

BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

March 7, 2008

Mitchell J. Kellman, Zoning Manager
Century Engineering
10710 Gilroy Road
Hunt Valley, MD 21031

Dear Mr. Kellman:

RE: Spirit and Intent Request, Case # 92-96-SPHA and 75-182-X, The Jewish Convalescent & Nursing Home, 7920 Scotts Level Road, 2nd Election District

Your recent letter to Timothy Kotroco, Director of Permits and Development Management, was forwarded to me for reply. Based on the information provided therein and my review of the available zoning records, the following has been determined:

1. The proposed modifications, specifically the proposed rear addition and 25 square foot concrete pad as mentioned in your February 12, 2008 request letter and as shown in your accompanying site plans, are approved as being in the spirit and intent of the Baltimore County Zoning Regulations (BCZR) and the Zoning Commissioner's orders in Case # 92-96-SPHA and 75-182-X.
2. Please submit three (3) red-lined hearing plans from Case # 92-96-SPHA that reflects the above information as well as a verbatim copy of this response to my attention. In addition, add a signature block that states:

APPROVED AS BEING WITHIN THE SPIRIT AND INTENT OF THE PLANS AND ORDERS IN ZONING CASE # 92-96-SPHA and 75-182-X

SIGNED BY

DATE

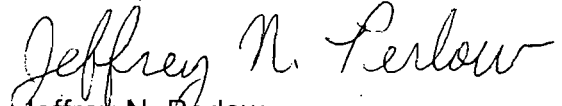
After the plans are signed by this office, a copy of your request letter, this response and a signed red-lined plan will be recorded and made a permanent part of the zoning case file.

3. A verbatim copy of this response must also be affixed to any building permit site plans prior to building permit application.
4. This approval is for zoning only, and you will be required to comply with all other County and State regulations relative to this property.

The foregoing is merely an informal opinion. It is not an expert or legal opinion, it is not intended to be relied on as expert or legal advice, and it is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

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,

A handwritten signature in cursive script that reads "Jeffrey N. Perlow".

Jeffrey N. Perlow
Planner II
Zoning Review

JNP

c: Zoning Hearing File # 92-96-SPHA and 75-182-X
File-Spirit & Intent Letters

February 12, 2008

Mr. Timothy Kotroco, Director
Baltimore County Permits and Development
Management (PDM)
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Spirit and Intent Letter
The Jewish Convalescent Nursing Home
7920 Scotts Level Road
Election District 2, Councilmanic District 2
CEI Job No. 27337

Dear Tim:

Century Engineering, Inc. (CEI) is responsible for the engineering and planning of an addition onto the rear of the existing Jewish Convalescent Nursing Home. We would like written confirmation that the proposed addition and 25-square foot concrete pad is within the "spirit and intent" of the two zoning hearings, where the petitioners were granted approval and relief for the now existing nursing home.

By way of history, the 150-bed facility was approved via Special Exception 75-182-X by the Baltimore County Board of Appeals. The special exception for the convalescent home was later modified by Zoning Case 92-96-SPHA where the Deputy Zoning Commissioner granted a special hearing to amend the previous site plan and approved a waiver of the RTA requirements. Variances were also granted to permit a 25-foot rear yard in lieu of 30 feet and for a parking to property line distance between 0 and 10 feet in lieu of 10 feet. We have enclosed both zoning cases with this letter.

The proposed addition will be one story and approximately 1,750 square feet and will not extend any closer to the property line than the existing, approved 25-foot setback. The proposed addition is only a 3.16% increase to the existing to the 55,360- square foot existing facility, and the new concrete pad is accessory and minimal in size to the existing building and new addition.

Mr. Timothy Kotroco, Director
Baltimore County Permits and Development
Management (PDM)
Re: The Jewish Convalescent Nursing Home
February 12, 2008

We feel that the proposed improvements are well within the scope of the original approved zoning cases and hope you consider the same. We have enclosed, with this letter, a copy the zoning orders with the accompanying site plans, an updated plan illustrating the addition, and a check in the amount of \$50.00 for the letter-processing fee. We appreciate your attention to this matter and please let us know if you need further information.

Very truly yours

CENTURY ENGINEERING, INC.

A handwritten signature in black ink, appearing to read 'Mitchell J. Kellman', with a stylized flourish at the end.

