



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlndacq@co.ba.md.us

April 3, 2000

Mr. Richard E. Matz, P.E.
Colbert Matz Rosenfelt, Inc.
2835 South Avenue, Suite G
Baltimore, Maryland 21209

Dear Mr. Matz:

RE: Zoning Verification, Catonsville Eldercare, 333 Harlem Lane, 1st Election District

In the matter of the expansion proposed at the above referenced address this office offers the following:

Since my letter to you, dated February 22, 2000, meetings were held between Mr. Carl Richards, Supervisor for Baltimore County Zoning Bureau and Howard L. Alderman, Jr., Esquire. Secondly, a meeting was held between Mr. Richards and myself. Wherein, an extensive review of the zoning history for this site and your proposal was conducted.

As a product of that second meeting it is determined the aforementioned expansion exceeds the restrictive language found in the Findings of Fact and Conclusions of Law in case #90-103-SPH. Amendments to case #90-103-SPH granted December 18, 1990 by the Baltimore County Board of Appeals does not alter this restrictive language.

It remains the opinion of this office the proposed expansion is beyond the Spirit and Intent of the original order. A Special Hearing will be required to examine the requirements of Section 502.1 Baltimore County Zoning Regulations (B.C.Z.R.) as it applies to this proposal. The plat to accompany building permit submitted with your February 10, letter, shows proposed parking on the northern portion of the property. This proposed parking was not shown on any of the site plans submitted in support of the zoning petitions for this property. A Special Hearing to amend the previously granted Special Exception in case #5343-X and amended in case #90-103-SPH will be required to address the proposed parking.

Please be aware that the proposed parking lot may generate Residential Transition Area (R.T.A.) requirements if there exists property to the northeast that falls under the provisions of Section 1B01.1 B.1.6 (1) (2) (B.C.Z.R.). If the R.T.A. requirements apply and cannot be met, variances will be required.

Mr. Richard E. Matz, P.E.
April 3, 2000
Page 2

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,

Lloyd T. Moxley
Planner II
Zoning Review

LTM:kew

BALTIMORE COUNTY
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-321-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (883-1960)

HOWARD L. ALDERMAN, JR.
BALTIMORE, MD

March 22, 2000

VIA FACSIMILE (410-332-4091)
AND REGULAR MAIL
Mr. Sarkis Nazarian
Catonsville Eldercare, Inc.
333 Harlem Lane
Baltimore, Maryland 21218

Re: Meeting with County Officials

Dear Sarkis:

In response to our meeting with Sam Moxley and Bob Barrett, Mr. Barrett's office called and asked me to contact Arnold Jablon directly. You will recall that the original plan was for you and me to meet with Mr. Jablon, however, Mr. Barrett's office advised that I was to call Arnold directly in lieu of such meeting.

When I did not reach Arnold by telephone I left a handwritten message for him in his office. In response to that message Carl Richards, Mr. Jablon's deputy, called me and I met with Mr. Richards earlier this morning on the proposed expansion to the nursing home on Harlem Lane. I believe it was a very productive meeting and Mr. Richards indicated that he would review the files and get back to me promptly.

As soon as I have heard from Carl I will advise you promptly. In the meantime, should you have any questions, as always, please do not hesitate to contact me.

Very truly yours,

Howard L. Alderman, Jr.

HLA:Jr/dmh

cc: Mr. Robert Barrett
Arnold Jablon, Director
W. Carl Richards, Deputy
Richard E. Matz, P.E.

C:\WP\HLA\Catonsville Eldercare\tr re county officials

BALTIMORE COUNTY
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
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March 22, 2000

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Very truly yours,

Howard L. Alderman, Jr.

HLA:Jr/dmh

cc: Mr. Robert Barrett
Arnold Jablon, Director
W. Carl Richards, Deputy
Richard E. Matz, P.E.

C:\WP\HLA\Catonsville Eldercare\tr re county officials

Census 2000 For You, For Baltimore County Census 2000

Printed with Soybean Ink on Recycled Paper Come visit the County's Website at www.co.ba.md.us

03/10/2000 16:12 ADMINISTRATION 1ST FLOOR + 4102962801 NO. 556 D34

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

February 10, 2000

Mr. Arnold Jablon, Director
Office of Permits and Development Management
111 West Chesapeake Avenue
Towson, Md. 21204

Re: Catonsville Eldercare
333 Harlem Lane
Case No. 90-103-SPH
CMR Job No. 98162

Dear Mr. Jablon,

On behalf of the owner of this property, Catonsville Eldercare, Inc., we hereby request approval of proposed additions to an existing nursing home as being within the Spirit and Intent of Zoning Case No. 90-103-SPH. The original area of the Special Exception request for the nursing home was one acre and as a result of the Zoning Commissioner's ruling, which was upheld by the Board of Appeals, the area of the nursing home Special Exception was expanded to 2 1/4 acres, which was shown on the CRG Plan and Final Development Plan of Maple Woods. The nursing home was previously operating at a licensed capacity of 98 beds and is presently operating at a licensed capacity of 85 beds, after downsizing (reducing occupancy) of 13 residents' rooms.

The owner proposes to construct a 20-bed addition (10 rooms) and an addition to the multi-purpose/dining room to provide more spacious living accommodations to its residents. The total increase in floor area will be approximately 8,000 square feet, and there will be a total of 105 beds after expansion. The portion of the property on the north side of Maple Forest Road (1/2 acre) will be developed for a 33-space parking area.

The previous Zoning Order (Case No. 90-103-SPH) which was upheld by the Board of Appeals, included several conditions of approval. The area for the Special Exception as specified in Condition # 1 will remain unchanged. Condition # 2 of the Zoning Order, specifying the location of an access road into the rear of the property, has been accomplished by construction of a Baltimore County road, Maple Forest Road, which provides access to the adjoining townhouse development, Maple Woods.

The vegetated buffer along the northern property line specified in Condition #3 will be accomplished by planting a 10-foot wide landscape screen along the

03/10/2000 16:12 ADMINISTRATION 1ST FLOOR + 4102962801 NO. 556 D34

Catonsville Eldercare
Case No. 90-103-SPH
Page -2-

northern side of the proposed parking area. There is presently a naturally revegetated screen there. In this regard, it should be noted that the northern portion of the property adjoins a Baltimore County school site and there are no outdoor school activity areas in proximity to the proposed 33-space (1/2 acre) parking area.

The requirement in Condition #3 for a vegetated buffer area along the western property line has been accomplished by a screen planting of pine trees, which will be maintained and enhanced.

The occupant of the adjacent property to the south, Mrs. Joseph H. Loveman, 327 Harlem Lane, has no objection to the planned expansion of the nursing home.

The proposed attached site plan will address Condition #5, by providing additional parking spaces for the additional proposed beds. The expanded nursing home will have a total of 105 beds and 54 parking spaces. A total of 35 spaces are required under the Baltimore County Zoning Regulations.

We look forward to your approval of this request.

Yours truly,

Richard E. Matz, P.E.
Vice-President
COLBERT MATZ ROSENFELT, INC.

cc: Sarkis Nazarian, Catonsville Eldercare
Jack Hollick

enclosures

IN THE MATTER OF THE APPLICATION OF AURELIA L. LOVEMAN (GUARDIAN OF JOSEPH LOVEMAN) FOR A SPECIAL HEARING ON PROPERTY LOCATED ON THE WEST SIDE HARLEM LA., 316 SOUTH C/O OLD FREDERICK ROAD (333 HARLEM LANE), 1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 90-103-SPH

OPINION

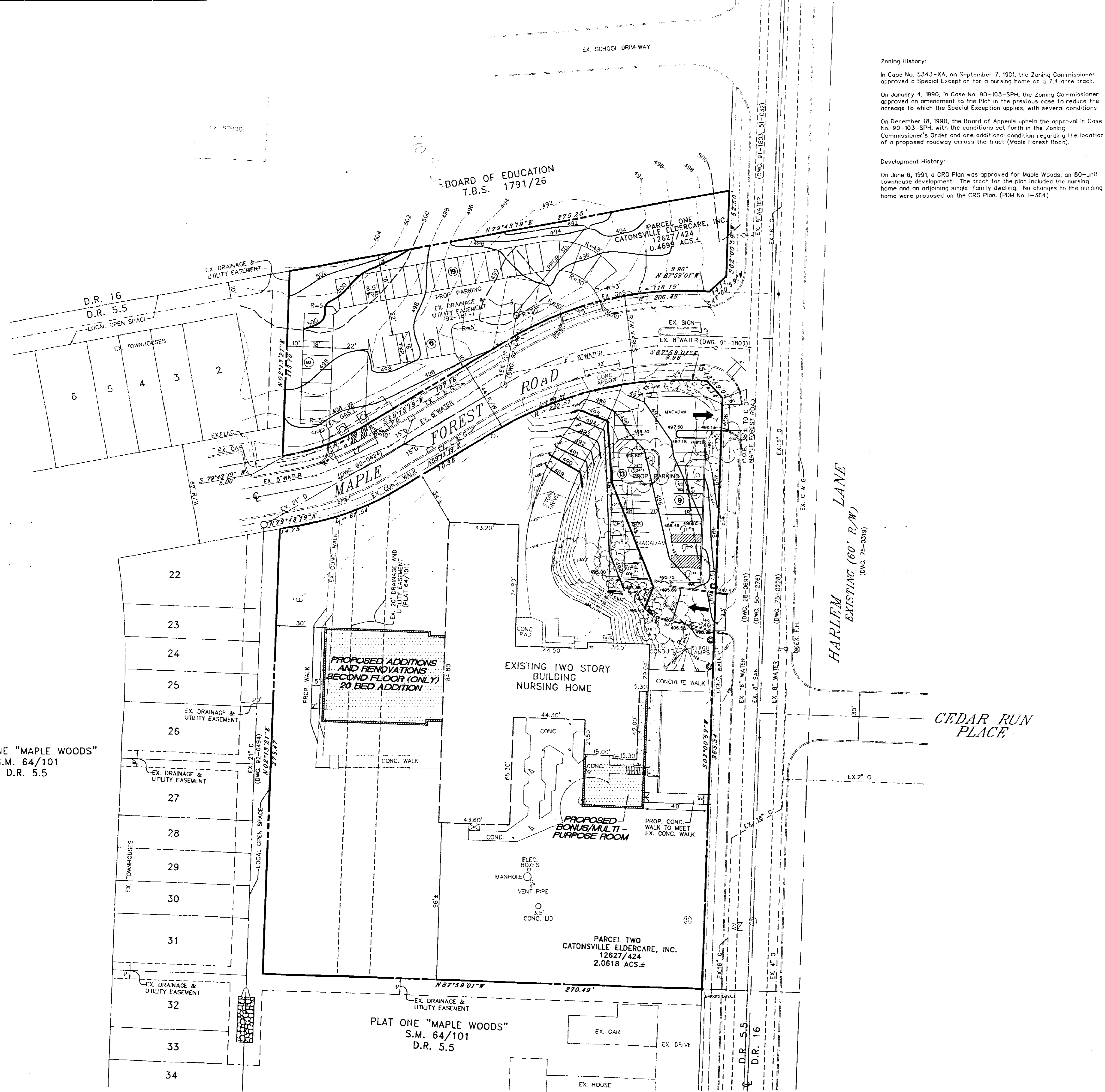
This is an appeal from the decision of the Zoning Commissioner dated January 4, 1990 wherein the request of the Petitioner to reduce the acreage to which the special Exception applies in Case No. 5143X from 7.4 acres +/- to 1.052 acres +/- was granted with certain restrictions applied. In granting Petitioner's request, the Zoning Commissioner limited the reduction of acreage as set out and described in Restriction #2 of his Order. It is this restriction which precipitates this appeal. A hearing was held before this Board on November 16, 1990. Petitioner was represented by Howard Alderman, Jr., Esquire, and Julius Lichter, Esquire. Also participating in the proceedings was Phyllis C. Friedman, People's Counsel for Baltimore County. The entire testimony offered was that of the property owner, Aurelia L. Loveman (Guardian of Joseph Loveman), and Norman Gerber, an expert in land planning and zoning. No testimony was offered in opposition to the Petitioner's request, and no protestants appeared at the hearing. The subject property, known as 333 Harlem Lane, consists of 7.4 acres +/- and is zoned D.R. 5.5. It is presently improved with

7/77

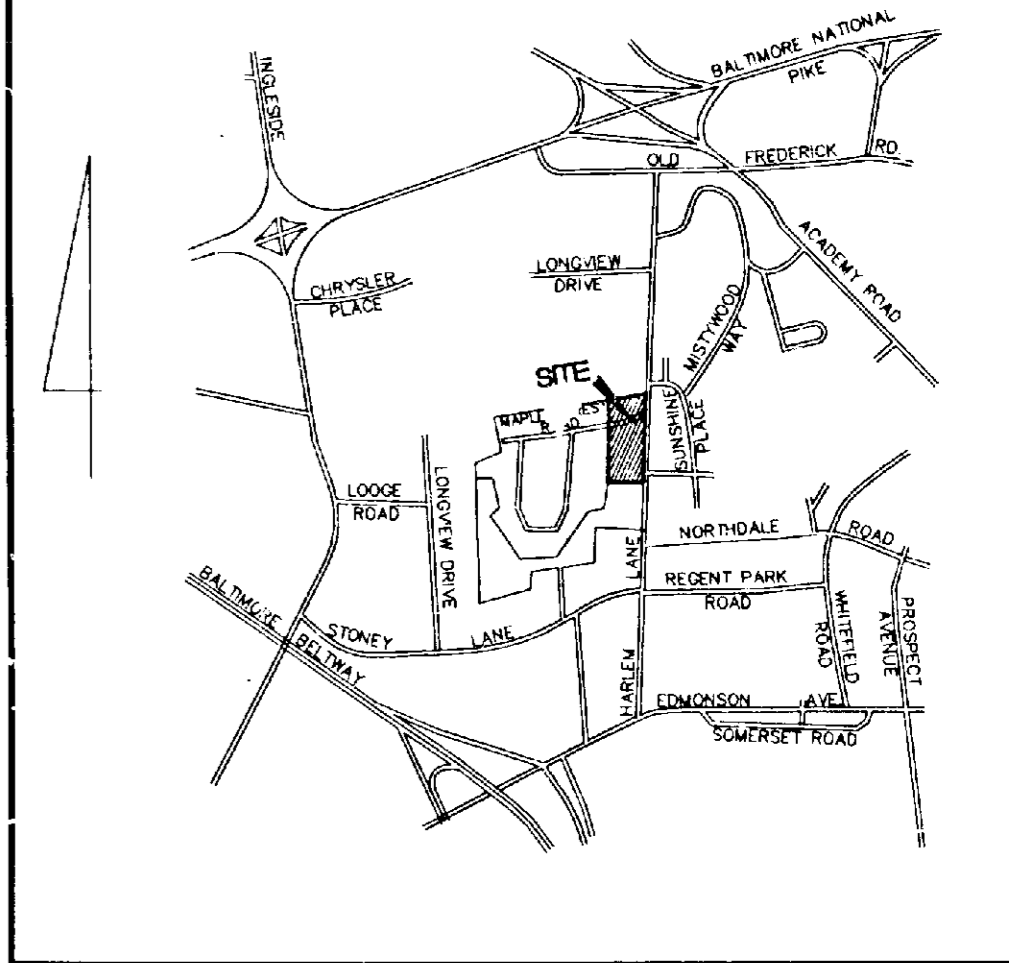
NOTE:
TOPOGRAPHY SHOWN ON PARCEL ONE
IS FROM AVAILABLE GS RECORDS.



PLAT ONE "MAPLE WOODS"
S.M. 64/101
D.R. 5.5



Zoning History:
In Case No. 5343-XA, on September 7, 1961, the Zoning Commissioner approved a Special Exception for a nursing home on a 7.4 acre tract.
On January 4, 1990, in Case No. 90-103-SPH, the Zoning Commissioner approved an amendment to the Plat in the previous case to reduce the acreage to which the Special Exception applies, with several conditions.
On December 18, 1990, the Board of Appeals upheld the approval in Case No. 90-103-SPH, with the conditions set forth in the Zoning Commissioner's Order and one additional condition regarding the location of a proposed roadway across the tract (Maple Forest Road).
Development History:
On June 6, 1991, a CRG Plan was approved for Maple Woods, an 80-unit townhouse development. The tract for the plan included the nursing home and an adjoining single-family dwelling. No changes to the nursing home were proposed on the CRG Plan. (PDM No. 1-364)



VICINITY MAP

SCALE 1"=1000'

- NOTES:
- OWNER/DEVELOPER: SARKIS NAZARIAN, PRESIDENT CATONSVILLE ELDERCARE, INC. 1213 LIGHT STREET BALTIMORE, MD 21230-4305 PHONE: 410-727-1600
 - DEED REFERENCE: 12627/424 (PARCEL ONE AND TWO) TAX ACCOUNT: 0103001330
 - TAX MAP 95, GRID 20, PARCEL /1
 - COUNCILMANIC DISTRICT: 1
 - SITE NET AREA: 110,281 SQ.FT.± (2.531 AC.±) SITE GROSS AREA: 138,937 SQ.FT.± (3.14 AC.±) ZONED: D.R. 5.5 ZONING MAP NO.: S.W. 2-F FLOOR AREA RATIO: 0.13 (18048/136937) MAXIMUM FLOOR AREA: NOT APPLICABLE TOTAL FLOOR AREA: EXISTING AND PROPOSED BUILDING 18048 SQ.FT. MAXIMUM HEIGHT PERMITTED: 50' BUILDING HEIGHT PROPOSED: 22'±
 - OFF-STREET PARKING CALCULATIONS: REQUIRED PARKING: ONE SPACE/3 BEDS OR 105/3=35 PROPOSED PARKING: 55 SPACES INCLUDING 3 HC.
 - THERE ARE NO WOODED AREAS, STREAMS, WETLANDS OR FLOODPLAINS ON THIS PROPERTY.
 - NO PREVIOUS COMMERCIAL PERMIT ON FILE
 - THERE ARE NO EXISTING WELLS OR SEPTIC TANKS ON THIS SITE.
 - ALL SIGNS TO COMPLY WITH SEC. 450 OF THE B.C.Z.R.
 - BUILDING SETBACKS:
REQUIRED: PROPOSED:
FRONT 40' 40'
SIDE 20' 96'± (EXISTING)
CORNER STREET 35' 34'± (EXISTING)
REAR 30' 30'
 - PROPOSED ADDITIONS TO BE SERVED BY EXISTING PUBLIC WATER AND SEWER.
 - A STORMWATER MANAGEMENT WAIVER WILL BE APPLIED FOR.

PLAN TO ACCOMPANY BUILDING PERMIT
CATONSVILLE NURSING HOME
#333 HARLEM LANE

1st ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Colbert Matz Rosenfelt, Inc.

Engineers • Surveyors • Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953



SCALE: 1" = 30'
DATE: JANUARY 24, 2000
JOB NO.: 98162
DESIGNED: EVT
DRAWN: EVT
CHECKED: REM
FILE: 98162SITE
DRAWING NUMBER: P-1
NO. DATE REVISIONS: BY SHEET 1 OF 1

IN THE MATTER OF THE * BEFORE THE
 THE APPLICATION OF * COUNTY BOARD OF APPEALS
 AURELIA L. LOVEMAN (GUARDIAN * OF
 OF JOSEPH LOVEMAN) * OF
 FOR A SPECIAL HEARING ON * BALTIMORE COUNTY
 PROPERTY LOCATED ON THE WEST *
 SIDE HARLEM LANE, 316' SOUTH *
 C/L OLD FREDERICK ROAD * CASE NO. 90-103-SPH
 (333 HARLEM LANE) *
 1ST ELECTION DISTRICT *
 1ST COUNCILMANIC DISTRICT *

OPINION

This is an appeal from the decision of the Zoning Commissioner dated January 4, 1990 wherein the request of the Petitioner to reduce the acreage to which the Special Exception applies in Case No. 5343X from 7.4 acres +/- to 1.052 acres +/- was granted with certain restrictions applied. In granting Petitioner's request, the Zoning Commissioner limited the reduction of acreage as set out and described in Restriction #2 of his Order. It is this restriction which precipitates this appeal. A hearing was held before this Board on November 16, 1990. Petitioner was represented by Howard Alderman, Jr., Esquire, and Julius Lichter, Esquire. Also participating in the proceedings was Phyllis C. Friedman, People's Counsel for Baltimore County. The entire testimony offered was that of the property owner, Aurelia L. Loveman (guardian of Joseph Loveman), and Norman Gerber, an expert in land planning and zoning. No testimony was offered in opposition to the Petitioner's request, and no protestants appeared at the hearing.

