHERENCE TO THE PROVISIONS OF BALTIMORE COUNTY COUNCIL BILL NO. 36-88 AND A SPECIAL EXCEPTION HEARING * BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

* * * * * * * * * * * * * * *

PETITION FOR SPECIAL HEARING UNDER SECTION 500.6 OF THE ZONING REGULATIONS OF BALTIMORE COUNTY

The undersigned property owners and parties aggrieved, by J. Carroll Holzer, their attorney, request a hearing before the Zoning Commissioner of Baltimore County and for reasons say:

1. On January 17, 1989, Petitioners requested the Zoning Commissioner of Baltimore County for a determination that proposed additions and alterations to Pickersgill, Inc. are subject to the legislation enacted by the Baltimore County Council in Bill No. 36-88 and requested a special hearing in accordance therewith (see Exhibit #1).

2. The same parties on January 26, 1989, renewed their request for such a determination (Exhibit #2).

3. That on January 26, 1989, the Petitioners received a reply from James E. Dyer, Zoning Supervisor, which did not address the issue of whether the Pickersgill project fell within the provisions of Bill No. 36-88 (Exhibit #3).

4. That Petitioners received from Pickersgill, Inc., a letter dated January 23, 1989, which appeared to conclude that the proposed development project would not proceed pursuant to the requirements of Bill No. 36-88 (Exhibit #4).

4324-X

ZONING COMMISSIONER OF BALTIMORE COUNTY

Aged Women's & Aged Men's Home Franklin Square

Contract Purchaser

hereby petition for a Special Exception, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 477 of the Acts of the General Assembly of Maryland of 1945, for a certain parcel and use, as provided under ... Regulations and Act, as follows:

A Special Exception to use the land (and improvements now or be erected thereon) hereinafter described for Convalescent Home

All that parcel of land in the Ninth District of Baltimore County on the Southwest side of Chesapeake Avenue, beginning 288 feet Southeast of Joppa Road, thence Southwesterly and binding on the Southeast side of Chesapeake Avenue, forty three feet South 53 degrees 46 minutes East 760.00 feet, 43 more or less to a 25 degree 53 minutes East 648.28 feet; thence North 36 degrees 19 minutes East 668.47 feet to the place of beginning.

Aged Women's + Aged Men's Homes, Franklin Square
Virginia D. Boyce
Legal Agent
President, Board of Managers

Contract Purchaser

357

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 823-0960

WASHINGTON, D.C. OFFICE
225 SHORDHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005

PLEASE REPLY TO:

February 8, 1989
#6394

Ms. Jane Croft
Chairperson
Development Subcommittee
Pickersgill, Inc.
615 Chestnut Avenue
Towson, Maryland 21204

RE: Development Project

Dear Ms. Croft:

Please be advised that I have been retained by the Ruxton-Riderwood Improvement Association, the Development Advisory Group for Pickersgill, of the Ruxton-Riderwood Association, and individual property owners residing in the immediate area.

I am writing on behalf of Mrs. Mary R. Wolfe, Co-Chairman of the Advisory Board, with whom you've met on a number of occasions to present various architectural designs and development proposals. During the course of those presentations, certain facts, plats and explanations of development intent have been suggested to the members of our Board which reflect the nature and type of operation that would be contained in the proposed development at Pickersgill. My clients had prepared a substantive response to your most recent plans which were requested by you. That response is attached hereto in a letter dated February 3, 1989.

Unfortunately, at a meeting held in the office of Diane Itter, of Baltimore County, on Wednesday, February 1st, a presentation was made by Mr. Alderman and information provided which conflicts with the facts and proposals previously provided by you regarding the operation of the Pickersgill Development. This factual discrepancy raises extreme concern among the members of the Association concerning the actual nature of the operation being proposed at Pickersgill and throws into serious question the protection to be afforded the immediate neighborhood in regard to this project.

(Exhibit 5)

Ms. Jane Croft
February 8, 1989
Page two

I, therefore, call upon you to clarify promptly the precise use to be made of these new additions and the type of operation which will be conducted therein, in order to allow the Community to respond to a concrete and firm plan.

Absent further clarification, my clients may be required to seek interpretation of the legitimacy and legality of this project before the appropriate authorities.

Thank you for your kind attention to this request.

Very truly yours,

J. Carroll Holzer

JCH:mlg

cc: Julius Lichter, Esquire
Howard Alderman, Esquire
Mary R. Wolfe, Co-Chairman, Advisory Board
Robert E. Scott, Jr.
John Hodge-Williams, Advisory Board
Gail O'Donovan, Advisory Board
Members of the Advisory Board
Diane Itter, Planning Office
James E. Dyer, Zoning Supervisor
Robert Haines, Zoning Commissioner
The Honorable Barbara F. Bachur

357

February 3, 1989

Dear Members of the Board:

The area community residents have serious concerns regarding the feasibility of any new development on the Pickersgill tract. It is the overwhelming opinion of area residents that the area already is and will become more overcrowded with the 280 apartments at the Mission Helpers lifecare and the 40-bed convent on the corner of Joppa Road and Chestnut Avenue. With the proposed 1100 car trips a day at the new Mission Helpers development, traffic will become a nightmare on Chestnut Avenue. There are serious and grave concerns about storm water management for the residents of Piccadilly Road. As you are already aware, there are continuous flooding problems caused by springs and run-off from your property onto Piccadilly Road.

At present, Pickersgill has 169 units. There has already been a substantial negative environmental impact on the community from flooding and oil seepage from your facility. The neighborhood is very concerned about any new development in general. We want to know how you plan to address the problem of the increase in traffic caused by the new apartments; what you plan to do about the already existing storm water flooding problems; and what you plan to do with the long-standing problem of oil seepage into the soil and stream.

Assuming that you can and, therefore, will attempt to build additional units on your land, the following recommendations are respectfully submitted to you by the community:

1) Please clarify what you propose to become with your newly proposed additions, and what will become of your existing programs and services.
2) Conduct an environmental study to determine possible damage from the new development to properties on Piccadilly Road and the area in general.
3) Dramatically reduce the proposed number of units to lessen the negative impact on traffic, storm water management, and the environment in general which any new development will have.
4) Re-design the water retention pond. As currently planned it is too dangerous for the young children who live in the area.
5) Re-design the parking areas so that they become less visible to the area residents.
6) Keep the entrance at its present location.

In conclusion, it is clear that the community is gravely concerned about your proposed development. Therefore, it is not possible for us to pick either of your plats at this time as we feel much more research must go into the feasibility of the entire project.

Sincerely yours,

Mary R. Wolfe

Mary R. Wolfe
Co-Chairman Advisory Board

cc: Members of the Advisory Board
Robert E. Scott, Jr.
J. Carroll Holzer

357

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105A
TOWSON, MARYLAND 21204
(301) 823-0960

WASHINGTON, D.C. OFFICE
225 SHORDHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005

PLEASE REPLY TO:

February 10, 1989
#6394

RECEIVED
FEB 13 1989
ZONING OFFICE

Mr. Robert Haines
Zoning Commissioner of
Baltimore County
County Office Building
Towson, Maryland 21204

RE: Petition for Special Hearing
Pickersgill, Inc.

Dear Mr. Haines:

Please be advised that I represent various individual property owners in the Chestnut Road area in regard to concerns over the recent proposed addition to Pickersgill, Inc. There have been a number of meetings and various correspondence between the parties which is summarized in the enclosed Petition for Special Hearing with attachments.

It is the concern of my clients that the legality of Pickersgill to proceed on this proposed development is in question and we desire that the issues involved in the Petition for Special Hearing be addressed prior to any approvals or permits are granted.

I have obtained from your office a tentative appointment date of March 14, 1989, for review of our Petition for Special Hearing. However, there is some urgency in this matter as evidenced by the fact that my clients wrote to you on January 17, 1989 raising these issues. It is our feeling that this matter should be heard by you before any approvals or permits are granted on this project.

It is my personal opinion that we should be allowed to file this Petition for Special Hearing as promptly as possible and that given the nature of the issues involved, the Petition should be set for a hearing and heard promptly. I would, therefore, request that you accept this Petition for Special Hearing and schedule a prompt hearing.

Mr. Robert Haines
February 10, 1989
Page two

I am also enclosing my check in the amount of $100.00 to cover the cost of the filing fee for the Petition.

Thank you very much for your cooperation.

Very truly yours,

J. Carroll Holzer

JCH:mlg

Enclosure

cc: Ms. Mary R. Wolfe
Mrs. Gail O'Donovan
Mrs. Elizabeth Sexton
Mrs. Susan J. Meinert
Mr. John Hodge-Williams
Mr. Mike Alfone
Mr. Frederick J. Willey
Ms. Naomi O. Willey
Julius Lichter, Esquire

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 823-0960

WASHINGTON, D.C. OFFICE
225 SHORDHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005

PLEASE REPLY TO:

June 21, 1989
#6394

Mr. Dan Artly
Public Works
County Office Building
3rd Floor
Towson, Maryland 21204

RE: Pickersgill Hearing, June 28, 1989

Dear Mr. Artly:

Please be advised that the hearing date before Commissioner Robert Haines, scheduled for Wednesday, June 28, 1989, to which you have been summonsed, has been postponed by mutual agreement and reset for Tuesday, August 22 and Thursday, August 24, 1989. The summonses, which have been issued for your attendance on June 28, will apply to the hearing dates of August 22 & 24. I would appreciate your putting those dates on your calendar and I will endeavor to advise you of the time frame that you will be needed on those days. If you have any questions, please feel free to call.

Very truly yours,

J. Carroll Holzer

cc: Robert Haines ✓

JCH/blt

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 823-0960

WASHINGTON, D.C. OFFICE
225 SHORDHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005

PLEASE REPLY TO:

June 21, 1989
#6394

Jack Berger
Sediment Control
County Office Building
Towson, Maryland 21204

RE: Pickersgill Hearing, June 28, 1989

Dear Mr. Berger:

Please be advised that the hearing date before Commissioner Robert Haines, scheduled for Wednesday, June 28, 1989, to which you have been summonsed, has been postponed by mutual agreement and reset for Tuesday, August 22 and Thursday, August 24, 1989. The summonses, which have been issued for your attendance on June 28, will apply to the hearing dates of August 22 & 24. I would appreciate your putting those dates on your calendar and I will endeavor to advise you of the time frame that you will be needed on those days. If you have any questions, please feel free to call.

Very truly yours,

J. Carroll Holzer

cc: Robert Haines ✓

JCH/blt

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 823-0960

WASHINGTON, D.C. OFFICE
225 SHORDHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005

PLEASE REPLY TO:

June 21, 1989
#6394

Mr. Thomas I. Brobrogi
Baltimore County DEPREM
County Courts Building
Room 416
Towson, Maryland 21204

RE: Pickersgill Hearing, June 28, 1989

Dear Mr. Brobrogi:

Please be advised that the hearing date before Commissioner Robert Haines, scheduled for Wednesday, June 28, 1989, to which you have been summonsed, has been postponed by mutual agreement and reset for Tuesday, August 22 and Thursday, August 24, 1989. The summonses, which have been issued for your attendance on June 28, will apply to the hearing dates of August 22 & 24. I would appreciate your putting those dates on your calendar and I will endeavor to advise you of the time frame that you will be needed on those days. If you have any questions, please feel free to call.

Very truly yours,

J. Carroll Holzer

cc: Robert Haines ✓

JCH/blt

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 823-6960

WASHINGTON, D.C. OFFICE
225 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005
PLEASE REPLY TO:

June 21, 1989
#6394

Custodian of the Records
Zoning Office
County Office Building
Towson, Maryland 21204

RE: Pickersgill Hearing, June 28, 1989

Dear Sir/Madam:

Please be advised that the hearing date before Commissioner Robert Haines, scheduled for Wednesday, June 28, 1989, to which you have been summonsed, has been postponed by mutual agreement and reset for Tuesday, August 22 and Thursday, August 24, 1989. The summonses, which have been issued for your attendance on June 28, will apply to the hearing dates of August 22 & 24. I would appreciate your putting those dates on your calendar and I will endeavor to advise you of the time frame that you will be needed on those days. If you have any questions, please feel free to call.

Very truly yours,

J. Carroll Holzer

cc: Robert Haines✓

JCH/blt

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 823-6960

WASHINGTON, D.C. OFFICE
225 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005
PLEASE REPLY TO:

June 21, 1989
#6394

Robert Haines
Baltimore County Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Pickersgill hearing, June 28, 1989

Dear Mr. Haines:

Please be advised that Jules Lichter and I have discussed the possibility of needing more than one hearing date to dispose of this case. After discussing the matter, we agreed that it would be more suitable for all parties concerned to have two consecutive days for the hearing. I therefore join with Jules in requesting a continuance from June 28, and I understand that you have given us the dates of August 22 and 24 as available ones. In view of the practicalities and the number of witnesses involve in this matter, I believe this is a more preferable way to proceed than taking part of the testimony on June 28 and then searching for another date two or three months later.

Thank you very much for your cooperation.

Very truly yours,

J. Carroll Holzer

JCH/aes

RECEIVED
JUN 22 1989
ZONING OFFICE

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 823-6960

WASHINGTON, D.C. OFFICE
225 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005
PLEASE REPLY TO:

June 21, 1989
#6394

Louise Hanson
Baltimore County DEPREM
County Court Building
Towson, Maryland 21204

RE: Pickersgill Hearing, June 28, 1989

Dear Ms. Hanson:

Please be advised that the hearing date before Commissioner Robert Haines, scheduled for Wednesday, June 28, 1989, to which you have been summonsed, has been postponed by mutual agreement and reset for Tuesday, August 22 and Thursday, August 24, 1989. The summonses, which have been issued for your attendance on June 28, will apply to the hearing dates of August 22 & 24. I would appreciate your putting those dates on your calendar and I will endeavor to advise you of the time frame that you will be needed on those days. If you have any questions, please feel free to call.

Very truly yours,

J. Carroll Holzer

cc: Robert Haines✓

JCH/blt

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
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SUITE 105
TOWSON, MARYLAND 21204
(301) 823-6960

WASHINGTON, D.C. OFFICE
225 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005
PLEASE REPLY TO:

June 21, 1989
#6394

Mr. Pat Keller, Deputy Director
Office of Planning and Zoning
4th Floor
County Courts Building
Towson, Maryland 21204

RE: Pickersgill Hearing, June 28, 1989

Dear Mr. Keller:

Please be advised that the hearing date before Commissioner Robert Haines, scheduled for Wednesday, June 28, 1989, to which you have been summonsed, has been postponed by mutual agreement and reset for Tuesday, August 22 and Thursday, August 24, 1989. The summonses, which have been issued for your attendance on June 28, will apply to the hearing dates of August 22 & 24. I would appreciate your putting those dates on your calendar and I will endeavor to advise you of the time frame that you will be needed on those days. If you have any questions, please feel free to call.

Very truly yours,

J. Carroll Holzer

cc: Robert Haines✓

JCH/blt

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
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(301) 823-6960

WASHINGTON, D.C. OFFICE
225 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005
PLEASE REPLY TO:

June 21, 1989
#6394

Herb Meade 631-3442
State Department of Environment
Underground Storage Tank Division
2500 Broening Highway
Baltimore, Maryland 21224

RE: Pickersgill Hearing, June 28, 1989

Dear Mr. Meade:

Please be advised that the hearing date before Commissioner Robert Haines, scheduled for Wednesday, June 28, 1989, to which you have been summonsed, has been postponed by mutual agreement and reset for Tuesday, August 22 and Thursday, August 24, 1989. The summonses, which have been issued for your attendance on June 28, will apply to the hearing dates of August 22 & 24. I would appreciate your putting those dates on your calendar and I will endeavor to advise you of the time frame that you will be needed on those days. If you have any questions, please feel free to call.

Very truly yours,

J. Carroll Holzer

cc: Robert Haines✓

JCH/blt

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 823-6960

WASHINGTON, D.C. OFFICE
225 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005
PLEASE REPLY TO:

June 21, 1989
#6394

Michael Moorefield
Balitmore County DEPREM
County Courthouse
Towson, Maryland 21204

RE: Pickersgill Hearing, June 28, 1989

Dear Mr. Moorefield:

Please be advised that the hearing date before Commissioner Robert Haines, scheduled for Wednesday, June 28, 1989, to which you have been summonsed, has been postponed by mutual agreement and reset for Tuesday, August 22 and Thursday, August 24, 1989. The summonses, which have been issued for your attendance on June 28, will apply to the hearing dates of August 22 & 24. I would appreciate your putting those dates on your calendar and I will endeavor to advise you of the time frame that you will be needed on those days. If you have any questions, please feel free to call.

Very truly yours,

J. Carroll Holzer

cc: Robert Haines✓

JCH/blt

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 823-6960

WASHINGTON, D.C. OFFICE
225 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005
PLEASE REPLY TO:

June 21, 1989
#6394

Officer Patrick Rooney
Central Traffic
Towson Precinct
Towson, Maryland 21204

RE: Pickersgill Hearing, June 28, 1989

Dear Mr. Rooney:

Please be advised that the hearing date before Commissioner Robert Haines, scheduled for Wednesday, June 28, 1989, to which you have been summonsed, has been postponed by mutual agreement and reset for Tuesday, August 22 and Thursday, August 24, 1989. The summonses, which have been issued for your attendance on June 28, will apply to the hearing dates of August 22 & 24. I would appreciate your putting those dates on your calendar and I will endeavor to advise you of the time frame that you will be needed on those days. If you have any questions, please feel free to call.

Very truly yours,

J. Carroll Holzer

cc: Robert Haines✓

JCH/blt

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
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TOWSON, MARYLAND 21204
(301) 823-6960

WASHINGTON, D.C. OFFICE
225 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005
PLEASE REPLY TO:

June 21, 1989
#6394

Robert Sheesley, Director
Baltimore County DEPREM
401 Bosley Avenue
Towson, Maryland 21204

RE: Pickersgill Hearing, June 28, 1989

Dear Mr. Sheesley:

Please be advised that the hearing date before Commissioner Robert Haines, scheduled for Wednesday, June 28, 1989, to which you have been summonsed, has been postponed by mutual agreement and reset for Tuesday, August 22 and Thursday, August 24, 1989. The summonses, which have been issued for your attendance on June 28, will apply to the hearing dates of August 22 & 24. I would appreciate your putting those dates on your calendar and I will endeavor to advise you of the time frame that you will be needed on those days. If you have any questions, please feel free to call.

Very truly yours,

J. Carroll Holzer

cc: Robert Haines✓

JCH/blt

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 823-0960

WASHINGTON, D.C. OFFICE
225 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005

PLEASE REPLY TO:

June 21, 1989
#6394

Gerry Siwierski
Baltimore County DEPREM
401 Bosley Avenue
Towson, Maryland 21204

RE: Pickersgill Hearing, June 28, 1989

Dear Mr. Siwierski:

Please be advised that the hearing date before Commissioner Robert Haines, scheduled for Wednesday, June 28, 1989, to which you have been summonsed, has been postponed by mutual agreement and reset for Tuesday, August 22 and Thursday, August 24, 1989. The summonses, which have been issued for your attendance on June 28, will apply to the hearing dates of August 22 & 24. I would appreciate your putting those dates on your calendar and I will endeavor to advise you of the time frame that you will be needed on those days. If you have any questions, please feel free to call.