Mitchell J. Kellman
Zoning Manager

Enclosures

Wfile\Login2\LandDev\LD08\contrfiles\JewishConv\TKotroko\BaltoCo-Spirit&Intent-mjk-2-12-08

IN RE: PETITIONS FOR SPECIAL HEARING
AND ZONING VARIANCE - SW/S
Scotts Level Road, 48' SE of
the c/l of Chickory Hill Lane
(7920 Scotts Level Road)
2nd Election District
2nd Councilmanic District

The Jewish Convalescent and
Nursing Home Society, Inc.
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-96-SPHA

* * * * *
FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve amendments to the special exception and site plan previously approved in Case No. 75-182-X to permit the addition of a walkway, greenhouse, atrium, patio, gazebo and an expansion to the existing parking area, and to determine if, pursuant to Section 432.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), a waiver of the Residential Transition Area (RTA) requirements in Section 1B01.1.B.b can be granted for a modification thereof which said RTA requirements are provided to the extent possible as shown on the hearing site plan. The Petitioners also request a variance from Sections 1B02.2B and 102.2 of the B.C.Z.R. and from Section V.B.2 of the Comprehensive Manual of Development Policies (CMDP) to permit a rear yard setback of 25 feet in lieu of the required 30 feet for an existing nursing home and from Section 409.B of the B.C.Z.R. to permit a setback between the proposed parking area and the front property line of between 0 and 10 feet in lieu of the minimum required 10 feet, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Murray K. Lilley, Board Member, appeared, testified and was represented by T. Rogers Harrison, Esquire. Also appear-

ORDER RECEIVED FOR FILING

Date

By

16/23/91

gop

ing on behalf of the Petitions was Judith Raab with Rosenfelt and Woolfolk, Landscape Planners/Architects. There were no Protestants.

Testimony indicated that the subject property, known as 7920 Scotts Level Road, consists of 2.8998 acres zoned D.R. 5.5 and is improved with a nursing home. Said property was the subject matter of previous Case No. 75-182-X in which Petitioners were granted a special exception for the existing nursing home. Petitioners are desirous of updating the existing facility and improving the quality of life for its residents by adding a greenhouse, atrium, patio, gazebo and walkway to the existing structure. Testimony indicated the waiver of RTA requirements and variances requested are necessary due to the location of existing improvements on the property and their relationship to surrounding residential development. Murray Lilley testified that the proposed improvements will include additional landscape buffering in the affected areas as depicted on Petitioner's Exhibit 3A. Further testimony indicated that the relief requested meets the special exception requirements of Section 502.1 of the B.C.Z.R.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. Further, the modifications proposed are minor in nature and will not adversely affect RTA requirements, which, in the opinion of this Deputy Zoning Commissioner, have been met to the extent possible by the proposed plan. In addition, the proposed modifications will not be detrimental to the public health, safety, and general welfare and can only enhance the overall appearance of this property.

ORDER RECEIVED FOR FILING

Date

By

10/23/91
[Signature]

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23rd day of October, 1991 that the Petition for Special Hearing to approve amendments to the special exception and site plan previously approved in Case No. 75-182-X to permit the addition of a walkway, greenhouse, atrium, patio, gazebo and an expansion to the existing parking area, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

ORDER RECEIVED FOR FILING

Date

By

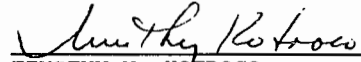
IT IS FURTHER ORDERED that the Petition for Special Hearing to determine if, pursuant to Section 432.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), a waiver of the Residential Transition Area (RTA) requirements in Section 1B01.1.B.b can be granted to permit a modification thereof, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance from Sections 1B02.2B and 102.2 of the B.C.Z.R. and from Section V.B.2 of the Comprehensive Manual of Development Policies (CMDP) to permit a rear yard setback of 25 feet in lieu of the required 30 feet for an existing nursing home and from Section 409.B of the B.C.Z.R. to permit a setback between the proposed parking area and the front property line of between 0 and 10 feet in lieu of the minimum required 10 feet, in accordance with Petitioner's Exhibit 3A, be and is hereby GRANTED, subject to the following restrictions:

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

2) Prior to the issuance of any permits, Petitioners shall submit a landscape plan for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. A copy of the approved landscape plan shall be submitted to the Zoning Commissioner's Office for final review and inclusion in the case file prior to the issuance of any permits.

3) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

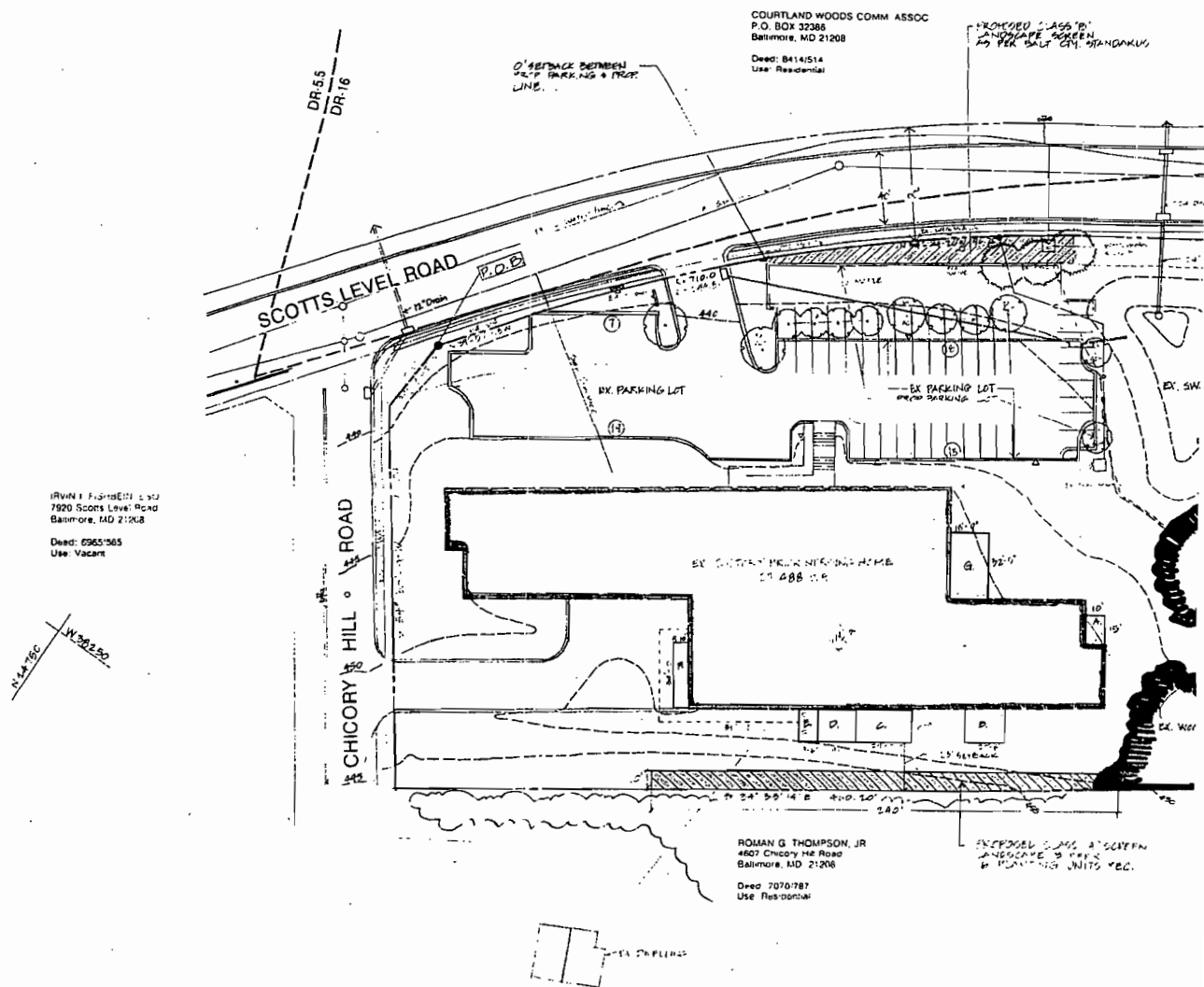
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Date