The subject property, known as 333 Harlem Lane, consists of 7.4 acres +/- and is zoned D.R. 5.5. It is presently improved with

Case No. 90-103-SPH Aurelia L. Loveman 2
 an existing nursing home facility, operating as "Inns of Evergreen," and a single-family dwelling, occupied by the Petitioner. Also located on the property to the rear of the nursing home facility were two vacant framed buildings, formerly used as a nursing home. These buildings were condemned by Baltimore County and have been razed.

At the beginning of this hearing, the Petitioner was requesting a special exception for the same area originally requested before the Zoning Commissioner as shown on Petitioner's Exhibit No. 2. During the testimony of the Petitioner, counsel requested that they modify the area of the special exception request to be the same area as granted by the Zoning Commissioner and to include a proposed road to be located north of the present nursing home facilities marked "Inns of Evergreen" on Petitioner's Exhibit #5, which road would meet all County required regulations and statutes and serve as an access road to the Petitioner's property located to the rear and to the west of the requested area for special exception. The Board accepted the Petitioner's request to modify the area together with the inclusion of the road. No objection was made and Petitioner offered in support of the modification Petitioner's Exhibit #5 showing the anticipated location of the proposed access road.

The burden of proof is upon the Petitioner to establish that her request for special exception, which is not permitted as of right, meets the requirements of Section 502.1 of the Baltimore County Zoning Regulations (BCZR). This Board finds as a matter of

Case No. 90-103-SPH Aurelia L. Loveman 3
 fact from the evidence and testimony presented, chiefly from Norman Gerber, that the requirements of Section 502.1 have been met. Mr. Gerber testified as to each of the conditions delineated in Section 502.1 and in his opinion the granting of the special exception for the same area granted by the Zoning Commissioner and outlined in black in Petitioner's Exhibit #4 would not be detrimental to the health, safety and general welfare of the local community involved. He further testified that the proposed roadway to the north of the existing nursing home as set out in Petitioner's Exhibit #5 was the only place that it could be placed without having any impact on the subject site. He informed the Board that if the access road were to be denied by the Board, access to the rear property owned by the Petitioner would be impossible. He further testified that the access road could not be placed to the south of the nursing home since that area is wetlands. On cross-examination, he stated that in his opinion and based upon his previous experience as Director of Planning, he did not believe that it was necessary for a nursing home as proposed in these proceedings to meet density requirements of the zoning regulations. He also testified that the proposed request for special exception for the area indicated on Petitioner's Exhibit #4 with the proposed roadway located to the north of the nursing home would meet present Residential Transition Area requirements of the zoning regulations. With regard to parking requirements, he informed the Board that 33 spaces would be required and that there were presently 13 spaces available. He testified that there was sufficient space available for parking if

Case No. 90-103-SPH Aurelia L. Loveman 4
 the special exception was granted for the proposed area and that the requirements of Section 409 of the zoning regulations could be met.
 This Board finds that the evidence is sufficient to grant to the Petitioner her request as modified for a special exception for the area as indicated on Petitioner's Exhibit #4 outlined in black with a proposed road to the north of the existing nursing home as conceptually indicated on Petitioner's Exhibit #5. In granting Petitioner's request for special exception, this Board is designating the same area which was designated by the Zoning Commissioner below. The Board, after considering all the testimony, is convinced that the additional modification to permit the roadway does not have any adverse affect upon the present residents of the nursing home nor the local community involved. No testimony was offered to establish that such a road would in effect be detrimental to the residents of the nursing home nor to the surrounding community. For the reasons set forth above, the Board will grant the relief requested by the Petitioner, with certain restrictions, described below.

ORDER

IT IS THEREFORE this 18th day of December, 1990 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Special Hearing in Case No. 90-103-SPH be and the same is hereby GRANTED subject to the following restrictions:

1. That the area for which the special exception is granted is that area outlined in black on Petitioner's Exhibit #4, being the same area designated by the Zoning

Case No. 90-103-SPH Aurelia L. Loveman 5
 Commissioner for Baltimore County in Restriction #2 of his Order dated January 4, 1990.

2. That the proposed roadway requested by the Petitioner be located to the north of the subject nursing home, and not to be located elsewhere on the subject property, and to run westerly from Harlem Lane to the remaining property of the Petitioner which property is located to the rear and to the west of the special exception area granted herein and as generally described in Petitioner's Exhibit #5. The location, design and construction of said roadway to be approved in the future by Baltimore County in accordance with all County requirements.

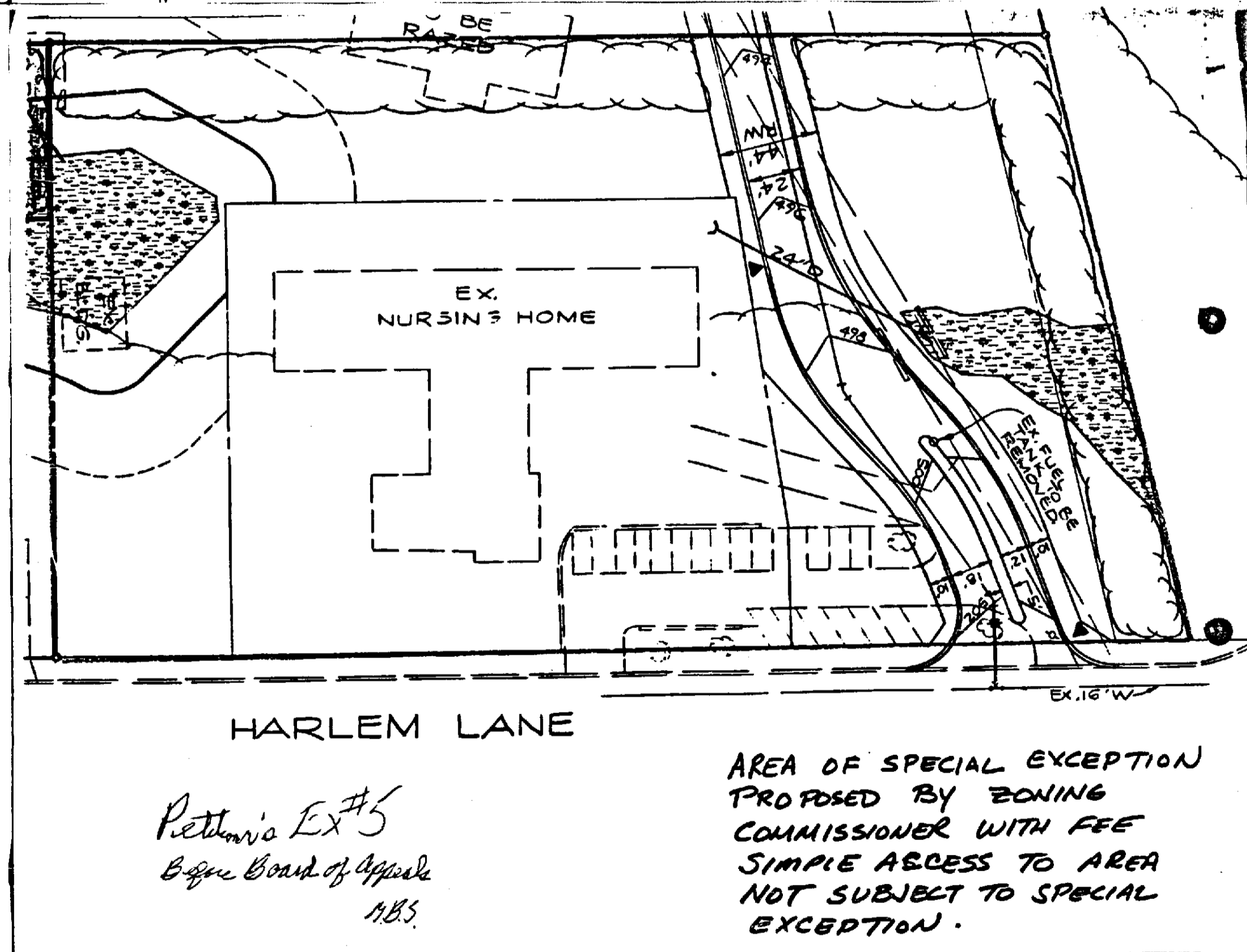
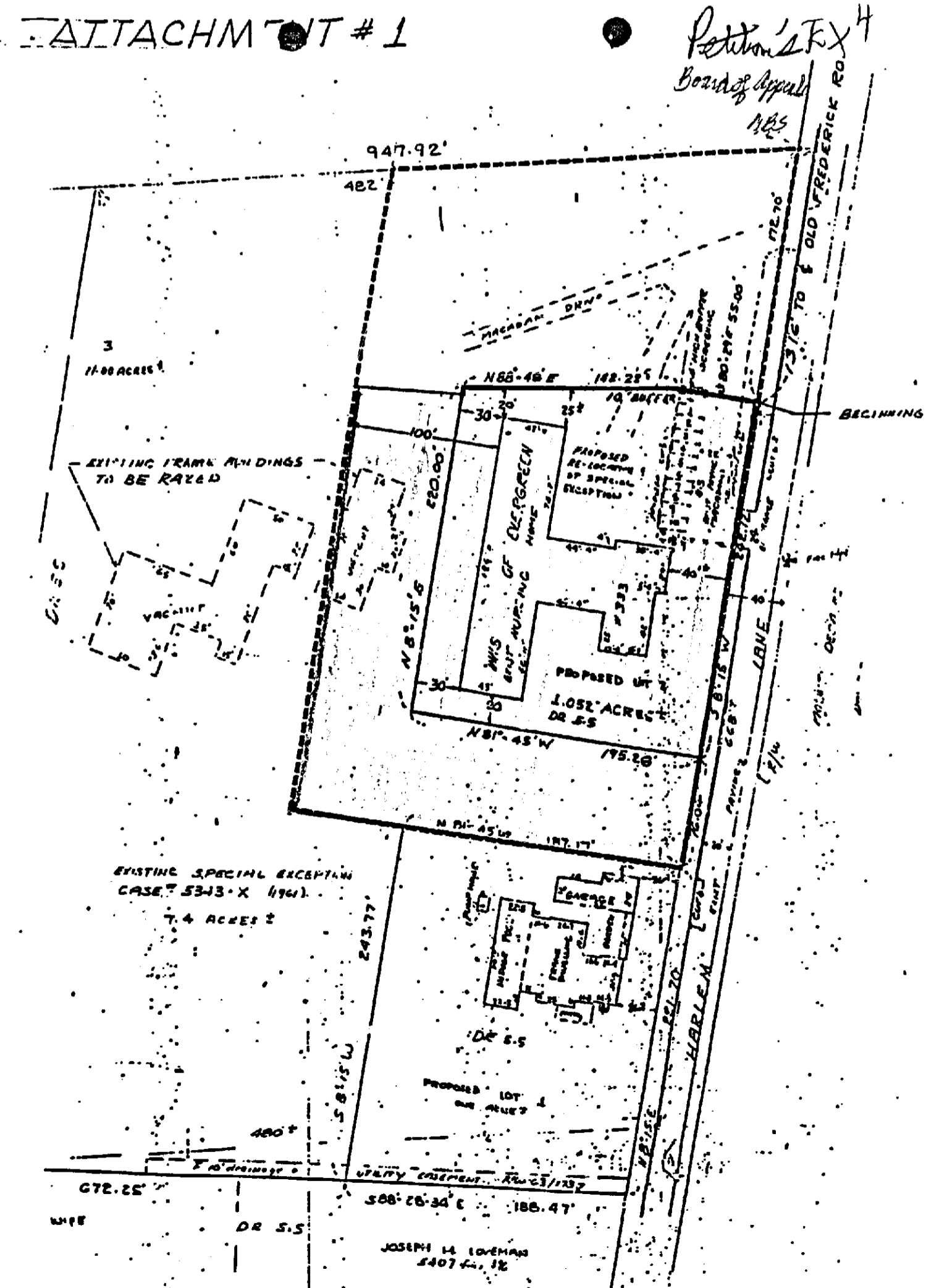
3. Petitioner shall provide a 30-foot wide, 10-foot high vegetative division area along the northern and western boundary lines of the area of the special exception granted herein.

4. Petitioner shall prepare a landscape plan for approval by the Baltimore County Landscape Planner. A copy of the approved plan shall be submitted to the Zoning Commissioner for final approval prior to the issuance of any permits.

5. Petitioner shall prepare a new site plan reflecting a parking scheme which complies with the current B.C.Z.R. Said site plan shall be submitted to the Zoning Commissioner for final approval, and include the new boundary line for the subject nursing home and the proposed road as indicated on Petitioner's Exhibits #4 and #5 appended hereto.

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
 Michael B. Sauer, Acting Chairman
 Harry E. Buchheister, Jr.
 John G. Disney



County Board of Appeals of Baltimore County
 COUNTY OFFICE BUILDING, ROOM 315
 111 W. CHESAPEAKE AVENUE
 TOWSON, MARYLAND 21204
 (301) 857-3180

December 18, 1990

Howard L. Alderman, Jr., Esquire
 LEVIN & GANN
 305 W. Chesapeake Avenue
 Towson, MD 21204

RE: Case No. 90-103-SPH
 Aurelia L. Loveman

Dear Mr. Alderman:
 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,
 Kathleen C. Weidenhammer
 Kathleen C. Weidenhammer
 Administrative Assistant

- encl
- cc: Julius W. Lichter, Esquire
 - Ms. Aurelia Loveman
 - Ms. Rebecca Chupka
 - Ms. Roberta Lutz
 - Mr. Thomas Reich
 - Jody & James Frazier
 - People's Counsel for Baltimore County
 - P. David Fields
 - Pat Keller
 - J. Robert Haines
 - Ann M. Nastarowicz
 - James E. Dyer
 - W. Carl Richards, Jr.
 - Docket Clerk - Zoning
 - Arnold Jablon, County Attorney

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

J. Robert Haines
Zoning Commissioner

DATE 9.6.89



Dennis F. Rasmussen
County Executive

Aurelia L. Loveman,
Legal Guardian of Joseph H. Loveman
327 Harlem Avenue
Baltimore, Maryland 21228

Re: Petition for Special Hearing
CASE NUMBER: 90-103-SPH
W/S Harlem Lane, 316' S of c/l of Old Frederick Road
333 Harlem Lane
1st Election District - 1st Councilmanic
Petitioner(s): Aurelia L. Loveman, Legal Guardian of Joseph H. Loveman

Dear Petitioner:
Please be advised that \$ 98.43 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs
cc: Howard L. Alderman, Jr., Esq.
File

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

J. Robert Haines
Zoning Commissioner

August 9, 1989

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

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: 90-103-SPH
W/S Harlem Lane, 316' S of c/l of Old Frederick Road
333 Harlem Lane
1st Election District - 1st Councilmanic
Petitioner(s): Aurelia L. Loveman, Legal Guardian of Joseph H. Loveman
HEARING SCHEDULED: FRIDAY, SEPTEMBER 22, 1989 at 9:30 a.m.

Special Hearing: An amendment to the Plat to Accompany Final Exception approved in Case Number 5343-X to reduce the acreage to which the Special Exception applies from 7.4 acres to that of 1.052 acres, more or less.

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
BALTIMORE COUNTY, MARYLAND

JRH:gs
cc: Aurelia L. Loveman
Howard L. Alderman, Jr., Esq.
File

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

J. Robert Haines
Zoning Commissioner

August 15, 1989

NOTICE OF REASSIGNMENT



Dennis F. Rasmussen
County Executive

Case #: 90-103-SPH
W/S Harlem Lane, 316' S of c/l of Old Frederick Road
333 Harlem Lane
1st Election District - 1st Councilmanic
Petitioner(s): Aurelia L. Loveman, Legal Guardian of Joseph H. Loveman

THE ABOVE MATTER, SCHEDULED TO BE HEARD ON September 22, 1989, HAS BEEN POSTPONED AND REASSIGNED.

THE HEARING WILL NOW TAKE PLACE AS FOLLOWS:

THURSDAY, SEPTEMBER 28, 1989 at 11:00 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
Howard L. Alderman, Jr., Esq.
File



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180
May 2, 1990

HEARING ROOM -
Room 301, County Office Bldg.

NOTICE OF ASSIGNMENT

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. 90-103-SPH AURELIA L. LOVEMAN (Guardian of Joseph Loveman)
W/s of Harlem La., 316' S of c/l of Old Frederick Road (333 Harlem Lane)
1st Election District
1st Councilmanic District
SPH - amendment to SE #5343-X to reduce acreage
1/4/90 - Z.C.'s Order GRANTING Petition in part with restrictions.

ASSIGNED FOR: WEDNESDAY, AUGUST 15, 1990 at 10:00 a.m.

cc: Howard L. Alderman, Jr., Esquire Counsel for Petitioner/Appellant
Mr. Joseph Loveman
Ms. Rebecca Chupka
Ms. Roberta Lutz
Mr. Thomas Reich
Jody & James Frazier
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney
LindaLee M. Kuszmaul
Legal Secretary

*6/6/90 -
PPL at request of
Counsel for Appellant
reset for 11/16/90*



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180
June 6, 1990

HEARING ROOM -
Room 301, County Office Bldg.

NOTICE OF POSTPONEMENT AND REASSIGNMENT

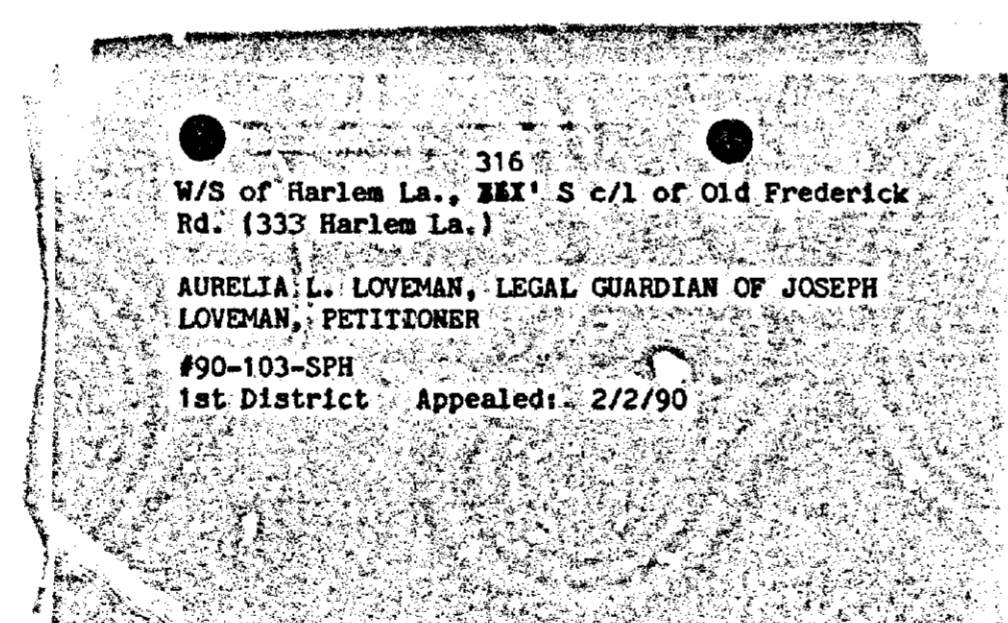
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL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

CASE NO. 90-103-SPH AURELIA L. LOVEMAN (Guardian of Joseph Loveman)
W/s of Harlem La., 316' S of c/l of Old Frederick Road (333 Harlem Lane)
1st Election District
1st Councilmanic District
SPH - amendment to SE #5343-X to reduce acreage
1/4/90 - Z.C.'s Order GRANTING Petition in part with restrictions.

which was scheduled for hearing on August 15, 1990 has been POSTPONED at the request of Counsel for the Petitioner/Appellant and has been

REASSIGNED FOR: FRIDAY, NOVEMBER 16, 1990 at 10:00 a.m.

cc: Howard L. Alderman, Jr., Esquire Counsel for Petitioner/Appellant
Mr. Joseph Loveman
Ms. Rebecca Chupka
Ms. Roberta Lutz
Mr. Thomas Reich
Jody & James Frazier
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney
LindaLee M. Kuszmaul
Legal Secretary



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 19, 1989

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

ooo

Howard L. Alderman, Jr.
305 W. Chesapeake Avenue, #113
Towson, MD 21204

RE: Item No. 523, Case No. 90-103-SPH
Petitioner: Aurelia L. Loveman
Petition for Special Hearing

Dear Mr. Alderman:

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

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Ms. Aurelia L. Loveman
327 Harlem Lane
Baltimore, MD 21228

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

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 6th day of July, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Aurelia L. Loveman
Petitioner's Attorney: Howard L. Alderman

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3354

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

RECEIVED
July 26, 1989
AUG 3 1989
ZONING OFFICE



Dennis F. Rasmussen
County Executive

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 523, 541, 560, 561, 562, 563, 564, 566, 567, 568, 570, 571, and 572.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lab

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500
Paul H. Reinecke
Chief

JUNE 27, 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: AURELIA L. LOVEMAN
Location: W/S OF HARLEM LANE
Item No.: 523 Zoning Agenda: JULY 5, 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.