Very truly yours,

J. Carroll Holzer

cc: Robert Haines ✓

JCH/blt

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 823-0960

WASHINGTON, D.C. OFFICE
225 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005

PLEASE REPLY TO:

June 21, 1989
#6394

Mr. Paul Wellman
Public Works
County Office Building
3rd Floor
Towson, Maryland 21204

RE: Pickersgill Hearing, June 28, 1989

Dear Mr. Wellman:

Please be advised that the hearing date before Commissioner Robert Haines, scheduled for Wednesday, June 28, 1989, to which you have been summonsed, has been postponed by mutual agreement and reset for Tuesday, August 22 and Thursday, August 24, 1989. The summonses, which have been issued for your attendance on June 28, will apply to the hearing dates of August 22 & 24. I would appreciate your putting those dates on your calendar and I will endeavor to advise you of the time frame that you will be needed on those days. If you have any questions, please feel free to call.

Very truly yours,

J. Carroll Holzer

cc: Robert Haines ✓

JCH/blt

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 823-0960

WASHINGTON, D.C. OFFICE
225 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005

PLEASE REPLY TO:

May - See me

RECEIVED
JUN 30 1989
ZONING OFFICE

June 27, 1989
#6394

Mr. Robert Haines
Zoning Commissioner of
Baltimore County
County Office Building
Towson, Maryland 21204

RE: Pickersgill Hearing, August 22 & 24, 1989

Dear Mr. Haines:

After my discussion with you concerning the Order of Procedure for the Pickersgill Hearing I had the opportunity to discuss the matter with Julius Lichter and we have arrived at the following conclusions:

1. On the first of day of the hearing, Pickersgill would proceed with putting on the necessary witnesses to lay the foundation for what they intend to do on-site as well as their calculations as to the appropriate density.

2. Presumably, sometime in the afternoon of the first day I would then be able to put on the appropriate community witnesses and experts who could respond, if needed, to the applicability of Bill 36-88 and our calculations as to the density, if needed.

3. The second day of the hearing would be available to any community members and other witnesses who would testify in regard to other issues in the case such as environment, etc. that are of concern to the community and the second day would also be available to any community members or other witnesses that Pickersgill would intend to call to respond to concerns raised by the community witnesses.

I have a number of witnesses who, because of the change in the hearing dates must make specific plans to appear on a particular day I will advise them of this schedule unless I hear from you to the contrary.

Very truly yours,

J. Carroll Holzer

JCH/blt

CALMAN A. LEVIN
STANFORD G. GANN*
MELVIN A. STEINBERG
JULIUS W. LICHTER
SIDNEY WEIMAN
ROBERT L. PRELLER
ANDREW R. SANDLER
RANDOLPH C. KNEPPER
CAROLE S. GOULD
MICHAEL J. RANDEL
BRIAN J. FRANK
HOWARD L. ALDERMAN, JR.
JUDITH S. GANN*
MARC C. GANN*
MAYER E. GITTMAN
EDWARD B. STEINBERG
*ALSO ADMITTED IN DC
*ALSO ADMITTED IN NEW YORK

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
FAX 301-296-2801

ELLIS LEVIN 1893-1960

BALTIMORE OFFICE
900 MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201
301-539-3700
TELECOPIER 301-625-9050

CARROLL COUNTY OFFICE
257 LIBERTY ROAD
SYKESVILLE, MD 21784

February 15, 1990

J. Robert Haines, Esquire
Zoning Commissioner for Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Pickersgill, Inc., et al, Petitioners
Case No. 89-538-SPH
Notice of Appeal

Dear Commissioner Haines:

Pursuant to Section 602(a) of the Baltimore County Charter and Section 501.6 of the Baltimore County Zoning Regulations, please note an appeal of your decision in the above-referenced case to the Baltimore County Board of Appeals. Enclosed is a check in the amount of Two Hundred Dollars ($200.00) to cover the fee for filing this appeal.

I would request that your office promptly transmit the entire file to the Board so that the appeal hearing can be advertised and scheduled in connection with the hearing on a previously appealed CRG approval, currently scheduled for May 4, 1990. Please call me if you need additional information or if your staff will be unable to transmit promptly this file and the related exhibits.

Sincerely,

Julius W. Lichter

HLA/lc
Enclosure
cc: Pickersgill, Inc.
J. Carroll Holzer, Esquire
Baltimore County Board of Appeals

RECEIVED
2-15-90

CALMAN A. LEVIN
STANFORD G. GANN*
MELVIN A. STEINBERG
JULIUS W. LICHTER
SIDNEY WEIMAN
ROBERT L. PRELLER
ANDREW R. SANDLER
RANDOLPH C. KNEPPER
MICHAEL J. RANDEL
BRIAN J. FRANK
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MARC C. GANN*
MAYER E. GITTMAN
EDWARD B. STEINBERG
*ALSO ADMITTED IN DC
*ALSO ADMITTED IN NEW YORK

LAW OFFICES
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A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
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FAX 301-296-2801

ELLIS LEVIN 1893-1960

BALTIMORE OFFICE
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BALTIMORE, MARYLAND 21201
301-539-3700
TELECOPIER 301-625-9050

CARROLL COUNTY OFFICE
257 LIBERTY ROAD
SYKESVILLE, MD 21784

June 21, 1989

Mr. J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Item 518, Case No. 89-538-SPH
Petitioner: Pickersgill, Inc., et al
Petition for Special Hearing

Dear Mr. Haines:

As per our oral discussions of yesterday, by agreement of counsel, the cases scheduled for hearing on June 28, 1989 should be postponed and all parties have agreed that the cases will be rescheduled for August 22 and August 24, 1989. Counsel have agreed to notify all parties who were anticipated to testify. We understand that your office will place notices on the existing signs advising the public of the postponement.

Sincerely,

Julius W. Lichter

JWL:lsp

cc: J. Carroll Holzer, Esquire

RECEIVED
JUN 22 1989
ZONING OFFICE

PK Gym-K 54

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D. C.
MCLEAN, VA
ROCKVILLE, MD
DEL AIR, MD

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(410) 494-6200
FAX (301) 821-0147

RICHARD H. COLLINS (1928-1991)
EDWIN B. BAETJER (1900-1959)
CHARLES MCH. HOWARD (1872-1961)

WRITER'S DIRECT NUMBER IS

August 15, 1991

494-9162

ROBERT A. HOFFMAN

RECEIVED
AUG 16 1991
OFFICE OF
PLANNING & ZONING

Arnold Jablon, Director
Office of Zoning Administration
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Pickersgill, Inc.
615 Chestnut Avenue
Towson, Maryland

Dear Mr. Jablon:

As you know, the owner of the above-referenced site is planning to expand its existing nursing home operation, and received final zoning approval for such renovation in 1990 (see Case Nos. 89-444-SPH, 89-538-SPH, and CBA-89-156, copies enclosed). This Order authorizes Pickersgill to build an 87-unit apartment building and community center along with renovations to the kitchen, dining facilities, and the mechanical systems of the existing facility.

Planning for this project began in 1988 in response to the need to service more elderly residents in and around Towson, and to meet the demand for independent living units linked to a facility licensed to provide comprehensive care. All aspects of this project are linked to a strict time-table for completion and ultimately, financing. These aspects must take into account the assurance of the health and well-being of existing residents during the renovation and must meet the commitments made to elderly prospective residents who are waiting for admission to the new independent living units. The financing is made available by Baltimore County tax-exempt bonds, which cannot be sold until the building permits for the project are issued. Of course, construction cannot proceed without the proceeds

of the bond sale. To permit prompt completion of the project, site work must be well along before winter, and if sufficient progress is not made before that time period, the entire construction time-table will be delayed, causing a potential financial constraint in paying the debt service on the bonds.

Pickersgill, Inc., which is a non-profit, tax-exempt, charitable corporation, has accepted reservations and deposits from prospective residents for all of the 87 new units and has committed to making them available by November, 1992. Thus, to avoid serious financial difficulties and substantial hardship to Pickersgill's residents and prospective residents, it is respectfully requested that this project receive expedited attention toward approval of the building permits and related documentation. We have outlined the following schedule which should be met in order to fulfill the objectives stated above:

Grading Permit

First review by County of Sediment Control Plan (Review by Bill Sibiski)	Completed
First revision by Pickersgill	August 19, 1991
Second review by County	August 22, 1991
Second revision by Pickersgill	August 27, 1991
Third review by County	September 3, 1991
Approval by Soil Conservation District	September 13, 1991
Grading permit issued	September 20, 1991

Building Permit

Construction documents submitted to County	August 22, 1991
Building permit	September 30, 1991
Bond Sale	September 30, 1991
Bond Closing	October 15, 1991

Not included in the schedule above are the review and approval by the County of the Final Development Plan (initial review by Mitchell Kellman - Zoning and Larry Pilson - DEPRM), the Record Plat, Public Works Agreement (to be reviewed by Steve Narowanskie - Public Works), and Storm Water Management Plan (to be reviewed by Jeff Berkowski - DEPRM). Of course, all these documents must be approved by Baltimore County, however, we believe issuance of the grading and building permits is the critical path.

Arnold Jablon, Director
August 15, 1991
Page 3

Pickersgill realizes that this is a very ambitious schedule and a most extraordinary request of your office. Please provide us with any assistance you can. Thank you for your time and consideration.

Yours truly,

Robert A. Hoffman

RAH/tls
cc: J. John Dieter, Director, DEPRM
Gene L. Neff, Director, DPW
P. David Fields, Director, OPZ
Robert E. Covahey, Chief, PS
Arnold F. Keller, III, Deputy Director, OPZ
Brantley C. Hart, Jr., Executive Director, Pickersgill, Inc.
Sally S. Diggs, President, Board of Directors, Pickersgill,Inc.
Robert A. Shelton, Esquire
Davis V. R. Sherman, Esquire
James Matis, G. W. Stephen & Associates

3

File → 89-538 +444 Hearing 2/06/92

THE ROBERT B. BALTER COMPANY GEOTECHNICAL/ENVIRONMENTAL ENGINEERS

November 8, 1991

RECEIVED NOV 12 1991 ZONING OFFICE

Mr. Brant Hart
Pickersgill, Inc.
615 Chestnut Avenue
Towson, Maryland 21204

Dear Mr. Hart:

Re: Maryland Department of the Environment
Approved Contaminated Soil Contingency Plan
For Grading Operations and Construction
Proposed Addition

The Robert B. Balter Company contacted the Maryland Department of the Environment (MDE) on October 5, 1991 in order to establish an approved contingency plan in the event that petroleum contaminated soils are encountered during grading and construction activities proposed for the project site. Ms. Jennifer Thomas of the MDE indicated that the MDE would require stockpiling and covering any soils, suspected of having petroleum contamination, on plastic. The soils would then have to be tested for Total Petroleum Hydrocarbons (TPH) and left on-site or removed as per order of the MDE. Ms. Thomas indicated that although the MDE should be notified if contaminated soils are encountered, there is no reason why construction or grading operations should have to cease unless an unforeseen surface release of contamination to the site or surrounding properties occurs.

The Robert B. Balter Company will be available during the grading and construction operations to respond to any environmental concerns which may surface. Please call this office if you have any questions concerning this matter.

Sincerely,

David A. Iseri, M.S.
Geologist

RECEIVED NOV 13 1991 By OCJ

cc: Jennifer Thomas (MDE)
Dan Schwab (J. Vinton Schafer & Sons, Inc.)
Brigid Kenney (Venable, Baetjer & Howard)
Baltimore County Zoning Commissioner
Baltimore County Department of Environmental Protection

18 Music Fair Road • Owings Mills, Maryland 21117 • 301/363-1555 • Branch Office: Springfield, Virginia • 703/569-3050

WEST TOWSON NEIGHBORHOOD ASSOCIATION, INC.
521 Allegheny Avenue
Towson, Maryland 21204

Dir + Patt to note.

August 8, 1989

David L. Thomas, Asst. Chief
Bureau of Public Services
Baltimore County Department of Public Works
County Office Building
Towson, Maryland 21204

Dear Mr. Thomas,

The West Towson Neighborhood Association, Inc. has been advised that there is a proposal to widen Chestnut Avenue. In addition, we understand that Pickersgill, Inc. is requesting a waiver of that widening. The West Towson Neighborhood Association, Inc. is opposed to the widening and supports the waiver.

We request that we be advised of the date of the hearing before the Planning Board so that the members of our Board may attend.

Sincerely,

Frank W. Uebersax, President
West Towson Neighborhood Assoc., Inc.

cc: Julius W. Lichter, Esq.
J. Carroll Holzer, Esq.
Mrs. Naomi O. Willey
Mrs. Sally Diggs
Mr. Gene L. Neff
Mr. P. David Fields
Mr. Harold Reid
All WTNA Board Members

RECEIVED AUG 14 1989 OFFICE OF PLANNING & ZONING

WEST TOWSON NEIGHBORHOOD ASSOCIATION, INC.
521 Allegheny Avenue
Towson, Maryland 21204

August 10, 1989

Mr. Robert Haines
Zoning Commissioner of Baltimore County
County Office Building
Towson, Maryland 21204

Dear Mr. Haines,

The West Towson Neighborhood Association, Inc. has been contacted by both Pickersgill, Inc. and the Pickersgill Neighborhood Advisory Board in the matter of case # 89-444-SPH scheduled for August 22 & 24. As this project is within our boundaries we are very interested in having answers to the questions raised. Accordingly, we would like to be kept informed as to all proceedings in this matter, and to be given the opportunity to participate as an interested party.

May I hear from you at your earliest convenience regarding this request. We appreciate your attention to this matter.

Sincerely,

Frank W. Uebersax, President
West Towson Neighborhood Assoc., Inc.
604 Allegheny Avenue
Towson, Maryland 21204
823-1777

FWU/mlk

cc: Julius Lichter, Esq.
J. Carroll Holzer, Esq.
Brant Hart, Executive Dr., Pickersgill, Inc.
Sally Diggs, Pres. Board of Trustees, Pickersgill, Inc.
Mary R. Wolfe, Co-Chairman of Advisory Board
Naomi Willey

RECEIVED AUG 14 1989 ZONING OFFICE

MICROFILMED

RUXTON-RIDERWOOD-LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

BOARD OF GOVERNORS
MINUTES
JUNE 26, 1989

MICROFILMED

Board Members present:

Chris West	Nancy Cammack	Bill Naughton
Louise Hildreth	Hobie Fowlkes	Paula Noell
Nancy Horst	Dottie Fravel	Gail O'Donovan
Dick Watts	Bob Kan	Roy Parsons
Betty Bixler	Sarah Lord	Gerean Shelton
Richard Burch	Herb Mittenthal	Marge Sinton

Also present was Louise Schulz, Executive Director.

Guests: Maryland Department of Transportation, Office of Public Affairs "Adopt a Highway Program", William Belts, Cathy Woodale and Owen Schwerrs.

The meeting was called to order at 8:10 p.m. by president Christopher R. West.

Materials distributed to board members includes:

1. Agenda (6/26/89 board meeting)
2. copies of testimony given by Louise Schulz at Planning Board Public Hearings on the proposed Master Plan for Baltimore County, and "master plan conflict".
3. 1989-1990 board roster, committee list, board members by area.
4. 1988 Comprehensive Zoning Map, Baltimore County.

Maryland Dept. of Transportation "Adopt a Highway Program packet was distributed and audio visual presentation was presented.

President West thanked those from the MDOT for their presentation.

Amendment to April 25, 1989 Minutes

Gail O'Donovan made the following motion: change: P. 2 of the 4/25/89 minutes under Blakehurst (Mission Helpers) strike the word widening. The paragraph should read: In the matter of Blakehurst, Mrs. O'Donovan reported that as of April 13, 1989 the variances affecting Chestnut Avenue, Greenwood Road and West Joppa Road had been approved. The motion was seconded by Paula Noell and passed unanimously.

357

THE RUXTON - RIDERWOOD - LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

Box 204
Riderwood, Md. 21139

J. Robert Haines
Zoning Commissioner for Baltimore County
Towson,
Maryland 21204

January 17, 1989

Dear Mr. Haines:

This letter is being written to you on behalf of the Advisory Board to the Pickersgill, Inc. development and expansion project. The Board was officially created at the request of Mr. Brant Hart, Executive Director of Pickersgill, Inc. to represent the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc. on August 1, 1988.

The purpose of creating the Board was to have concerned, responsible individuals that are also adjacent property owners and therefore have a vested interest in the life care facility to interact with a committee representing Pickersgill regarding the development and expansion project. We have been actively meeting and working with Pickersgill since that date. It has recently been brought to our attention by Don Herche and John Goodwin, of E.M.A. Management, Inc., that they did not need to obtain a Special Exception in order to build their 100 apartments for life care.

The Advisory Board, as well as the immediate community, feel that Pickersgill, Inc. does indeed fall under some of the legislation enacted by Bill # 36-38. Because there appears to be some confusion, we are requesting that you explore this question by way of a Special Hearing in order to determine whether or not Pickersgill needs a Special Exception.

We would appreciate a response from you regarding this request as soon as possible.

Sincerely yours,

Gail B. O'Donovan
Chairman of Zoning

Susan J. Meinert
Co-Chairman of Advisory Board

Mary R. Wolfe
Co-Chairman of Advisory Board

(Exhibit)

357

THE RUXTON - RIDERWOOD - LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

Box 204
Riderwood, Md. 21139

J. Robert Haines
Zoning Commissioner for Baltimore County
Towson, Maryland 21204

January 26, 1989

Dear Mr. Haines:

We have not heard from you in response to our letter of January 17, 1989 requesting a Special Hearing in order to determine whether or not Pickersgill, Inc. needs a Special Exception to build their 100 apartments for life care.

We are concerned because we have just received a letter from the Pickersgill Development Subcommittee which sounds as though they think they have full authority with respect to all phases of the development project and do not need to negotiate or interact with our Advisory Board except as a courtesy to the neighborhood.

We would appreciate hearing from you as soon as possible on this so that we know where we stand regarding the project.

Sincerely yours,

Gail B. O'Donovan/mew
Gail B. O'Donovan
Chairman of Zoning

Mary R. Wolfe
Mary R. Wolfe
Co-Chairman of Advisory Board

(Exhibit 2)

357

Pickersgill Inc.

615 CHESTNUT AVENUE
TOWSON, MD. 21204
825-7425

MICROFILMED

January 23, 1989

Mrs. Mary R. Wolfe, Co-Chairman
Development Advisory Board
Ruxton-Riderwood Improvement Association
Towson, Maryland 21204

Dear Mrs. Wolfe and Members of the Advisory Board:

Thank you for your letter of January 19, 1989. On behalf of the members of the Pickersgill Development Subcommittee, I want to express our appreciation for the time that you and your Board have taken to participate in the development process at Pickersgill. I am sure that you will agree that it is an exciting time for all involved.

After our meeting of January 11th, the Development Subcommittee and the entire Board of Directors met to discuss the various conceptual designs submitted by Sherertz, Franklin, Crawford & Shaffner, the architectural firm responsible for the design of the project. As I am sure that you are aware, the Board of Directors of Pickersgill retains the final authority with respect to all phases of the development project.