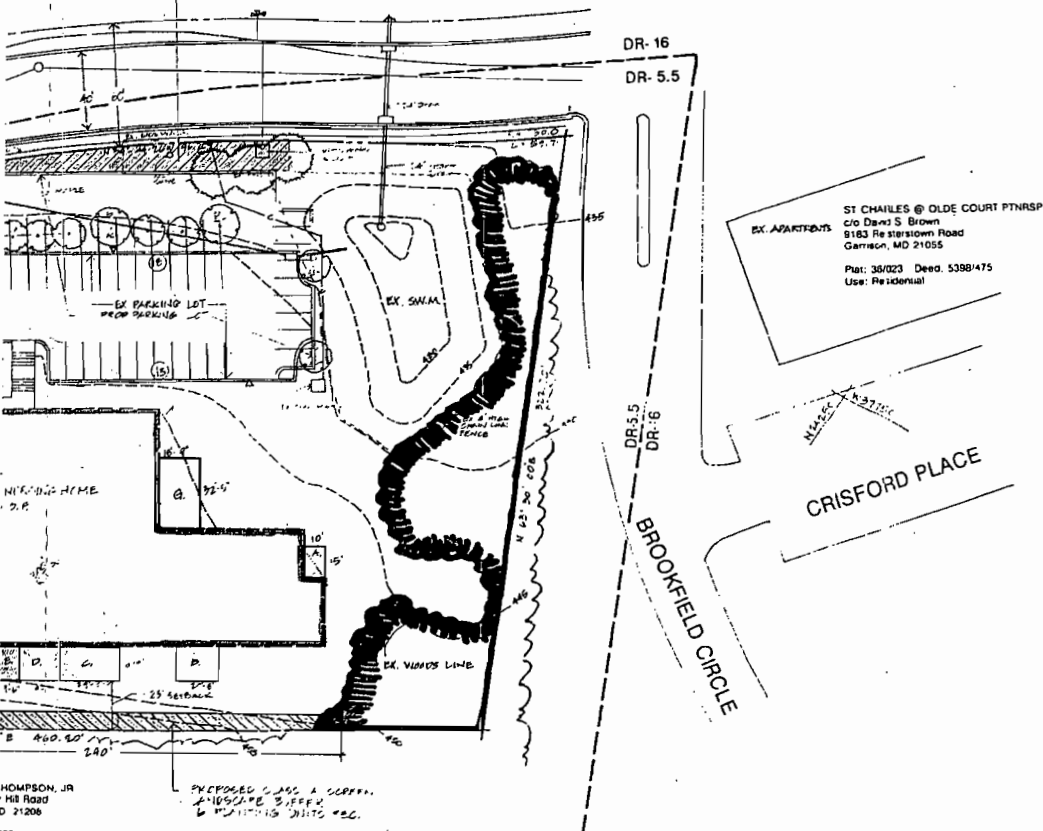
By

TMK:bjs

#3A



PROPOSED CLASS "B"
LANDSCAPE SCREEN
\$3 PER SALT CY. STANDARDS

514
 11/11/11

HOMPSON, JR
Hill Road
D 21206

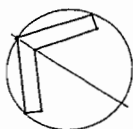
787

ST CHARLES @ OLDE COURT PTRNSP
c/o David S Brown
8183 Reisterstown Road
Garrison, MD 21055

Plot: 38/023 Deed. 5398/475
Use: Residential

CRISFORD PLACE

	EX. HURSHING HOME OUTLINE
	PROPOSED ADDITIONS
	EX. WOODS LINE
	PROPOSED LANDSCAPE BUFFER



SCALE: 1" = 30'

[illegible]

A	Electrical Box
B	Greenhouse
C	Storage
D	Elevator Tower
E	Mechanical Vestibule
F	Storage
G	Atrium

REVISIONS:

DATE: 8/12/91

JOB NO.: 574/CC

DESIGNED: AS

DRAWN: A

CHECKED: TNW

SCALE: 1" = 30'

ROSENFELT & WOOLFOLKCIVIL ENGINEERS/LAND PLANNERS/
LANDSCAPE ARCHITECTS

Owings Mills Professional Co.
10706 Reisterstown Road
Owings Mills, MD 21117
Telephone: (301) 356-4800



DRAWING NUMBER:

ZON

SHEET 1 OF 1

Age Group	Male (%)	Female (%)
18-24	50	50
25-34	50	50
35-44	50	50
45-54	50	50
55-64	50	50
65-74	50	50
75-84	50	50
85+	50	50

OPINION

This matter comes before the Board of Appeals from the decision of the Deputy Zoning Commissioner, dated March 6, 1975, granting the request for a special exception for a non-profit convalescent home. The appeal is noted on behalf of St. Charles at Olde Court Partnership, the owner of residential apartments situate immediately adjacent to the subject site. The property in question is wooded and is located on the southwest corner of Chicory Hill Road and the proposed Scotts Level Road, approximately 1050 feet south of Old Court Road in the Second Election District of Baltimore County, and contains about 3.27 acres.

Petitioners were represented by counsel and presented four expert witnesses on their behalf. Mr. David Harans of 8120 Streamwood Drive, a nursing home administrator, testified at length on the need for this type home, the different types of convalescent homes, and the numbers of people coming and going from this type home, both employees and visitors. He also testified that an adequate grant available to non-profit homes was approved, pending proper zoning. He also noted public transportation was available at this location, and briefly described the proposed building as being a two-story elevator building capable of handling 150 patients.

Mr. Gus Lambros, a real estate broker, then testified for the Petitioners. It was his opinion that this use of the subject property would have no detrimental effect on any nearby properties.

Mr. David Dallas, 8713 Old Harford Road, a civil engineer, then testified as the engineer who prepared the proposed plans. He noted that D.R. 16 zoning existed to the east and south at present, and that property on the south now contains apartments. He noted that thirty-three parking spaces would be provided where actually only fifteen

were required. He also noted that adequate sight clearance for the entrance was provided, and that sewer and water mains were available to the site. He also stated that the proposed plans clearly showed that the trees on the east side were to remain to screen the building, and that these trees were higher than the proposed building. On cross-examination, the witness stated he had no knowledge about a strip of land partially abutting the subject property along Scotts Level Road, supposedly owned by a Mr. Joseph Atkinson and purported to be purchased by Baltimore County for the widening of Scotts Level Road.

Mr. Alex Whitney, 1800 North Charles Street, a traffic engineer for Ewell, Bomhardt and Associates, testified as to traffic conditions at the subject site. His testimony covered the accidents in the past year on Scotts Level Road in this area, three in number and relatively minor, and concluded that this was not a dangerous roadway. He presented his traffic counts and stated that traffic levels at all hours on Scotts Level Road fell within acceptable limits. He also presented the public bus schedules for Old Court Road and Milford Mill Road for both morning and evening hours which, in his opinion, seemed more than adequate. This concluded Petitioners case.