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

REVIEWER: *Noted and Approved*
Planning Group
Special Inspection Division
Fire Prevention Bureau

JK/ke'

COUNTY REVIEW GROUP COMMENTS
PROJECT NAME: Maple Woods
CRG DATE: 12/14/89
PRE-CRG DATE: 12/4/89
PAGE 3

(as noted), variances are required to permit side yard setbacks of ___ feet and ___ feet in lieu of the required 35 foot window tract boundary setback. The front street setback must also be adjusted to the average between the Loveman house and nursing home street setbacks. Also, the subdivided 1/2 acre off-site Loveman lot (5407/396) would necessitate variances for the existing dwelling unless all required zoning setbacks at the time of subdivision were complied with.

BA 3. Density -- Provide the correct "density unit" bedroom breakdown in the density calculations for the proposed units in the R-16 zone. (See Section 101, B.C.Z.R.)

4. Provide the original granted special exception boundaries on the plan with a conspicuous bold line. Include accurate building, dimensions, setbacks, parking location and calculations, and access for all excluded Loveman lots and the nursing home lot. Dimension centerline setbacks for townhouse groups as in Section V.B.6.d.1, C.M.D.P. Limit townhouse (group home) units to six attached; see definition of group home in Section 101 (B.C.Z.R.). Include and clearly identify both in and out of transition setback and separation requirements on the plan. Dimension proposed lines of subdivision on the plan and identify the proposed use and ownership of the area east of proposed lot #2; name or number proposed roads and reference the two zoning hearings, the request, date, what was granted and any restrictions listed and addressed on the plan.

BA 5. Final zoning approval is contingent first, upon the outcome of the special amendment public hearing and secondly, upon the resolution of all comments and the outcome of the additional required variance hearings.

W. Carl Richards, Jr.
W. CARL RICHARDS, JR.
Zoning Coordinator

WCR:scj

9/28

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: September 19, 1989
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Joseph H. Loveman, Item 523
Zoning Petition No. 90-103 SPH

The Petitioner requests a Special Hearing to amend a Special Exception.

In reference to this request, staff offers the following comment in support of the subject petition.

The Petitioner's request, if granted, should avert double counting of density.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL/1E

SEP 20 1989

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: J. Robert Haines DATE: December 18, 1989
Zoning Commissioner
FROM: W. Carl Richards, Jr.
Zoning Coordinator WCR
SUBJECT: #90-103-SPH
Aurelia L. Loveman, Petitioner

It is not now, nor to the best of my knowledge has it ever been, the policy of Zoning Development Control to favor piecemeal relief requested in any project. When petitions are accepted for filing and the intentions of the owner/developer are obvious, it is their ultimate responsibility to address all foreseeable conflicts should they pursue their intentions. To do otherwise would be to postpone the inevitable future conflicts that would eventually bog down the project in bureaucratic quicksand costing the developer and the County unnecessary time, money and the ever present paperwork associated with zoning conflicts. When a single interest owner/developer wishes to address only his specific interest conflict with the regulations and the Zoning Office determines during review of the project or proposal that other conflicts are inevitable, then this office always recommends and favors a "package" resolution rather than piecemeal relief. This decision is not always popular with the single interest applicant possibly due to contractual arrangements and/or his willingness to accept the responsibility of addressing conflicts that will not directly affect his interest. I think that when we endeavor to address all foreseeable conflicts that we are proceeding with the most expedient legal resolution as opposed to a single interest applicant insisting on specific narrow relief.

WCR:scj

cc: James E. Dyer

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: ZONING OFFICE

CRG DATE: 12/14/89
PRE-CRG DATE: 12/4/89

PROJECT NAME: Maple Woods

PLAN: 10/27/89

LOCATION: W/S Harlem Lane,
S of Baltimore National Pike

REV.: 12/7/89 REV.:

DISTRICT: 1c1

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CRG APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

BA The property submitted for C.R.G. approval (16.45 acres zoned D.R.-5.5 and D.R.-16) is the subject of two zoning hearings. The first, case #5343-K, was a special exception for a nursing home in the then R-6 zone on 7.4 acres (5.4 acres of which is included within the proposed C.R.G. tract boundary). The second is a current zoning case #90-103-SPH that involves an amendment to the previous zoning case by reducing the acreage of the special exception from the original 7.4 acres to a 1.052 acre parcel around the existing nursing home building and a portion of the parking lot. A one acre lot and existing dwelling most of which was originally included in the original special exception area has been excluded from the C.R.G. proposal. One single-family and 86 townhouses (group homes) are proposed on the plan. The ultimate condition of any zoning approval is based upon the outcome of the requested special hearing. The assistance at the time of filing petitions and the following zoning staff comments, although they relate to the property, are not to be construed as definitive nor do they indicate the appropriateness of the public hearing request.

BA The plan has been reviewed by this office for general compliance with the Baltimore County Zoning Regulations. The following comments identify obvious conflicts with the Baltimore County Zoning Regulations, the public hearing plan and details necessary in order to determine compliance with these regulations. When these standard and nonstandard details and information is available or provided, it shall be the responsibility of the owner, developer, or developer's engineer to rectify all conflicts well in advance of any expected zoning approvals:

COUNTY REVIEW GROUP COMMENTS
PROJECT NAME: Maple Woods
CRG DATE: 12/14/89
PRE-CRG DATE: 12/4/89
PAGE 2

1. Because the following R.T.A. regulations cannot be resolved via a zoning hearing, these particular comments must be resolved prior to final C.R.G. approval:

R.T.A. -- Include on the plan and clearly label all off-site sources of R.T.A. on-site, including all dwellings and small lots of record less than 2 acres. All off-site buildings within 300 feet of a proposed unlike use must be labeled with the existing use. Dwellings must be labeled "existing" and all vacant lots must include the address. All lot and dead dwelling" and all vacant lots must include the address. All lot and dead divisional lines that adjoin or are across street from the subject property must be shown clearly. The most restrictive R.T.A. arcs must be labeled with the required and applicable 300' or 250' R.T.A. radius dimensions and included on the plan print. Clearly and conspicuously note on the plan: "ALL OFF-SITE DWELLINGS AND SMALL LOTS OF RECORD (LESS THAN 2 ACRES) THAT CREATE A R.T.A. ON-SITE ARE SHOWN WITH THE REQUIRED 300 FEET AND 250 FEET ARCS". Clearly label all unlike building fronts, label and dimension 75 ft. and 150 ft. R.T.A. setbacks, 50 ft. R.T.A. buffers, and 75 ft. R.T.A. building rear and parking buffers. Provide and designate on the plan print the required and applicable R.T.A. buffers with a conspicuously bold line around the boundary and remove all other uses, drives, and parking, buildings from the required R.T.A. buffer area. Remove any proposed private yard space from the required R.T.A. buffer area that the area will be replanted in accordance with the landscape manual. The R.T.A. buffer cannot include an existing or proposed private or public street right-of-way, road widening, or required traffic sight line areas and it must be designated H.O.A. open space. If an R.T.A. arc includes a portion of a proposed private yard space and R.T.A. buffers are not provided, the following must be conspicuously noted in the arc area on the plan print of the C.R.G., F.D.P. and record plat: "THE AREA WITHIN THE R.T.A. ARC ON LOTS #___, ___, ___ CANNOT BE BUILT UPON". Three adjoining lots (Loveman) have not been included on the plan, which obviously increases the R.T.A. restrictions on the property. 12/7/89 Identify and detail lots north of "Longview Place" subdivision lots on the west side of the property.

2. Variances -- On the proposed off-site nursing home lot, variances may be required for the front, side and rear yard setbacks (front, 32 feet in lieu of the required 40 feet; sides, 15 feet in lieu of the required 20 feet; and rear, 15 feet in lieu of the required 30 feet) pursuant to Section 1B02.2.B (V.B.2, C.M.D.P.) and policy S-10.C. On the off-site one acre Loveman lot, a variance may be required to permit a street right-of-way setback of 16.7 in lieu of the required 25 feet, Section 1B01.2.C.6 (V.B.6) and policy S-10.C. Additional variances may be required when an accurate detail of the home, pool addition and garage is available, including window locations. On the proposed on-site lot #1

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Walter P. Kincoor DATE: March 18, 1991
Facilities Coordinator
Department of Recreation & Parks
FROM: John L. Lewis, Planner II JLL
Zoning Office
SUBJECT: Maple Woods/Loveman Property

This correspondence references your request for information concerning the location of a possible conflict with the Baltimore County Master Plan park reserve area as it applies to Zoning Case 90-103-SPH. The Zoning Commissioner has directed me to ask that you contact Mr. Tim Dugan of the Planning Office concerning the area of the Park Reservation location.

As to the zoning case, I am attaching a copy of the Board of appeals Order and Petition exhibits for your reference. The Zoning Office will follow the direction of this order concerning the special exception site area.

Should you require further assistance, please call me at 3391.

JLL/jat
cc: Zoning Hearing File 90-103-SPH

1/c

WALK

IN THE MATTER OF : BEFORE THE
AURELIA L. LOVEMAN : BALTIMORE COUNTY BOARD
(Guardian of Joseph Loveman) : OF APPEALS
Harlem Lane, South of Old :
Frederick Road : Case Nos: 90-103-SPH

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 Friday, November 16, 1990 at 10:00 a.m. at the Board's Hearing Room in Room 301 of the County Office Building, Towson, Maryland, 21204.

Rocky O. Powell
Department of Environmental Protection
& Resource Management
Room 416
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 zoning and development issues regarding the above-referenced property, County Review Group meetings and any related matters for the above captioned case and property.

CASE NO. 90-103-SPH
SUBMITTED 10-12-90
NOT SERVED

RECEIVED
COUNTY BOARD OF APPEALS
OCT 15 1990

Mr. Sheriff/Private Process Server:
Please process this Subpoena Duces Tecum in accordance with Rule 5 of the Board of Appeals 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 Owners/Petitioner, Mr. and Mrs. Joseph H. Loveman.

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: October 3, 1990

IN THE MATTER OF : BEFORE THE
AURELIA L. LOVEMAN : BALTIMORE COUNTY BOARD
(Guardian of Joseph Loveman) : OF APPEALS
Harlem Lane, South of Old :
Frederick Road : Case Nos: 90-103-SPH

REQUEST FOR SUBPOENA DUCES TECUM

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Rocky O. Powell
Department of Environmental Protection
& Resource Management
Room 416
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 zoning and development issues regarding the above-referenced property, County Review Group meetings and any related matters for the above captioned case and property.

RECEIVED
COUNTY BOARD OF APPEALS
OCT 5 1990

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3363
J. Robert Haines
Zoning Commissioner

February 12, 1990



Dennis F. Rasmussen
County Executive

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

RE: Petition for Special Hearing
W/S of Harlem Lane, 316' S
c/l of Old Frederick Road
333 Harlem Lane
1st Election District, 1st Councilmanic District
Aurelia L. Loveman, Legal Guardian of Joseph Loveman - Petitioner
Case No. 90-103-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on February 2, 1990 by Howard L. Alderman, Jr., Esq., Attorney for the Petitioner. 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

J. ROBERT HAINES
Zoning Commissioner

JRH:jat

Enclosures

cc: Howard L. Alderman, Jr.
Levin and Gann
305 W. Chesapeake Avenue
Towson, Md. 21204

Board of Appeals
Case No. 90-103-SPH
Page 2

Rebecca Chupka
628 Longview Drive
Baltimore, Md. 21228

Roberta Lutz
626 Longview Drive
Baltimore, Md. 21228

Thomas Reich
624 Longview Drive
Baltimore, Maryland 21228

Jody & James Frazier
317 Harlem Lane
Baltimore, Md. 21228

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

APPEAL

Petition for Special Hearing
W/S of Harlem Lane, 316' S
c/l of Old Frederick Road
333 Harlem Lane
1st Election District - 1st Councilmanic District
Aurelia L. Loveman, Legal Guardian of Joseph Loveman - Petitioner
Case No. 90-103-SPH

Petition for Special Hearing ✓

Description of Property ✓

Certificate of Posting ✓

Certificate of Publication ✓

Zoning Plans Advisory Committee Comments ✓

CRG Comments
Director of Planning & Zoning Comments September 19, 1989 ✓

Petitioner's Exhibits:
1A. Deed - Liber 5688 Page 246 ✓
1B. Deed - Liber 5688 Page 247 ✓
1C. Deed - Liber 5688 Page 248 ✓

2. Plat showing various boundaries ✓

3. Letter dated 9/13/88 to Mr. Joseph H. Loveman from Joseph M. Nolan, Ass't Bldgs. Eng., Designated Hearing Officer ✓

Protestant's Exhibits:
1. Letter dated 9/28/89 to Mr. J. Robert Haines from Academy Heights Civic Assoc., Inc. ✓

2. Letter dated 9/25/89, 4 pages, from Richard James Johnson to Chairman & Members Board of Appeals & Zoning Commissioner ✓

Zoning Commissioner's Order dated January 4, 1990 Granted in part with restrictions. ✓

Notice of Appeal received February 2, 1990 from Howard L. Alderman, Jr., Esq., Attorney for the Petitioner. ✓

Interested Parties:

*Howard L. Alderman, Jr., Esq.
Levin and Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

Rebecca Chupka
628 Longview Drive
Baltimore, Maryland 21228

Joseph Loveman
327 Harlem Lane
JRH 2/12/90

Board of Appeals
Case No. 90-103-SPH
Page 2

Roberta Lutz
626 Longview Drive
Baltimore, Maryland 21228

Thomas Reich
624 Longview Drive
Baltimore, Maryland 21228

Jody & James Frazier
317 Harlem Lane
Baltimore, Md. 21228

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney

5/2/90 - Following parties notified of hearing set for August 15, 1990 at 10:00 a.m.:

Howard L. Alderman, Jr., Esq.
Mr. Joseph Loveman
Ms. Rebecca Chupka
Ms. Roberta Lutz
Mr. Thomas Reich
Jody & James Frazier
People's Counsel
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon

6/6/90 - Above parties notified of POSTPONEMENT and REASSIGNMENT to November 16, 1990 at 10:00 a.m.

RECEIVED
COUNTY BOARD OF APPEALS
OCT 14 1990

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

J. Robert Haines
Zoning Commissioner

January 16, 1990



Dennis F. Rasmussen
County Executive

Howard Alderman, Esquire
Levin and Gann
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Loveman Property
Case No. 90-103-SPH

Dear Mr. Alderman:

I have reviewed my Order in the above captioned case in light of your letters dated January 9 and 12, 1990. I do not believe that my decision in this matter is a regulatory taking. None of my restrictions have been structured to only increase cost.

As you are aware at the hearing on this matter, the proposed future use of the lands removed from the special exception were not discussed, pursuant to your objections. Likewise, as I have explained to you, the subject of ingress and egress for the future use was not of paramount consideration. The issues before me was the establishment of an area of land on which a viable special exception nursing home use could exist. I believe that the area of land, as established in my Order for the special exception, is viable and provides an area that does not tend to overcrowd the land or cause an undue concentration of population.

I will not entertain an amendment of my Order.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:mmn
cc: Rebecca Chupka, 628 Longview Drive, 21228
Roberta Lutz, 626 Longview Drive, 21228
Thomas Reich, 624 Longview Drive, 21228
Jody and James Frazier, 317 Harlem Lane, 21228

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

J. Robert Haines
Zoning Commissioner

January 22, 1990



Dennis F. Rasmussen
County Executive

Ms. Becky Killebrew
Longview Place Association
628 Longview Drive
Catonsville, Maryland 21228

RE: Petition for Special Hearing
W/S Harlem Lane, 316' S of the c/l of Old Frederick Road
(333 Harlem Lane)
1st Election District - 1st Councilmanic District
Aurelia L. Loveman - Petitioner
Case No. 90-103-SPH

Dear Ms. Killebrew:

In response to your letter dated January 16, 1990 concerning the above-captioned matter, the following comments are offered.

As you are aware, an Order was issued on January 4, 1990 in which the relief requested was granted subject to restrictions. For your information, the Petitioner requested a modification of the restrictions and conditions imposed regarding ingress and egress to the site. In my opinion, the relief granted is appropriate in this instance and is consistent with the spirit and intent of the zoning regulations. Accordingly, the Order issued shall remain in full force and effect unless otherwise amended by the appeals process.

Thank you for bringing your concerns to my attention.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: File

MICROFILMED

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

J. Robert Haines
Zoning Commissioner

February 13, 1990



Dennis F. Rasmussen
County Executive

Howard L. Alderman, Esquire
Levin and Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 90-103-SPH
Loveman Property

Dear Mr. Alderman:

In regards to your letter dated February 2, 1990, please be advised that my jurisdiction over this case has ended. The matter is now before the Board of Appeals.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:mmn
cc: Rebecca Chupka, 628 Longview Drive, 21228
Robert Lutz, 626 Longview Drive, 21228
Thomas Reich, 624 Longview Drive, 21228
Jody and James Frazier, 317 Harlem Lane, 21228

MICROFILMED

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

J. Robert Haines
Zoning Commissioner

December 1, 1989



Dennis F. Rasmussen
County Executive

Howard L. Alderman, Esquire
305 W. Chesapeake Avenue
Suite 113
Towson, Maryland 21204

RE: Case #90-103-SPH
Aurelia L. Loveman, Petitioner
Petition for Special Hearing

Dear Mr. Alderman:

Upon review of the above captioned matter, it has come to my attention that the following issues must be addressed prior to my rendering a decision in the above captioned case.

1. Proposed lot No. 1 as indicated on Petitioner's Exhibit No. 2, appears to be in contradiction to the area and bulk regulations, as currently promulgated in the B.C.Z.R. In order to correct any possible inconsistencies, I am requesting that you submit a new site plan and/or other documentation that satisfactorily indicates to the Office of Development Control, Mr. Carl Richards, that the proposed subdivision complies with all Baltimore County Zoning Regulations.

2. Additionally, I am requesting that you submit documentation that establishes that the subject facility has retained its "nursing home" status, and is not an "assisted living facility", or other type of elderly housing, thereby requiring density calculations.

3. Further, I am requesting that you submit documentation, indicating density calculations for the subject site, if viewed as an assisted living facility.

MICROFILMED

Howard Alderman, Esquire
page 2.....

I will hold this case under advisement until the above is forthcoming.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmn
cc: Petitioners and Protestants
cc: P. David Fields



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

January 18, 1991

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
305 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 90-103-SPH (Aurelia L. Loveman)

Dear Mr. Alderman:

As no further appeals have been taken regarding the subject case, we have closed the file and returned same to the Office of the Zoning Commissioner along with any exhibits entered before the Board. The Zoning Commissioner's Office maintains the permanent file. If you have an interest in said file, please contact the Zoning Commissioner's Office at 887-3353 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in said file have been notified.

Sincerely,
LindaLee M. Kuzmaul
LindaLee M. Kuzmaul
Legal Secretary

cc: People's Counsel for Baltimore County

MICROFILMED

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
FAX 301-296-2801

January 12, 1989

CALMAN A. LEVIN
STANFORD C. GANN*
MELVIN A. STENBERG
JULIUS W. LICHTER
SIDNEY WEIMAN
ROBERT L. PRELLER
ANDREW B. SANDLER
RANDOLPH C. KNEPPER
CAROLE S. GOULD
MICHAEL J. KANDEL
BRIAN J. FRANK
HOWARD L. ALDERMAN, JR.
JUDITH S. GANN*
MARK C. GANN*
MAYER E. GUTTMAN
EDWARD B. STENBERG
*ALSO ADMITTED IN DC
*ALSO ADMITTED IN NEW YORK

ELLIS LEVIN (8893-1960)
BALTIMORE OFFICE
900 MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201
301-539-3700
TELECOPIER 301-625-9050
CARROLL COUNTY OFFICE
147 LIBERTY ROAD
SYKESVILLE, MD 20954

HAND DELIVERED
J. Robert Haines, Zoning Commissioner
Baltimore County Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

RECEIVED
JAN 12 1989
ZONING OFFICE

RE: Loveman Property
Case No. 90-103-SPH

Dear Commissioner Haines:

This letter is written in response to comments raised by County personnel regarding the potential for ingress/egress to the portion of the subject property which lies behind the existing Inns of Evergreen Nursing Home. In considering my Request for Modification/Determination, dated January 9, 1990, there is one prime area of concern of which you may not be aware.