The Committee and the Board directed the following priorities of the Board in the site and building design:

1. Maintain the appearance of large open areas on the site;
2. Lessen the encroachment of the buildings on Chestnut Avenue;
3. Promote a residential exterior appearance;
4. Facilitate accessibility of Pickersgill residents to open spaces and outdoor recreational areas on the site;
5. Reduce the visual impact of parking areas;
6. Manage pre- and post-development surface runoff on the Pickersgill site; and

A LIFE CARE RESIDENCE

(Exhibit)

Mary R. Wolfe, Co-Chairman
January 23, 1989
Page Two

7. Comply with all development requirements of Baltimore County and the State of Maryland.

The feeling of the Board of Directors is that the conceptual design which depicts the shorter building closest to Chestnut Avenue best satisfies the priorities outlined above.

Unfortunately, our engineers have not finalized the Topographic information from the site, and thus, no plans are available which would be meaningful to your Board.

We are anxious to finalize our site design so that we can move ahead in the approval process. We are awaiting your comments regarding the conceptual design and look forward to working with your Advisory Board.

We would appreciate hearing from you by February 3, 1989.

Sincerely,

Jane Croft, Chairperson
Development Subcommittee

JC:plc

(Exhibit 4)

Pickersgill Inc.

615 CHESTNUT AVENUE
TOWSON, MD. 21204
825-7423

July 21, 1989

MICROFILMED

JUL 24 1989

Ms. Phyllis Devlin, The Office Of
Congresswoman Helen D. Bentley
200 East Joppa Road
Suite 400
Towson, Maryland 21204

Dear Ms. Devlin:

At your direction, I am writing this letter to describe the proposed project which is underway at Pickersgill, Inc. As a result of an all day seminar presented by EMA Management, Inc. to the Board of Directors of Pickersgill market research was completed with respect to evaluating the potential for development on the present site. The objective of the development plan is to enhance and continue the existing operations of the facility as well as to broaden the market currently served by Pickersgill.

The planned project includes renovating the existing building while constructing a new community center and adding 100 new apartment units. The new independent living units will range in size from efficiency to 2 bedroom with den apartments. The contract will be a rental contract with no up-front fee. Health care and other services currently being provided to residents of Pickersgill will be extended to the apartment residents on a pay as you go basis. It is our desire that well, elderly persons of moderate income will be served through the additional units.

On July 13, 1989, Pickersgill received approval from the County Review Group (CRG) "subject to" the outcome of a "special hearing" scheduled for August 22 and 24th. I am optimistic that the Zoning Commissioner for Baltimore County, Mr. Robert Haines, will look favorably on the proposed project. In spite of my optimism, I would appreciate a letter of support describing the need for the type of services which we provide and will continue to provide at Pickersgill.

A LIFE CARE RESIDENCE

Thank you in advance for your interest and support. If you have any questions concerning the Pickersgill Project, please do not hesitate to call my office at (301) 825-7423.

Sincerely yours,

Brant Hart
Executive Director

BH/bc

STATE OF MARYLAND
OFFICE ON AGING

WILLIAM DONALD SCHAEFER
GOVERNOR

ROSALIE SILBER ABRAMS
DIRECTOR

301 W. Preston Street, Baltimore, Maryland 21201-2374
Area Code 301 • 225-

August 3, 1989

Mr. J. Robert Haines
Zoning Commission
Office of Planning & Zoning
111 West Chesapeake Avenue
Room 109
Towson, Maryland 21204

RECEIVED
AUG 7 1989
ZONING OFFICE

Dear Mr. Haines:

The Office on Aging has been advised that Pickersgill, Inc. has a proposal before the Office of Planning and Zoning for the construction of a 100 unit rental apartment building to serve the needs of moderate income elderly in Baltimore County.

It is the opinion of the Office, that rental apartments with access to nursing services are considered a desirable type of housing by the elderly. Unlike continuing care communities which may require the payment of a substantial entrance fee, these rental facilities will be able to serve a broader segment of the population, and, given the growth of this population could be expected to be a very attractive housing option.

Although the Office cannot endorse a specific community, we believe that the concept of rental housing with the availability of services is worthy of your consideration.

Sincerely,

Violet M. Sloat
Program Officer
Continuing Care

VMS/ich

TOLL FREE NUMBER — 1-800-AGE-DIAL (243-3425)
TTY FOR DEAF — Baltimore: 383-7555/Washington, D.C.: 565-0451

E-1-4-JED

HELEN DELICH BENTLEY
2D DISTRICT, MARYLAND

WASHINGTON OFFICE:
1516 LONGWORTH BUILDING
WASHINGTON, DC 20515
202-225-3061

DISTRICT OFFICES:
200 EAST JOPPA ROAD
TOWSON, MD 21204
301-337-7222

7458 GERMAN HILL ROAD
DUNDALK, MD 21222
301-285-2747

6 NORTH MAIN STREET
BEL AIR, MD 21014
301-879-2517

Congress of the United States
House of Representatives
Washington, DC 20515
July 26, 1989

COMMITTEE ON THE BUDGET

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION (ON LEAVE)

COMMITTEE ON MERCHANT MARINE AND FISHERIES
SUBCOMMITTEES:
MERCHANT MARINE
PANAMA CANAL/OUTER CONTINENTAL SHELF
COAST GUARD & NAVIGATION

SELECT COMMITTEE ON AGING
SUBCOMMITTEE ON HEALTH AND LONG TERM CARE
TASK FORCE ON WOMEN AND SOCIAL SECURITY

Mr. James Dyer
Director
Baltimore County Department
Of Zoning
111 West Chesapeake Avenue,Room 113
Towson, Maryland 21204

File
Pickersgill Hearing # 89-538-SPH

Dear Mr. Dyer:

Enclosed please find a copy of correspondence I recently received from Brant Hart, Executive Director, Pickersgill Incorporated, 615 Chesnut Avenue, Towson, Maryland 21204.

Pickersgill is an established residence for the elderly. It has been in existence in Baltimore County for many years. Pickersgill is now hoping to expand its residence. They would like to construct a new community center and add one hundred new apartments units. This expansion will help to lessen the current housing shortage that exists for the elderly.

Pickersgill has my full support in this expansion. I am hoping that you will give this matter your utmost consideration.

With warmest regards.

Sincerely,

Helen Delich Bentley
Member of Congress

HDB:pd

Enclosure

RECEIVED
JUL 31 1989
ZONING OFFICE

518

Harris, Smariga, Matz, Inc.
Planners/Engineers/Surveyors
5-B Sudbrook Lane/Pikesville, MD 21208
(301) 486-1511

August 9, 1989

OK ucr 8/10/89

Baltimore County
Attn: Mr. Carl Richards,
Zoning Administrator
111 W. Chesapeake Avenue
Towson, Maryland 21204

Subject: Pickersgill
HSM Job No.: 40264

Dear Mr. Richards:

The following are changes that have been redlined on the attached Special Hearing Plat for Pickersgill, Inc. These changes reflect the changes approved by the CRG meeting of July 13, 1989.

1. Access road crossing stream/wetlands eliminated.
2. Parking layout revised.
3. SWM pond location adjusted.
4. Limits of disturbance line added.
5. Additional 75' landscape buffer for parking and landscaping surrounding SWM pond.
6. Stream buffer (50') and wetland buffer (25') added.
7. Dimensions of existing building revised to reflect architectural drawings.
8. Existing parking space on circular access road to be abandoned, road to be used for access to loading area.
9. Addition of 24" and 21" storm drain system.
10. Changed Local Open Space to Private Open Space.
11. Added shaded strip to delineate boundary of private open space.

Harris, Smariga & Associates, Inc.
Frederick, 340/(301) 662-4488

Harris, Smariga, Orsillo, Inc.
Fairfax, VA/(703) 385-3566

518

Baltimore County
HSM Job No.: 40264
August 9, 1989
Page 2

12. Sight lines on Chestnut Avenue from proposed entrance.

13. Hatching on south side of Chestnut Avenue showing road widening.

14. Additional notes 23-27 and Mitigative Measures A-F.

Sincerely,

Laurence J. Goetz

raz

OBRECHT
BY OBRECHT & SON

RECEIVED
OCT 11 1989
ZONING OFFICE

October 10, 1989

Mr. J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Proposed Development
Pickersgill, Inc.
615 Chestnut Avenue
Towson, Maryland 21204

Dear Commissioner Haines:

It is the purpose of this correspondence to register my support of Pickersgill, Inc.'s plan to construct an additional facility on the property immediately adjacent to its existing building. As a ten (10) year resident of Towson and a member in good standing of the West Towson Neighborhood Association, I am familiar with the activities of Pickersgill and the fine services it provides to the retirement community.

It is my understanding that the proposed development will retain the park-like setting of the area, thereby preserving the property's aesthetic value on which the neighborhood places such great importance. Also, the new addition will accommodate a larger number of our senior citizens, alleviating a demand which grows stronger each year.

In my opinion, the Pickersgill addition will promote the health, comfort and convenience of the community by providing a valued segment of that community with an enjoyable and attractive residence in which to live.

Very truly yours,

H. John Bremermann, III
Vice President/General Counsel

HJB/pg/jb51010

9475 Deereco Road Timonium, Maryland 21093 301-561-5558

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Telephone (802) 475-2311 — ROBERT H. BEACH, President

October 11, 1989

Robert Haines
Zoning Commissioner
111 Chesapeake Avenue
Towson, Md. 21204

RECEIVED
OCT 16 1989
ZONING OFFICE

Dear Commissioner Haines:

My wife and I have our home at 625 Country Road, Towson, Md. 21204. That is our sole residence, and is our mortgagor and registered voter in Baltimore County.

I called my zone minutes ago while in session here in Vermont and learned that there is a hearing on my request by Pickersgill on Chestnut Avenue, no change, as I believe I am going in other property to allow for the construction and use of a modest number of additional units.

I have seen the plans, both of the physical plant and for the prices and terms for the people who could find suitable housing of this rare opportunity on existing site, at an affordable price, in a caring atmosphere - and, we urge your approval.

VERMONT'S PREMIER RESORT SINCE 1939

MICROFILMED

Mr. & Mrs. A. Reid Johnson
616 Piccadilly Road
Towson, Maryland 21204

TESTIMONY BEFORE THE BALTIMORE COUNTY PLANNING & ZONING COMMISSION
ON THE PICKERSGILL EXPANSION PROPOSAL
October 18, 1989
By
Judith C. Johnson

My name is Judy Johnson, and I appreciate the opportunity to express our viewpoint on the Pickersgill expansion, which is shared by other neighbors. We moved to Piccadilly Road about 20 years ago, and a major attraction was Pickersgill's open space. However, even then we wondered how long it would remain that way.

In making a move, any hospital or retirement home would be shortsighted not to purchase enough land for expansion. Pickersgill purchased a beautiful tract, suitable for present and future needs.

I served as a volunteer at Keswick, the Home for Incurables, for some years, and was a member of the Board of Lady Managers and its Treasurer. I learned about Pickersgill's great reputation. Keswick had a good deal of open space when I was first associated with it. Since then, they have built three additional large buildings and converted others to different uses in order to keep up with the times and provide the kind of nursing home and ambulatory care that is needed in today's world.

We support Pickersgill's expansion plans, loath as we are to see more development. Throughout its existence, it has provided thoughtful care, entertainment and a happy home to many people on limited means without family to care for them.

There are complaints that they should not be permitted to build more than 50 or 60 units. An analysis of costs vs. income must be considered whenever a retirement home or hospital is built, and, in order to cover costs, there is a minimum number of units that can be considered for the facility to pay for itself. 100 units is not exhorbitant and the figure should not be changed. The plans do not show that the property would be crowded, and there will be a landscaped buffer.

One advantage of Pickersgill's apartment units is that people will not have to purchase them, like so many other retirement homes, losing the principal when they

MICROFILMED

Mr. Robert Haines
Zoning Commissioner Baltimore County
401 Bosley Ave.
Towson, Md. 21204

Dear Mr. Haines,

As neighbors abutting Pickersgill property we would like to state that we approve of the mission of Pickersgill to provide reasonable cost facilities to house the aging.

The original mission of Pickersgill was to provide care and housing to the aging who may not be financially able to provide for themselves.

The present day concept of this mission requires Pickersgill to provide facilities that are modernized to the requirements of the aging and which are affordable to their moderate income.

To accomplish this end additional facilities will be required and alterations made to existing properties.

In our opinion Pickersgill has made satisfactory and adequate plans to meet these requirements. However if unreasonable alterations of the plans, to meet objections for whatever reason, might be required, then possibly Pickersgill might have to reconsider it's program which could become disadvantages to the neighborhood.

We see no reason why Pickersgill should not be allowed to proceed as they propose.

Very truly yours,

John A. Billstone
506 Piccadilly Rd.
Towson, Md. 21204

Robert V. Dallmus
502 Piccadilly Rd.
Towson, Md. 21204

William F. Bauer
508 Piccadilly Rd
Towson, Md. 21204

RECEIVED
OCT 17 1989
ZONING OFFICE

MICROFILMED

September 28, 1989

Mrs. Barry Heddings
516 West Joppa Rd.
Towson, Md. 21204

Commissioner J. Robert Haines
111 West Chesapeake Ave.
Towson, Md. 21204

RECEIVED
OCT 2 1989
ZONING OFFICE

Dear Mr. Haines:

I am writing to you in an effort to express my concern about the West Towson community. I have lived at 516 West Joppa Rd. in Towson since November, 1972. In that period of time I have seen the area grow and become more congested. Needless to say, I am not in favor of more development in the area which would lead to more traffic and congestion. Therefore, I am opposed to the project which the Pickersgill group is planning.

Every morning I run or walk for exercise. My running course takes me down Joppa Road to Chestnut Avenue. When schools are in session Chestnut Avenue has horrendous traffic every day between 7:30 a.m. to 9:00 a.m. from September through May. Chestnut Avenue is a beautiful street.

File

Rhea W. Brocato
811 Eton Rd.
Towson, Md. 21204

Mr. Robert Haines
Zoning Comm.
111 W. Chesapeake ave
Towson, Md. 21204

RECEIVED
AUG 22 1989
ZONING OFFICE

Dear Sir.

Ten years ago we moved here to retire into a Quiet Residential section away from unsightly Clustered buildings, traffic, and general Confusion, Let us Keep it that way.

MICROFILMED

Rhea W. Brocato
811 Eton Rd.
Towson, Md. 21204

File

Henry Yeager
554 Piccadilly
Towson, Md.

J. Robert Haines
Zoning Comm;
111 W. Chesapeak Ave.
Towson, Md,.

Dear Sir:

It is my opinion that the planned buildings for Pickergill will lower the value of my property as my lot borders onto the Pickergill area.

I do oblect to having tall buildings and traffic right up against my back yard. It is my wish that this project be stopped

Sincerly.

Henry M. Yeager

RECEIVED
AUG 22 1989
ZONING OFFICE

MICROFILMED

Mr. H[illegible]:

As a person who believes the people against the improvement and additions at Pikersgill home are very selfish, they will be older some day, they are classing older people with prisioners, that they have no need to be in a decent place or location. Most would not be driving care and unfortunately many do not have visitors, but do like to stay somewhere in their usual locations. The protests against these things could be made anywhere, Towson proper is over run with traffic on every street but the older people a place to live is surely lesser than what may come. A few people should not run the scene when a place is trying to better itself and make use of their property the same as anyone does. I am not sending my name for for some people get nasty if they know you are against them. PLEASE HELP THESE PEOPLE MAKE A NICE PLACE FOR MORE OLDER TO LIVE.

THANK YOU.

RECEIVED
AUG 10 1989
ZONING OFFICE

Hon. Hall Hammond
25 Ruxview Court, apt. 201
Ruxton, MD. 21204

August 3, 1989

Mr. J. Robert Haines
Zoning Commissioner
Room 109
111 W. Chesapeake Avenue
Towson, MD 21204

Dear Mr. Haines:

Pickersgill is seeking permission to erect a building to house the elderly with life care. Some of the neighbors, I am advised, are entertaining audible fears that their life styles and well being will be adversely affected.

I write of my own volition because I was in close association with Pickersgill over many years as its lawyer and a member of its Men's Advisory Board on financial affairs. These contacts continued after I became Attorney General-- in those days that official did not give up his private law practice and nary an eyebrow then was raised. After I went on the Court of Appeals I remained on the Men's Board.

Of course the ladies run the daily affairs and operation of the Home. I have never known--indeed I cannot imagine--a more dedicated group. The occupants are not just that. They are always given continuing individual affectionate and kind support, interest and care. The inevitable strains and nags of institutional life are ameliorated as far as possible. I have not the slightest doubt that this pervasive spirit of recognition, understanding and attention to the problems of others will extend to the worried who live nearby and help demonstrate that more was worried about than came about. No person has a vested interest in the status quo. Change is like death and taxes, but I have no doubt that feared effects will be held to a minimum. The past is usually a reliable guide as to what the future will bring.

Sincerely,

Hall Hammond

MICROFILMED

17 copies to CTW by noon Fri

Pickersgill Pre-Org — July 3, 1989

Planning - Jake Mossey - See written comments.

Zoning - Joe M. for Carl K. - " " "

Fire - Not Present - to see Capt. K. before meeting.

Traffic - Rahim - Plans wasn't clear; discussed at the pre-CRG meeting. Show signing for service rd. on plan. Ped key to left of signal. Sediment control - Remove stream crossing; show stream buffer & wetlands (written comments with Louise Hanson).

DEPRM - Dave Likens - See written comments.

SWM - Lee Dryjer - See written comments.

Rec & Parks - Pat Kincer not present - see written comments

DED. - See written comments.

Pickersgill pre CRG 7/3/89

Planning – 32 p.s. cbg & service drive don't meet the min. aisle requirement
Stream feasibility should be assessed
requires additional comment concerning geotechnicality
BCZR
Final landscape plan req.

Zoning 89-444 SPH Reg 1611 – to determine if prop. use
Should comply w 36-88 + Sp Ex. use
89-538 SPH Pickersgill – amend, revising Sp. Ex.

Aug 22 + Aug 24 Hearing dates

Fire – not in attendance – (his name?)
Traffic – ex entrance on Chestnut – to be closed
service road to be posted as one way entr –
Valley petition – min 18' for one way unless
parking is removed
circle? operation

DEPRM remove stream crossing in rear
50' buffer on wetlands
remove pipe from wetlands to reduce flooding hazard
EER not approved
Stream restoration if feasible – type, size location
needs to be verified / Storm drains?