The Protestant then presented his case. He first recalled Mr. Harans and questioned him about the strip of land along the front of the subject property supposedly owned by Joseph Atkinson. Mr. Harans admitted no knowledge of this strip of land.

Mr. Howard Brown, 101 East Mt. Royal Avenue, took the stand and identified himself as a representative of St. Charles at Olde Court Partnership, the owners of the adjacent site. He stated that they control 38-1/2 acres which now contains 312 luxury type apartments, and that permits have been obtained to erect 300 additional units. He stated there are tennis courts, a swimming pool, playground, etc. available for use by his tenants. He also stated that he visits this site regularly and finds traffic at Milford Mill Road and Scotts Level Road already very congested. This is one reason he is objecting to the proposed use of the subject site. He is also fearful of the increased pedestrian traffic past his apartment complex, and the potential increase in area

crime. He also stated that, in his opinion, the requirements of Section 502.1 for the issuance of a special exception have not been met and, therefore, this request should be denied. This concluded the Protestant's case.

After consideration of all the testimony presented in this case, the Board feels that all requirements relative to Section 502.1 for the granting of special exceptions have in fact been met. As a matter of fact, the Board finds it highly inconsistent that a neighboring property owner with 612 planned apartments would object to the potential traffic which would be generated from a property use requiring only 15 parking spaces. Since no apparent violation of any part of Section 502.1 seems, from the testimony, to exist, it is the Order of this Board that the Deputy Zoning Commissioner's decision be upheld and this special exception for a Convalescent Home, as proposed, be granted, subject to the issuance of all necessary and proper County approvals and permits.

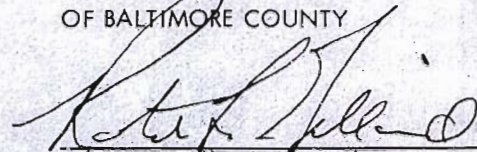
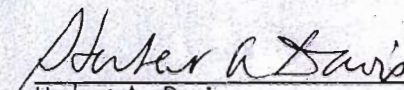
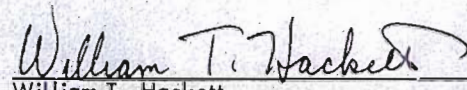
ORDER

For the reasons set forth in the foregoing Opinion, it is this 20th day of May, 1976, by the County Board of Appeals, ORDERED that the special exception for a Convalescent Home petitioned for, be and the same is hereby GRANTED, subject to the following restrictions:

1. That the construction of the subject proposal shall be restricted to the dimensions and layout as indicated on the plat, Petitioners' Exhibit #2, filed in this case.
2. That the Petitioners shall not remove or alter the wooded area as designated along the southerly boundary line of the subject property.
3. That it shall be subject to the issuance of all necessary and proper County approvals and permits.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Robert L. Gilland, Vice Chairman
Herbert A. Davis
William T. Hackett

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
W/S of proposed Scotts Level Road,
1056' S of Old Court Road - 2nd District : DEPUTY ZONING
Empire Enterprises, Inc. - Petitioner : COMMISSIONER
NO. 75-182-X (Item No. 121) :
: OF
: BALTIMORE COUNTY

::: :::: :::: :::: :::: :::: ::::

This Petition represents a request for a Special Exception for a non-profit convalescent home. The property in question is situated on the southwest corner of Chicory Hill Road and the proposed Scotts Level Road, in the Second Election District of Baltimore County. The subject property is proposed to be improved with a two story split level nursing home with facilities for one hundred beds requiring approximately eighty employees.

Testimony by a qualified nursing home administrator-consultant and a real estate expert established that the proposed use would be of a benefit to the area in question. Their testimony was, more or less, verified by the appearance of approximately fifty persons, including area residents, in favor of the Petitioner's request. Testimony of the consultant together with written comments from an independent and qualified traffic expert, satisfactorily established that the proposed use would not interfere with the free flow of traffic on surrounding roads.

Without reviewing all evidence in detail but based on all evidence presented, it is the opinion of the Deputy Zoning Commissioner that the proposed use will satisfy all requirements of Section 502.1 and, as such, should be granted.

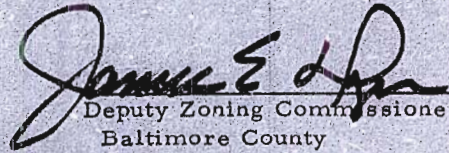
Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 6th day of March, 1975, that the Special Exception for a convalescent home should be and the same is GRANTED from

ORDER RECEIVED FOR FILING

DATE March 6, 1975
BY Stella P. Lawry, Clerk

ORDER RECEIVED FOR FILING

and after the date of this Order, subject to the approval of a site plan by the Department of Public Works, Health Department and the Office of Planning and Zoning.