Unless ingress/egress to the rear portion of this site is available on the north side of the nursing home, the property will be land locked based on environmental considerations. Access to the rear portion of this property, through any portion of this, or any other, property owned by the current owner will require the road to bisect areas of wetlands which drain to a larger, unified system.

Please consider this access question carefully. Absent a modification of the line of Special Exception as shown on Attachment 1 of your Decision, the property will be effectively "taken" by regulation, or the potential for impact to the environment will be necessitated.

Once again, I request that your decision be made as quickly as possible so that deadlines of other County agencies can be met.

Very truly yours,
Howard L. Alderman, Jr.
Howard L. Alderman, Jr.

HLA:gk
cc: Mrs. Joseph H. Loveman

MICROFILMED

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
FAX 301-296-2801

August 14, 1989

CALMAN A. LEVIN
STANFORD C. GANN*
MELVIN A. STENBERG
JULIUS W. LICHTER
SIDNEY WEIMAN
ROBERT L. PRELLER
ANDREW B. SANDLER
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147 LIBERTY ROAD
SYKESVILLE, MD 20954

J. Robert Haines, Zoning Commissioner
Baltimore County Zoning Commissioner's Office
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Request for Postponement
Case No.: 90-103-SPH
Loveman Property

Dear Commissioner Haines:

The above-referenced case is scheduled for hearing on September 27, 1989. Unfortunately, I will be out-of-state the entire week of September 18. Therefore, I respectfully request that this case be postponed and reset for earliest possible date after September 22nd.

Thanking you in advance for your consideration of this request, I am

Very truly yours,

Howard L. Alderman, Jr.
Howard L. Alderman, Jr.

HLAJR:isp

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
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December 13, 1989

ELLIS LEVIN 0893-1960
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STYKESVILLE, MD 20784

HAND-DELIVERED
J. Robert Haines, Zoning Commissioner
Baltimore County Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 90- J-SPH
Aurelia L. Loveman, Petitioner
Petition for Special Hearing
Request for Additional Information

Dear Commissioner Haines:

I am pleased to respond to your letter of December 1, 1989 regarding the above-referenced Petition for Special Hearing. Please be aware that part of the information that you requested in paragraph one of your letter was provided to Mr. Carl Richards on Monday, December 11, and the balance is being provided today, contemporaneously with a copy of this letter. The corrections have been made to the CRG plan and the Plat to Accompany the Petition for Special Hearing has been revised. All issues have been resolved, and I believe that no variances will be needed.

With respect to paragraphs two and three of your letter, I have contacted Mr. Richard Fusco, Executive Director of the Inns of Evergreen, the subject nursing home which is leased from our clients. Mr. Fusco advises that the existing nursing home is licensed by the State of Maryland for the provision of Comprehensive Care and the provision of Skilled Nursing Care to its patients. The State's definition of a comprehensive care facility is 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 services and nursing service rendered by or under the supervision of a registered nurse. (Emphasis added.)

DEC 13 1989
ZONING OFFICE

LEVIN & GANN, P. A.

J. Robert Haines, Zoning Commissioner
Page 2
December 11, 1989

The State's definition of "Skilled Nursing Facility" has been promulgated as COMAR 10.09.10.01(45) which reads:

a nursing facility or distinct part of a nursing facility which is licensed as a comprehensive care facility, meets the requirements for certification and participation in Title XIX of the Social Security Act, 42 U.S.C. §1396 et seq., as a skilled nursing facility, meets the requirements for certification and is participating in Title XVIII of the Social Security Act, 42 U.S.C. §1396 et seq., and has entered into a provider agreement with the Department pursuant to this Chapter. It is a facility which offers services equal to the Title XVIII definition of skilled care according to 42 CFR §405.1101 et seq. (1981)

The existing facility was developed pursuant to a Special Exception for a "Convalescent Home" which was granted in 1961. 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."

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 Inns of Evergreen. Inns of Evergreen continues to operate in Baltimore County as it has since the granting of the Special Exception in 1961 providing skilled and comprehensive 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).

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

LEVIN & GANN, P. A.

J. Robert Haines, Zoning Commissioner
Page 3
December 11, 1989

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.

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."

The State requirements for nursing care to be provided by a comprehensive care facility and a skilled nursing 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.

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.

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. BARC 267 Md. 389, 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).

You will recall that BCZR Section 432.1.A.2 recognizes clearly that nursing/convalescent homes and assisted living

J. Robert Haines, Zoning Commissioner
Page 4
December 11, 1989

facilities are each 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.) No modifications to the existing nursing home facility are proposed or contemplated.

Based upon all of the above reasoning, I must conclude that no provision of Council Bill No. 36-88 or Council Bill No. 37-88 have any effect on the existing use on this site, nor was any intended. Therefore, I respectfully request that you adopt the reasoning herein contained, that you accept the revised Plats to Accompany the Petition (as requested by you), and that you issue promptly your Order in this case.

If I can provide any further information that will clarify any remaining issue, or that will further enable a prompt Order in this matter, please contact me immediately.

Very truly yours,
Howard L. Alderman, Jr.
Howard L. Alderman, Jr.

HLA/gk
cc: Mrs. Aurelia L. Loveman

LAW OFFICES
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305 W. CHESAPEAKE AVENUE
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December 14, 1989

ELLIS LEVIN 0893-1960
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STYKESVILLE, MD 20784

HAND-DELIVERED
J. Robert Haines, Zoning Commissioner
Baltimore County Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 90-103-SPH
Aurelia L. Loveman, Petitioner
Petition for Special Hearing
Clarification of Relief Requested

Dear Commissioner Haines:

It appears that some confusion remains regarding the relief requested in the hearing held on the above-referenced Petition. I want to reaffirm the relief sought by our client. We are seeking to obtain favorable approval from the Office of the Zoning Commissioner, pursuant to Baltimore County Zoning Regulations (BCZR) §500.7, for the reduction of the area subject to the previously granted Special Exception to the area immediately around the Inns of Evergreen Nursing Home, as more particularly shown on Petitioner's Exhibit 1. There was uncontradicted testimony at the hearing that the relief requested meets all of the requirements of BCZR §502.1.

Any future subdivision of any portion of the overall site will be required to meet all area and bulk requirements of the BCZR unless successfully variances as provided therein. We are advised by various engineers involved with this site that any future subdivision, including parcels for the existing Loveman home and the Nursing Home, can be accomplished without the need for any variance to the BCZR. Therefore, it is our position that the relief requested can and should be granted in accordance with Petitioner's Exhibit 1, as modified per your request.

If I can provide any further information that will clarify

DEC 14 1989
ZONING OFFICE

LEVIN & GANN, P. A.

J. Robert Haines, Zoning Commissioner
Page 2
December 14, 1989

any remaining issue, or that will further enable a prompt Order in this matter, please contact me immediately.

Very truly yours,
Howard L. Alderman, Jr.
Howard L. Alderman, Jr.

HLA/gk
cc: Mrs. Aurelia L. Loveman

Draw - Pull File

LAW OFFICES
LEVIN & GANN
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January 9, 1990

ELLIS LEVIN 0893-1960
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STYKESVILLE, MD 20784

HAND DELIVERED
J. Robert Haines, Zoning Commissioner
Baltimore County Office of Planning and Zoning
111 West Chesapeake Ave.
Towson, Maryland 21204

RE: Loveman Property
Case No: 90-103-SPH
Request for Modification/Determination

Dear Commissioner Haines:

I am in receipt of your January 4, 1990 decision in the above-referenced case. The relief granted is substantially different than the relief requested and the conditions/restrictions imposed, unless modified, impose a severe hardship on our client. Therefore, I am respectfully requesting that you modify your decision and/or render a determination on the issue of ingress and egress as posed herein.

The "legal description" of the area to be subject to the special exception is ambiguous. Moreover, if the area intended is as shown on Attachment 1 to the decision, the substantial portion of the subject site east of the area of special exception will be land locked because access is denied to Harlem Lane. We are therefore requesting that the area subject to the special exception be decreased in size, more in line with the relief requested in our Petition. In the alternative, I must ask that you include in your decision a provision allowing a roadway to be constructed which will permit ingress/egress to the rear acreage. The County Bureau of Traffic and Engineering advises that a 62 foot right of way will be required.

Additionally, restriction number 3 of the decision is unwarranted, especially along the northern boundary. Immediately to the north is located the Westowne Elementary School. We therefore request that we be limited to the requirements of the Landscape Manual as provided in restriction number 4.

RECEIVED
JAN 9 1990
ZONING OFFICE

LEVIN & GANN, P. A.

J. Robert Haines, Zoning Commissioner
Page 2
January 9, 1990

Finally, restriction number 5 is unwarranted at this time. The only result of this restriction is increased cost to our client for the preparation of a new site plan showing parking which is not required under current County regulations. We request that this restriction be modified consistent with the above. Any reconfiguration of parking should be required on fee simple transfer of ownership with regard to the nursing home, or change of use thereof.

In order to meet deadlines of other County agencies regarding issues of ingress/egress, we request that any modifications be prepared immediately. Thank you for your consideration of these requests.

Very truly yours,
Howard L. Alderman, Jr.
Howard L. Alderman, Jr.

HLA:ta
cc: Mrs. Joseph H. Loveman

LAW OFFICES
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January 23, 1990

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 CARROLL COUNTY OFFICE
 1137 LIBERTY ROAD
 SYKESVILLE, MD 20784

Mr. W. Carl Richards
 Baltimore County
 Office of Planning and Zoning
 111 West Chesapeake Avenue
 Towson, Maryland 21204

HAND DELIVERED

RE: Loveman Property
 327 Harlem Lane
 Maple Woods CRG

90-103
 File

Dear Mr. Richards:

As your request, I have visited the above-referenced site to clarify how the garage is attached to the main dwelling. You will note from the enclosed pictures that a solid, structural wall connects the garage to the house. There is one entrance door located within this structural connection.

These photographs should resolve all questions of your office regarding the physical connection of these structures. If you desire further information please contact me immediately.

Very truly yours,

Howard L. Alderman, Jr.
 Howard L. Alderman, Jr.

HLAjr:isp

Enclosures

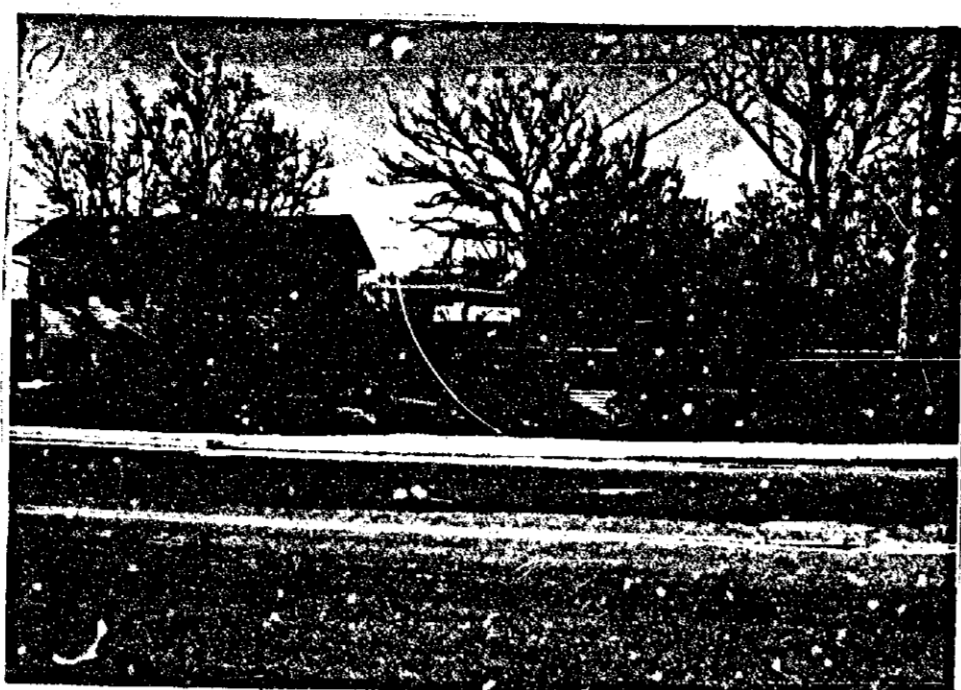
cc: Mrs. Joseph H. Loveman
 The Southern Land Company, Inc.

RECEIVED JAN 23 1990

W. Carl Richards

File

"THE LOVEMAN PROPERTY"
 327 HARLEM LANE



FULL FRONT
 ELEVATION -
 HOUSE & GARAGE



ELECTRONICALLY
 CONTRASTED
 ENTRANCE
 DOORWAY

MICROFILMED

"THE LOVEMAN PROPERTY"
 327 HARLEM LANE



RELATIONSHIP
 OF CONNECTION
 TO MAIN
 DWELLING AND
 ENTRANCE WAY
 IN WALL

MICROFILMED

"THE LOVEMAN PROPERTY"
 327 HARLEM LANE



CONNECTION
 OF WALL
 TO GARAGE



CONNECTION
 OF WALL
 TO MAIN
 DWELLING

MICROFILMED

LAW OFFICES
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 A PROFESSIONAL ASSOCIATION
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 TOWSON, MARYLAND 21204
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February 2, 1990

ELLIS LEVIN (8933-1960)
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 SYKESVILLE, MD 20784

LEVIN & GANN, P. A.

J. Robert Haines, Esq.
 Zoning Commissioner for Baltimore County
 111 West Chesapeake Ave.
 Towson, Maryland 21204
 February 2, 1990

Should you desire any further clarification of the item discussed above, please call me.

Very truly yours,

Howard L. Alderman, Jr.
 Howard L. Alderman

HLA/ta

cc: Mr. & Mrs. Joseph Loveman

MICROFILMED

LAW OFFICES
LEVIN & GANN
 A PROFESSIONAL ASSOCIATION
 305 W. CHESAPEAKE AVENUE
 TOWSON, MARYLAND 21204
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February 2, 1990

ELLIS LEVIN (8933-1960)
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 BALTIMORE, MARYLAND 21201
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 CARROLL COUNTY OFFICE
 1137 LIBERTY ROAD
 SYKESVILLE, MD 20784

J. Robert Haines, Esquire
 Zoning Commissioner for Baltimore County
 111 West Chesapeake Avenue
 Towson, Maryland 21204

RE: Loveman Property
 Case No. 90-103-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 January 4, 1990 decision in the above-referenced case to the Baltimore County Board of Appeals. Enclosed is a check in the amount of One Hundred Fifty Dollars (\$150.00) 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 scheduled in a timely fashion. Please call me if you need additional information or if there will be a delay in transmitting the file.

Very truly yours,

Howard L. Alderman, Jr.
 Howard L. Alderman, Jr.

HLA/ls
 Enclosure
 cc: Mr. & Mrs. Joseph H. Loveman
 Baltimore County Board of Appeals

RECEIVED
 FEB 2 1990

ZONING OFFICE

BALTIMORE OFFICE
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 2 HOPKINS PLAZA
 9TH FLOOR
 BALTIMORE, MARYLAND 21201
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ELLIS LEVIN (8933-1960)
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HOWARD L. ALDERMAN, JR.

May 30, 1990

William T. Hackett, Chairman
 Board of Appeals for Baltimore County
 111 West Chesapeake Avenue
 Towson, Maryland 21204

RE: Aurelia L. Loveman
 Appeal of Zoning Commissioner's Order
 Case No. 90-103-SPH
 Request for Postponement

Dear Chairman Hackett:

We represent the appellants in the above-referenced matter. I have recently received a Notice of Assignment for an August 15, 1990 hearing before this Board. I have consulted with our clients and have compared this hearing date with my schedule.

I hereby request a postponement, in accordance with Board Rule 2 (b), of the hearing on this matter. I am scheduled to represent another of this firm's clients in the District Court for Baltimore County on August 15, 1990 at 1:30 p.m.; that case is captioned as J. Robert Haines, Zoning Commissioner v. Allan Camp Nursing Assoc./Garrison Valley Center, Case No. 1160-89 SP/T.

Since our clients are the appellants and the property owners of the subject property no prejudice will result in the Board's granting this request. Given my schedule, and that of our clients, I respectfully request that this matter be set in before the Board after the first week in November, 1990.

Should there be any problem in granting the requested postponement, please call me.

Very truly yours,

Howard L. Alderman, Jr.
 Howard L. Alderman, Jr.

HLA/ls
 cc: Mrs. Aurelia L. Loveman
 Phyllis Cole Friedman, People's Counsel

RECEIVED
 COUNTY BOARD OF APPEALS
 90 MAY 31 11:08:43



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

February 22, 2000

Mr. Richard E. Matz, P.E.
Colbert Matz Rosenfelt, Inc.
2835 Sr. Avenue, Suite G
Baltimore, Maryland 21209

Dear Mr. Matz:

RE: Zoning Review, Catonsville Eldercare, 333 Harlem Lane, 1st Election District

Your "Spirit and Intent" letter to Mr. Jablon, dated February 10, 2000 has been referred to me for reply. After careful review of the site plan, which accompanied your letter, and our research of zoning files for this property the following has been determined.

The proposed expansion of the nursing home use presents a substantial change to the "appropriate bulk to area relationship" discussed in the Findings of Fact and Conclusions of Law in case #90-103-SPH.

It is the opinion of this office that a Special Hearing is required to examine the requirements of Section 502.1 as it applies to this proposal.

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,

Lloyd T. Moxley
Planner II
Zoning Review

LTM:kew 2/23/00

Census 2000 For You, For Baltimore County Census 2000



Come visit the County's Website at www.co.ba.md.us

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 078994

DATE 2/10/00 ACCOUNT 000000

AMOUNT \$ 11,150.00

RECEIVED FROM: Catonsville Eldercare

FOR: 333 Harlem Lane

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



February 10, 2000

Mr. Arnold Jablon, Director
Office of Permits and Development Management
111 West Chesapeake Avenue
Towson, Md. 21204

Re: Catonsville Eldercare
333 Harlem Lane
Case No. 90-103-SPH
CMR Job No. 98162

Dear Mr. Jablon,

On behalf of the owner of this property, Catonsville Eldercare, Inc., we hereby request approval of proposed additions to an existing nursing home as being within the Spirit and Intent of Zoning Case No. 90-103-SPH. The original area of the Special Exception request for the nursing home was one acre and as a result of the Zoning Commissioner's ruling, which was upheld by the Board of Appeals, the area of the nursing home Special Exception was expanded to 2 1/2 acres, which was shown on the CRG Plan and Final Development Plan of Maple Woods. The nursing home was previously operating at a licensed capacity of 98 beds and is presently operating at a licensed capacity of 85 beds, after downsizing (reducing occupancy) of 13 residents' rooms.

The owner proposes to construct a 20-bed addition (10 rooms) and an addition to the multi-purpose/dining room to provide more spacious living accommodations to its residents. The total increase in floor area will be approximately 6,000 square feet, and there will be a total of 105 beds after expansion. The portion of the property on the north side of Maple Forest Road (± 1/2 acre) will be developed for a 33-space parking area.

The previous Zoning Order (Case No. 90-103-SPH) which was upheld by the Board of Appeals, included several conditions of approval. The area for the Special Exception as specified in Condition # 1 will remain unchanged. Condition # 2 of the Zoning Order, specifying the location of an access road into the rear of the property, has been accomplished by construction of a Baltimore County road, Maple Forest Road, which provides access to the adjoining townhouse development, Maple Woods.

The vegetated buffer along the northern property line specified in Condition #3 will be accomplished by planting a 10-foot wide landscape screen along the

2835 Smith Avenue, Suite G Baltimore, Maryland 21209
Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

COLBERT MATZ ROSENFELT, INC.
2835 Smith Avenue, Suite G
BALTIMORE, MARYLAND 21209

(410) 653-3838
FAX (410) 653-7953

TO: Balt. County Zoning Office
111 W. Chesapeake Ave.
Towson, Md.

LETTER OF TRANSMITTAL

DATE 2-10-00 FILE NO. 98162
ATTENTION: Arnold Jablon
RE: Catonsville Eldercare
To: Mr. Jablon
2/10/00

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			Spirit & Intent Letter
1			Plan
1			Fee

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 PRINTS RETURNED AFTER LOAN TO US

REMARKS

COPY TO: file
00-318
SIGNED: [Signature]
If enclosures are not so noted, kindly notify us at once.

Catonsville Eldercare
Case No. 90-103-SPH
Page -2-

northern side of the proposed parking area. There is presently a naturally revegetated screen there. In this regard, it should be noted that the northern portion of the property adjoins a Baltimore County school site and there are no outdoor school activity areas in proximity to the proposed 33-space (± 1/2 acre) parking area.

The requirement in Condition #3 for a vegetated buffer area along the western property line has been accomplished by a screen planting of pine trees, which will be maintained and enhanced.