Approved 1)

Pickersgill CRG 7/13/89

Chair Dave Thomas — Hearing Comm. { Neil Weinstein, Richard Matz, George Payne
Co-chair Frank Fisher — Hearing Comm. Staff { Jules Lichter, Howard Alderman } Atty

Outstanding Staff Comments:
DEPRM – drain will need to be studied; 50' reqd + possibly replaced at 546 Piccadilly prior to building permit
sewer cost participation needed
DEED – area – low screening for S.W.M.
Rec + Parks – open space should be clearly shown
A58 orig. construction 1978. addition
renovation of ex structure – phase 1 — 100 appt units for rest – phase 2
adding bedrooms, new window treatment (total bedroom count will remain the same)
relocate ex entrance onto Chestnut to improve site distance
138 p.s. req. 213 p.s. prop.
buffer around perimeter of prop. – retain many large trees

Ann Mangels – clerk Dev. Comm
John Goodwin, Don Hershey } elderly housing consultants
Greg Jones — architect

MASSIVE (when viewed from Piccadilly or Chestnut)

Fire –
Zoning – Special Hearing 8/22 + 8/24 to determine applicable zoning regs – zoning approval subject to outcome of Sp Hearing
OPZ Storm facility to be screened
if density is not approved at zoning hearing the revised CRG plans must be submitted – office reserves right to comment at that time

DEPRM – S.W.M. 2/10/100 yr peak management – need suitable outfall
DED – Chestnut 40/50 – flooding to be corrected; S.W.M. req. 546 Piccadilly must comply with suitable outfall
Traffic – no comments
(2) – Pickersgill may be responsible for portion of replacing S.W. system
SHA – add. traffic can be handled by Joggee + Charles St
open space should be shaded

Hearing 2/1/89 — Jack Gillian, Les Pittler DI — Louise Schultz, Gail O'Donovan, Polly Woodside Wolf, Louise Minor, John Hodge – Williams

Howard Alderman – Pickersgill rep.

Site contains mixed OR 3.5 + O.R. 5.5 zoning
– he alleges that the convalescent center has no density assoc. with it + that density for the rest. 1 br, 2 br, eff units will allow 89 units (density units)
total proposed # of units is betw 100–120
"living apartments" available to the well elderly individuals who become infirm can be transferred to the convalescent center
no provisions for medical care
community center – can buy into – plan + guidelines need go thru ↗ State as any other development
– what is the role of the community advisory group – their authority?
Pickersgill has been in contact w advisory committee
– Howard feels the architect has redesigned this site to accomodate community concerns
* S.W.M. is still an issue that is not resolved

Les Pittler – income level of prospective tenants – "middle income"
no entrance fee, monthly costs $1700–1800 typ.
85–95% of ex. residents have lived in immediate community
– some residents who are indigent are admitted to the center

– The Board of Directors for Pickersgill will operate the rental apts.
"domiciliary beds" (for residents who need some level care)
Is there the possibility of retaining the apt. if the resident

CRG Comment Sheet (con't)

	Yes	No	N/A
Groups Contacted/To Be Contacted			
1. County Council Tracy Gingher			✓
Comments:			
2. Civic/Business Associations			
Comments: West Towson, Southland Hills			

Zoning History

Zoning – last zoning change

Comments: Electrical Zoning back to 1976, has not changed since

Recommendation: CRG meeting should be continued until Zoning decision is made. There are several major issues which must be determined via the Special Hearings, 89-538 SPH to amend the special exception and plan in case # 83248X to add 100 Class A Elderly Assignments and 89-444 SPH to determine that residents must be discharged pursuant to Sections 101, 432, 1801.2.C.1 and 1802.2.A of the BCZR and to determine if a special exception is required. The hearing is scheduled for 8/22/89 and 8/24/89. Major issues are 1) How density is determined – should an area be set aside for the ex. nursing home + deducted from gross acreage? 2) Applicability of the elderly housing bill 36-88 and need for S.E. for density bonus 3) Use of density via dwelling units
From a site design point of view – the plan shows approx 30 p.s. in excess of that required by Zoning. By eliminating some parking + shifting the S.W.M. in front of a buffer/forest area will be maintained between the residences + the new use. All existing vegetation

NEWS

Project remains on track

Despite protests, Pickersgill to add

Rosalyn M. Hamlett

Members of the board of directors at the Pickersgill retirement community called a press conference Friday, to dispel what they termed "misinformation and unfounded rumors" regarding its elderly housing project.

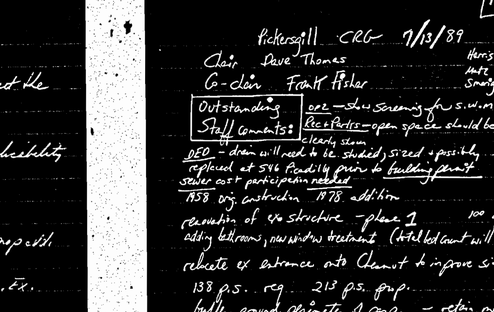
Board president Sally Diggs said the source of Pickersgill's ongoing fight with the neighborhood opposition are "eight or nine neighbors who don't want us to touch our green park."

Diggs said that while Pickersgill has done everything possible to accommodate the community's concerns, the bottom line is that Pickersgill owns the land and is free to do what it wants.

The retirement facility plans to add 100 new apartments on its property, as well as renovate the existing facility which presently has 169 beds.

Naomi Willey, who serves on the neighborhood's advisory group said that regardless of who owns the land, "There are laws that say what they can put in their own back yard."

In addition to the new independent living units, ranging in size from efficiencies to two-bedroom units with den apartments, Pickersgill also plans to construct a new community center on its 16-acre tract.



Staff photo by Brian Schaeffer

The neighborhood advisory group recently filed for an appeal, after the County Review Group approved Pickersgill plans for the added housing.

Willey says the residents' cause was unanimously endorsed two weeks ago, by the Ruxton-Riderwood-Lake Roland Neighborhood Improvement Association, an organization she says represents significantly more than eight or nine people.

"We sent out 150 information packets and got a 38% return or 57 homes that support a petition which questions the feasibility of building 100 apartments on that site," said Willey.

Both sides of the heated debate are looking forward to next week's zoning hearings on Aug. 22 and 24 for very different reasons. Willey says the advisory group is hoping the county zoning commissioner finds that the scope of the project is too large for the site and moves to decrease the number of allowable units.

Should the size of the project change, Pickersgill would have to modify its plan and undergo another CRG process. Diggs says that the community has already succeeded at impeding Pickersgill's progress for six months. She says further delays will only cost the facility more money than it has already lost.

While neighboring lifecare communities serve the needs of the upscale elderly, Diggs believes there are few choices for those elderly with retirement incomes between $15,000 and $35,000 per year. Pickersgill is a charitable community and never turns away anyone who can not afford to pay, she said.

"This is a density issue and not an emotional issue. It has nothing to do with older people," said Willey.

Board president Sally Diggs announces at a press conference that Pickersgill will go ahead with expansion plans that include adding apartments and a community center. The project for the elderly has drawn protests from neighbors.

Such differences have characterized the breach in priorities between the two groups, since Pickersgill's plans were first made known.

One main issue in the dispute centers around an oil tank on Pickersgill's property that ruptured in 1978 and left deposits in the surrounding community.

According to Pickersgill, four monitoring wells have been drilled on the site, after neighbors said they could still smell oil. A project update dated Aug. 11 states that the oil has not spread beyond the Pickersgill property.

Said Diggs, "We really don't know what else we can do."

Appeal filed in Pickersgill compromise

Susan Thornton

The administration and neighbors of Pickersgill inadvertently got themselves a compromise, when county zoning approved a scaled down version of the nursing home's apartment request. Nevertheless, Pickersgill has filed for an appeal.

The almost year-long war over the expansion of the nursing home and elderly housing facility on Chestnut Avenue in west Towson has reached one conclusion. Zoning Commissioner J. Robert Haines decided on Feb. 12 that Pickersgill may build 62 elderly apartments, which is almost smack-dab in the middle of the two requests, subject to six restrictions.

But Pickersgill, Inc. filed an appeal Feb. 15 with the county Board of Appeals, asking that their hearing be scheduled concurrently with their County Review Group hearing on May 4.

Brantley Hart Jr., executive director of Pickersgill, explained that he was "very disappointed" in the decision. Pickersgill needs the total 100 units "to do everything we needed to do," or it would be economically infeasible, Hart said Tuesday.

Opponents of the project, citing environmental, traffic and density problems, wanted to limit Pickersgill to about 40 apartments, and Pickersgill asked to add 100 units. But both parties calculated the complicated zoning density incorrectly, Haines said in his opinion.

Pickersgill at first asserted that their already developed land was not subject to zoning density calculations because it was governed by a special exception. Therefore they could use the total amount of land in determining the number of apartments they could build, Haines explained. But Haines denied that reasoning and reduced the amount of land they could use to calculate the density, thereby lowering the total amount of apartments they could build.

But Haines also recognized the "growing need for quality, affordable housing for Baltimore County's growing elderly population." And, after recalculating the density correctly, he approved 62 units of the senior citizen apartments, according to the decision.

Hart disagrees, saying that the land should not be counted that is already governed by a special exception.

Judy Johnson, a neighbor on Piccadilly Road, is an advocate of quality elderly housing, like that planned for Pickersgill, where the seniors don't have to put up a huge chunk of cash to buy a condominium. She was disappointed that Pickersgill didn't receive the density they need to make the project economically viable, she said.

"You have to give people what they want," Johnson says of Pickersgill's expansion plans. "You have to keep up with the times. We have got to find a way to provide the housing."

Haines further restricted Pickersgill, recognizing the community's concerns, he said in the opinion.

Pickersgill must erect a six-foot high fence around the storm water management pond, submit a plan showing how Pickersgill will avoid disturbing any remaining oil pools from an underground tank leak and allow an environmental inspection of the oil tanks every six months by an independent firm. Also, Haines required, the nursing home must never subdivide and must remain under the same management.

John Gohsen, a spokesman for the state's department of environment, said their agency has been supervising the extraction of over 143,000 gallons of diesel and heating oil from the ground water and soil around Pickersgill since the longstanding leak was discovered in 1975.

"We believe we've gotten 90% of it," Gohsen said. "There's only a little bit (of oil) left, but that will be the toughest to get."

Neighbors said they are pleased with the decision, and the restrictions. Residents testified that they were concerned about the presence of oil in the ground around Pickersgill.

"We feel that it was a fair decision," according to Mary Wolfe, co-chair of the advisory board to the Ruxton-Riderwood Improvement Association. "Everyone thought all along that we were against elderly housing. But there were very real environmental problems going on there and there was a very real question about whether they could put 100 apartments there. We're pleased that he agreed with our principle."

The 113 families who contributed to the fund for defending the case will probably also be pleased, Wolfe said.

While opponents to the apartments focused on traffic congestion that the project could cause on Chestnut Avenue, Haines refuted those concerns in his opinion.

And while that was disappointing, according to the neighborhood's attorney, J. Carroll Holzer, he recognized the extensive time and thought that Haines put into the decision.

"He ignored the traffic aspect, which was really one of our big concerns, and we weren't happy about that," Holzer said. "But short of stopping the project altogether, there isn't too much you can ask to be done."

Baltimore County
Department of Permits and
Development Management

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

June 29, 2000

Patricia A. Malone, Esquire
Venable, Baetjer, and Howard, LLP
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517

Dear Ms. Malone:

RE: Spirit and Intent for Pickersgill Addition", Zoning Case #89-538-SPH,
9th Election District

Thank you for your letter of June 19, 2000 to Arnold Jablon, Director of Permits and Development Management regarding the referenced property. This correspondence has been referred to me for reply.

Please be advised that the Zoning Review Office agrees with your letter that the possible uses proposed to the chaplain house would be accessory to the existing continuing care facility; however, any uses other than a single-family dwelling would be subject to the Residential Transition Area (RTA) requirements. When the "Pickersgill Addition" plan and hearing were approved in Zoning Case #89-538-SPH, the chaplain house was considered a single-family use and was permitted within 300 feet of any off-site, single-family dwellings without regard to RTA setbacks and buffers. The chaplain house did not generate an RTA as it was considered a single-family dwelling; therefore, any modifications of RTA for the house were never requested.

If the use changes from a single-family dwelling to an accessory office or a guesthouse for more than two families, the building shall be subject to RTA requirements. An accessory house or dwelling for guests of the continuing care facility shall be considered a single-family dwelling if the house is limited to no more than two families or residences. The house maybe renovated or rebuilt pursuant to Section 104 of the Baltimore County Zoning Regulations, but the CRG must be amended if the use changes from a chaplain house.

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

Sincerely,

Mitchell J. Kellman
Planner II
Zoning Review

MJK:kew

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
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6/19/00
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June 19, 2000

HAND-DELIVERED

Arnold Jablon, Director
Department of Permits and
Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Request for Zoning Opinion Letter
Pickersgill , Inc. -- 615 Chestnut Avenue
9th Election District, 4th Councilmanic District

Dear Mr. Jablon:

Our client, Pickersgill, Inc., has asked us to obtain a zoning opinion letter from your office regarding potential accessory uses for a single-family detached dwelling ("chaplain house") located on the same lot as and used in conjunction with its Pickersgill continuing care facility located at 615 Chestnut Avenue in Towson. The Pickersgill facility currently has 169 nursing beds and 87 apartments for the elderly.

Specifically, Pickersgill would like confirmation that it would be permitted to use the chaplain house for any of the following uses: guest rooms for overnight visitors to the facility, office space for facility staff, or recreational space for the residents of the facility. Because of the complicated history of this project, I met with Mitchell Kellman of your office to go over the nature of our request. Happily, Mr. Kellman had some familiarity with the history of the project.

By way of a brief background, a special exception was granted in 1958 in Case No. 4324-X for a convalescent home on the property. In 1983, the site plan was amended by special hearing in Case No. 83-253-SPH to allow for construction of a storage addition and to permit the removal of a barn. Finally, in 1990, a special hearing was

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Arnold Jablon, Director
June 19, 2000
Page 2 of 4

granted in Case No. 89-538-SPH to amend the site plan to allow for expansion of the nursing/convalescent home and to allow for the addition of elderly housing units. See Order entered by the County Board of Appeals on June 25, 1990, which incorporates by reference a Restrictive Covenant Agreement, dated May 23, 1990, between Pickersgill, Inc. and various community members and a Consent Order. In addition to the original Restrictive Covenant Agreement, the parties also executed a First Amendment to the Restrictive Covenant Agreement, dated November 5, 1991. I have included copies of these documents for your convenience.

With this letter, I have also included a copy of the Final Development Plan for the property, approved December 17, 1991, which is the latest approved plan on file in Baltimore County, and the First Revised CRG Plan, approved January 14, 1991. To get a complete idea of the restrictions on the property, the Restrictive Covenant Agreement and its exhibits must be viewed in light of the CRG Plan, which was revised to incorporate the changes and restrictions outlined in the Restriction Covenant Agreement, and the Final Development Plan.

In the Restrictive Covenant Agreement, Pickersgill agreed to certain limitations on the use of the property in return for the Community's support of its expansion project. Although comprehensive in many respects, the agreement contains no restrictions on the use of the chaplain house located to the rear of the property. The First Revised CRG Plan, which is tied to the Consent Order and the Restrictive Covenant Agreement, shows the house in existence with the notation "Ex. Chaplain House to Remain." It is our understanding that, at the time this plan was approved, the house was used as a residence for the chaplain in residence at Pickersgill. The plan also contains the following reference to the house: "(Add 1 Density Unit for Ex. Chaplain Res.)" The exhibits to the Restrictive Covenant Agreement, which are simply marked-up copies of the original CRG Plan, contained the same references to the chaplain house as the First Revised CRG Plan. The Final Development Plan also contains similar references to the house.

From a review of the relevant documents and plans, it appears that everyone understood that the house, in its current size and location, would remain and would be utilized by Pickersgill in conjunction with its facility. With regard to the potential uses of the house, the Restrictive Covenant Agreement indicates that "[t]he use of the Property shall be limited to the renovated, improved convalescent/nursing home and the operation

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ATTORNEYS AT LAW

Arnold Jablon, Director
June 19, 2000
Page 3 of 4

thereof, 87 Class B Elderly Housing apartments for the elderly, and uses accessory and incidental thereto, all as defined in the Baltimore County Zoning Regulations...."

The Baltimore County Zoning Regulations specifically define an accessory use as a use which is: (1) customarily incident and subordinate to and serves a principal use; (2) is located on the same lot as the principal use; and (3) contributes to the comfort, convenience or necessity of occupants in the principal use. Baltimore County Zoning Regulations ("B.C.Z.R."), Section 101 (copy enclosed). We believe that the above-referenced uses would qualify under this definition as accessory uses.

Further, Section 432 of the Baltimore County Zoning Regulations, which governs elderly housing facilities in D.R. zones, specifically permits "accessory uses which are customarily associated with elderly housing facilities and assisted-living facilities," which, in our opinion, would include recreational uses and office space for staff of the facility. B.C.Z.R., Section 432.1.B.3 (copy enclosed). Section 432.1.B.4 also allows as an accessory use "guest rooms for residents, family members and guests of residents and potential residents" with the restriction that "guest rooms may not exceed two for each 100 dwelling units provided."

At this time, we would appreciate confirmation from your office that, based upon your review of the referenced documents and plans and the Baltimore County Zoning Regulations, the chaplain house, in its current location and size, could be used for guest rooms for family and guests of the residents, as recreation space for the residents, or as office space for staff of the facility without being in violation of the Restrictive Covenant Agreement and within the spirit and intent of the prior zoning cases.

If it is your opinion that such uses are permitted, with regard to the guest rooms, we would appreciate confirmation from your office that the number of guest rooms permitted for this continuing care facility under B.C.Z.R. Section 432.1.B.4 would be based on the total number of nursing beds and apartments for the elderly or 256 units. Mr. Kellman indicated during our meeting that he believed this interpretation to be correct. Therefore, Pickersgill would be permitted to have a total of four (4) guest rooms available for the family and guests of its residents.

Thirdly, we would appreciate confirmation that, if used for an appropriate accessory use as confirmed by your office, Pickersgill would be permitted to renovate the

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Arnold Jablon, Director
June 19, 2000
Page 4 of 4

chaplain house, including taking it down to the foundation, if necessary, and rebuilding the house to its current size without the necessity of amending the CRG Plan, the Final Development Plan, or the site plan approved in Case No. 89-538-SPH.

With this letter, I have enclosed a check in the amount of $40.00 made payable to Baltimore County to cover the administrative costs associated with this review. If you need any further information regarding this request, please feel free to give me a call.

I appreciate your assistance with this matter.

Very truly yours,

Patricia A. Malone

PAM/sm
Enclosures

cc: Mr. Mitchell Kellman
Mr. Brant Hart

TOIDOCS1/ 101352 v1

§ 432 BALTIMORE COUNTY ZONING REGULATIONS § 432

432.1 In general. The following provisions shall apply to assisted-living facilities, continuing care facilities and housing for the elderly (collectively referred to as "housing facilities") in D.R. Zones, unless otherwise indicated.

A. Permitted uses.

1. Housing for the elderly shall be permitted by right. **[Bill No. 188-1993]**
2. Assisted-living facilities other than Class A or Class B for three or fewer shall be permitted by right. **[Bill No. 188-1993]**
3. Subject to Section 432.5, assisted-living facilities, Class A, shall be permitted by use permit and assisted-living facilities Class B shall be permitted by special exception. **[Bill No. 188-1993]**
4. Continuing care facilities shall be permitted by special exception. Assisted-living facilities other than Class A or Class B of four or more and assisted-living facilities developed in conjunction with a nursing home shall be permitted by special exception. **[Bill No. 188-1993]**
5. Elderly housing facilities for the elderly are not permitted in any Baltimore County Historic District, except for Class A assisted-living facilities. **[Bill No. 188-1993]**
6. An applicant for a special exception to develop a housing facility may combine in the same special exception petition a request for modification or waiver of the maximum residential density standard or building height standard as set forth in Section 432.2 or a request for modification or waiver of residential transition area restrictions, or all as set forth in Sections 432.2, 432.3 and 432.4. **[Bill No. 188-1993]**

B. The following uses shall be permitted as accessory uses:

1. Accessory uses which are normally and customarily associated with multiple-family dwelling developments in D.R. and R.A.E. Zones.
2. Common dining facilities.
3. Accessory uses which are customarily associated with elderly housing facilities and assisted-living facilities of four or more (except assisted-living facilities developed in conjunction with a nursing home), such as personal and recreational services, small gift or necessities shops and a small bank branch or automated bank teller machines, provided that the accessory use is for the sole use of the elderly housing community, and provided that there is no exterior announcement or other exterior evidence of the accessory use.
4. Guest rooms for residents, family members and guests of residents and potential residents. Guest rooms may not exceed two for each 100 dwelling units provided.