Deputy Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE March 6, 1935
BY Stella J. Linn
ADMINISTRATIVE ASSISTANT

*See Over to page for
Alignment of Grades*

To Old Court
Road

SCOTT'S LEVEL
Futura Corp. 7

510
510 104

Young Bird E/W

Existing Site
Needed

4706 MIC-Conte

Bit. Conc. Ravinia

Handwritten: *Handwritten*

452 Lower Level
464 Upper Level

PROPOSED 23Y NON-PROFIT
CONVALESCENT HOME

52500 SF Totals
20250 SF / F/

Service
Court

Bit Conc.
- - - - -
Paving

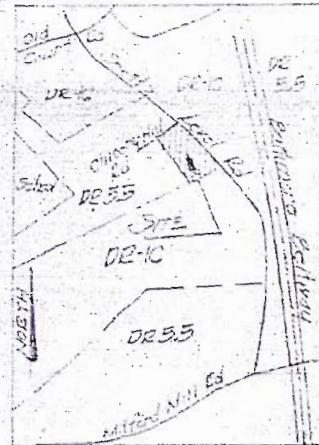
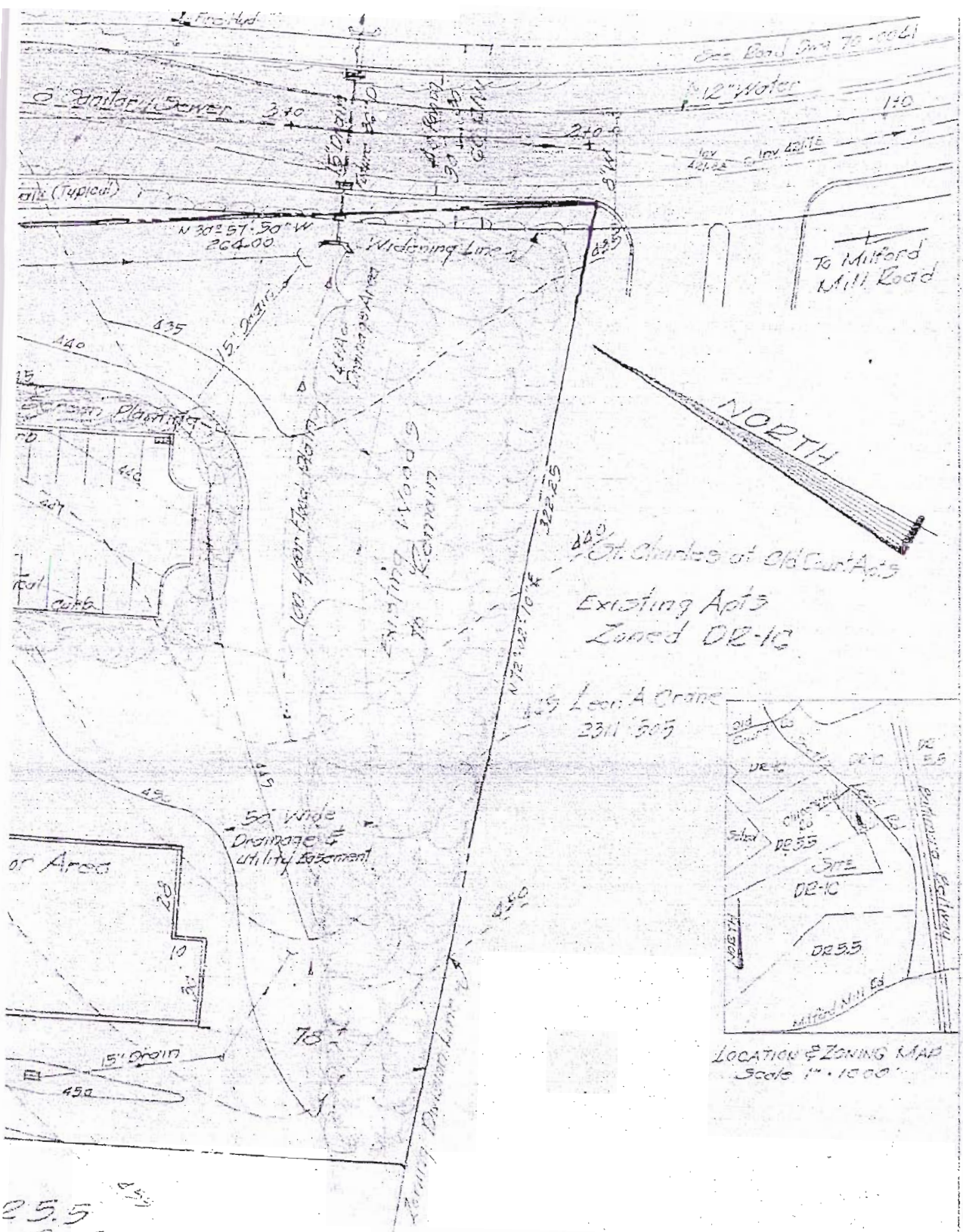
4. High (Min) Temp. set Screen Display

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Zoned
Boulder Fm.