The occupant of the adjacent property to the south, Mrs. Joseph H. Loveman, 327 Harlem Lane, has no objection to the planned expansion of the nursing home.

The proposed attached site plan will address Condition #5, by providing additional parking spaces for the additional proposed beds. The expanded nursing home will have a total of 105 beds and 54 parking spaces. A total of 35 spaces are required under the Baltimore County Zoning Regulations.

We look forward to your approval of this request.

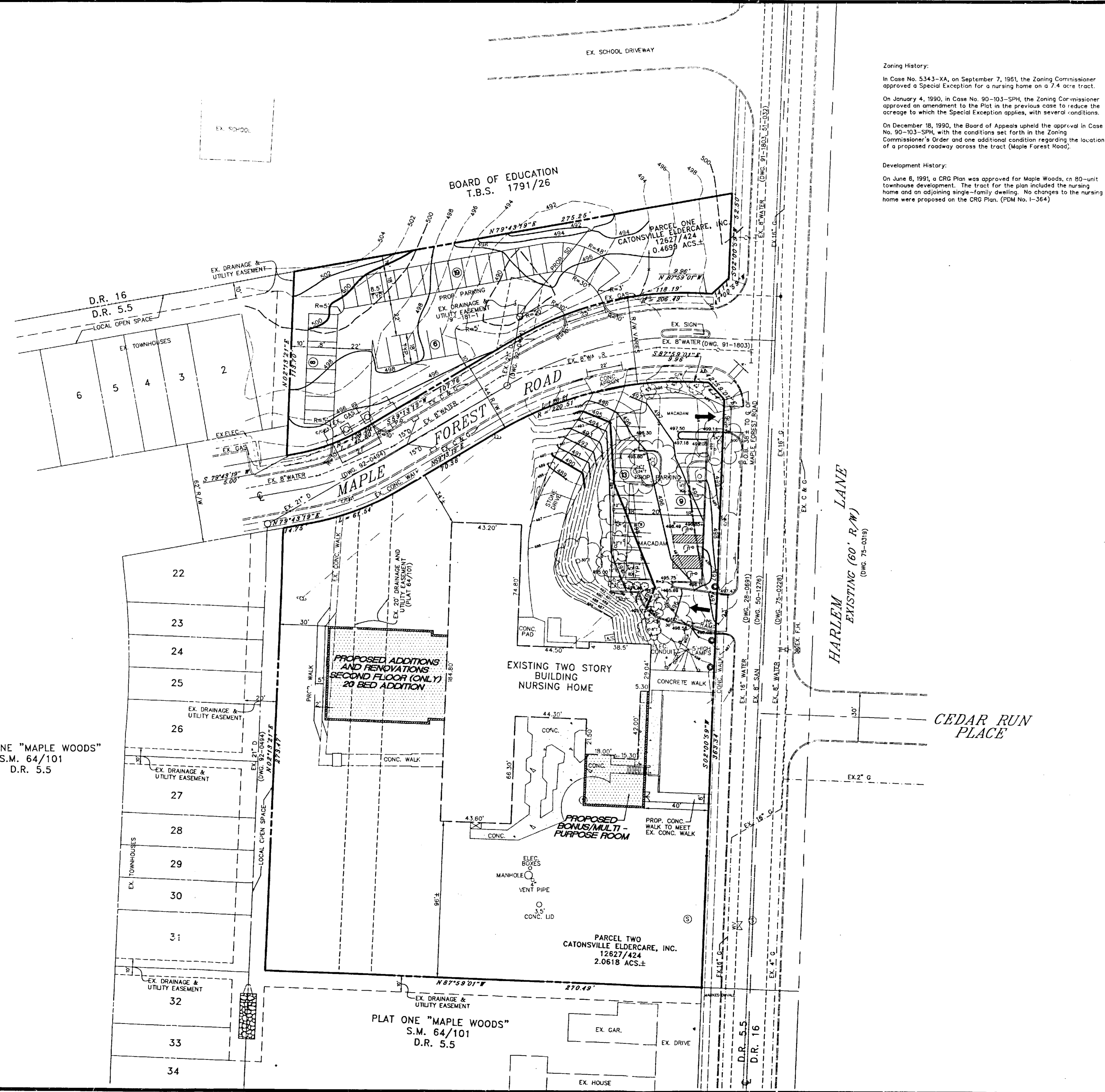
Yours truly,

[Signature]
Richard E. Matz, P.E.
Vice-President
COLBERT MATZ ROSENFELT, INC.

cc: Sarkis Nazarian, Catonsville Eldercare
Jack Hollick

enclosures

NOTE:
TOPOGRAPHY SHOWN ON PARCEL ONE
IS FROM AVAILABLE GIS RECORDS.

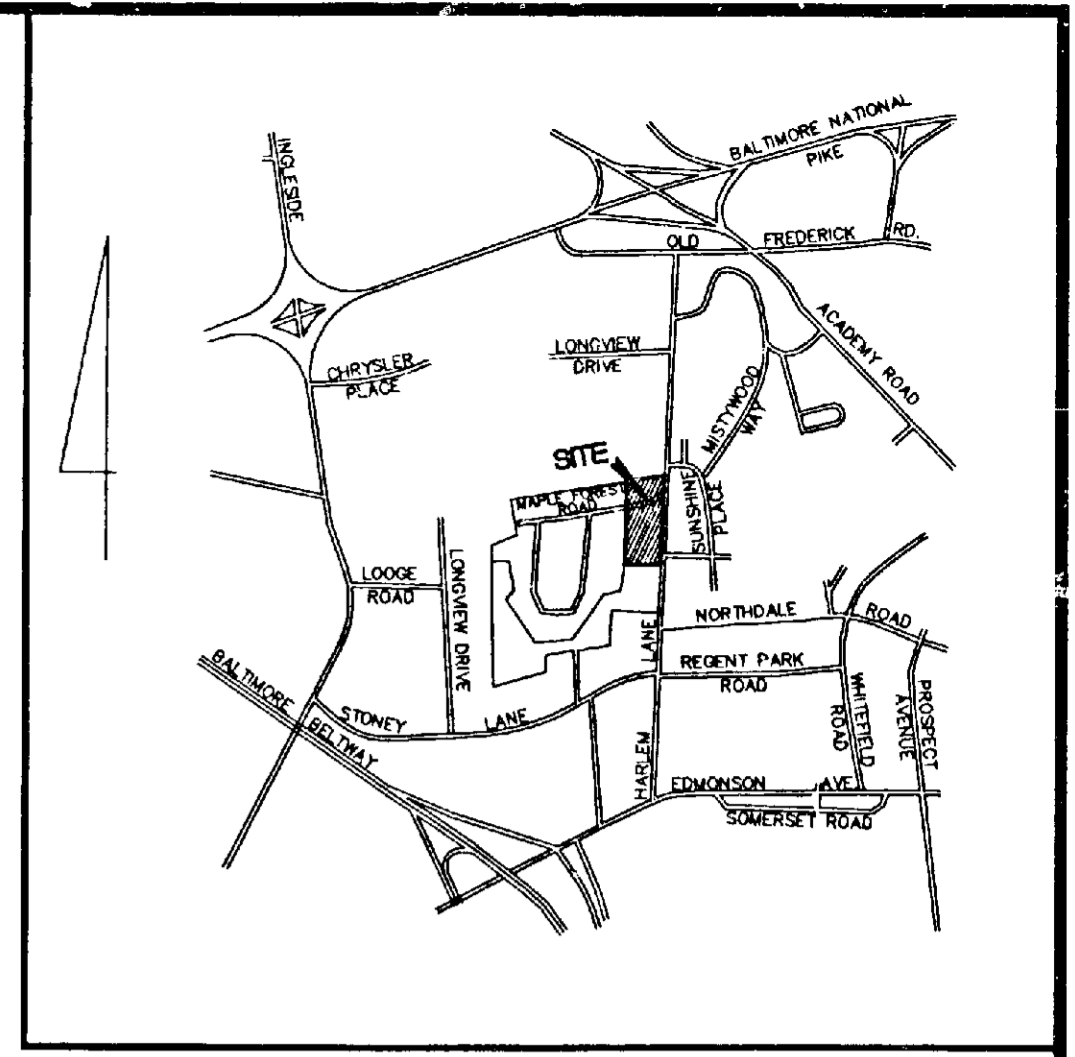


PLAT ONE "MAPLE WOODS"
S.M. 64/101
D.R. 5.5

PLAT ONE "MAPLE WOODS"
S.M. 64/101
D.R. 5.5

Zoning History:
In Case No. 5343-XA, on September 7, 1981, the Zoning Commissioner approved a Special Exception for a nursing home on a 7.4 acre tract.
On January 4, 1990, in Case No. 90-103-SPH, the Zoning Commissioner approved an amendment to the Plan in the previous case to reduce the coverage to which the Special Exception applies, with several conditions.
On December 18, 1990, the Board of Appeals upheld the approval in Case No. 90-103-SPH, with the conditions set forth in the Zoning Commissioner's Order and one additional condition regarding the location of a proposed roadway across the tract (Maple Forest Road).

Development History:
On June 8, 1991, a CRG Plan was approved for Maple Woods, an 80-unit townhouse development. The tract for the plan included the nursing home and an adjoining single-family dwelling. No changes to the nursing home were proposed on the CRG Plan. (PDM No. I-364)



VICINITY MAP

SCALE: 1"=1000'

NOTES:

1. OWNER/DEVELOPER:
SARKIS NAZARIAN, PRESIDENT
CATONSVILLE ELDERCARE, INC.
1213 LIGHT STREET
BALTIMORE, MD 21230-4305
PHONE: 410-727-1600
2. DEED REFERENCE: 12627/424 (PARCEL ONE AND TWO)
TAX ACCOUNT: 0103001330
3. TAX MAP 95, GRID 20, PARCEL 71
4. COUNCILMANIC DISTRICT: 1
5. SITE NET AREA: 110,281 SQ.FT.± (2.531 Ac.±)
SITE GROSS AREA: 136,937 SQ.FT.± (3.14 Ac.±)
ZONED: D.R. 5.5 ZONING MAP NO.: S.W. 2-F
FLOOR AREA RATIO: 0.13 (18048/136937)
MAXIMUM FLOOR AREA: NOT APPLICABLE
TOTAL FLOOR AREA: EXISTING AND PROPOSED BUILDING 18048 SQ.FT.
MAXIMUM HEIGHT PERMITTED: 50'
BUILDING HEIGHT PROPOSED: 22'±
6. OFF-STREET PARKING CALCULATIONS:
REQUIRED PARKING: ONE SPACE/3 BEDS OR 105/3=35
PROPOSED PARKING: 55 SPACES INCLUDING 3 HC.
7. THERE ARE NO WOODED AREAS, STREAMS, WETLANDS OR FLOODPLAINS ON THIS PROPERTY.
8. NO PREVIOUS COMMERCIAL PERMIT ON FILE
9. THERE ARE NO EXISTING WELLS OR SEPTIC TANKS ON THIS SITE.
10. ALL SIGNS TO COMPLY WITH SEC. 450 OF THE B.C.Z.P.
11. BUILDING SETBACKS:
REQUIRED: PROPOSED:
FRONT 40' 40'
SIDE 20' 96'± (EXISTING)
CORNER STREET 35' 34'± (EXISTING)
REAR 30' 30'
12. PROPOSED ADDITIONS TO BE SERVED BY EXISTING PUBLIC WATER AND SEWER.
13. A STORMWATER MANAGEMENT WAIVER WILL BE APPLIED FOR.

PLAN TO ACCOMPANY BUILDING PERMIT
CATONSVILLE NURSING HOME
#333 HARLEM LANE

1st ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Colbert Matz Rosenfelt, Inc.

Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953



SCALE: 1" = 30'	DATE: JANUARY 24, 2000
JOB NO.: 98162	DESIGNED: EYT
DRAWN: EYT	CHECKED: REM
FILE: 98162/SITE	DRAWING NUMBER: P-1

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
301-539-3700
TELECOPIER 301-625-9050

LAW OFFICES
LEVIN & CANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
FAX 301-296-2801

ELLIS LEVIN 1893-1960
CARROLL COUNTY OFFICE
137 LIBERTY ROAD
SYKESVILLE, MD 21784

HOWARD L. ALDERMAN, JR.

October 3, 1990

William Hackett, Chairman
Baltimore County Board of Appeals
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Loveman Property
Case No.: 90-103-SPH

Dear Chairman Hackett:

Enclosed, please find three originals of a Subpoena Duces Tecum to be served in connection with the hearing scheduled in the above referenced case. For your reference, a courtesy copy of this subpoena has been forwarded under separate cover to Rocky Powell, informing him of the date and time of the hearing. Should you need any additional information in the serving of this subpoena please contact me.

Very truly yours,
Howard L. Alderman, Jr.
Howard L. Alderman, Jr.

HLA/lis

Enclosures (3)

52-1014W 5-13006
RECEIVED
COUNTY BOARD OF APPEALS

JENKINS & AWALT

ATTORNEYS AT LAW
MERCANTILE BLDG-SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

J. CALVIN JENKINS, JR.
STEPHEN B. AWALT
MICHAEL J. GEIST

PLEASE NOTE NEW ADDRESS
Jenkins & Awalt
409 Washington Ave., Ste. 617
Towson, Maryland 21204
(410) 296-6822
FAX (410) 296-0689

90-103-SPH

January 14, 1998

Arnold Jablon, Esq.
Director of Permits & Development Management
County Office Building, Room 111
105 W. Chesapeake Avenue
Towson, MD 21204

RE: Zoning Verification Letter
333 Harlem Lane, First Election District

Dear Arnold:

I represent the guardian/wife of the owner of the above-referenced property. Pursuant to the enclosed December 16, 1997 Order from Judge Fader, we are authorized to sell this land and settlement is imminent. In fact, settlement was scheduled for today, but I need verification from your office that this land is zoned D.R. 5.5 and has a special exception for the improvement thereon to be used as a nursing home.

I have enclosed my check for the \$40.00 fee for the verification letter along with a copy of the December 18, 1990 Opinion and Order of the Board of Appeals along with its exhibits which should include the site plan your staff needs to verify the zoning.

RECEIVED
JAN 14 1998
98-186
PDM

JENKINS & AWALT

Arnold Jablon, Esq.
Director of Permits & Development Management
RE: 333 Harlem Lane, First Election District
January 14, 1998
Page 2

Any assistance you can give in expediting this request would be appreciated by all of us concerned with this guardianship.

Sincerely,

Nig Jalen

J. Calvin Jenkins, Jr.

JCJ:sah
Enclosures
cc: Honorable John F. Fader, II
Kurt Fischer, Esq.
Daniel Mackesey, Esq.

Speed Letter

January 22, 1998
1st Election District

Dear Mr. Jenkins:

Based on the provided information, including a copy of the zoning case order granted by the Board of Appeals in case #90-103-SPH, this site has been granted a special hearing with 5 restrictions, as listed in the Board's order, which includes special exception approval of the nursing home.

Once this nursing home was either utilized or under substantial construction (by December 18, 1992), the special exception became vested and will remain in force and effect as granted and approved in the case plan and order. The current zoning of the site is D.R.-5.5, per the 1"=200' scale 1996 zoning map SW-2F.

Very truly yours,
John L. Lewis
John L. Lewis
Planner II, Zoning Review

JLL:scj

JAN 14 1998 11:49AM
Jan-13-98 03:03P

NO.302 P.1/13

State of Maryland
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
4201 PATTERSON AVENUE • BALTIMORE, MARYLAND 21216-2299

Parrie N. Glendening
Governor

Martin P. Wasserman, M.D., J.D.
Secretary

January 8, 1998

Mr. Sarkis K Nazarian
1213 Light Street
Baltimore, MD 21230

RE: CATONSVILLE ELDERCARE, INC.
PRE-LICENSURE AND PRE-CERTIFICATION
DOCUMENTATION REQUIREMENTS

Dear Mr. Nazarian:

You have advised us of your plans to open a new nursing facility to be known as Catonsville Eldercare, Inc. You have not specified a proposed opening date for the facility. Please advise me immediately your anticipated date for opening the facility. This office needs an advance notice of approximately two months prior to the facility's pre-licensure visit and/or initial Medicare/Medicaid certification by representatives of this Administration.

We have arranged that a sanitarian surveyor visit the facility on January 9, 1998 to evaluate the facility's current physical plant status.

We have received the application fee of \$1,152.00. Prior to our pre-licensure and pre-certification visits, we require a copy of several documents. Some of the required documents were received by this office on January 5, 1998 including the following:

- 1) DHMH 125 A, License Application
- 2) DHMH 125 D, Ownership Form
- 3) DHMH 125 G, Principal Physician Agreement
- 4) DHMH 125 F, Director of Nursing Agreement
- 5) DHMH 3223, Workmen's Compensation Law Questionnaire
- 6) State Affidavit

Several additional documents are to be completed and returned to me at least one month prior to the planned opening.

TDD FOR DEAF/BLIND
MARYLAND RELAY SERVICE
1-800-735-2266

JAN 14 1998 11:49AM
Jan-13-98 03:03P

NO.302 P.2/13
P.05

Mr. Sarkis K Nazarian
Page Two

The required documents are as follows:

- 1. Policies and Procedures for the new facility including the resident admission agreement. (A State approved admission agreement and directions for its use can be obtained from this office.)
- 2. A listing of room numbers and beds per room by area or wing. Be sure to identify areas for Medicare/Medicaid certification and/or the Medicare distinct part.
- 3. Compliance History Form.
- 4. Occupancy Permit.
- 5. Zoning Approval.
- 6. Certificate of Need (or exemption) from the Maryland Health Resources Planning Commission. You will need to apply to the Maryland Health Resources Planning Commission for a pre-certification review. We require a copy of their review approval or exemption.
- 7. HCFA 855 (S/97) For Medicare/Medicaid or Medicare only facilities - General Enrollment/Health Care Provider/Supplier Application. Return this form as soon as possible as it must be sent to your selected fiscal intermediary (Blue Cross of MD, or Mutual of Omaha, unless your facility is part of a chain in which your facility's corporate office is in another state and has chosen a different fiscal intermediary). Upon our receipt of your completed HCFA 855, the original will be sent to your fiscal intermediary for processing and will then be returned to this office. ONLY upon our receipt of the approved HCFA 855 by the fiscal intermediary, are we permitted to do the pre-Medicare Certification survey. We have been advised that there is an approximate one month turn around time from our receipt of this document until it's complete review by the fiscal intermediary.
- 8. Expression of Intermediary Preference as soon as possible and with the HCFA 855. Refer to the above.
- 9. For Medicaid only facilities - Ownership and Control Interest Statement - HCFA 1513.
- 10. HCFA 690 Assurance of Compliance for Civil Rights Act (Two originals are required.)
- 11. Expression of Intermediary Preference.
- 12. Transfer agreement with a local hospital.

JAN 14 1998 11:49AM
Jan-13-98 03:03P

NO.302 P.3/13
P.06

Mr. Sarkis K Nazarian
Page Three

- 13. State Fire Marshal's "Sign-Off" for licensure and "Federal packet" for Medicare and/or Medicaid. (This may not be available, but the State Fire Marshal must have made the facility inspection and verbally communicated to me that the facility is in compliance with State and Federal Requirements and provided an acceptable plan of correction for any citations. The needed documents will be forwarded to this office upon completion and will indicate approval, if appropriate.)
- 14. Copy of the Lease Agreement between Catonsville Eldercare Nursing & Rehabilitation and Catonsville Eldercare, Inc. as specified on the Ownership Form.
- 15. You must contact Lynn Price of the Nursing Home Program, Medical Care Policy Administration if you wish to participate in the Medicaid Program. Her phone number is (410) 767-1444.

A six month provisional license is issued for a new facility with the remaining portion of the two year license provided after a reinspection by representatives of this office.

You may call me at (410) 764-2788, or fax me a message at (410) 388-0750, if you have further questions as we proceed with the licensure and certification process of your new facility.