§ 432 SPECIAL REGULATIONS § 432

5. Any uses not listed above which, in the judgment of the Zoning Commissioner after a public hearing, would be in accordance with the definition of accessory use or structure contained in Section 101 and would not be detrimental to the locality involved.

C. Width of elevation of detached dwellings.

1. Notwithstanding the provisions of Section 1B01.2.B.1, and for the sole purposes of determining the width of any elevation of a detached building, any buildings within the development that are connected by exterior passageways shall be considered as detached buildings. Such passageway, whether or not completely enclosed, shall not be included when determining the width of any elevation of a detached building.
2. The development shall not be subject to the restriction contained in Section 1B01.1.B.1.b.(2) concerning the maximum width or length of any elevation of a detached building or group of attached buildings when located in a residential transition area.

D. Notwithstanding the provisions of Section 1B01.2.C.2.b., the minimum distance between centers of facing windows of different dwelling units on the same subdivision tract shall be 20 feet for elderly housing facilities.

432.2 Provisions for approving an increase in residential density or building height for elderly housing facilities on hospital campuses. If an elderly housing facility is established in conjunction with a hospital and is located on a hospital campus, the Zoning Commissioner, by special exception, may approve an increase in residential density or building height above the maximum residential density or maximum building height specified for the zone in which the facility is located if:

A. The height of any new building does not exceed the height of the existing hospital building.

B. The density approved is specified and does not exceed the maximum gross residential density permitted in the R.A.E.1 Zone (40 density units per acre).

432.3 Provisions for modifying or waiving maximum residential density standards for elderly housing facilities on property containing institutional or historic buildings. If a person seeks to develop an elderly housing facility on a property that contains one or more existing institutional or historic buildings, the Zoning Commissioner may, by special exception, modify or waive the maximum residential density standard specified for the zoning in which the development is located, but only in accordance with the conditions set forth below.

A. Before granting a density increase hereunder, the Zoning Commissioner shall determine that the proposed development falls into one of the following categories:

FIRST AMENDMENT

TO THE

RESTRICTIVE COVENANT AGREEMENT

This First Amendment to the Restrictive Covenant Agreement entered into on this 5th day of November, 1991, by and between **Pickersgill**, (a Maryland Corporation) and **Mary R. Wolfe, Gail B. O'Donovan, Elizabeth Sexton, Susan J. Meinert, John Hodge-Williams, Frederick J. Willey, Naomi Willey** and **Harry R. Kakel**, (The "Advisory Board"), **Dawson L. Farber, Jr., Erwin W. Huber, Frances F. Huber, Sarah P. Daignault, Howard Ritter, Jr.** and **Roberta A. Lees** (together with the Advisory Board are collectively referred to hereinafter as the "Neighbors").

RECITALS

WHEREAS, Pickersgill and the Neighbors entered into a Restrictive Covenant Agreement dated May 23, 1990, which sets forth mutual agreements and understandings between the parties relative to a proposed expansion to the existing building known as Pickersgill located on Chestnut Avenue in Baltimore County; and

WHEREAS, Pickersgill wishes to amend said Restrictive Covenant Agreement pursuant to Paragraph 18 of said Agreement; and

WHEREAS, Pickersgill has also agreed to be responsible for reasonable attorneys fees associated with the non-requesting parties review of such Amendment; and

LAW OFFICES
WOLFER MAHER
& DEMILLO

WHEREAS, Pickersgill desires to increase the total building square footage by an additional 2,500 square feet under the west wing for the purpose of providing storage space for the new tenants; and

WHEREAS, the Neighbors are agreeable to the proposed Amendment as long as certain conditions are imposed upon the increased square footage.

NOW, THEREFORE, in consideration of the mutual agreements and understandings contained in this Agreement and for other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties agree to be bound as follows:

1. The parties agree to amend Paragraph #4, page 7 of 20, to read as amended:

> #4. "The total building square footage to be constructed as new apartments in common and utility areas associated therewith shall be not greater than 86,500 square feet. The building outline or footprint of the new apartments and common utility area associated therewith shall not be greater than 26,000 square feet."

2. It is the mutual intent of the parties that the additional 2,500 square feet will be excavated from beneath the west wing of the facility for the purpose of providing storage space for the new tenants only, and that it shall not be utilized for any other purpose for the duration of this Restrictive Covenant Agreement.

3. The parties further agree that the building outline or footprint, will not be modified by this Amendment.

4. The dirt that is to be removed from this area will be removed from the property rather than scattered about the existing Pickersgill site.

5. The proposed storage space will not in any way increase the height of said building.

6. All other terms, conditions and agreements as set forth in the Restrictive Covenant Agreement entered into on the 23rd day of May, 1990 between the parties shall remain in full force and effect without modification or amendment, and are herein reaffirmed.

WITNESS/ATTEST:

PICKERSGILL, INC.

BY: _____ (SEAL)
SALLY S. DIGGS, PRESIDENT
Board of Directors

ADVISORY BOARD/NEIGHBORS:

_____ Mary R. Wolfe (SEAL)
MARY R. WOLFE

_____ _____ (SEAL)
GAIL B. O'DONOVAN

_____ _____ (SEAL)
ELIZABETH SEXTON

_____ Susan J. Meinert (SEAL)
SUSAN J. MEINERT

_____ _____ (SEAL)
JOHN HODGE-WILLIAMS

_____ _____ (SEAL)
FREDERICK J. WILLEY

_____ (SEAL)
NAOMI WILLEY

_____ Harry R. Kakel (SEAL)
HARRY R. KAKEL

_____ _____ (SEAL)
DAWSON L. FARBER, JR.

_____ _____ (SEAL)
ERWIN W. HUBER

_____ _____ (SEAL)
FRANCES F. HUBER

_____ _____ (SEAL)
SARAH P. DAIGNAULT

_____ 11-20-91 _____
_____

_____ Howard Ritter, Jr. (SEAL)
HOWARD RITTER, JR.

_____ (SEAL)
ROBERTA A. LEES

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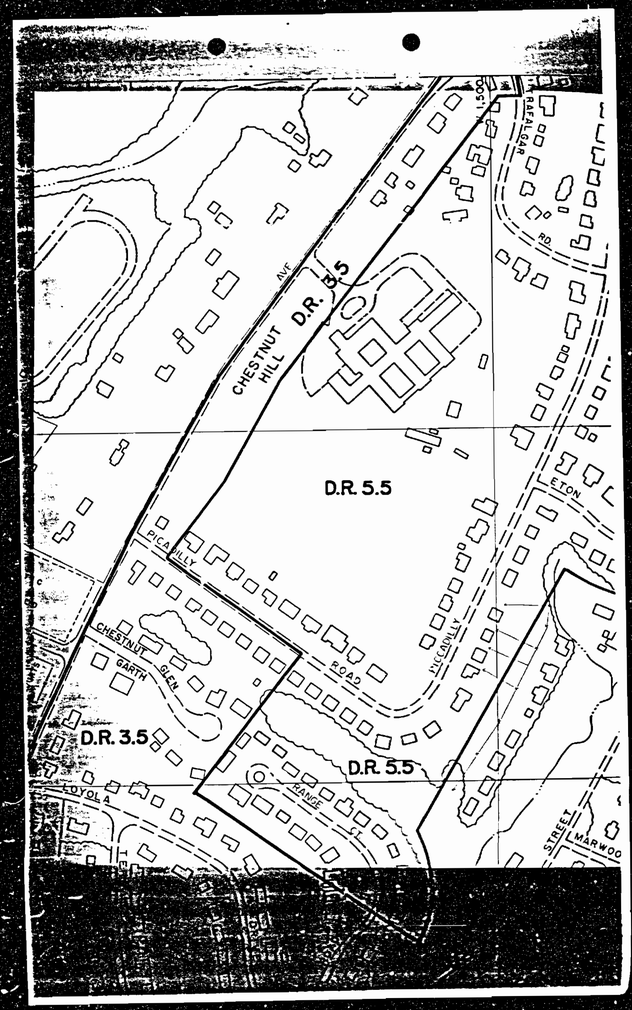
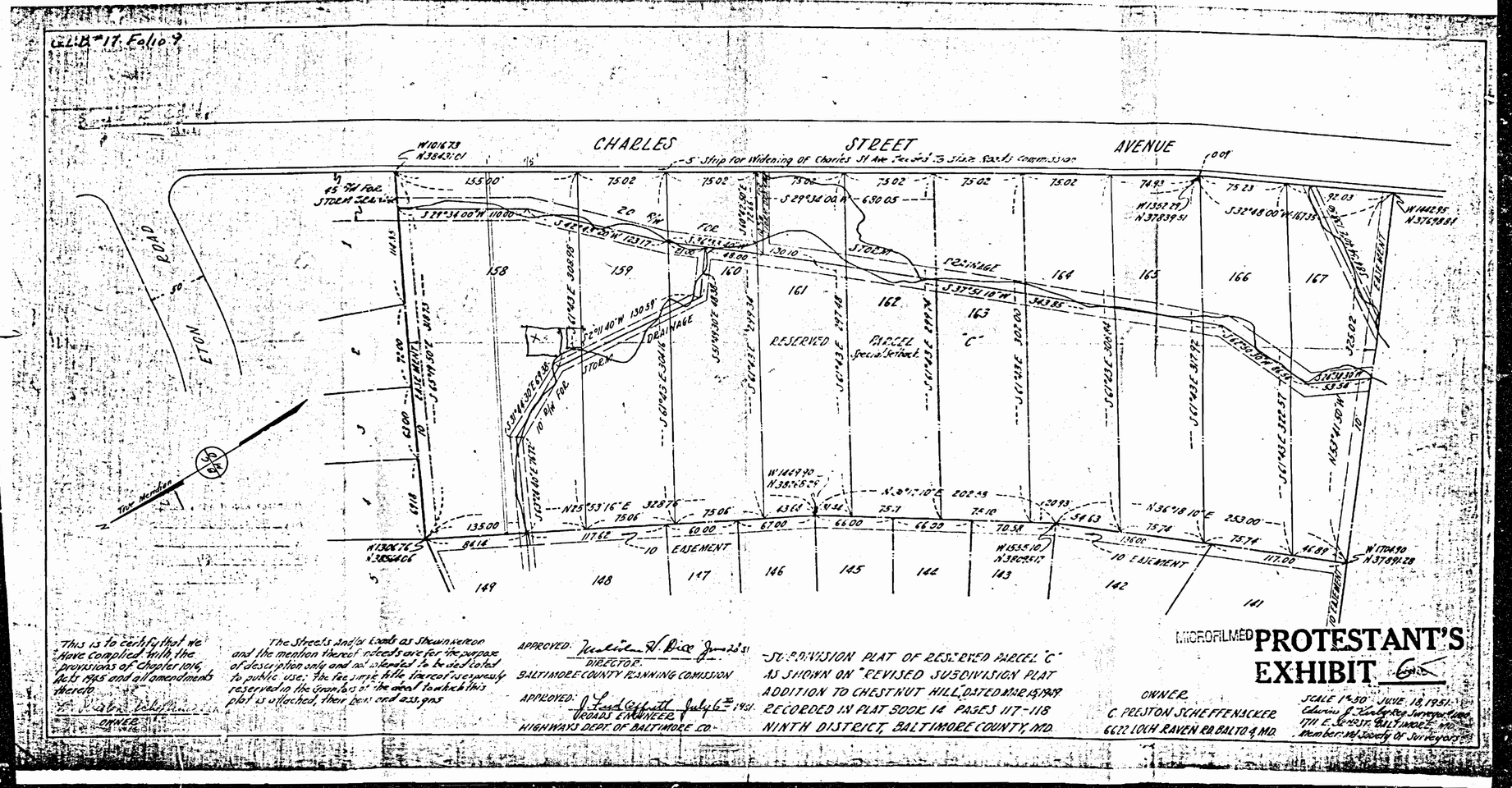


Liber 17. Folio 9



This is to certify that we have complied with the provisions of Chapter 1016, Acts 1945 and all amendments thereto.

OWNER

The Streets and/or Roads as shown hereon and the mention thereof in deeds are for the purpose of description only and are intended to be dedicated to public use; the fee simple title thereof is expressly reserved in the Grantors of the land to which this plat is attached, their heirs and assigns

APPROVED: [signature] June 25 '51
DIRECTOR
BALTIMORE COUNTY PLANNING COMMISSION

APPROVED: [signature] July 6th 1951
ROADS ENGINEER
HIGHWAYS DEPT. OF BALTIMORE CO.

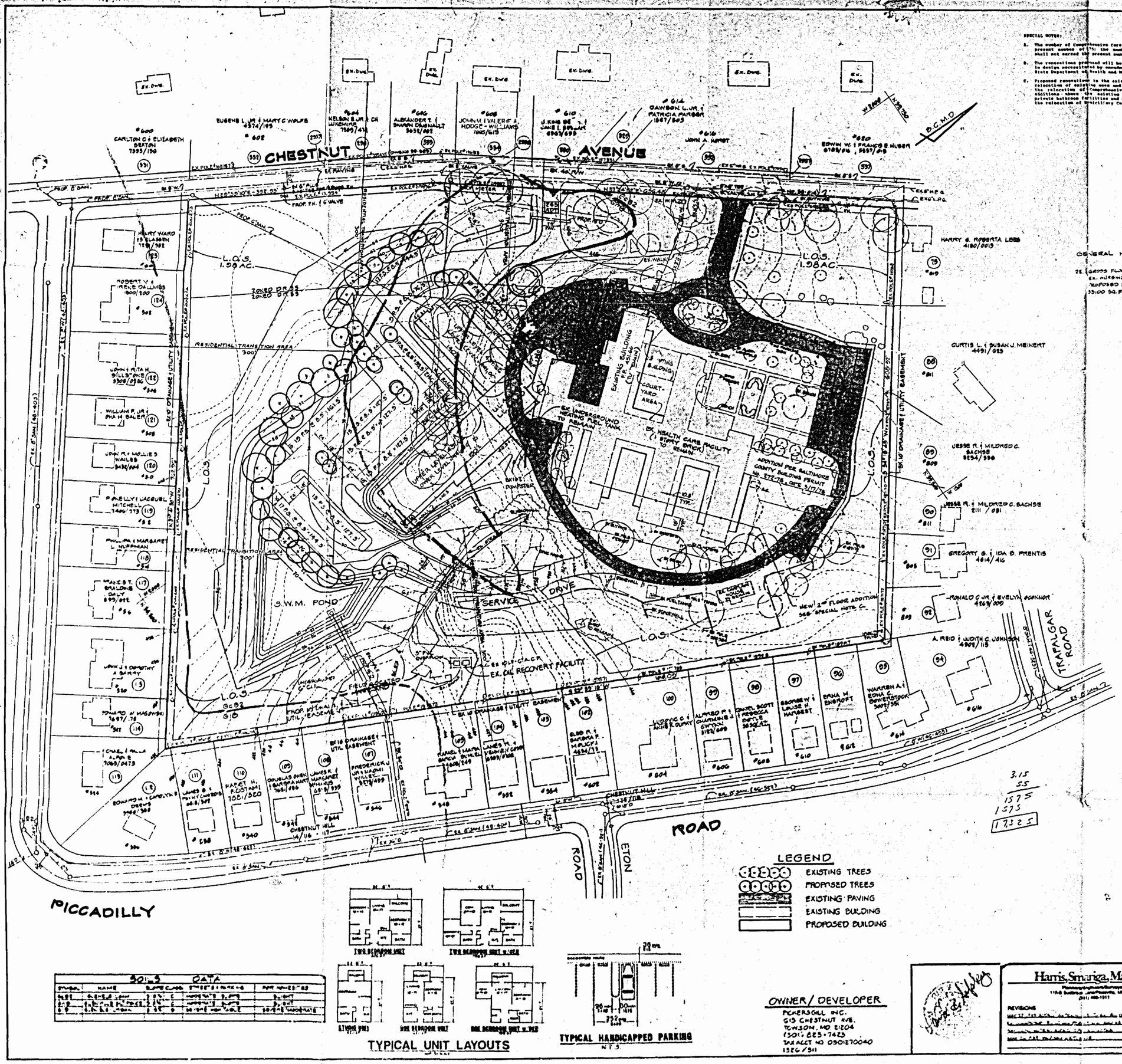
SUBDIVISION PLAT OF RESERVED PARCEL "C" AS SHOWN ON "REVISED SUBDIVISION PLAT ADDITION TO CHESTNUT HILL" DATED MAR 14 1949 RECORDED IN PLAT BOOK 14 PAGES 117-118 NINTH DISTRICT, BALTIMORE COUNTY, MD.

OWNER
C. PRESTON SCHEFFENACKER
6622 LOCH RAVEN RD BALTO 4, MD.

SCALE 1"=50' JUNE 18 1951
Edwin J. Zdarsky Surveyor
711 E. COURT ST. BALTIMORE 2, MD.
Member: Md. Society Of Surveyors

MICROFILMED

PROTESTANT'S EXHIBIT 6


CHESTNUT AVENUE
PICCADILLY ROAD
ETON ROAD
TRAFALGAR ROAD
SERVICE DRIVE
EX. DWG.
EUGENE L. VR. & MARY C. WOLFE 4314/195
CARLTON C. & ELIZABETH DEATON 7995/196
NELSON E. JR. & CH LIKENING 7689/414
ALEXANDER T. SHARON DRUMMOND 5638/662
JOHN M. & VALERIE A. HODGE-WILLIAMS 7825/615
J. KING SR. & JANE E. BRAM 6965/699
DAWSON L. VR. & PATRICIA PARKER 1867/503
JOHN A. HORST
EDWIN W. & FRANCES B. HUBER 6158/216 , 5557/218
HARRY & ROBERTA LEES 4180/2019
CURTIS L. & SUSAN J. MEINERT 4491/625
JESSE R. & MILDRED C. SACHSE 8254/396
GREGORY S. & IDA B. PRENTIS 4814/416
RONALD C. JR. & EVELYN O'CONNOR 4269/009
A. REID & JUDITH C. JOHNSON 4909/115
HENRY WARD & ELAINE 7858/982
ROBERT V. & IRENE GALLIGS 1800/200
JOHN & RITA H. SILLS, JR. 3928/256
WILLIAM P. JR. & PHYLLIS M. BALER
JOHN R. & MOLLIE S. WAILES 3438/604
O'REILLY, JACQUEL MITCHELL 1496/773
PHILIPPA & MARGARET L. HURFMAN
MARGARET BRADENS DAILY 899/091
JOHN & DOROTHY A. BURKY
EDWARD W. MASHMAN 1697/78
CHARLES & PHYLLIS A. SMITH 3065/0473
BENJAMIN H. & CAROLYN B. OWENS 3988/308
JAMES O. & PAULINE CRAWFORD 2018/347
MARY C. ROSTAMI 700/320
DOUGLAS AVERY & BARBARA HART 7081/186
JAMES R. & MARGARET WILLIAMS 6818/335
FREDERICK J. JR. & NAOMI WILLEE 3879/499
CHESTNUT HILL 14/116 - 117
MARVEL & MARY BANCO 5406/249
JAMES H. & VERNIEN COOK 6909/0308
GLEN R. & BARBARA P. MARCKS 4634/13
LUDOVIC G. & ANNE K. QUINT
ALFONSO P. & CHARMAINE G. WYNN 5182/609
DANIEL SCOTT & REBECCA DAVIS 3838/44
GEORGE W. & LOUISE H. HAFFNER
ERNA M. ENGHOFF
WARREN A. & EDNA C. OVERSTOCK 3477/351
EX. 8" SAN. (40-403)
EX. 8" SAN. (40-404)
EX. 8" SAN. (40-405)
EX. 8" SAN. (40-406)
EX. 8" SAN. (40-407)
EX. 8" SAN. (40-408)
EX. 8" SAN. (40-409)
EX. 8" SAN. (40-410)
EX. 8" SAN. (40-411)
EX. 8" SAN. (40-412)
EX. 8" SAN.