1. Existing Zoning of Tract DR 5.5
2. Proposed Zoning of Tract DR 5.5 with Special Exception for a Non Profit Convalescent Home.
3. Gross Acreage of Tract 3.271 Acres.
4. Proposed Building 2 Story with 150 Beds & 3 Garages
5. Required Parking 150 Beds / 1 space per bed = 150 spaces
6. Proposed Parking 30 spaces

Original Survey Plot, Description & Evidence
from various Associates and Immediate
Environment, 1883
This Plot Enclosed from various parts.



REVISED ZONING PLAT FOR NONPROFIT CONVALESCENT HOME

Attorney
Irvin L. Fishbein, Esq.
1300 First National Bank
Bldg. Baltimore Md 21202
Phone EA 7-7000

Empire Enterprises Inc. &
The Jewish Convalescent and
Nursing Home Society, Inc.

2nd Election District
Baltimore County, Md
Scale 1" = 30'
March 4, 1976
Revised May 10, 1976

IF APPEALS
APPLICANT'S
SUBMIT

2

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - SW/S Scotts Level Road, 48' SE of the c/1 of Chickory Hill Lane (7920 Scotts Level Road) 2nd Election District 2nd Councilmanic District The Jewish Convalescent and Nursing Home Society, Inc. Petitioners

* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 92-96-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve amendments to the special exception and site plan previously approved in Case No. 75-182-X to permit the addition of a walkway, greenhouse, atrium, patio, gazebo and an expansion to the existing parking area, and to determine if, pursuant to Section 432.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), a waiver of the Residential Transition Area (RTA) requirements in Section 1801.1.B.b can be granted for a modification thereof which said RTA requirements are provided to the extent possible as shown on the hearing site plan. The Petitioners also request a variance from Sections 1802.2B and 102.2 of the B.C.Z.R. and from Section V.B.2 of the Comprehensive Manual of Development Policies (CMDP) to permit a rear yard setback of 25 feet in lieu of the required 30 feet for an existing nursing home and from Section 409.B of the B.C.Z.R. to permit a setback between the proposed parking area and the front property line of between 0 and 10 feet in lieu of the minimum required 10 feet, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Murray K. Lilley, Board Member, appeared, testified and was represented by T. Rogers Harrison, Esquire. Also appear-

ing on behalf of the Petitions was Judith Raab with Rosenfelt and Woolfolk, Landscape Planners/Architects. There were no Protestants.

Testimony indicated that the subject property, known as 7920 Scotts Level Road, consists of 2.8998 acres zoned D.R. 5.5 and is improved with a nursing home. Said property was the subject matter of previous Case No. 75-182-X in which Petitioners were granted a special exception for the existing nursing home. Petitioners are desirous of updating the existing facility and improving the quality of life for its residents by adding a greenhouse, atrium, patio, gazebo and walkway to the existing structure. Testimony indicated the waiver of RTA requirements and variances requested are necessary due to the location of existing improvements on the property and their relationship to surrounding residential development. Murray Lilley testified that the proposed improvements will include additional landscape buffering in the affected areas as depicted on Petitioner's Exhibit 3A. Further testimony indicated that the relief requested meets the special exception requirements of Section 502.1 of the B.C.Z.R.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. Further, the modifications proposed are minor in nature and will not adversely affect RTA requirements, which, in the opinion of this Deputy Zoning Commissioner, have been met to the extent possible by the proposed plan. In addition, the proposed modifications will not be detrimental to the public health, safety, and general welfare and can only enhance the overall appearance of this property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25th day of October, 1991 that the Petition for Special Hearing to approve amendments to the special exception and site plan previously approved in Case No. 75-182-X to permit the addition of a walkway, greenhouse, atrium, patio, gazebo and an expansion to the existing parking area, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to determine if, pursuant to Section 432.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), a waiver of the Residential Transition Area (RTA) requirements in Section 1801.1.B.b can be granted to permit a modification thereof, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance from Sections 1802.2B and 102.2 of the B.C.Z.R. and from Section V.B.2 of the Comprehensive Manual of Development Policies (CMDP) to permit a rear yard setback of 25 feet in lieu of the required 30 feet for an existing nursing home and from Section 409.B of the B.C.Z.R. to permit a setback between the proposed parking area and the front property line of between 0 and 10 feet in lieu of the minimum required 10 feet, in accordance with Petitioner's Exhibit 3A, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any permits, Petitioners shall submit a landscape plan for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. A copy of the approved landscape plan shall be submitted to the Zoning Commissioner's Office for final review and inclusion in the case file prior to the issuance of any permits.
- 3) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 11/13/91
By TMK