Sincerely yours,
Barbara J. Andrews
Barbara J. Andrews
Program Manager
Long Term Care
Licensure and Certification
Administration

cc: Chris T. Nazarian,
Administrator Catonsville Eldercare, Inc.
License File I

JAN 14 1998 11:49AM

NO.302 P.4/13

IN THE MATTER OF THE * BEFORE THE
THE APPLICATION OF * COUNTY BOARD OF APPEALS
AURELIA L. LOVEMAN (GUARDIAN * OF
OF JOSEPH LOVEMAN) * OF
FOR A SPECIAL HEARING ON * BALTIMORE COUNTY
PROPERTY LOCATED ON THE WEST *
SIDE HARLEM LA., 316' SOUTH *
C/L OLD FREDERICK ROAD *
(333 HARLEM LANE) * CASE NO. 90-103-SPH
1ST ELECTION DISTRICT *
1ST COUNCILMANIC DISTRICT *

OPINION

This is an appeal from the decision of the Zoning Commissioner dated January 4, 1990 wherein the request of the Petitioner to reduce the acreage to which the Special Exception applies in Case No. 5343X from 7.4 acres +/- to 1.052 acres +/- was granted with certain restrictions applied. In granting Petitioner's request, the Zoning Commissioner limited the reduction of acreage as set out and described in Restriction #2 of his Order. It is this restriction which precipitates this appeal. A hearing was held before this Board on November 16, 1990. Petitioner was represented by Howard Alderman, Jr., Esquire, and Julius Lichter, Esquire. Also participating in the proceedings was Phyllis C. Friedman, People's Counsel for Baltimore County. The entire testimony offered was that of the property owner, Aurelia L. Loveman (guardian of Joseph Loveman), and Norman Gerber, an expert in land planning and zoning. No testimony was offered in opposition to the Petitioner's request, and no protestants appeared at the hearing.

The subject property, known as 333 Harlem Lane, consists of 7.4 acres +/- and is zoned D.R. 5.5. It is presently improved with



CATONSVILLE RECREATION AND PARKS COUNCIL
106 BLOOMSBURY AVENUE
Baltimore, Maryland 21228
(301) 887-0259

December 11, 1989

Hon. J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Towson, MD 21204

RECEIVED
DEC 11 1989

Re: Case #90-103 SPH
Aurelia L. Loveman, petitioner

Dear Sir:

I have been informed by Mr. Joseph Merry of your staff that it is not too late to make comments regarding the above case for inclusion as part of the public record.

The Catonsville Recreation and Parks Council was made aware of the above case on Wednesday, December 6th. Since then, the committee has studied information regarding the proposed future use of this entire 16 acre site; i.e. the installation of an 87-unit clustered townhouse complex.

Councilman Hickernell of this district has advised the County Executive that if the County could make a firm commitment to obtain funds for the purchase and development of this 16 acre site into a public, open space park, that he in turn would recommend designating this tract as open space on the County's proposed Master Plan map, thereby preventing any future housing or commercial development. I have been informed Mr. Rasmussen is currently studying the matter, and will announce a decision in the near future.

Because the Western area of the County currently falls short of the park facility acreage recommended by both the State and the County; because the County Executive may be able to find the funds necessary for purchase and development as a public park facility, and because we feel the public interests would be best served, both in the short as well as the long term through preservation of this valuable wooded tract, this committee is unanimously in favor of obtaining the tract for public park/recreation use rather than the townhouse development currently proposed.

Thank you for allowing us to make our position known in this matter.

If the Catonsville Council or this committee can be of any assistance to you or your staff in this matter, please contact me.

Sincerely,
R. Kent Adams

R. Kent Adams
Secretary
Catonsville Recreation and
Parks Council
Chairman, Land Acquisition Comm.

cc: Hon. Dennis F. Rasmussen
Hon. Ronald B. Hickernell
Hon. Robert R. Staab
Hon. R. Scott Graham
Hon. Chester J. Madigan

MICROFILMED

Academy Heights Civic Association, Inc.

Post Office Box 3293
Catonsville, Maryland 21228

December 10, 1989

J. Robert Haines
Zoning Commissioner Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Haines:

Academy Heights Civic Association is opposed to the re-zoning request to set aside a special exception for a nursing home, case number 90-1035PH.

We do not want our area to be over-developed like so many other areas in the County. We would like to see this property remain as open space. Loveman Tract is the only remaining open space suitable for a park inside the beltway. We feel that the 87 proposed townhouses will be detrimental to the area. The development will dilute County services such as our fire and police protection. The townhouses will also increase enrollment in our already overcrowded schools. We recently experienced a major redistricting due to overcrowding. The redistricting affected property values of some nearby communities. In addition, there is a room for the Westowne Elementary School campus to expand; Westowne is already undersized by the County's own standards.

A traffic impact study should be conducted examining traffic patterns, particularly vehicle originations, destinations and the quality of roads and intersections. There are no direct routes from the proposed development site to major roads. The completely residential areas of Stoney Lane and Academy Heights are already used as short cuts to Route 40 and Edmondson Avenue. Furthermore, the intersection at Old Frederick and Academy Roads is too narrow. The single lane bridge on Stoney Lane cannot absorb any more traffic. The beltway ramp at Edmondson Avenue backups to 10-12 cars deep at rush hour.

Loveman Tract covers a valley stream area. No environmental impact study has been done. Construction will remove trees needed to stop water run off and worsen already existing water management problems. Stoney Lane and Longview Drive are currently experience major flooding problems.

We hope that you consider the wishes of the people most affected by your decision. We are opposed to additional cluster housing in this area and ask you not to withdraw the special exception regarding the 4 acres around the nursing home. We also ask you to incorporate this letter into the public record.

Thank you for your consideration on this important issue.

Very truly yours,

Annette Fallon
Annette Fallon
President

MICROFILMED

LONGVIEW PLACE ASSOCIATION
628 Longview Drive
Catonsville, Maryland 21228
Mrs. Becky Killebrew,
President

December 10, 1989

Mr. J. Robert Haines, Zoning Commissioner
Baltimore County Office of Planning & Zoning
Towson, Maryland 21204

Dear Mr. Haines,

As President of the Longview Place Association and a volunteer aid at the Inns of Evergreen Nursing Home, I would like to express my concerns and the concerns of other residents regarding the removal of the special exception on the zoning of the nursing home property. Area residents are aware that this removal has been applied for to make possible a town house development on the Loveman track.

The following issues were expressed at a meeting of developers with area residents on December 6, 1989 and no acceptable solutions were suggested for the following concerns should this development be allowed to take place:

1. The only access road to these homes is to be located approximately 150 ft. from the elementary school driveway on Harlem Lane. Recently the elementary school PTA formalized a complaint to Councilman Hickernell on which he did take action concerning the speeding traffic around Westowne (see attached PTA Newsletter). This development is bound to make matters much worse. Has a current study been conducted to consider the impact of this increase in traffic and its effect on the safety of our school children?
2. Recently the schools in the Catonsville area underwent a drastic redistricting due to overcrowding. This will undeniably place an additional burden on area educational resources. Westowne elementary already has inadequate recreational facilities and is built on limited land. Area residents are very involved in their schools and want assurance that this will not push them out of the schools near their home to another location.
3. The Loveman property was once the site of the Dutch embassy and therefore has some historical significance. Your office will be receiving communication shortly from the Historical Society elaborating on their concerns about this proposed development.
4. The Nursing home residents made this their home with the impression that the area provided a quiet, tranquil, wooded setting and how will this development affect the quality of their life when the additional traffic, noise and activity is added. Many of us feel it will endanger them.

MICROFILMED

5. Has a current study been done to determine the impact on area service organizations, such as fire department and police protection. It was clear to many from your response to Mr. Alderman that you were concerned the congestion this would add to the area.
6. As I am sure you are aware this is the last available track of land in the Catonsville area (16 plus acres) that could provide the community with what would be its only natural wooded park setting and that Mr. Rasmussen has given some consideration to acquiring the land for the county.
7. The stream bordering many of the properties along Longview place will become the receptacle of another overflow pond to be built. As you are aware this is wet land and many steps have already been taken to prevent flooding in the area. There has been an increase in trash and debris in the stream and this will surely add to the problem. Concrete run off where there was once land for absorption may also add to the problem.
8. Additional water flow from the new receptacle pond will place further demands on an already cracked and eroding sewage pipe under the bridge on Stoney Lane.
9. Two one lane bridges on Stoney Lane which already flood from the run off of this stream will be at increased risk for flooding. In addition the increased traffic from the added cars will place an additional burden on Stoney Lane's condition.
10. Quite a variety of wildlife make this land their home, squirrels, rabbits, birds, and even a fox. Where will the wildlife relocate since this is the last wooded area in the vicinity?

Catonsville and its tradition of being a quiet, historical community with access to natural settings is being further destroyed by the proposal for this development. The letters we have obtained from area residents clearly show that the majority are in favor of this land being preserved as a park setting. It is clear that this goes against the very essence of this community, the quiet natural setting that was chosen for our nursing home and our elementary school. Please take all these matters under consideration before you make your final decision.

Thank you for your attention to this matter.

Yours very truly,

Becky Killebrew
Becky Killebrew

MICROFILMED



What's Hootin' with Westowne P T A

Vol. 1, No. 2 Dec. 1989

PRESIDENT'S MESSAGE

Dear Parent's,
You've done it again! You made others aware of just how concerned you are about our youngsters education by coming out in force on October 24th. Those attending the Southwest Advisory Council meeting that night took notice of you. Westowne Elementary had the largest number of parents present and our voices were heard. Those officials in attendance then let it be known to their constituency that Westowne is concerned, active and most of all vocal. I cannot begin to tell you how important it is for you to attend these budget meetings. You already know that our elected officials are concerned about keeping your vote. Now we must let them know that we are concerned about their keep! Full Funding of the Educational Budget.

Let's find ways to get the funding our youngsters need and deserve. You will be contacted with an invitation to attend small workshops which will empower you to work for Full Funding of the Education Budget. Let's face reality... Can we wait until 1992 to have our school building roof repaired?

We are now 500 members strong and continue to grow. How fantastic it would be to have just half our membership attend the next budget meeting. We will be contacting you with details. I thank you once again for your continuing support and look forward to hearing from you. Sincerely,

Frank Kearney

HOLIDAY HAPPENS FOR THE WHOLE FAMILY		
Nov. 24- Dec. 30 Saturdays	Patricelli's Dinner Theater "A Christmas Carol" Show 12 noon, Lunch 11pm	725-5226
December 1-31	Ellicott City B&O Museum Old Fashion Christmas Gardens	461-1944
December 7	Towson Courthouse Grounds Tree lighting and Caroling Festival	825-1144
December 7	Cloisters children's Museum Candlelight Tour, 7-9pm.	823-2551
December 9-10	Colonial Christmas at Mt Clare Carroll Park, 11am- 6pm.	837-3262

A variety of events are planned during the holidays at each of these familiar favorites. You may find that school holidays are the perfect time to revisit these wonderful places. Call for specific information.
Maryland Academy of Science 685-5225
Walters Art Gallery 547-9000
Baltimore Zoo 467-4387

Against
7. Over 540 resident signatures against the rezoning.

2. Our Concerns:
A. We already live in a flood prone area where measures are in progress to help eliminate the problems. Three plans are not yet complete.
Question: What impact will more development and the removal of trees & grass have on the flood problems?

B. Roads, Harlems, Stoney and Longview are narrow and already over crowded.
Question: What will more development do to this problem? Add more traffic?

C. Open space - restrictions
Question: Doesn't the Community Master Plan require an ample amount of open space? What impact will this rezoning have on open space?

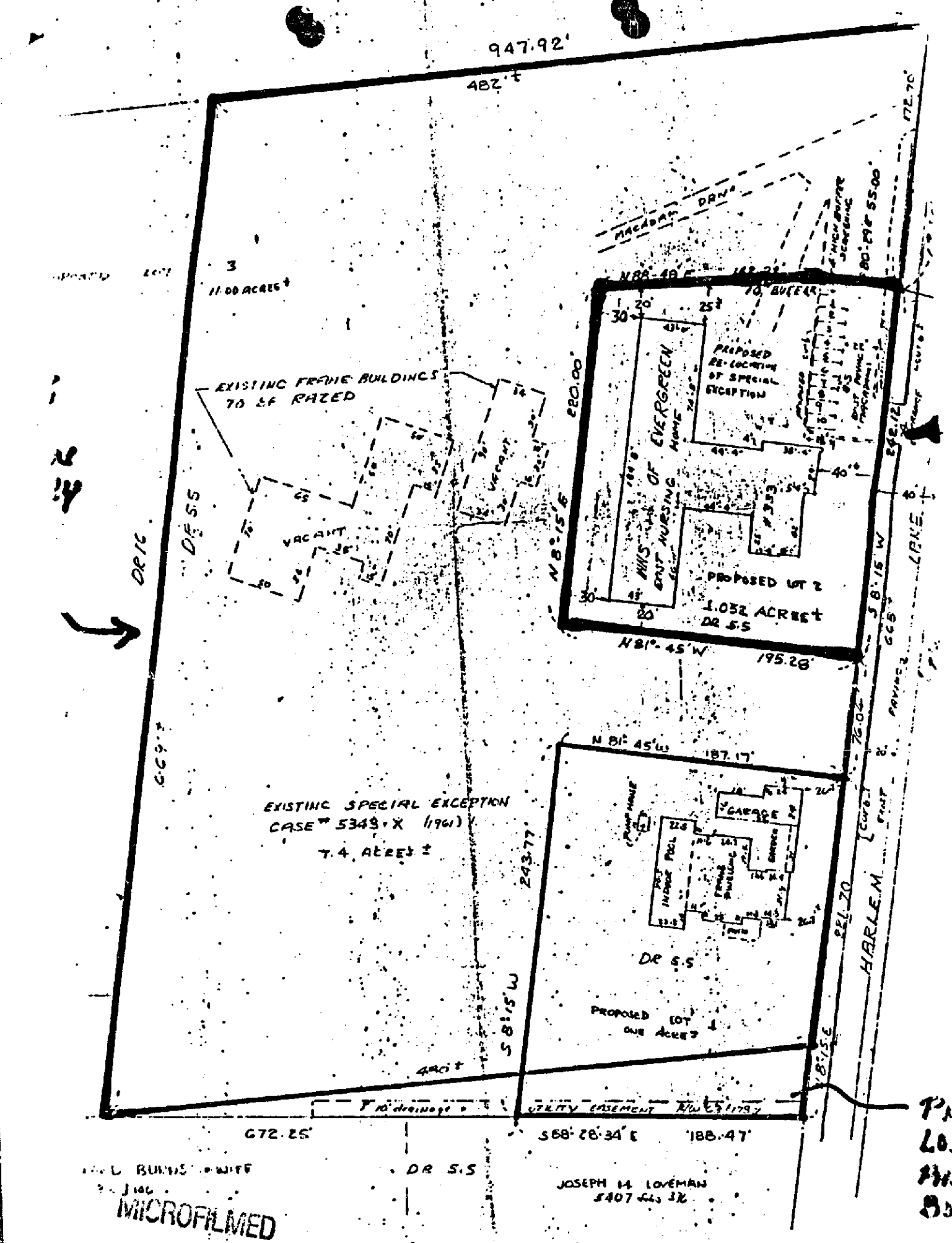
D. Over Crowded Schools - This is a known fact.
Question: What will the development be used for? If apartments won't this just add to the problems.

E. Destroying trees adds to air & water pollution as well as destroys natural homes of wild life. These are things citizens have come to cherish. What happens when they are all gone?

Went into Nursing Home for the environment. They don't have money to fight this themselves.

MICROFILMED

90-903 SPH
 11:21 A.M.
 Mr. Alman fees pt & sign remove
 opening Longview Assoc
 Loveman - source
 327-329 Harlem Lane
 1967 7.4 acre conv. 5343-X
 file epistoles near Mrs. Home Harlem
 was special exception personal
 Miss. Love
 1976 Caton Mr. to Loveman
 1988 Condem near Mrs. Home pe
 B-88-308
 July 89 - Law Str completed file
 closed
 West Bldg Raised - County & Loveman decide
 to raise Mrs. Home base
 Leg Near Loveman Reduce area
 necessary to support Home
 plan.
 Wtms: Loveman & Developer
 11:26 Mrs. Loveman 327 Harlem Lane married Loveman
 appt leg signed by cir court 9-2-1976 Deed
 Caton Bldg transfer to Mr. Loveman Exhibit I
 Blue Print April 25 1989 May 19 89
 Mr. Loveman prepays EXB 2
 Inss of Evergreen Lease expiration date 1991



Following is an urgent matter that requires our serious attention.

On Thursday, September 28, 1989, at 11:00 a.m., in Room Number 106, at 111 West Chesapeake Avenue in Towson, the Baltimore County Zoning Commission will hold a hearing regarding Case Number 90-103SPH.

The hearing is in regard to a request by the Inns of Evergreen West Nursing Home (next to Westowne Elementary School) desiring to re-zone their 7 acre grounds to a small 1.7 acres, and be allowed to sell the remaining 5.3 acres for development.

This is our only change to go on record to protect the destruction of the beautiful wooded area behind Longview Drive, Stoney Lane and Harlems Lane.

If the zoning is approved, we may see an increase in automobile traffic especially on our one-lane roads, removal of trees that tend to slow the flow of water in our area, which is already considered floodlands and even with the Flood Retaining Pond, at the end of Longview Drive, we still have a very heavy flow of water and excess trash flowing down our stream.

Another thought to consider is the Nursing Home residents. They came to a nursing home for their final years of quiet and peaceful surroundings now to be changed to who knows what!

IT IS EXTREMELY IMPORTANT FOR YOU TO ATTEND THE HEARING OR SIGN THIS PAPER WITH YOUR COMMENTS SO THAT I CAN TAKE THEM ON THURSDAY. REMEMBER, WE WOULDN'T HAVE GOTTEN THE TREES AT THE END OF LONGVIEW, WHICH ARE BEING REPLANTED THIS FALL, IF WE DIDN'T PETITION. DON'T SIT BACK AND EXPECT CHANGES TO BE MADE WITHOUT YOUR HELP!

All comments are due to Becky Killebrew, 628 Longview Drive, 747-1164, by Tuesday, September 26, 1989.

NAME/ADDRESS	COMMENTS
George M. Ellis 622 Longview Dr. Catonville, Md. 21228	My questions to the Zoning Com. are: 1. Have you received a report from the county engineer on the effect of the area if the topography of the land is changed? 2. Have you seen that results of the water level tests on this ground? 3. Are you aware the county condemned property on Stoney Lane because of flooding? (This property had a storm drain stream and is adjacent to part of the 5.3 acres to be considered for development.) 4. Would this area then be considered a flood zone? 5. Yes, why is the land being considered for development? Lois Ellis
Lois M. Ellis 622 Longview Dr. Catonville, Md 21228	

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On Thursday, September 28, 1989, at 11:00 a.m., in Room Number 106, at 111 West Chesapeake Avenue in Towson, the Baltimore County Zoning Commission will hold a hearing regarding Case Number 90-103SPH.

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If the zoning is approved, we may see an increase in automobile traffic especially on our one-lane roads, removal of trees that tend to slow the flow of water in our area, which is already considered floodlands and even with the Flood Retaining Pond, at the end of Longview Drive, we still have a very heavy flow of water and excess trash flowing down our stream.

Another thought to consider is the Nursing Home residents. They came to a nursing home for their final years of quiet and peaceful surroundings now to be changed to who knows what!

IT IS EXTREMELY IMPORTANT FOR YOU TO ATTEND THE HEARING OR SIGN THIS PAPER WITH YOUR COMMENTS SO THAT I CAN TAKE THEM ON THURSDAY. REMEMBER, WE WOULDN'T HAVE GOTTEN THE TREES AT THE END OF LONGVIEW, WHICH ARE BEING REPLANTED THIS FALL, IF WE DIDN'T PETITION. DON'T SIT BACK AND EXPECT CHANGES TO BE MADE WITHOUT YOUR HELP!

All comments are due to Becky Killebrew, 628 Longview Drive, 747-1164, by Tuesday, September 26, 1989.

NAME/ADDRESS	COMMENTS
James K. Killebrew 634 Longview Dr. Catonville, Md 21228	1) Stoney Lane street floods every time after a rain 2) Any development should be required to have a large buffer of trees to help reduce water run off and more crossing to the rear properties of Longview Drive (west side) 3) Has any consideration been given to the increase enrollment in Westowne Elem. (if dwellings are created) 4) Don't this area a designated flood plain? Wouldn't addition of development be contrary to good planning (ie. Retention Pond) - counter productive 5) Depending upon type of development, water would be necessary to be constructed, and would that development be, say, a large complex pattern for the school.
Lois M. Ellis 622 Longview Dr. Catonville, Md 21228	

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
A.W. NORMAN	18 CLADER RD, TIMMONS MD 21093
ROBERT SCHAFER	22 W. ALLEGHENY AVE S-300 TOWSON 21284
Carroll Loveman	327 Harlem Lane, Catonsville, MD 21228
Howard L. Abraham, Jr., Eng.	5444 413 2nd W. Chesapeake Ave Towson MD 21284

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Rebecca Chupka	628 Longview Dr. 21228
ROBERTA LUTZ	626 LONGVIEW DR 21228
Thomas Reich	624 Longview DR 21228
Judy Frazer	317 Harlem Lane 21228
James Frazier	317 HARLEM LANE 21228

LONGVIEW PLACE ASSOCIATION
 628 Longview Drive
 Catonsville, Maryland 21228
 Mrs. Becky Killebrew, President

RECEIVED
 JAN 17 1990
 ZONING OFFICE

January 16, 1990

Mr. J. Robert Haines, Zoning Commissioner
 Baltimore County Office of Planning & Zoning
 Towson, Maryland 21204

Dear Mr. Haines:

As President of the Longview Drive Association, I have reviewed the implications of the recent ruling on the Loveman Tract 90-103-SPH. While it is felt that the recent ruling took into consideration many of the concerns expressed in my previous correspondence dated December 10, 1989, I am aware that there are still issues which need careful consideration. I will be meeting with Mr. Dennis Rasmussen tomorrow at 9:30 a.m.