NOTE: AREA BETWEEN SITE TRAVEL EL. TO REMAIN CLEAR OF OBSTRUCTIONS

CHESTNUT AVENUE

DISTANCE

BEGINNING POINT

PRIVATE OPEN SPACE

ZONED DR-2
ZONED DR-3.5

ZONED DR-3.5
ZONED DR-5.5

TRANSITIONAL BUFFER AREA

S.W.M. POND A
(SEE CONSTRUCTION DETAILS)

S.W.M. POND SCREENING
(SEE NOTE 21 ON PLAT 2)

PRIVATE OPEN SPACE

PRIVATE OPEN SPACE

NEW 3rd FLOOR ADDITION OVER EXISTING BUILDING

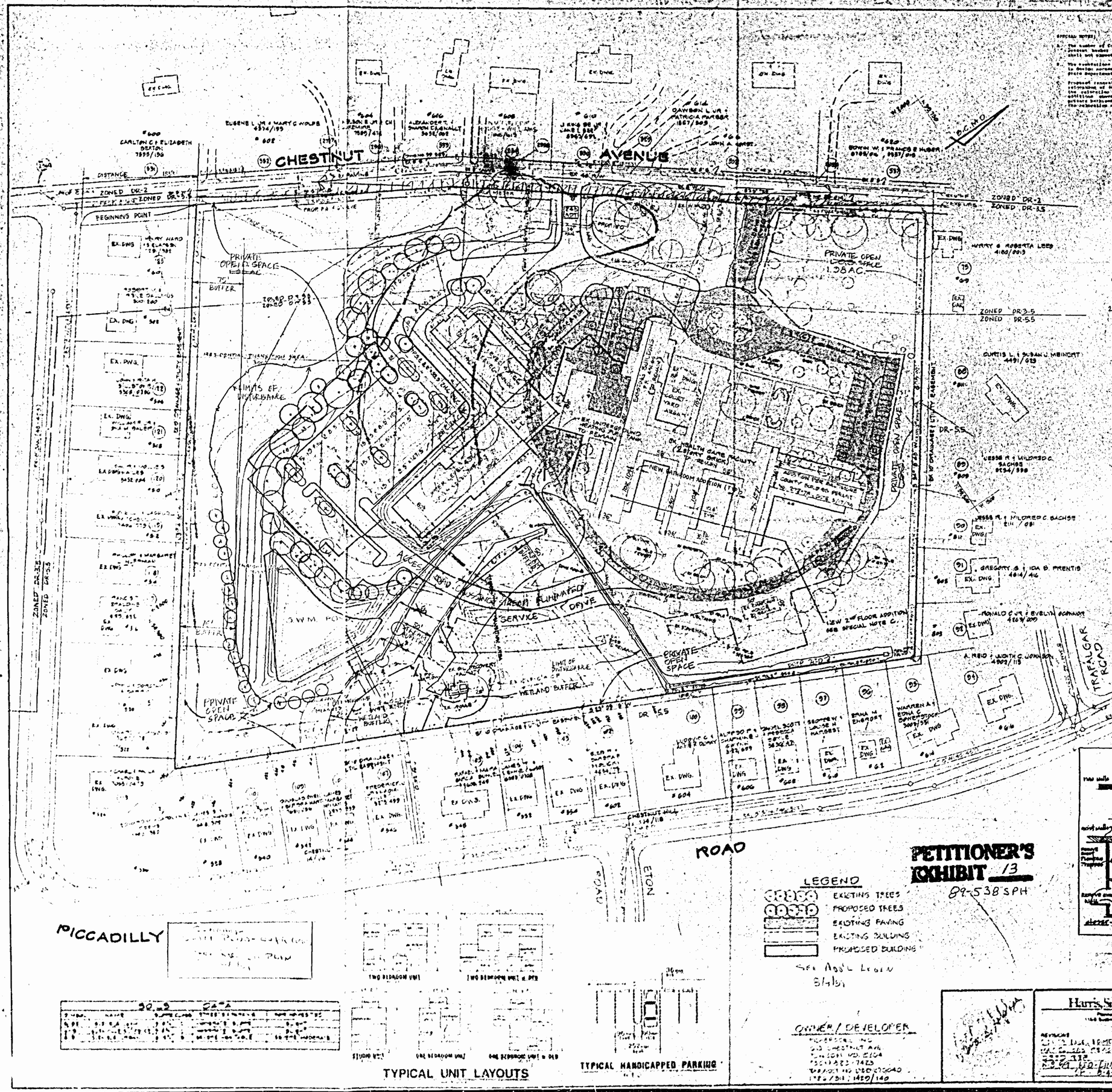
FIELD LOCATED

PROPOSED 8" SANITARY SEWER

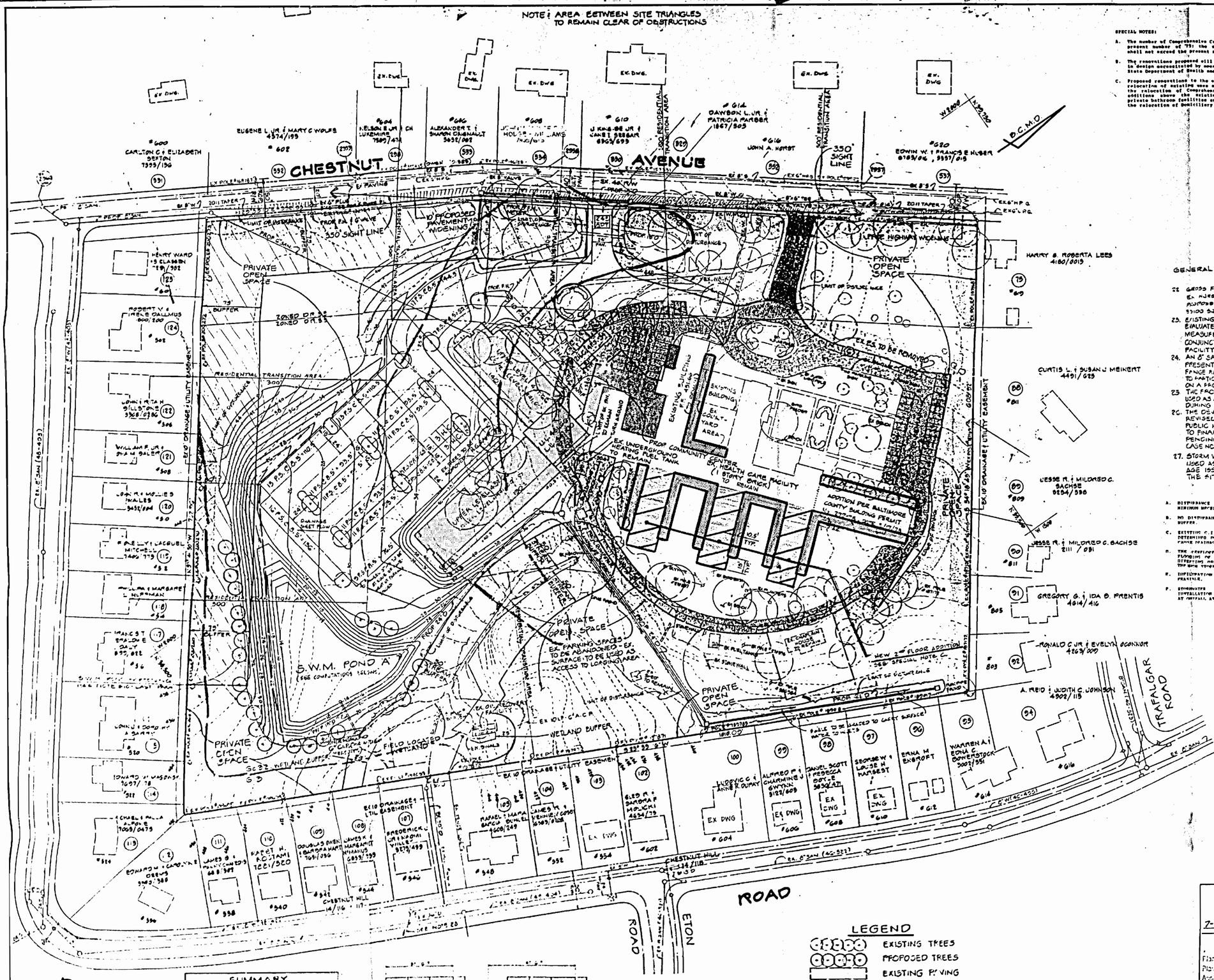
EX. 8" SANITARY SEWER

EX. 8" WATER MAIN

EX. 6" WATER MAIN


CHESTNUT AVENUE
BEGINNING POINT
DISTANCE
ZONED DR-2
ZONED DR-3.5
ZONED DR-5.5
PRIVATE OPEN SPACE
75' BUFFER
LIMITS OF DISTURBANCE
EX. DWG.
EX. PWG.
EX. GAZEBO
EX. UNDERGROUND HEATING FUEL TANK TO BE REMOVED
HEALTH GAME FACILITY
NEW BATHROOM ADDITION (1 STY)
ADDITION FOR BAR AND LOUNGE
COVERED PORCH
NEW 2nd FLOOR ADDITION
SEE SPECIAL NOTE C.
ACCESS ROAD
GREEN RUNAWAY
DRIVE
SERVICE
ENTRANCE
PROPOSED ENTRANCE
EX. ENTRANCE
EX. DRIVEWAY
EX. GARAGE
EX. SHED
EX. GAZEBO
EX. POOL
EX. TENNIS COURT
EX. PLAY AREA
EX. SWIMMING POOL
EX. WELL
EX. SEPTIC
EX. SEPTIC RESERVE AREA
EX. SEPTIC RESERVE AREA TO BE ABANDONED
EX. WELL TO BE ABANDONED
EX. SEPTIC TO BE ABANDONED
EX. SEPTIC TO BE REMOVED
EX. WELL TO BE REMOV

NOTE: AREA BETWEEN SITE TRIANGLES TO REMAIN CLEAR OF OBSTRUCTIONS


CHESTNUT AVENUE
ROAD
ETON
PICCADILLY
TRAFALGAR ROAD
EUGENE L JR & MARY C WOLFE 4574/195
CARLTON C & ELIZABETH BOYTON 7999/196
NELSON E JR & CH LUKEMIRE 7889/471
ALEXANDER T & SHARON CRAMAULT 3632/089
HOLDER WILLIAMS
J KING-BE JR & JANE I BREAR 6903/693
DAWSON L JR & PATRICIA PARKER 1867/305
JOHN A. HORST
EDWIN W. & FRANCES E HUBER 6783/06 , 3937/0-5
HARRY B. ROBERTA LEES 4180/2013
CURTIS L. & SUSAN J MEINERT 4491/025
JESSE R. & MILDRED C. SACHSE 0284/336
GREGORY G. & IDA B. PRENTIS 4614/416
RONALD C JR & EVELYN O'CONNOR 4763/009
A. REID & JUDITH C. JOHNSON 4902/115
HENRY WARD & CLARSON 759/382
ROBERT V. & FIRELS DALLMUS 800/200
JOHN R. & MOLLIE S WALES 3458/604
WILLIAM F. JR. & DIANA BALEN
JOHN R. & MOLLIES WALES 3458/604
PAMELA J. JACQUEL MITCHELL 7462/779
WILLIAM & MARGARET L. HERRMAN
FRANCIS T. & SHARON E. DALY 899/022
EDWARD J. & SANDRA M. 3007/78
CHARLES & LAURA E. 7005/0475
EDWARD J. & CAROLINE STEVENS 3062/380
JAMES R. & PAMELA ANDERSON 668/307
PAROT H. ACOSTAMI 1201/320
DOUGLAS & BARBARA HART 7091/096
JAMES R. & MARGARET MCMANUS 6855/399
FREDERICK C. JR. & NAOMI WILLIS 3679/499
RAFAEL & MARIA BARCO 6608/249
JAMES R. & VERNICE GOMEZ 6369/1208
ALFRED F. & CHARMINE J. GUNTHER 3922/609
DANIEL SCOTT & FREDERICA 0072/E 3858/471
GEORGE W. & LOUISE H MARBERT
ERNA H. EKKORFT
WARREN A. & EDNA C. DONNESTOCK 3002/551
LUDOVIC & ANNE K. DUPAY
ELEO R. & DOROTHY MALICKI 4624/79
HENRY & MARY ANN ZIMMERMAN 4624/79
PRIVATE OPEN SPACE
S.W.M. POND A
EXISTING BUILDING 4 STORY BRICK
EX. COURT-YARD AREA
PROP COMMUNITY CENTER EX. HEALTH CARE FACILITY (1 STORY BRICK) TO REMAIN
ADDITION PER BALTIMORE COUNTY BUILDING PERMIT
EX. UNDERGROUND HEATING FUEL TANK TO REMAIN
NEW 2ND FLOOR ADDITION SEE SPECIAL NOTE C
EX. PARKING SPACES TO BE ABANDONED - EX. SURFACE TO BE USED AS ACCESS TO LOADING AREA
EX. ENTRANCE TO BE REMOVED
EX. ENTRANCE TO BE REMOVED
PROP. ENTRANCE
PROP. 24' PAVING
EX. 40' R/W
EX. 30' R/W
EX. 24' PAVING
EX. 6" WATER
EX. 8" SANITARY SEWER
EX. 8" STORM DRAIN
EX. 6" HP GAS
EX. GAS LINE
EX. 10' DRAINAGE & UTILITY EASEMENT
EX. 30' DRAINAGE & UTILITY EASEMENT
EX. 15' DRAINAGE & UTILITY EASEMENT
EX. 20' DRAINAGE & UTILITY EASEMENT
EX. 10' DRAINAGE & UTIL EASEMENT
EX. 10' DRAINAGE & UTILITY EASEMENT
EX. 30' DRAINAGE & UTILITY EASEMENT
EX. 15' DRAINAGE & UTILITY EASEMENT
EX. 20' DRAINAGE & UTILITY

NOTE: AREA BETWEEN SITE TRIANGLES TO REMAIN CLEAR OF OBSTRUCTIONS

CHESTNUT AVENUE

ROAD

ETON

TRAFALGAR ROAD

PICCADILLY

SPECIAL NOTES:

A. The number of Comprehensive Care beds shall not exceed the present number of 75; the number of Domiciliary Care beds shall not exceed the present number of 94.

B. The renovations proposed will be flexible to allow for changes in design necessitated by amendments to the regulations of the State Department of Health and Mental Hygiene.

C. Proposed renovations to the existing building may include the relocation of existing uses and support facilities, including the relocation of Comprehensive Care beds to the proposed additions where they existing structure, the addition of private bathroom facilities and showers to existing units, and the relocation of Domiciliary Care beds.

VICINITY MAP
SCALE: 1" = 2000'

GENERAL NOTES (CONT)

22. GROSS FLOOR AREA:
EX. NURSING HOME = 55,020 SQ.FT.
PROPOSED BUILDING RENOVATIONS = 33,300 SQ.FT.

23. EXISTING STREAM OUTFALL WILL BE EVALUATED FOR EROSION AND PROTECTIVE MEASURES DESIGNED AS APPROPRIATE IN CONJUNCTION WITH STORMWATER MANAGEMENT FACILITY FINAL DESIGN.

24. AN 8" SANITARY SEWER REPLACEMENT IS PRESENTLY UNDER DESIGN AT CHESTNUT & FANGE ROADS. THE DEVELOPER WILL BE REQ'D TO PARTICIPATE IN THE COST OF THE REPLACEMENT ON A PRO RATA PER UNIT BASIS.

25. THE PROPOSED D.W.M. FACILITY WILL BE USED AS A TEMPORARY SEDIMENT BASIN DURING CONSTRUCTION.

26. THE DEVELOPER ACKNOWLEDGES THAT REVISED PLANS AND POSSIBLY ADDITIONAL PUBLIC HEARINGS MAY BE REQUIRED PRIOR TO FINAL PLANNING AND ZONING APPROVAL PENDING THE OUTCOME OF SPECIAL HEARING CASE NOS. 89-446-SPH AND 89-550-SPH.

27. STORM WATER MANAGEMENT POND 'A' MAY BE USED AS AN ALTERNATIVE TO ADDRESS DRAINAGE ISSUES IN THE NORTHEAST SECTOR OF THE SITE.

MITIGATIVE MEASURES

A. DISTURBANCE OF EXISTING SWALE WILL BE LIMITED TO THE MINIMUM NECESSARY TO CONSTRUCT IMPROVEMENTS SHOWN.

B. NO DISTURBANCE OF SWALE WILL BE PERMITTED WITH STREAM BUFFER

C. EXISTING C.E.P. IN WETLANDS TO BE REMOVED UNLESS IT IS DETERMINED DURING FINAL DESIGN THAT THEIR REMOVAL WILL CAUSE DRAINAGE PROBLEMS TO EXISTING DOWNSTREAM LOTS.

D. THE DISTURBED WILL INCORPORATE PROVIDED SOLUTIONS TO FLOODING OF EXISTING LOTS 94-100 ON PICKERSGILL ROAD BY DIVERTING PROPLAIN FLOW INTO ESTIMATED MANUFACTURE POND OF NEW STORM DRAIN SYSTEM AS SHOWN.

E. INSTALLATIONS WILL BE PROVIDED FOR EIGHT 1/2" PIPROOF SUMPS PERIMETER.

F. STORMWATER MANAGEMENT PLANS WILL INCLUDE THE INSTALLATION OF FLOW SPREADERS AND/OR VELOCITY REDUCERS AT OUTFALLS AS REQUIRED TO CREATE A NON ERODING VELOCITY.

