

Petitioner's
Exhibit A
90-3175 PH
JRH

Arnold F. "Pat" Keller
March 1, 1990
Page 2

If the above accurately delineates the position of your department please indicate by affixing your signature below.

Yours truly,

Robert A. Hoffman

RAH/lal
cc: Frank Fernandez

Arnold F. "Pat" Keller, III
Deputy Director of Planning

3/2/90

Date

IN RE: PETITION FOR SPECIAL HEARING
W/S Ridge Road, 300' S
of Square Ridge Road
6600 Ridge Road
14th Election District
6th Councilmanic District
Manor Care of Rossville, Inc.
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE # 90-317-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a Special Hearing to approve an expansion of the existing Nursing Home and amend the Special Exception granted in Case No. 74-140 and the Special Hearing granted in Case No. 89-294-SPH, as more particularly described on Petitioner's Exhibit 1 & B.

The Petitioner, Manor Care of Rossville, Inc., was represented Robert Hoffman, Esquire. Appearing and testifying on behalf of the Petitioner was Carolyn Morrall, Bill Kirwin, a Professional Engineer, and Larry Collier. There were no Protestants.

The Petitioner's testimony was proffered by Mr. Hoffman.

Testimony indicated that the Petitioner is desirous of expanding the existing nursing home to include a multi-purpose three story dining room as indicated on Petitioner's Exhibit No. 1. The Petitioner is also proposing 23 additional parking spaces to accommodate the guest visiting the facility.

Mr. Hoffman proffered testimony of the witness that the requested relief will not be detrimental to the health, safety or general welfare of this community and is, otherwise, within the spirit and intent of the Baltimore County Zoning Regulations (B.C.Z.R.).

There was testimony presented by Mr. Kirwin concerning the requirements of Section 502.1 of the B.C.Z.R. and the belief that this project complies with all requirements. Mr. Kirwin testified that, based on his professional

within the zone." Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 at 1327 (1981).

The Court went on to say in Schultz that,

"... the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide. But, if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious and illegal." (at pg.1325)

The Petitioner must only show to the satisfaction of the Zoning Commissioner that the proposed use would be conducted without real detriment to the community to meet his burden. See, Turner v. Hammond, 270 Md. 41, 310 A.2d 543 (1973). When the Petitioner produces credible and probative evidence on all of the specific issues established by Section 502.1, then a special exception should be granted.

In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the community and would not adversely affect the public good.

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

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-317-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and map 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 expansion of the existing Nursing Home and amend the Special Exception granted in Case No. 74-140 and the Special Hearing granted in Case No. 89-294-SPH.

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:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

John B. Howard, Esq.

(Type or Print Name)

Signature

210 Allegheny Avenue

Address

Towson, Maryland 21285-5517

City and State

Attorney's Telephone No.: 301-494-9151

Legal Owner(s):

MANOR CARE OF ROSSVILLE, INC.

(Type or Print Name)

Signature

SENIOR VICE PRESIDENT OF DEVELOPMENT

(Type or Print Name)

Signature

10770 Columbia Pike (301) 681-3400

Address

Silver Spring, Maryland 20903

City and State

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

John B. Howard, Esq.

Home 210 Allegheny Avenue

P.O. Box 5517 301-494-9151

Address

Towson, Maryland 21285-5517

City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of March, 1990, 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 108, County Office Building in Towson, Baltimore County, on the 7th day of April, 1990, at 2:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D. C.
MELDEN, VA
ROCKVILLE, MD
BEL AIR, MD

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517

TELEPHONE (301) 494-9151
FAX (301) 494-9147

ROBERT A. HOFFMAN

March 5, 1990

RECEIVED
MAR 6 1990

ZONING OFFICE

J. Robert Haines, Esquire
Zoning Commissioner
1st Floor, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No.: 90-317-SPH
Manor Care - Rossville, Inc., Petitioner

Dear Mr. Haines;

As you may recall from the hearing on the referenced case, you stated that the site plan could be amended to show an additional 23 parking spaces, so long as the Office of Planning and Zoning had no adverse comment.