We would like to express our gratitude for your recent ruling, but respectfully request that you make NO Administrative variances and be very strict in your interpretation of your current ruling. We feel strongly that there must be a 30 foot setback for building from the boundary line. It is important that the boundary line not be interpreted as a lot line. We would like to be made aware of any variances suggested by the developer before ruling.

We wish to express our appreciation in your continued help in this matter.

Sincerely,
 Becky Killebrew
 Becky Killebrew

MICROFILMED

74

December 7, 1989

Mr. Denis Rasmussen
Baltimore County Executive
Old Court House
400 Washington Avenue
Towson, Maryland 21204

Dear Mr. Rasmussen,

As a resident of Longview Place I would like to express my concerns about the proposed development of the Loveman property in Catonsville. As you are aware this track of land is the last available acreage (18 plus acres) that could provide the community with a park setting.

At a meeting of residents w/ developers no acceptable solutions were suggested for the following concerns:

1. The stream bordering many of the properties in Longview Place will become the receptacle of another overflow pond to be built. This could increase the risk of flooding. It will also place further demands on an already eroding sewage pipe under the one lane bridge on Harlem Lane.
2. Two one lane bridges on Stoney Lane already flood from the run off of this stream. In addition this small and narrow road will be absorbing more traffic.
3. Another big concern is that the only access road to all these homes is to be located approximately 150 ft. from the elementary school driveway on Harlem Lane, endangering our children.
4. Recently schools in the Catonsville area experienced a drastic redistricting due to overcrowding. This will place an additional burden on the area schools, and I want assurance that this will not push area children out of the school near their home to another location.
5. This land was also once the site of the Dutch embassy and has some historical significance.

This does not serve the interests of anyone in the community and will create many problems which county legislators and I as a taxpayer will be called upon to solve.

Please give these concerns your immediate attention.

Thank you for your cooperation.

59 form letters

Yours very truly,

Richard V. Bedbrich

MICROFILMED

Academy Heights Civic Association, Inc.

Post Office Box 3293
Catonsville, Maryland 21228

PROTESTANT'S EXHIBIT 1

September 28, 1989

J. Robert Haines
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

Dear Mr. Haines:

Academy Heights is a planned community consisting of 465 homes in close proximity to the Inns of Evergreen West Nursing Home. We have a strong and active community association that strictly enforces covenants and restrictions in order to maintain the integrity and value of our homes. Academy Heights is an attractive and desirable place to live and we are committed to keeping it that way.

The Academy Heights Civic Association is opposed to the re-zoning requested by the Inns of Evergreen West Nursing Home, case number 90-103-SPH. Re-zoning of this beautiful wooded area will have a definite adverse effect on our community. We ask the Commissioner to give due consideration to the following negative effects of the proposed zoning change:

1. Increased traffic on already crowded roads that were not designed to carry additional heavy traffic.
2. Increased traffic also poses a further risk to the safety of our children attending Westlawn Elementary School located next to the Nursing Home.
3. Further haphazard and unplanned development of the land surrounding our community.
4. Loss of quiet and peaceful surroundings to unwanted development.
5. Increased flooding of surrounding areas due to removal of much needed trees.

MICROFILMED

Richard James Johnson
42 Briarwood Road
Catonsville, MD 21228

September 25, 1989
Pages 1-4.

CHAIRMAN & MEMBERS
BOARD OF APPEALS &
ZONING COMMISSIONER
OFFICE OF PLANNING & ZONING
BALTIMORE COUNTY
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVE
TOWSON, MARYLAND 21204

PROTESTANT'S EXHIBIT 2

RE: CASE # 90-103-SPH
AN AMENDMENT TO THE PLAT TO ACCOMPANY
SPECIAL EXCEPTION IN CASE # 5343K TO
REDUCE THE ACREAGE TO WHICH THE SPECIAL
EXCEPTION APPLIES FROM 7.4 ACRES ± TO THAT
OF 1.052 ACRES, MORE OR LESS.

I AM OPPOSED TO THE PROPOSED RE-ZONING OF 7.4 ACRES ±
TO 1.7 ACRES AND THE REMAINING 5.3 ACRE FOR DEVELOPMENT
AS SUBMITTED AND THE REQUEST THAT YOUR ZONING BUREAU
CAREFULLY REVIEW DETAILS OF THE SUBMITTED DEVELOPMENT
CONSULT WITH THE TRAFFIC ENGINEERING UNIT, STORMWATER
MANAGEMENT UNIT, AND CHECK THE OPEN SPACE MANUAL
FOR REQUIREMENTS. (OPEN SPACE = PER POPULATION)

MICROFILMED Please see page 2.

Baltimore County
Department of Permits & Licenses
Towson, Maryland 21204
494-8610
Ted Zaleski, Jr.
Director

PETITIONER'S EXHIBIT 3

September 13, 1988

Mr. Joseph Heller Loveman
327 Harlem Lane
Catonsville, Maryland 21228

Re: 329 Harlem Lane
B-88-308

Dear Mr. Loveman,

On August 30, 1988, I personally inspected the exterior of the building at the referenced location. It does appear that the building has been boarded or at least windows and doors closed. I do feel, however, that the structure, because of its size, type of construction and the fact that it is vacant with no apparent possibility of any future use, the building in my opinion is an unsafe structure as defined by the building code in the Baltimore County Building Code. I feel that any type of fire in this building would be catastrophic. I also feel, because of its type of construction and size, the building, fire prevention and life safety codes in Baltimore County would prohibit the reoccupancy of this building for a nursing home or its conversion into any other use without repairs and alterations that would exceed 100% of the current value of the structures.

Therefore, you are hereby informed that the now vacant wood frame building, formerly used as a nursing home at 329 Harlem Lane is hereby condemned. You are hereby ordered to raze this building in compliance with valid permits not later than October 15, 1988.

If you wish to discuss this order with me, I would be more than happy to meet you at the site to review the building and also code requirements. I can be reached at 494-3373.

You also have the right to appeal this order to the Baltimore County Board of Appeals. I would also be happy to discuss the appeal procedure.

Very truly yours,

Joseph M. Nolan
Assistant Buildings Engineer
Designated Hearing Officer

JMN/nmg

cc: b file
date file
correspondence
Inspector - France

Building has been razed close this
file as of 7-19-89
J. M. Nolan

LIBER 5688 PAGE 246

THIS DEED Made this 2nd day of September, 1976,
by and between CATON RIDGE, INC., a body corporate, duly incorporated under the laws of the State of Maryland, party of the first part, and JOSEPH H. LOVEMAN, of the City of Baltimore, State of Maryland, party of the second part.

WHEREAS, CATON RIDGE, INC. was liquidated on September 30, 1976.
NOW THEREFORE, THIS DEED WITNESSETH, That in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the said Caton Ridge, Inc. does hereby grant and convey unto Joseph H. Loveman, his heirs, personal representatives and assigns, in fee simple, all those lots of ground situate, lying and being in Baltimore County, State of Maryland, aforesaid, and described as follows, that is to say:

BEGINNING for the same at a stone situated at the end of the third or south one degree eighteen minutes west three hundred thirty and five-tenths feet line of the land which by Deed dated November 21, 1940, and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. No. 1081, Snyder, said stone being also the County Construction Company by Evelyn L. Snyder, said stone being also the southwest corner of the Gundry tract known as Harlem Lodge, thence with the fourth line as mentioned in the aforesaid Deed and with the south-most outline of the Gundry tract, south eighty-eight degrees forty minutes east, eight hundred eighty-three feet to an iron pipe set in the westerly line of Harlem Lane, thence along said Lane, south eight degrees sixteen minutes west ninety-nine feet to an iron pipe at the northeast corner of the Kolb property, thence with the sixth line mentioned in the Deed from Evelyn L. Snyder to the County Construction Company and with the northern outline of the Kolb property, north eighty-eight degrees forty-three minutes west two hundred sixty-eight and three-tenths feet to an iron pipe at the division line of the Kolb and Hunter property, thence still running with the sixth line of the aforesaid Deed and with the northern outline of the Hunter property, north eighty-eight degrees forty-three minutes west six hundred two and seven-tenths feet to an iron pipe at the end of the sixth or north eighty-eight degrees forty-three minutes west eight hundred seventy-one feet line of the aforesaid Deed, said pipe being also the northwest corner of the Hunter property, thence for a line of division north one degree eighteen minutes east ninety-nine and four one-hundredths feet to the place of beginning. Containing one and ninety-nine one-hundredths acres, more or less.

BEING the same lot of ground which by Deed dated August 24, 1953, and recorded among the Land Records of Baltimore County in Liber G.L.B. 2348, folio 76, was granted and conveyed by Jessa K. Gundry and wife unto the Grantor herein.

TRANSFER TAX NOT REQUIRED
Walter R. Richardson
Director of Finance
Per: [Signature]
Authorized Signature
Res 11-10-76

PETITIONER'S EXHIBIT 1A

MICROFILMED

90-103-SPH

LIBER 5688 PAGE 246

THIS DEED Made this 2nd day of September, 1976,
by and between CATON RIDGE, INC., a body corporate, duly incorporated under the laws of the State of Maryland, party of the first part, and JOSEPH H. LOVEMAN, of the City of Baltimore, State of Maryland, party of the second part.

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BEING the same lot of ground which by Deed dated August 24, 1953, and recorded among the Land Records of Baltimore County in Liber G.L.B. 2348, folio 76, was granted and conveyed by Jessa K. Gundry and wife unto the Grantor herein.

TRANSFER TAX NOT REQUIRED
Walter R. Richardson
Director of Finance
Per: [Signature]
Authorized Signature
Res 11-10-76

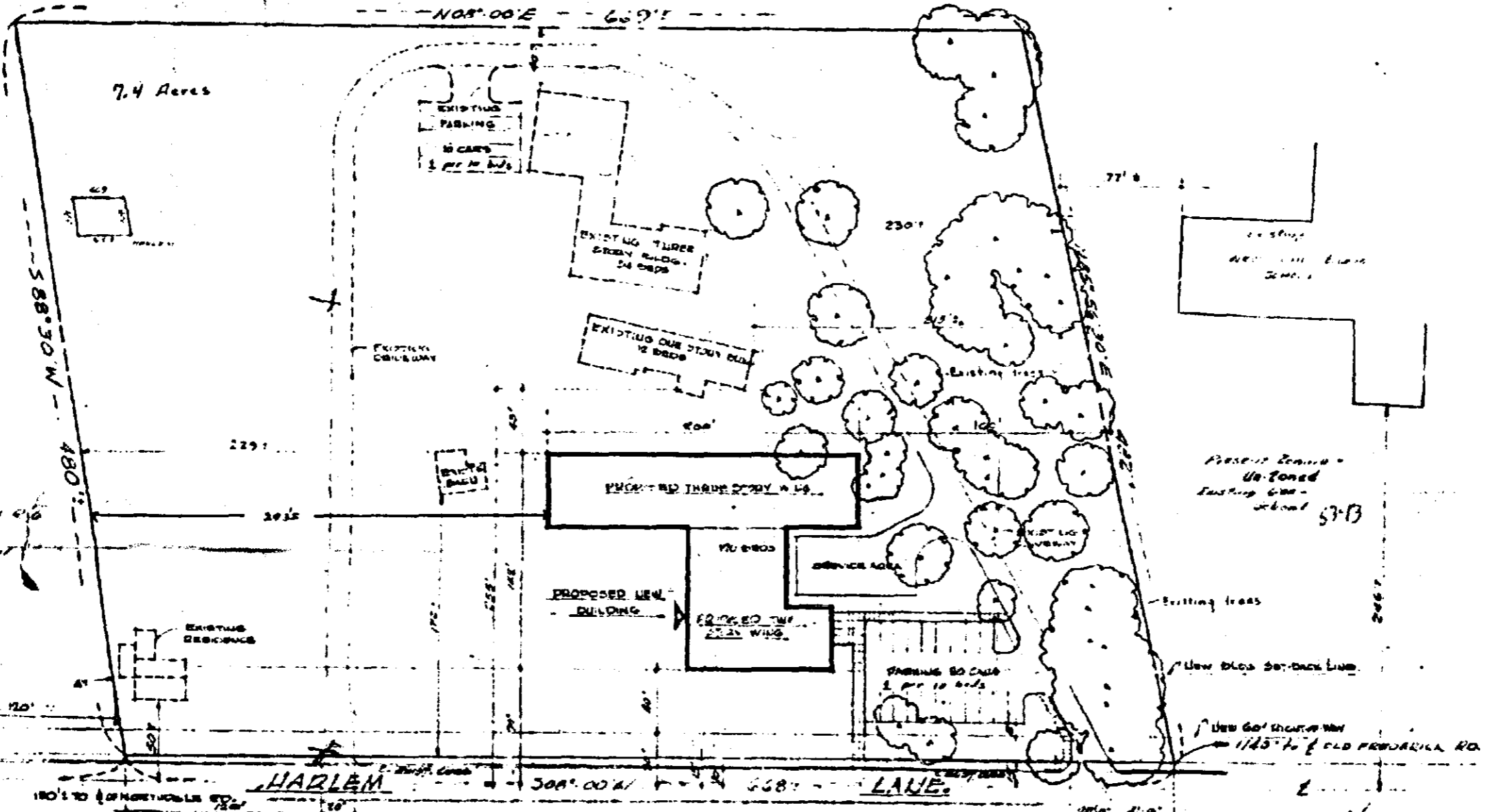
PETITIONER'S EXHIBIT 1

Oppose Board of Appeals
11/85

NORTH

Present Zoning - Residential R-6
Existing Use - Vacant
Owned by Petitioner

7.4 Acres



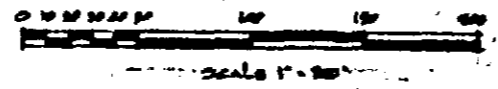
Present Zoning -
Un-zoned
Existing Use -
School 57-B

Present Zoning -
Residential R-6
Existing Use -
Residential

#5343-X
MAP
#1
SEC. 2-A
"X"

Present Zoning - R-6
Existing Use - Academy

PROPOSED NEW BUILDING FOR THE CATON RIDGE NURSING HOME



NOTES
 Election District No. 1
 Containing 6.3 Acres?
 Existing Use of Property - Commercial
 Proposed Use of Property - Commercial
 Present Zoning of Property - Residential R-6
 Proposed Zoning of Property - Special Exception
 OFFICE OF PLANNING & ZONING
 APPROVED AS TO SIMILATIONS BY
 The Zoning Commission Order
 NO. 5343 DATED 9/16/64
 By A. W. B. [Signature] 20 20 20
 Acting Secretary and Chairman
 As required by the Baltimore County Local
 Code

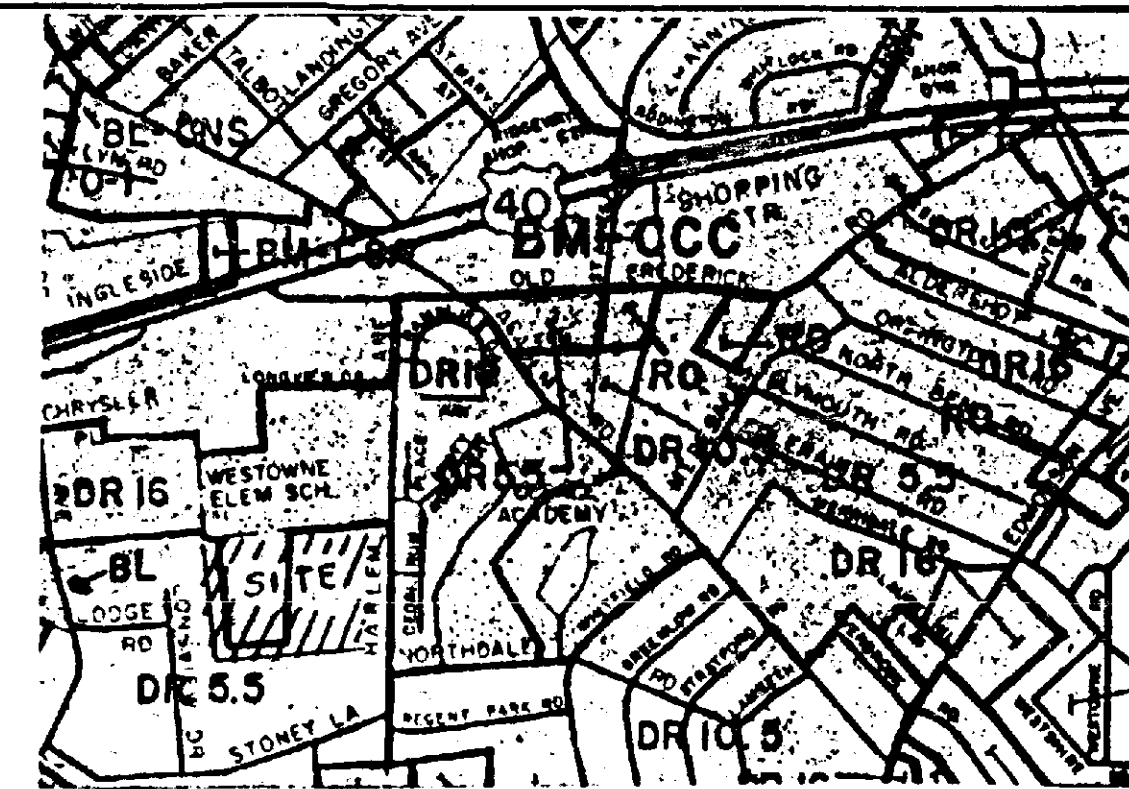
APPROVED FOR FILING
Reviewed By [Signature]
Date 7/16

MICROFILMED

WHEELER, BONN, SHOCKEY & ASSOCIATES
 ARCHITECTS
 200 AZAR BUILDING
 100 ROESLER ROAD
 GLEN BURNIE, MARYLAND

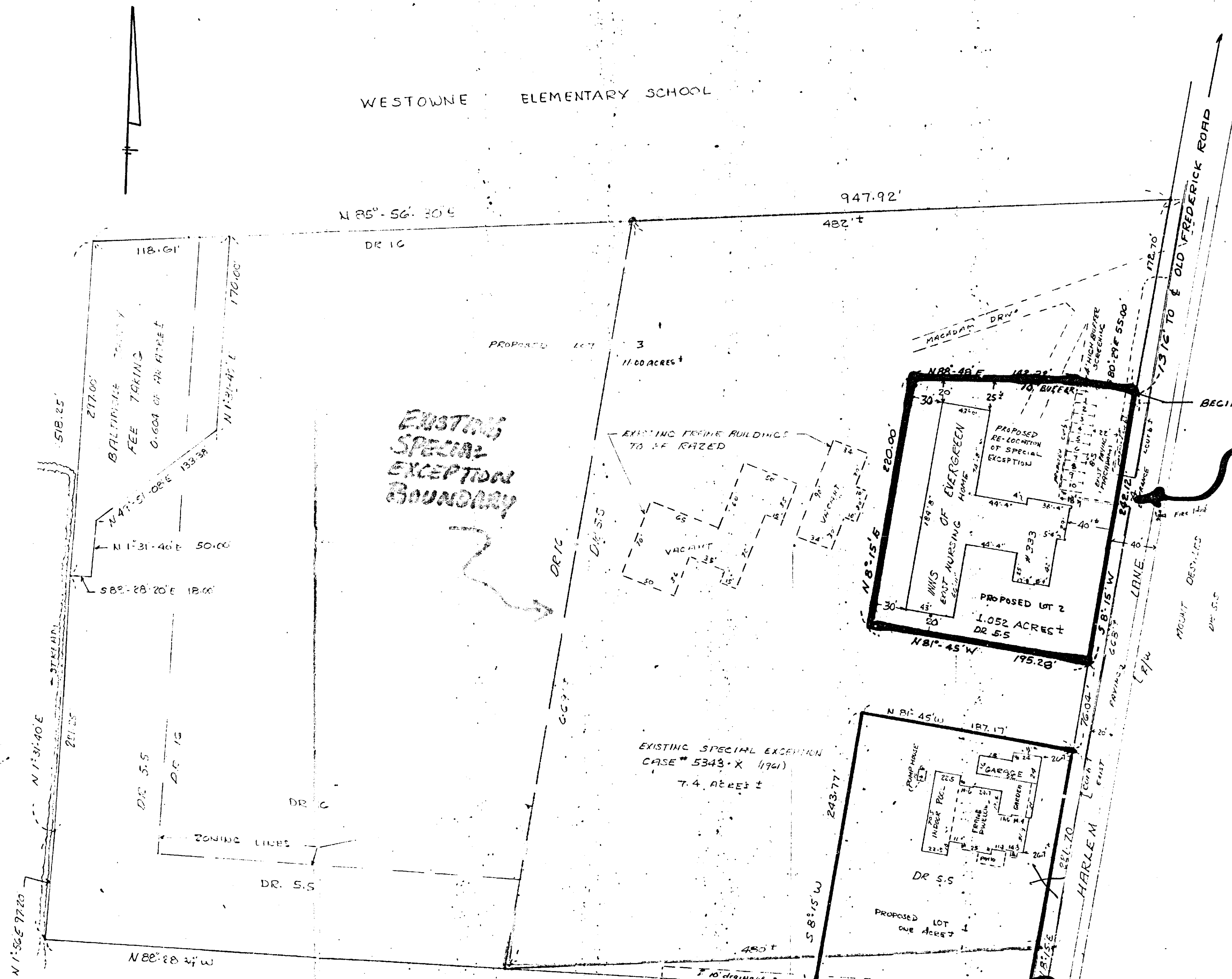
A. ALAN EVANS
 SURVEYOR
 4200 BALDWIN ROAD
 BALTIMORE, MD.