GENERAL NOTES

1. Site Acreage: Net = 15.95 Acs
Gross = 16.40 Acs

2. Existing Zoning: 12.70 Acs = DR 5.5
3.02 Acs = DR 3.5

3. Existing use of property: Nursing home (169 beds)

4. Proposed use of property: Housing for the well elderly/ Nursing Home

5. Density Data: (Based on BCZR-1803.2A)

Permitted: 12.70 AC X 5.5 DU = 70.390
3.02 AC X 3.5 = 10.570
Total Permitted: = 82.925 Dwelling Units

Proposed: 81 Dwelling Units

UNIT TYPE	DENSITY UNITS X CONVERSION FACTOR		DWELLING UNITS
Studio	10 X 0.50	=	5
One Bedroom	20 X 0.75	=	15
One Bedroom/Den	40 X 0.75	=	30
Two Bedroom	20 X 1.00	=	20
Two Bedroom/Den	10 X 1.00	=	10
Total Proposed:	100 Density Units		80

(Add 1 Dwelling Unit for Ex. Chaplain Res.) = 81

6. Parking: Based on B.C.Z.R. - 409.6 A.1.

Required: Existing Nursing Home - 169 Beds ÷ 3 = 57 Spaces
Well Elderly Apartments (Class 'B') 81 Dwelling Units X 1 = 81 Spaces
Total Parking Required = 138 Spaces

Proposed: Existing Nursing Home - Existing Spaces = 154
Ex. Nursing Home Spaces to be Removed = 86
Ex. Nursing Home Spaces to Remain = 33
Proposed Parking for Well Elderly = 181
Total Parking Provided (including 10 H.C. spaces) = 213

7. APF (Average Daily Traffic) Calculations, as shown on plan, are per the Bureau of Traffic Engineering, Department of Public Works, Baltimore County, MD.

8. Local Open space:
Required: 650 sq. ft./Dwelling Unit = 52,650 sq. ft. (650 X 81) (1.21 acres)
Proposed: = 316,550 sq. ft. (+7.32 acres)
All local open space to be owned & maintained by Pickersgill, Inc.

9. Refuse Collection will be by Private Contractor.

10. Landscape Requirements:
1 Tree/Dwelling Unit = 81 Trees
Landscaping Proposed:
Existing Trees to Remain = 50 Trees
Proposed Trees = 25 Trees
Total Trees to be Provided = 125 Trees
All parking areas, trash dumpsters and SWM areas to be screened from residential premises, as per Baltimore County Landscape Manual.
A final Landscape Plan will be submitted, reviewed and approved by Baltimore County prior to the issuance of any building permit.

11. There is an on-site oil recovery operation at the location shown on the plan which is maintained under Maryland State Department of the Environment, Oil Operations - Permit No. 66 OP0469.

12. This site is void of the following: "To the best of our knowledge":
Historic Buildings = No
Critical Areas = No
Archeological Sites = No
Endangered Species Habitat = No
Ex. wells or Septic within 100' of property lines = No
Flood Plains = No
25% or Greater Slopes = No

13. Lighting shall be arranged as to location, direction, glare and intensity as not to shine or reflect on adjoining premises.

14. Wetlands and stream have been field located and have been confirmed by DEPRM as shown on the plan. No grading or disturbance of the wetlands or stream buffer will occur except as permitted by the Baltimore County Water Quality Manual.

15. This site is located in the following:
Election District 9
Councilmanic District 4
Census Tract 4807.02
Watershed No. 91
Subwatershed No. 33

16. This site is generally open, although rolling land containing a number of mature, hardwood trees which will be saved and preserved wherever possible.

17. Stormwater will be managed by a surface dry pond in the location shown on the plan.

18. Site Zoning History
1957 - Zone No. 21268 - Granted special exception of a Convalescent Home.
1976 - Petition approved by all County agencies per Baltimore County Building Permit No. 272-76 dated 7-12-76.
1983 - Zone No. 83-253 SPH - Granted the right to amend the previously approved site plan to zone 4123-B for proposed addition of storage area and removal of barn.

19. Proposed housing for the well elderly units are low rent.

20. Parking area setback shall be as shown generally on the plan, but in no event shall be established by approved grade prior to building permit issuance.

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On 7-13-89 With The Following Action Taken
PLAN APPROVED
Plan Approved DPW David L. Thomas
Plan Approved OPZ
Approval Expiration Date 7-13-92
Plan Disapproved
Corrections Required
Plan Refer PUBLIC SERVICES CRG No: 89116
PLANNING No: IX-540

SUMMARY
S.W.M. POND - 100 YR. COMPS.
D.A. = 21.56 AC ±
WQ = 4.15 AF
VOL REQ'D = 8420 C.Y.
VOL PROV = 22,000 C.Y.
Qout = 76 CFS
Qin = 100.77 CFS

SOILS DATA

SYMBOL	NAME	SLOPE CLASS	STREET SUITABILITY	FOR HOUSES, ETC.
GaB2	GLENELG-GLADSTONE	2 TO 5% C	MODERATE SLIPPAGE	SLIGHT
GaC2	GLENELG-GLADSTONE	5 TO 10% D	MODERATE SLIPPAGE	SLIGHT
GnB	GLENELG-MANOR	2 TO 5% C	MODERATE SLIPPAGE	SLIGHT
GnC	GLENELG-MANOR	5 TO 10% D	MODERATE SLIPPAGE	SLIGHT TO MODERATE

TWO BEDROOM UNIT

TWO BEDROOM UNIT w DEN

STUDIO UNIT

ONE BEDROOM UNIT

ONE BEDROOM UNIT w DEN

TYPICAL UNIT LAYOUTS

TYPICAL HANDICAPPED PARKING
N.T.S.

LEGEND
EXISTING TREES
PROPOSED TREES
EXISTING PAVING
EXISTING BUILDING
PROP. ADDITION TO EX. BLDG.
ROAD SIGN (DO NOT ENTER SERVICE VEHICLES ONLY)
LIMIT OF DISTURBANCE
PROP. DUMPSTER
CPDI SEAL BOUNDARY

OWNER/DEVELOPER
PICKERSGILL INC.
613 CHESTNUT AVE.
TOWSON, MD. 21204
(301) 823-7423
DEPT. NO 050:270040
1326/311 1429/143

Harris, Smariga, Matz, Inc.
Planners/Engineers/Surveyors
1150 Eastern Blvd., Essex, MD 21221
(301) 686-8811

REVISIONS

CRG PLAN
EXHIBIT #NO 2
PICKERSGILL ADDITION
ELECTION DISTRICT NO 9 BALTIMORE COUNTY, MD

SCALE: 1" = 50'
DRAWN BY: WJM/MLV
CHECKED BY: DSS
DATE: MARCH '89
SHEET OF: 1
PROJECT NO: 2076A

NOTE: AREA BETWEEN SITE TRIANGLES TO REMAIN CLEAR OF OBSTRUCTIONS

CHESTNUT AVENUE

ROAD

ETON

PICCADILLY

TRAFALGAR ROAD

CHESTNUT HILL

PROPOSED PARKING

PROPOSED PARKING (EX. SPACES TO REMAIN)

PROPOSED COMMUNITY CENTER/HEALTH CARE FACILITY

EX. UNDERGROUND HEATING FUEL TANK TO REMAIN

EX. BUILDING TO REMAIN

EX. COURTYARD AREA

ADDITION PER BALTIMORE COUNTY BUILDING PERMIT #'s 877978 - DATE 5/17/78

NEW 2nd FLOOR ADDITION SEE SPECIAL NOTE C.

EX. ES, TO BE REMOVED

EX. GAZEBO TO REMAIN

EX. COMPACTOR HOUSE TO REMAIN

EX. GAZEBO TO BE REMOVED

EX. DUMPSTER TO REMAIN

EX. OIL RECOVERY FACILITY

EX. OIL/GAS/WATER WELL

EX. DWLG.

EX. SHED

EX. GARAGE

EX. PWG

EX. TENNIS COURTS

EX. POOL

EX. PAVING

EX. 8" SAN. (45-403)

EX. 8" SAN (45-323)

EX. 8" SAN (45-324)

EX. 8" SAN (45-325)

EX. 8" SAN (45-326)

EX. 8" SAN (45-327)

EX. 8" SAN (45-328)

EX. 8" SAN (45-329)

EX. 8" SAN (45-330)

EX. 8" SAN (45-331)

EX. 8" SAN (45-332)

EX. 8" SAN

NOTE: AREA BETWEEN SITE TRIANGLES TO REMAIN CLEAR OF OBSTRUCTIONS

CHESTNUT AVENUE

ETON ROAD

TRAFALGAR ROAD

PICCADILLY ROAD

S.W.M. POND A
(SEE COMPUTATIONS BELOW)

PRIVATE OPEN SPACE

EX. PARKING SPACES TO BE ABANDONED - EX. SURFACE TO BE USED AS ACCESS TO LOADING AREA

EXISTING BUILDING TO REMAIN

EX. UNDERGROUND HEATING FUEL TANK TO REMAIN

PROP. COMMUNITY CENTER, HEALTH CARE FACILITY & SENIOR CITIZEN DAY CARE

ADDITION PER BALTIMORE COUNTY BUILDING PERMIT #'s 577476 - DATED 5/17/91

NEW 2ND FLOOR ADDITION - SEE "SPECIAL NOTE C"

EX. RECREATION HOUSE TO BE REMOVED

EX. OIL RECOVERY FACILITY

EX. SHEDS

EX. DWG

FIELD LOCATED WETLAND

WETLAND BUFFER

LIMIT OF DISTURBANCE

EX. 10' DRAINAGE & UTILITY EASEMENT

EX. 30' ACCESS & UTILITY EASEMENT

EX. 20' ACCESS & UTILITY EASEMENT

EX. 16' ACCESS & UTILITY EASEMENT

EX. 8" SAN. (46-405)

EX. 8" SAN. (46-324)

EX. 8" SAN. (46-325)

EX. 6" SAN. (46-403)

EX. 6" SAN. (46-404)

EX. 8" W.M. (46-251)

EX. 8" W.M. (46-252)

EX. 8" W.M. (46-253)

EX. 8" W.M. (46-254)

EX. 8" W.M. (46-255)

EX. 8" W.M. (46-256)

EX. 8" W.M. (46-257)

EX. 8" W.M. (46-258)

EX. 8" W.M. (46-259)

EX. 8" W.M. (46-260)

EX. 8" W.M.

CAMPFIELD GARDENS SECTION TWO
18/42

WILDWOOD AVENUE

ROAD

MARWOOD
25/25

CAMPFIELD ROAD

DR 5.5
DR 3.5

Special Exception For Convalescent Home 81-3XASPH Granted 5/19/81

5 UNITS

UNIT

OPEN SPACE

AROON SUANSILPPONGSE 5959/721

NORMAN H FLOOR 4278/396

CHARLES C MORRIS

ARNOLD V COVINGTON 4041/553

JOSEPH V MORANTO

K BLIZZARD 2322/465

A F DUFFY 3230/238

ISADOR COHN 4336/447

ELIZABETH LAWSON

JAMES A REIBLER, JR 3865/196

JOHN E. GOURLEY 4160/92

MICHAEL I. SNIDER 4976/180

LOCHEARN COMMUNITY CLUB, INC. 3227/421

WESTMOUNT APARTMENTS 42/80

ILLA NOVA 3/76

S46°31'00"W 545.80'

N35°00'00"E 285.92'

N 25°00'00" W 202.82'

S 39°41.00" E 539.41'

N 38°39'40" W 219.50'

N 11°12'00" W 358.26'

S 75°16'00" W 575.00'

N 41°22'22" E 321.24'

N 16°30' W 33.000'

OPEN SPACE
2.94 Acres

Proposed Drainage & Utility Easement

ROCKRIDGE ROAD

GWYNNS FALLS

DR 35 / DR 16

DR 55 / DR 35

DOUBLES COUNTED (3)
entrance Home

Set Aside Areas
- Augsburg Lutheran Home
- Charles Town Retirement Community

GENERAL NOTES

A. Case 81 - 3XASPH Approved 5-23-81 for
   1. Special Exception for convalescent home in D.R. 3.5 Zone.
   2. Variances for:
      a. Reduction in parking from 360 spaces to 240 spaces.
      b. Increase in distance between unit and parking space from 300' to 400'.
      c. Parking spaces not being closer or more convenient to the door of the unit than to the street curb.
      d. Permitting length of single building in excess of 300'.
   3. Special Hearing for interpretation of uses permitted in Residential Transition Zone:
      a. Continuation of lawful non-conforming use of convalescent home.
      b. Renovation of and proposed additions to lawful non-conforming use of convalescent home.
      c. Improvement and redesign of existing parking area.
      d. Construction of gate house, sign, fencing and lighting.

   Open space will be retained and maintained by the developer.

B. All units are for the elderly.

C. 100 year flood plain taken from Gwynns Falls Flood Plain Study prepared by Baker-Wibberley & Associates, Inc.

D. Security fence shall be 8' high.

E. Perimeter lights shall be 175 watt high pressure sodium lamp on 14' poles spaced 200'±.

F. All parking areas, drives, and private roads shall be bituminous paving

G. All buildings shall be connected with covered walkways

H. Minimum width of exterior passageway shall be 10'.

I. Proposed landscaping shall be Evergreen Privet 4' high 2' o.c.

J. Augsburg Lutheran Home of Maryland, Inc. will retain and maintain open space.

K. Streets and drives within tract are private.

L. Refuse is to be collected from within buildings.

M. Units are to be rented.

N. All mail will be delivered to main building (centrally located mail boxes)

DENSITY TABULATIONS

Total area of tract	51.70 Acres
Present zoning of tract	
DR 16	0.90 Acres
DR 5.5	5.14 Acres
DR 3.5	45.66 Acres
Parcel for proposed special exception	
DR 3.5	3.17 Acres
Total area for development	48.53 Acres
DR 16	0.90 Acres
DR 5.5	5.14 Acres
DR 3.5	42.49 Acres

Allowable density & dwelling units
DR 16 = 0.90 @ 16 = 14.4 Density Units
DR 5.5 = 5.14 @ 5.5 = 28.3 Dwelling Units
DR 3.5 = 42.49 @ 3.5 = 148.7 Dwelling Units
} Total = 177 Dwelling Units

Density and dwelling units shown this plan.
Density Units = 3 - 2 bedroom = 3 Density Units
Dwelling Units = 54 - 2 bedroom = 54 Dwelling Units
123 - 1 bedroom = 123 Dwelling Units
TOTAL = 177 Dwelling Units

Total living units shown = 180 (includes existing dwelling)

Maximum height of dwelling units = 15' (1 Story)

Parking required:
DR 3.5 zone - 180 Dwelling Units @ 2/Units = 360 Spaces

Parking shown this plan = 277 Spaces

Open space required:
DR 16 zone - 0.90 x 15% = 0.14 Acres
DR 5.5 zone - 5.14 x 6% = 0.31 Acres
DR 3.5 zone - 45.66 x 3% = 1.37 Acres
TOTAL = 1.82 Acres

Open space shown 2.94 Acres ±

RESTRICTIONS FROM THE SPECIAL EXCEPTION ORDER

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

RESTRICTIONS FROM SPECIAL HEARING

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

Office of Planning and Zoning
Approved by

For E Bevlin 5/13/82
Director of Planning Date

5/13/82
Zoning Commissioner Date

DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
830 E. JOPPA ROAD
TOWSON, MD 21204
TELEPHONE: (301) 296-3333

FINAL DEVELOPMENT PLAN
AUGSBURG LUTHERAN HOME

ELECTION DIST. - 3RD BALTIMORE Co., MARYLAND

OWNER / DEVELOPER
AUGSBURG LUTHERAN HOME OF MARYLAND, INC.
6811 CAMPFIELD ROAD
BALTIMORE, MARYLAND 21207

SCALE: 1" = 50'

JOB ORDER NO. 8-7957

ISSUE DATE April 29, 1982

DATE	REVISIONS
5/6/82	Per County Comments

OAK GROVE HEIGHTS
13/112

DR 55
DR 35

CAMPFIELD

ESSEX ROAD

VILLA NOVA
3/76

ZONED D.R. 3.5

VACANT

Rep. Gate house / Guard House (12' x 12')

Existing Trees to Remain

Proposed 12% Maximum Grade Entrance Road

Existing Trees

16' Fire Lane

Special Exception For Convalescent Home - Casa 91-3X45Pd. Approved 5/29/91

Proposed 50 Bed Convalescent Home (2 Levels)

2.17 Acres

Transition Zone

Existing Trees To Remain

Storm Drain Easement

Public Utility Easement

S42°22'32"E 521.24'

N42°37'34"W 759.94'

N16°25'W 32,000'

RESTRICTIONS FROM THE SPECIAL EXCEPTION ORDER

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

RESTRICTIONS FROM

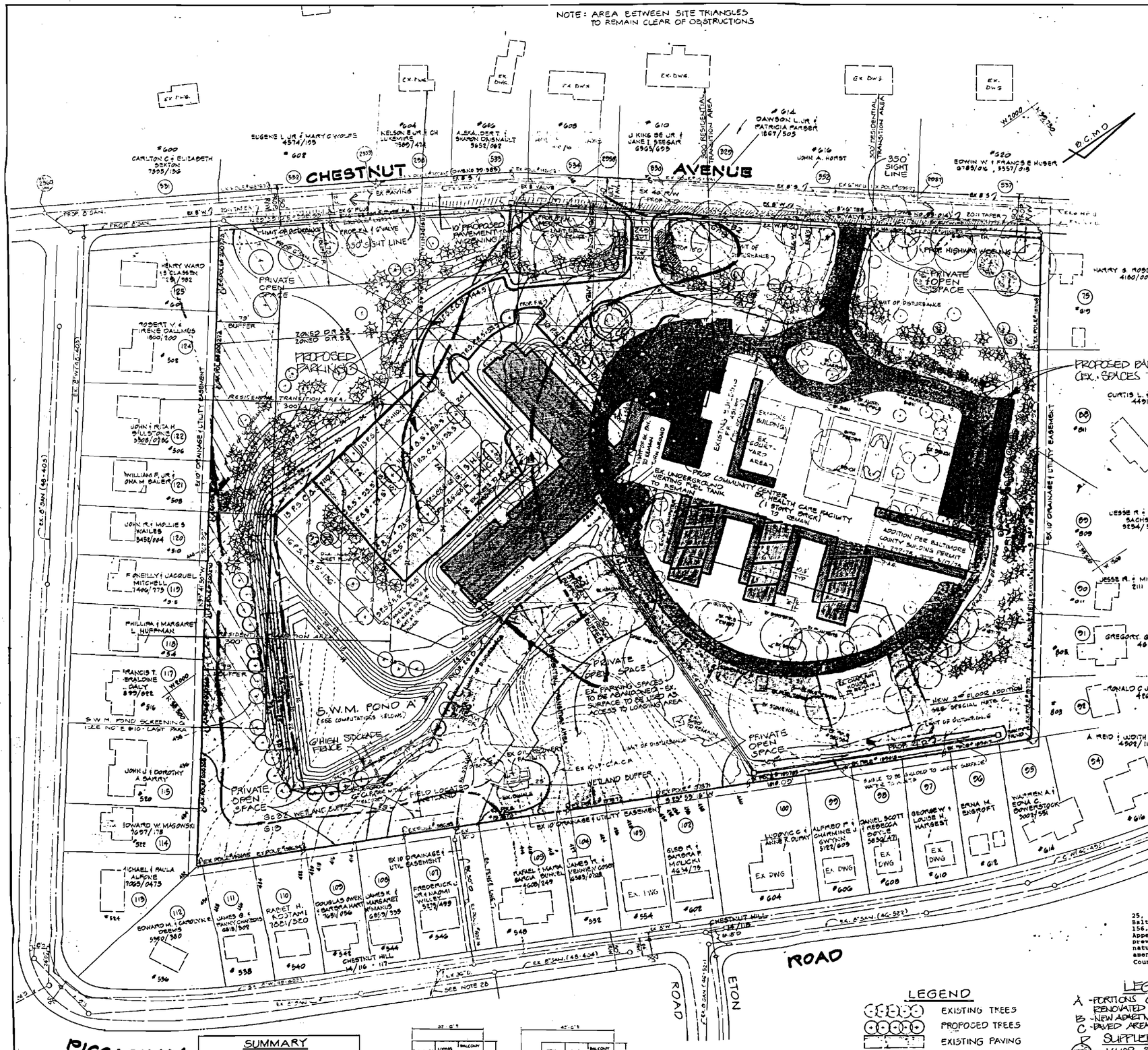
1. The filing of a re

a. the relocation
gatehouse, an
central transit

b. the improvem
ing as of July
constructed a
ing in detail t
ment and park
tent of additio
existing impro