Accordingly, enclosed is a copy of a letter countersigned by Pat Keller stating that the additional 23 parking spaces would not have any impact on the surrounding community, so long as it was properly landscaped. The enclosed plat, which we propose submitting as amended Petitioner's Exhibit 1, indicates Mr. Keller's desire to have a landscaped island and a back up area at the end of the parking lot.

It is therefore respectfully requested that this enclosed plat be accepted as amended Petitioner's Exhibit 1 and that the special exception for the proposed building addition be granted with the provision of the additional 23 parking spaces (one space is utilized for a landscape island).

Should you have any questions or comments, please do not hesitate to call.

Yours truly,

Robert A. Hoffman

RAH:chs
Enclosure

tee (ZAC), which are adopted in their entirety and made a part of this Order.

5. All parking lot lighting shall be no more than 10 feet above-grade. All exterior lighting shall be directed downward and shall not diffuse onto any residential property.

6. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

7. The Petitioner shall comply with all representations set forth on Petitioner's Exhibit B.

J. Robert Haines
Zoning Commissioner for
Baltimore County

JRH:smm
cc: Peoples Counsel

90-317-A
For Haines

Manor Care
Pat Keller
Landscape Plan
Pat Keller
Landscape Plan

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

Bob Hoffman
BILL KIRWIN
CAROLYN WARRALL
LARRY COLLIER

ADDRESS

26 Allegheny Ave
28 E. MARYLAND TOWNSHIP
10710 COLUMBIA PIKE SILVER SPRING MD
6600 RIDGE RD BALT MD

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan 12, 1990.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zake Olson
Publisher

NOTICE OF HEARING
The Planning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, is hereby giving notice of a public hearing on the proposed rezoning of the property located at 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204, as follows:
Petitioner: Manor Care of Rossville, Inc.
Case Number: 90-317-SFH
Location of property: 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204
Date of hearing: FRIDAY, FEBRUARY 9, 1990 at 9:30 a.m.
Special Hearing: To approve an expansion of the existing nursing home and to amend the Special Exception granted in Case #74-140 and the Special Hearing in Case #89-294-SFH.
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 promoted at the hearing.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

Manor Care of Rossville, Inc.
10710 Columbia Pike
Silver Spring, Maryland 20901

Re:

Petition for Special Hearing
CASE NUMBER: 90-317-SFH
111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204
14th Election District - 6th Councilmanic
Petitioner(s): Manor Care of Rossville, Inc.
HEARING: FRIDAY, FEBRUARY 9, 1990 at 9:30 a.m.

Gentlemen:

Please be advised that \$ 109.49 is due for advertising and posting of the above captioned property.

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

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

January 9, 1990

NOTICE OF HEARING

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

Petition for Special Hearing
CASE NUMBER: 90-317-SFH
111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204
14th Election District - 6th Councilmanic
Petitioner(s): Manor Care of Rossville, Inc.
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J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:gs

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14th
Posted for: Manor Care of Rossville, Inc.
Petitioner: Manor Care of Rossville, Inc.
Location of property: 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204
Location of Sign: 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204
Remarks: Manor Care of Rossville, Inc.
Posted by: Matthew
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

No. 1316

90-317

2/09/90

PUBLIC HEARING FEES QTY PRICE
080 - POSTING SIGNS / ADVERTISING 1 X \$109.49
TOTAL: \$109.49
LAST NAME OF OWNER: MANOR CARE OF