5343



VICINITY PLAN 1" = 1000'

WESTOWNE ELEMENTARY SCHOOL



**REQUESTED
SPECIAL EXCEPTION
BOUNDARY**

**PROPOSED
LOVEMAN HOME
PARCEL
BOUNDARY**

RESUBDIVISION OF
JOSEPH H. LOVEMAN PROPERTY
LOCATED IN FIRST ELECTION DISTRICT
BALTIMORE COUNTY MARYLAND
ZONED DR 5.5 & DR 10

PLAT FOR ZONING (SPECIAL HEARING)
TO REDUCE AREA OF AND RELOCATE AREA
SEE SPECIAL EXCEPTION CASE # 5343-X (1/71)

PARKING:
NO CHANGE IN USE 1 SPACE PER 10 BEDS
EXIST 98 BEDS = 10 SPACES REQUIRED
10 SPACES SHOWN

SPACES ARE 8' x 12' MINIMUM ON
EXISTING MACADAM SURFACE

NOTE: AREA IS SERVICED BY
16" PUBLIC WATER & PUBLIC SEWER (8")
IN HARLEM LANE

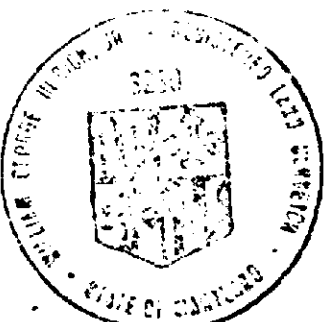
OWNERSHIP OF PARCELS
JOSEPH H. LOVEMAN 50% / 246
AREA 13.05 ACRES ± TOTAL
AREA PROPOSED RELOCATION OF
SPECIAL EXCEPTION 1.052 ACRES ±

0.38 ACRES ± 13.05 ACRES ± 0.02 ACRES ±

**PETITIONER'S
EXHIBIT 2**

REVISED 3/19-89

SCALE 1" = 50' APRIL 25 1989



William S. Wenzel

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 Delaware Avenue
TOWSON, MARYLAND 21284

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 W/S of Harlem Lane, 316' S * ZONING COMMISSIONER
 c/l of Old Frederick Road * OF BALTIMORE COUNTY
 333 Harlem Lane *
 1st Election District *
 1st Councilmanic District *
 Aurelia L. Loveman, Legal *
 Guardian of Joseph Loveman *
 Petitioner *
 CASE # 90-103-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a Special Hearing to approve an amendment to the plat to accompany a Special Exception approved in case No. 5343-X to reduce the acreage to which the Special Exception applies from 7.4 acres +/- to that of 1.052 acres, more or less, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Aurelia L. Loveman, appeared and testified on behalf of herself and also on behalf of her husband, Joseph H. Loveman, in her capacity as Legal Guardian, and was represented by Howard L. Alderman, Jr., Esquire. Appearing on behalf of the Petitioner was A.W. Norman and Ronald Schafel. Appearing as Protestants were Rebecca Chupka, Roberta Lutz, Thomas Reich, Jody and James Frazier.

Testimony indicated that the subject property, known as 333 Harlem Lane, consists of 13.05 acres +/-, split zoned D.R.5.5 and D.R.16, is improved with an existing nursing home facility and a single family dwelling with an indoor pool and garage.

Testimony indicated that the subject nursing home was granted a Special Exception in 1961 (case No. 5343-X). The Petitioner is desirous of amending the plat accompanying said special exception to reduce the acreage to which the special exception applies. Testimony indicated that the

"Evergreen Health Systems" is currently operating the nursing home under a lease agreement with the Petitioner which expires February 1992. Mrs. Loveman testified that the agreement, which was not produced at the hearing, provides an option to purchase which has heretofore not been exercised. Mrs. Loveman testified that her home is situated on the proposed lot No. 1 consisting of one acre +/-, as indicated on Petitioner's Exhibit 2.

Mr. Schafel testified that, in his opinion, the Petitioner's proposal will meet the requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and will not result in any adverse impact upon the health, safety or general welfare of the community.

Mrs. Chupka, Protestant, indicated that her property at 628 Longview Drive is located in a flood designated zone and she is concerned that future development at the subject site will only exacerbate the current water problems. Mrs. Chupka testified that she works at the nursing home on a volunteer basis and stated that Petitioner's proposed setbacks will have an adverse impact on the elderly in the home, in that the "open space" area which they currently enjoy will be reduced to a mere vestige of what currently exists. She also testified that the parking provided by the nursing home is grossly inadequate, frequently requiring visitors to the nursing home to park on Harlem Lane which is currently a narrow and congested roadway.

Mr. Thomas Reich, Protestant, concurred with Mrs. Chupka's remarks and highlighted his concerns regarding traffic congestion in his neighborhood. He also stated that, in his opinion, the proposed 1.052 acres to accommodate the nursing home is grossly inadequate.

Mr. Frazier testified that the current parking problem on Harlem Lane is largely the result of inadequate parking on the subject site, requiring visitors to park along Harlem Lane.

It is clear that the Baltimore County Zoning Regulations (B.C.Z.R.) permits the nursing home use in a D.R.5.5 zone by special exception and, pursuant to case No. 5343-X, a "Convalescent Home" was found to be an appropriate use at the subject site. However, Petitioner is now requesting approval of a substantial reduction of the nursing home's supporting acreage from 7.4 acres to 1.052 acres which, in the opinion of the Zoning Commissioner, requires a re-examination of the requirements of Section 502.1 and, generally, compliance with the current zoning regulations.

It is important to note that the original use for this site was as a "Convalescent Home" as that term was defined in the 1955 B.C.Z.R. There is no debate that the original special exception for a convalescent home remains in effect. The issue in this instance is what impact the current request to amend the special exception will have on the existing use when the zoning regulations have changed as to both use and definition of uses. Clearly, Petitioner's request to substantially alter the land area devoted to the use is a material change and not a retroactive application of the new regulations, as Petitioner argued.

The Petitioner has argued that the continued use at this site complies with the definition of a "Nursing Home" in the current B.C.Z.R. The information and arguments provided by the Petitioner establish a use on the site, known as "Inns of Evergreen," as a skilled and comprehensive nursing care facility. This facility provides board and shelter for domiciliary chronic and/or convalescent individuals. The continued use of the subject

site complies with the current definition of a nursing home, but not as an assisted living facility or continuing care facility.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. It is the opinion of the Zoning Commissioner, that the Petitioner's proposal will promote gross overcrowding of the land in question and will adversely impact on the health, safety and general welfare of the elderly residence of the subject nursing home and the community at large. However, it is also the Zoning Commissioner's opinion that the proposed use could be conducted without real detriment to the neighborhood, provided the Petitioner complies with the restrictions set forth at the conclusion of this Order. The facts and circumstances do not show that the proposed use, adequately restricted, would not have any adverse impact above and beyond that inherently associated with such special exception use, irrespective of its location within the zone. Schultz v. Pritts, 291 Md. 1, 432 A.2d, 1319 (1981).

Restricting the Petitioner's request, as specified in restriction No. 2, will provide an appropriate bulk to area relationship and provide open space area which will permit this commercial endeavor to remain compatible with this existing residential community. The restriction will also provide an aesthetically pleasing environment with adequate open area and living space.

Given the following restrictions, the proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in the roads, streets, or alleys therein, nor being

ORDER RECEIVED FOR FILING
 Date 1/14/90
 By M. D. Wood

ORDER RECEIVED FOR FILING
 Date 1/14/90
 By M. D. Wood

ORDER RECEIVED FOR FILING
 Date 1/14/90
 By M. D. Wood

ORDER RECEIVED FOR FILING
 Date 1/14/90
 By M. D. Wood

consistent with the purposes of the proper zoning classification, nor, in any other, way being consistent with the spirit and intent of the B.C.Z.R.

After reviewing of the testimony and evidence presented, it appears that the relief requested in the special hearing should be granted in part, with certain restrictions, as more fully described below.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 4th day of January, 1990 that the Petition for Special Hearing to approve an amendment to the Plat to Accompany Special Exception approved in Case No. 5343-X to reduce the acreage to which the Special Exception applies from 7.4 acres +/- to that of 1.052 acres, more or less, all in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED in part subject, however, to the following restrictions which are conditions precedent to the foregoing relief:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Petitioner's request for the reduction of acreage shall be limited, specifically, to that area enclosed by a division line drawn parallel to and 100 feet from the rear wall of the existing nursing home, intersecting the property's northern boundary line and North 61 degrees, 45 feet West, running along said line until reaching a point of intersection with the property's easterly boundary line, running along said easterly boundary line to a point of intersection with the property's northerly

boundary line, as is generally indicated on Attachment 1 appended hereto.

3. Petitioner shall provide a 30-foot wide, 10-foot high vegetative division area along the property's northern boundary line and the divisional line referenced in Restriction No. 2 above, said divisional line being parallel to and 100 feet from the rear wall of the existing nursing home.

4. Petitioner shall prepare a landscape plan for approval by the Baltimore County Landscape Planner. A copy of the approved plan shall be submitted to the Zoning Commissioner for final approval prior to the issuance of any permits.

5. The Petitioner shall prepare a new site plan reflecting a parking scheme which complies with the current B.C.Z.R. Said site plan shall be submitted to the Zoning Commissioner for final approval, and include the new boundary line for the subject nursing home as indicated on Attachment A appended hereto.

J. Robert Haines
 J. ROBERT HAINES
 Zoning Commissioner for
 Baltimore County

JRH:mmn
 cc: Peoples Counsel
 cc: Protestants

ORDER RECEIVED FOR FILING
 Date 1/14/90
 By M. D. Wood

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 (301) 887-3363
 J. Robert Haines
 Zoning Commissioner

January 4, 1990

Howard L. Alderman, Esquire
 305 W. Chesapeake Avenue, Suite 113
 Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
 W/S Harlem Lane, 316' S of the c/l of Old Frederick Road
 (333 Harlem Lane)
 1st Election District - 1st Councilmanic District
 Aurelia L. Loveman - Petitioner
 Case No. 90-103-SPH

Dennis F. Rasmussen
 County Examiner

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in part in accordance with 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:bjs

cc: Mr. R. Kent Adams, Catonsville Recreation & Parks Council
 106 Bloomsbury Avenue, Baltimore, Md. 21228

Ms. Annette Fallon, President, Academy Heights Civic Assoc., Inc.,
 P.O. Box 3293, Catonsville, Md. 21228

Ms. Becky Killebrew (Chupka), President, Longview Place Association
 628 Longview Drive, Catonsville, Md. 21228

Ms. Roberta Lutz
 626 Longview Drive
 Catonsville, Md. 21228

Mr. & Mrs. James Frazier
 317 Harlem Lane
 Catonsville, Md. 21228

Mr. Thomas Reich
 624 Longview Drive
 Catonsville, Md. 21228

People's Counsel
 File

RE: PETITION FOR SPECIAL HEARING : BEFORE THE COUNTY BOARD OF APPEALS
 W/S of Harlem Lane, 316' S of :
 C/L of Old Frederick Rd. : OF BALTIMORE COUNTY
 (333 Harlem Lane) :
 1st Election District :
 1st Councilmanic District :

AURELIA L. LOVEMAN (Guardian : Zoning Case No. 90-103-SPH
 of Joseph Loveman), Petitioner :

ENTRY OF APPEARANCE

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

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
 (301) 887-2188

I HEREBY CERTIFY that on this 4th day of May, 1990, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esquire, 305 W. Chesapeake Ave., Suite 113, Towson, Maryland 21204, Attorney for Petitioner/Appellant.

Phyllis Cole Friedman
 Phyllis Cole Friedman

10:14 PM 4-MAY 90
 RECEIVED
 COUNTY BOARD OF APPEALS

ORDER RECEIVED FOR FILING
 Date 1/14/90
 By M. D. Wood

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

90-103-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 Plat to Accompany Special Exception approved in Case No. 5343-X to modify the acreage to which the Special Exception applies from 7.4 acres to that of 1.052 acres, more or less.

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: Joseph H. Loveman; Legal Owner(s): Joseph H. Loveman; Attorney for Petitioner: Howard L. Alderman, Jr.

APPEAL 2.5m DATE 11/5/90 300 CASH 1000 BT

ORDERED By The Zoning Commissioner of Baltimore County, this 6th day of July, 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 22nd day of Sept, 1989, at 9:30 o'clock A.M.

J. Robert Hines, Zoning Commissioner of Baltimore County.

MICROFILMED

GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors 412 DELAWARE AVENUE TOWSON, MARYLAND 21204 823-4470

FOR THE PURPOSE OF ZONING ONLY

All that piece or parcel of land situate lying and being in the First Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for: the same on the west side of Harlem Lane at the distance of 1316 feet measured southerly along the west side of Harlem Lane from the centerline of Old Frederick Road and running thence and binding on the west side of Harlem Lane, South 8 degrees 15 minutes West 242.12 feet, thence leaving Harlem Lane and running for lines of division thru the land of the herein petitioner, the four following courses and distances viz: North 81 degrees 45 minutes West 195.28 feet, North 8 degrees 15 minutes East 220 feet, North 88 degrees 48 minutes East 142.22 feet and South 80 degrees 29 minutes East 55 feet to the place of beginning.

Containing 1.052 Acres of land, more or less.



William S. Uebel

MICROFILMED

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st; Date of Posting: September 6, 1989; Posted for: Special Hearing; Petitioner: Aurelia L. Loveman, Legal Guardian of Joseph H. Loveman; Location of property: W. S. of Harlem Lane, 316' S. of E. of Old Frederick Road, 333 Harlem Lane; Location of Sign: West side of Harlem Lane in front of subject property; Remarks: A.J. Arata; Date of return: September 8, 1989; Number of Signs: 1

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 described 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: 90-103-SPH; 111 W. Chesapeake Avenue, 333 Harlem Lane; 1st Election District; 1st Councilmanic District; Aurelia L. Loveman, Legal Guardian of Joseph H. Loveman; Hearing Date: Thursday, Sept. 28, 1989 at 11:00 A.M. Special Hearing: An amendment to the Plat to Accompany Special Exception approved in Case Number 5343-X to reduce the acreage to which the Special Exception applies from 7.4 acres to that of 1.052 acres, more or less. It is to be noted that this Petition is granted, a building permit may be issued within the 90 day appeal period. The Zoning Commissioner will receive any request for a stay of the issuance of said permit during the period for good cause shown. Such request must be in writing and received in the office by the noon of the hearing set above or prior to the hearing at all times.

CERTIFICATE OF PUBLICATION

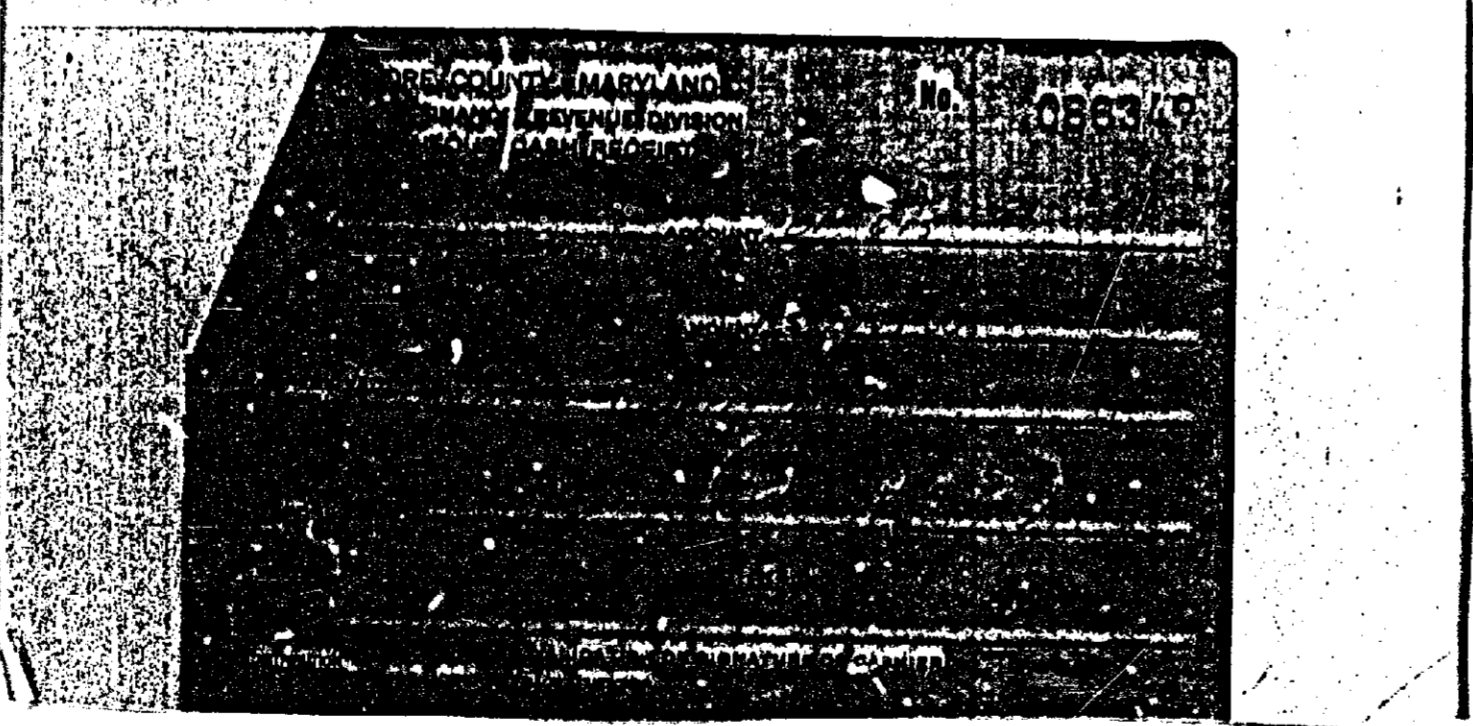
August 29, 1989; THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 24, 1989.

THE JEFFERSONIAN CATONSVILLE TIMES; S. Zebe Olson, Publisher

PO 16229 reg M3442 ca 90-103-SPH price \$ 73.43

Tracking System

Table with columns: Date, Receipt Number, Fee, Identification Number, Council District, Election District, Zip Code. Row 1: 230587, 901347, 04, 01-C1510121228.



Baltimore County Zoning Commissioner; Account: R-001-6150; Number: 1352

Receipt table with columns: Date, APPEAL FEES, POSTING SIGNS / ADVERTISING, TOTAL. Total: \$150.00

BALTIMORE COUNTY, MARYLAND RECEIPT; No. 071821; DATE 9/28/89; AMOUNT \$ 98.43; RECEIVED FROM Aurelia L. Loveman, et al; FOR: P.A. for 9/28/89 hearing 90-103-SPH

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st; Date of Posting: 2-16-90; Posted for: Appeal; Petitioner: Aurelia L. Loveman, Legal Guardian of Joseph H. Loveman; Location of property: W.S. of Harlem Lane, 316' S. of E. of Old Frederick Road, 333 Harlem Lane; Location of Sign: West side of Harlem Lane in front of subject property; Remarks: A.J. Arata; Date of return: 2-23-90; Number of Signs: 1