c. the reduction
to comply with
the zoning
the extension
utilized on

NOTE: AREA BETWEEN SITE TRIANGLES TO REMAIN CLEAR OF OBSTRUCTIONS


CHESTNUT AVENUE
#600 CARLTON G. & ELIZABETH SEXTON 7995/156
EUGENE L. JR. & MARY G. WOLFE 4574/195
#602
#604 NELSON E. JR. & CH. HUSKINS 3560/421
#606 A. EXA. DERT & SHARON DASNAULT 3652/062
#608
#610 J. KING SR. JR. & JANE J. SEEGAR 0905/699
#612 DAWSON L. JR. & PATRICIA FARBER 1867/505
#616 JOHN A. HORST
#620 EDWIN W. & FRANCES E. HUBER 0789/04 , 3557/015
350' SIGHT LINE
300' RESIDENTIAL TRANSITION AREA
BCMD
HENRY WARD & ELIZABETH 1819/382
ROBERT V. & IRENE DALLMUS 1809/200
JOHN & RITA H. GILSTON 3508/0780
WILLIAM F. JR. & DNA M. BALEN
JOHN R. & MOLLIE S. WAILES 3458/264
P. O'REILLY & JACQUEL MITCHELL 7496/779
PHILLIP & MARGARET L. MURPHAN
FRANCIS T. & ALONE DALY 899/022
JOHN J. & DOROTHY A. BARRY
EDWARD W. MAGOWSKI 7097/178
MICHAEL & PAULA ALBINE 7065/0473
EDWARD M. & CAROLYN E. DEBINS 5392/380
PRIVATE OPEN SPACE
PROPOSED PARKING
ZONED DR 2S
ZONED DR 5.5
79' BUFFER
RESIDENTIAL TRANSITION AREA 300'
10' PROPOSED PAVEMENT WIDENING
PROP. HIGHWAY WIDENING
LIMIT OF DISTURBANCE
EX. 10' DRAINAGE & UTILITY EASEMENT
EX. 8" W.M.
EX. 6" SAN.
EX. 8" SAN. (48-403)
EX. 8" SAN (40-403)
EX. 8" SAN (48-402)
EX. 8" SAN (48-401)
EX. 8" SAN (48-404)
EX. 8" SAN (48-511)
EX. 8" SAN (48-512)
EX. 8" SAN (48-513)
EX. 8" SAN (48-514)
EX. 8" SAN (48-515)
EX. 8" SAN (48-516)
EX. 8" SAN (48-517)
EX. 8" SAN (48-518)
EX. 8" SAN (48-519)
EX. 8" SAN (48-520)
EX. 8" SAN

GENERAL NOTES

1. SITE ACREAGE: NET - 15.95 AC± GROSS - 16.40 AC±
2. EXISTING ZONING: 12.78 AC± - DR 5.5; 3.62 AC± - DR 3.5
3. EXISTING USE OF PROPERTY: NURSING HOME (160 BEDS)
4. PROPOSED USE OF PROPERTY: HOUSING FOR THE WELL ELDERLY/NURSING HOME
5. DENSITY DATA: (BASED ON BDZR - 1B02.2A)

   PERMITTED: 12.78 AC X 5.5 = 70.290
   3.62 AC X 3.5 = 12.635

   TOTAL PERMITTED: = 82.925 DENSITY UNITS
   PROPOSED: 71 DENSITY UNITS

UNIT TYPE	APARTMENT TYPES x CONVERSION FACTOR		DENSITY UNITS
STUDIO	7 X 0.50	=	3.5
ONE BEDROOM	18 X 0.75	=	13.5
ONE BEDROOM/DEN	36 X 0.75	=	27.0
TWO BEDROOM	18 X 1.00	=	18.0
TWO BEDROOM/DEN	8 X 1.00	=	8.0
TOTAL PROPOSED	87 ACTUAL UNITS		70.0

   (ADD 1 DENSITY UNIT FOR EX. CHAPLAIN RES.) = 71.0

6. PARKING: BASED ON B.C.Z.R. - 409.6 A.1

   REQUIRED: EXISTING NURSING HOME - 169 BEDS ÷ 3 = 56 SPACES
   WELL ELDERLY APARTMENTS (CLASS 'B') 87 DWELLING UNITS X 1 = 87 SPACES
   TOTAL PARKING REQUIRED = 143 SPACES

   PROPOSED: EXISTING NURSING HOME - EXISTING SPACES = 114
   EX. NURSING HOME SPACES TO BE REMOVED = -92
   EX. NURSING HOME SPACES TO REMAIN = 22
   PROPOSED PARKING FOR WELL ELDERLY = 122
   TOTAL PARKING PROVIDED (INCLUDING 8 H.C. SPACES) = 144

7. ADT (AVERAGE DAILY TRAFFIC) CALCULATIONS AS SHOWN ON PLAN, ARE PER THE BUREAU OF TRAFFIC ENGINEERING, DEPARTMENT OF PUBLIC WORKS, BALTIMORE COUNTY, MD.
8. LOCAL OPEN SPACE:

   REQUIRED: 650 SQ. FT./DWELLING UNIT (650 X 87) = 56,550 SQ. FT. = (1.30 ACRES)
   PROPOSED: = 318,859 SQ. FT. = (7.32 ACRES)

   ALL LOCAL OPEN SPACE TO BE OWNED AND MAINTAINED BY PICKERSGILL, INC.
9. REFUSE COLLECTION WILL BE BY PRIVATE CONTRACTOR.
10. LANDSCAPE REQUIREMENTS:

    1 TREE/DWELLING UNIT = 87 TREES

    LANDSCAPING PROPOSED:

    EXISTING TREES TO REMAIN = 75+ TREES
    PROPOSED TREES = 200+ TREES
    TOTAL TREES TO BE PROVIDED = 275+ TREES

    ALL PARKING AREAS, TRASH DUMPSTERS AND SWM AREAS TO BE SCREENED FROM RESIDENTIAL PREMISES, AS PER BALTIMORE COUNTY LANDSCAPE MANUAL.

    A FINAL LANDSCAPE PLAN WILL BE SUBMITTED, REVIEWED AND APPROVED BY BALTIMORE COUNTY PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT.
11. THERE IS AN ON-SITE OIL RECOVERY OPERATION AT THE LOCATION SHOWN ON THE PLAN WHICH IS MAINTAINED UNDER MARYLAND STATE DEPARTMENT OF THE ENVIRONMENT, OIL OPERATIONS - PERMIT NO. 88 0P0489.
12. THIS SITE IS VOID OF THE FOLLOWING: (TO THE BEST OF OUR KNOWLEDGE):

    HISTORIC BUILDINGS
    CRITICAL AREAS
    ARCHAEOLOGICAL SITES
    ENDANGERED SPECIES HABITAT
    EX. WELLS OR SEPTIC WITHIN 100' OF PROPERTY LINES
    FLOOD PLAINS
13. LIGHTING SHALL BE ARRANGED AS TO LOCATION, DIRECTION, GLARE AND INTENSITY SO AS NOT TO SHINE OR REFLECT ON ADJOINING PREMISES.
14. WETLANDS AND STREAM HAVE BEEN FIELD LOCATED AND HAVE BEEN CONFIRMED BY DEPRM AS SHOWN ON THE PLAN. NO CLEARING, GRADING OR DISTURBANCE OF THE WETLANDS OR FOREST BUFFER WILL OCCUR EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY WATER QUALITY MANUAL.
15. THIS SITE IS LOCATED IN THE FOLLOWING:

    ELECTION DISTRICT 9
    COUNCILMANIC DISTRICT 4
    CENSUS TRACT 4907.01
    WATERSHED NO. 55
    SUB-SEWER SHED NO. 23
16. THIS SITE IS GENERALLY OPEN, SLIGHTLY ROLLING LAND CONTAINING A NUMBER OF MATURE HARDWOOD TREES WHICH WILL BE SAVED AND PROTECTED WHEREVER POSSIBLE.
17. STORM WATER WILL BE MANAGED BY A SURFACE DRY POND IN THE LOCATION SHOWN ON THE PLAN.
18. THE PROPOSED S.W.M. FACILITY WILL BE USED AS A TEMPORARY SEDIMENT BASIN DURING CONSTRUCTION.
19. PROPOSED HOUSING FOR THE WELL ELDERLY UNITS ARE FOR RENT.
20. PARKING AND ACCESS THERETO SHALL BE AS SHOWN GENERALLY ON THE PLAT, BUT FINAL DETAILS SHALL BE ESTABLISHED BY APPROVED PLANS PRIOR TO BUILDING PERMIT ISSUANCE.
21. SITE ZONING HISTORY:

    A. 1957 - CASE NO. 4324X - GRANTED SPECIAL EXCEPTION OF A CONVALESCENT HOME;

    B. 1978 - ADDITION APPROVED BY ALL COUNTY AGENCIES PER BALTIMORE COUNTY BUILDING PERMIT NO. 272-78 DATED 3/17/78.

    C. 1983 - CASE NO. 83-352 SPH - GRANTED THE RIGHT TO AMEND THE PREVIOUSLY APPROVED SITE PLAN IN CASE 4323-X FOR PROPOSED ADDITION OF STORAGE AREA AND REMOVAL OF BARN.

    D. JULY 13, 1989 - PICKERSGILL ADDITION PLAN IX-640-89118 APPROVED BY BALTIMORE COUNTY REVIEW GROUP

    E. JULY 28, 1989 - APPEAL FILED BY NEIGHBORHOOD ADVISORY BOARD, CASE #89-444-SPH. PETITION FILED BY PICKERSGILL, CASE #89-538-SPH TO AMEND SITE PLAN APPROVED BY CASE #4324X AND #83-253-SPH.

    F. FEBRUARY 12, 1990 - PICKERSGILL PETITION TO AMEND SITE PLAN APPROVED IN PART, OTHER PORTIONS OF PICKERSGILL PETITION REJECTED, AS WAS ADVISORY BOARD'S PETITION.

    G. FEBRUARY 15, 1990 - PICKERSGILL FILED APPEAL TO ZONING COMMISSIONER'S DECISION OF FEBRUARY 12 REGARDING CASE #89-538-SPH.

    H. MARCH 14, 1990 - ADVISORY BOARD FILED APPEAL TO ZONING COMMISSIONER'S DECISION OF FEBRUARY 12 REGARDING PICKERSGILL'S CASE #89-538-SPH AND THE BOARD'S OWN CASE #89-444-SPH.

    I. MAY 23, 1990 - PICKERSGILL, INC. AND NEIGHBORHOOD ADVISORY BOARD SUBMIT A JOINTLY AGREED UPON RESTRICTIVE COVENANT AGREEMENT.

    J. JUNE 25, 1990 - BALTIMORE COUNTY BOARD OF APPEALS ADOPTS RESTRICTIVE COVENANT AGREEMENT AND CONSENT ORDER BETWEEN PICKERSGILL, INC. AND THE NEIGHBORHOOD ADVISORY BOARD.

NOTE

Existing and proposed improvements shall be limited to a maximum number of floors as follows:

(i) Parking Deck — 2 levels
(ii) Existing Nursing Home — 3 floors (Existing Garden and First Floor Levels and Proposed Second Floor. The proposed second floor additions to be constructed on the three rear wings of the existing Pickersgill facility shall not exceed the height of any existing building as viewed from Chestnut Avenue.)
(iii) Community Center — 2 floors
(iv) New North Building — 4 floors
(v) New South Building — 4 floors

FINISH FLOOR ELEVATIONS OF BOTH EXISTING & PROPOSED BLDGS. ARE AS FOLLOWS:
LEVEL 1 - 488.33
LEVEL 2 - 491.66
LEVEL 3 - 463.00
LEVEL 4 - 472.99

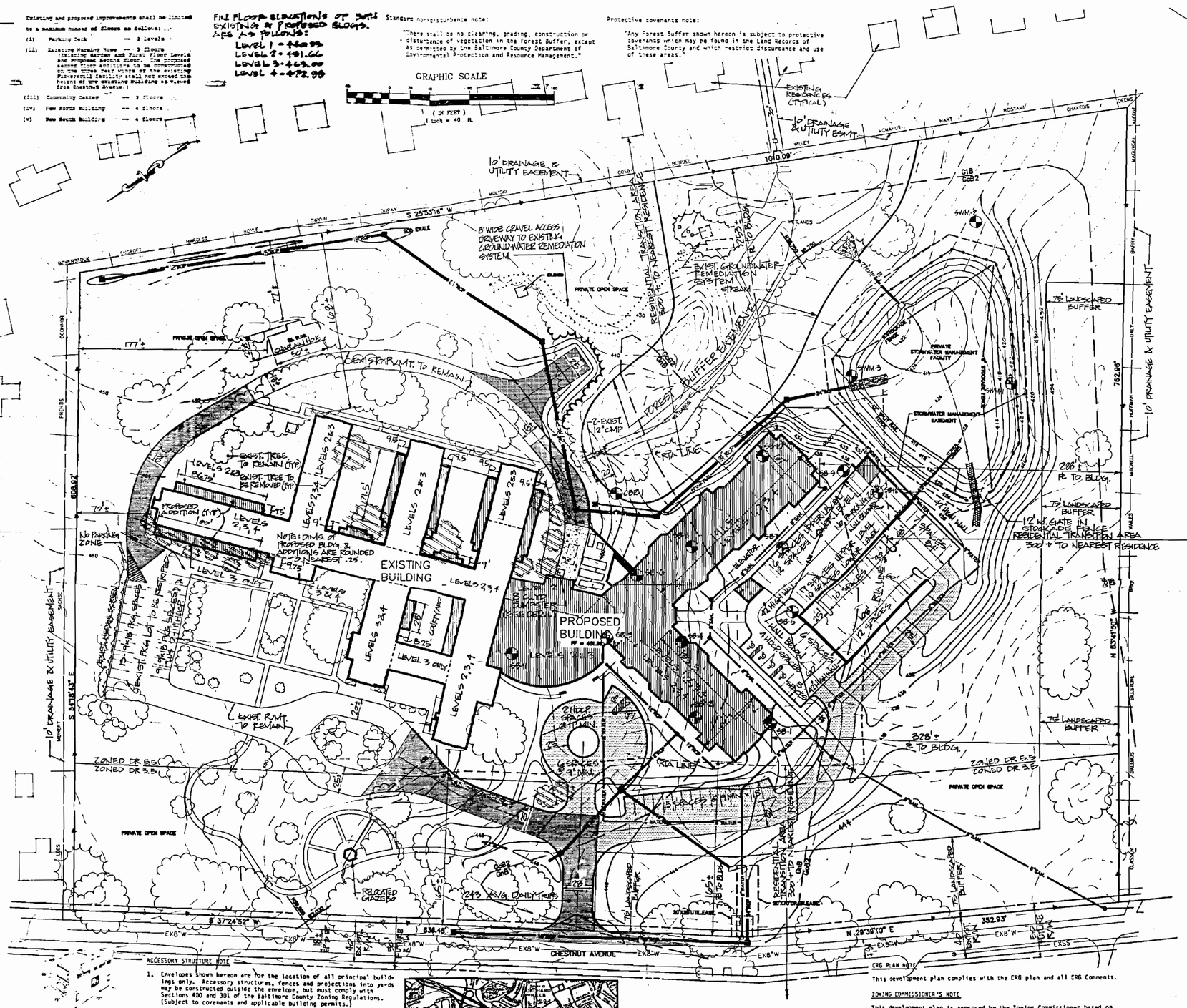
Standard non-disturbance note:

"There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer, except as permitted by the Baltimore County Department of Environmental Protection and Resource Management."

Protective covenants note:

"Any Forest Buffer shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas."

GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.


10' DRAINAGE & UTILITY EASEMENT
EXISTING RESIDENCES (TYPICAL)
S 25°33'16" W
1000.09'
8' WIDE GRAVEL ACCESS DRIVEWAY TO EXISTING GROUNDWATER REMEDIATION SYSTEM
EXIST. GROUNDWATER REMEDIATION SYSTEM
RESIDENTIAL TRANSITION AREA 300' TO NEAREST RESIDENCE
PRIVATE OPEN SPACE
EXIST. PAVMT. TO REMAIN
EXIST. TREE TO REMAIN (TYP.)
EXIST. TREE TO BE REMOVED (TYP.)
PROPOSED ADDITION (TYP.)
NOTE: DIMS. OF PROPOSED BLDG. & ADDITIONS ARE ROUNDED TO THE NEAREST .25'.
EXISTING BUILDING
PROPOSED BUILDING
LEVEL 3 ONLY
LEVEL 2,3,4
LEVELS 2&3
LEVELS 2,3,4
EXIST. PAVMT. TO REMAIN
EXIST. PICNIC AREA
RELOCATED GAZEBO
243 AVG. DAILY TRIPS
2-EXIST. 12' CMP
RTA LINE
BUFFER EASEMENT
FOREST
STREAM
75' LANDSCAPED BUFFER
PRIVATE STORMWATER MANAGEMENT FACILITY
STORMWATER MANAGEMENT EASEMENT
SWM 1
SWM 2
SWM 3
12' W. GATE IN STOCKADE FENCE
288'± TO BLDG.
328'± TO BLDG.
762.98'
RESIDENTIAL TRANSITION AREA 300'± TO NEAREST RESIDENCE
ZONED DR 5.5
ZONED DR 3.5
PRIVATE OPEN SPACE
S 37°24'52" W
838.48'
N 25°36'10" E
352.93'
CHESTNUT AVENUE
10' DRAINAGE & UTILITY EASEMENT
S 45°18'35" E
800.82'
ZONED DR 5.5
ZONED DR 3.5
PRIVATE OPEN SPACE
EXIST. PARKING LOT TO BE RESTRIPED
15-9'x18' PKG. SPACES
1-8'x18' PKG. SPACE
1-12'x24' HANDICAP SPACE
NO PARKING ZONE
EXIST. PAVMT. TO REMAIN
10' DRAINAGE & UTILITY EASEMENT
75' LANDSCAPED BUFFER
75' LANDSCAPED BUFFER
75' LANDSCAPED BUFFER
RESIDENTIAL TRANSITION AREA 300'± TO NEAREST RESIDENCE
EXISTING GARAGE
EXISTING GARAGE
EXISTING GARAG