8 8034*****1094916 2286A
Please make checks payable to: Baltimore County



SANCHEZ
AND
SANCHEZ

200 PARK AVENUE
SUITE 105
FALLS CHURCH
VIRGINIA 22048

(703) 237-1668

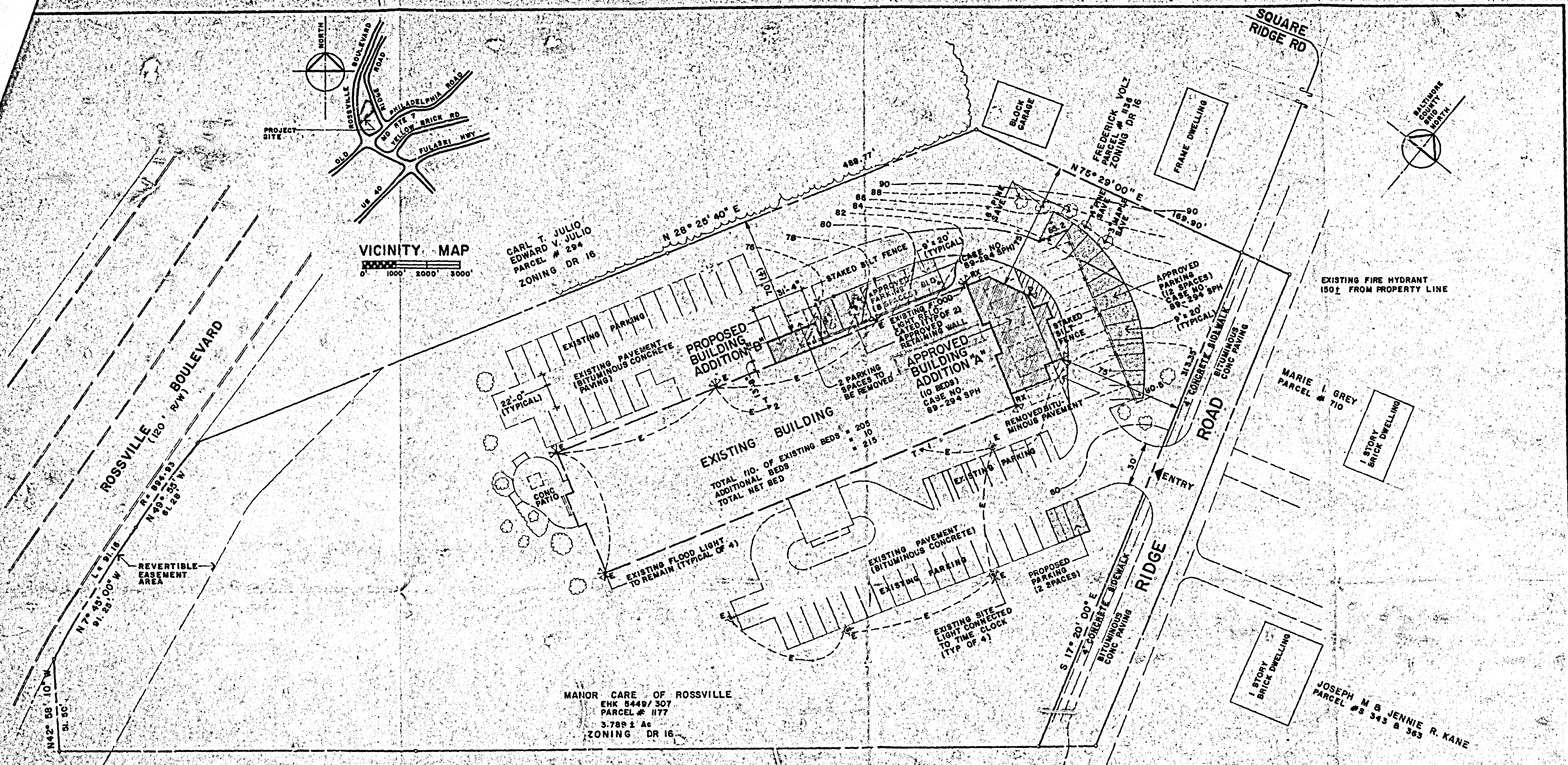
ADDITION AND ALTERATION
TO
MANOR CARE NURSING CENTER
"ROSSVILLE"

BALTIMORE, MARYLAND
14TH ELECTION DISTRICT NO. 6
COUNCIL MANDATE DISTRICT NO. 6

No.	Description	Date

Sheet Title
90-317-SPH
SITE PLAN
(TO ACCOMPANY PETITION
FOR SPECIAL HEARING)
Scale AS NOTED

Project Number
SP-25/MC-1
Date
NOV 20, 1989
Sheet Number
A-1B



SITE NOTES

PROPOSED AND PRESENT USE: NURSING HOME
BUILDING HEIGHT: ADDITION "A" : TWO STORIES AT 10'-0" - 20'-0"
NEW PARKING LOT LIGHTS: NONE
ADDITION "B" : THREE STORIES AT 10'-0" - 30'-0"
SITE DATA
BUILDING FLOOR AREA:
BASEMENT : 9560 SF
FIRST FLOOR : 19200 SF
SECOND FLOOR : 19200 SF
TOTAL : 47960 SF
PERCENT BUILDING COVERAGE : 13.22
PERCENT FOOTAGE PAVED AREA : 28.510 SF
PERCENT FOOTAGE PAVED AREA : 17.32
PERCENT GREEN AREA : 69.32
PARKING TABULATION:
NO. OF PARKING SPACES REQUIRED : 22 SPACES (1 SPACE PER 10 BEDS) FOR 218 BEDS
NO. OF PARKING SPACES PROVIDED : 70 SPACES
ZONING HEARINGS : FOR BUILDING ADDITION "A"
PETITION FOR SPECIAL HEARING : CASE NO. 89-294 SPH
APPROVAL GRANTED FOR THE EXPANSION AS SHOWN IN ZONING PETITION PLAT DATED SEPTEMBER 15, 1988 AND SUBMITTED AS EXHIBIT 1 IN HEARING, AND AMENDMENT OF THE SPECIAL EXCEPTION GRANTED IN CASE NO. 74-140-E 14 ACCORDANCE WITH EXHIBIT 1 (ZONING PETITION PLAT). SPECIAL EXCEPTION ALLOWED ESTABLISHMENT OF A NURSING HOME IN A RESIDENTIAL (DR-16) ZONE.
DATE OF ORDER BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY : MARCH 16, 1989

HENRY M. VOLZ
PARCEL # 5515 & 121
ZONING DR 16

SITE PLAN
SCALE: 1" = 30'-0"

MISCELLANEOUS NOTES

- All construction shall conform to Baltimore County construction standards and specifications.
- Parking tabulations:
Number of Parking Spaces Required
Existing 215 Beds = 28 spaces
Number of Parking Spaces Provided = 70 spaces
- Site area is 3.729 acres
- Contour interval = 2 feet
- Boundary and Topography by others.
- Existing Parking Spaces to be removed : 2
Proposed Parking Spaces : 2
- Paving Section for Proposed Parking Spaces shall equal that of existing spaces.

LAND CONSERVATION NOTES

- No disturbed area will be denuded for more than 30 calendar days unless otherwise authorized by the Director or his agent.
- All erosion and siltation control measures are to be placed prior to or as the first step in grading. First areas to be cleared are to be those required for the perimeter controls.
- All storm and sanitary sewer lines not in streets are to be mulched and seeded within 15 days after backfill. No more than 500 feet are to be open at any one time.
- Electric power, telephone and gas supply trenches are to be compacted, seeded and mulched within 15 days after backfill.
- All temporary earth berms, diversions and silt dams are to be mulched and seeded for temporary vegetative cover immediately after grading. Straw or hay mulch is required. The same applies to all soil stockpiles.
- During construction, all storm sewer inlets will be protected by inlet protection devices, maintained and modified as required by construction progress.
- Any disturbed area not covered by note #1 above and not paved, sodded or built upon by November 1, or disturbed after that date, is to be mulched with hay or straw mulch at the rate of two tons per acre and over-seeded no later than March 15th.
- At the completion of construction projects and prior to the release of the land, all temporary siltation and erosion controls shall be removed and all disturbed areas shall be stabilized.

ON-SITE PAVING DETAIL
NOT TO SCALE