ORDER RECEIVED FOR FILING
Date 11/23/91
By TMK

ORDER RECEIVED FOR FILING
Date 11/23/91
By TMK

ORDER RECEIVED FOR FILING
Date 11/23/91
By TMK

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

October 23, 1991

T. Rogers Harrison, Esquire
105 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
SW/S Scotts Level Road, 48' SE of the c/1 of Chickory Hill Lane
(7920 Scotts Level Road)
2nd Election District - 2nd Councilmanic District
The Jewish Convalescent and Nursing Home Society, Inc. - Petitioner
Case No. 92-96-SPHA

Dear Mr. Harrison:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been granted 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,

Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Judith Rabb, Rosenfelt & Woolfolk
10706 Reisterstown Road, Owings Mills, Md. 21117

Mr. Murray K. Lilley
6610 Tributary Street, Baltimore, Md. 21224

Robert E. Scher, Esquire
Ober, Kaler, Grimes & Shriver
120 E. Baltimore Street, Baltimore, Md. 21202

People's Counsel

File

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

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 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to the Special Exception and Site Plan granted in Case No. 75-182-X to permit the addition of a walkway, greenhouse, atrium, patio, gazebo and addition to the existing parking area, and to amend the Site Plan accordingly, and to determine if, pursuant to Sec. 432.4, a waiver of the Residential Transition Area requirements in Sec. 1801.1B.b can be granted to provide for a modification of the RTA requirements which are provided to the extent possible as shown on the hearing Site Plan.

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/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Robert E. Scher

(Type or Print Name)

Ober, Kaler, Grimes & Shriver

120 E. Baltimore Street

Baltimore, MD 21202

City and State

Attorney's Telephone No.: 685-1120

Legal Owner(s): The Jewish Convalescent and Nursing Home Society, Inc.

(Type or Print Name)

Signature Bernard Fishbein

Address

City and State

Signature

7920 Scotts Level Road 521-3600

Baltimore, MD 21208 Phone No.

City and State

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

Judy Rabb

Name: ROSENFELT & WOOLFOLK, INC.

10706 Reisterstown Rd., Suite 8

Owings Mills, MD 21117 886-4600

Address Phone No.



OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING - 1/2HR. - 1 1/2 HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
OTHER
REVIEWED BY: CAM H DATE 2/2/91

94



Petition for Variance

to the Zoning Commissioner of Baltimore County

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 Variance from Section CMDP V.B.2 and Sec. 1802.2B and Sec. 102.2 to permit a 25 foot rear yard setback for an existing nursing home in lieu of the required 30 feet as shown on the hearing site plan, and from Sec. 409.B to permit a setback between the parking area and the front property line of between 0 and 10 feet in lieu of the 10 feet required of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)
Compliance with the regulations will create an undue hardship or practical difficulty because compliance with existing regulations will not permit effective use of petitioner's property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance 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/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Robert E. Scher

(Type or Print Name)

Ober, Kaler, Grimes & Shriver

120 E. Baltimore Street

Baltimore, MD 21202-1643

City and State

Attorney's Telephone No.: 685-1120

Legal Owner(s): The Jewish Convalescent and Nursing Home Society, Inc.

(Type or Print Name)

Signature Bernard Fishbein

Address

City and State

Signature

7920 Scotts Level Road 521-3600

Baltimore, MD 21208 Phone No.

City and State

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

Judy Rabb

Name: ROSENFELT & WOOLFOLK, INC.

10706 Reisterstown Rd., Suite 8

Owings Mills, MD 21117 886-4600

Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING - 1/2HR. - 1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
OTHER
REVIEWED BY: _____ DATE _____

95

JEWISH CONVALESCENT AND NURSING HOME

PROPERTY DESCRIPTION FOR ZONING HEARING

92-96-SPHA

AREA OF DESCRIPTION: 2.8998 AC.

Beginning at a point on the southwest side of Scotts Level Road (60 feet wide), at the approximate distance of 48 feet southeast of the centerline of Chicory Hill Road, thence running the 8 following courses and distances:

1. N 89° 13' 42" W - 40.31 feet;
2. S 54° 30' 00" W - 204.04 feet;
3. S 34° 33' 14" E - 460.20 feet;
4. N 63° 30' 00" E - 322.70 feet;
5. Curve to the Left - R = 730 feet, L = 59.71 feet;
6. N 34° 44' 26" W - 96.75 feet;
7. Curve to the Right - R = 710 feet, L = 244.81 feet;
8. N 39° 57' 18" W - 64.64 feet, to the Point of Beginning.

As recorded in deed 5828/364. Containing 2.8998 acres of land, more or less. Also known as 7920 Scotts Level Road and located in the Second Election District of Baltimore County, Maryland.

F:\jobs\050-099\074\074009.wpf

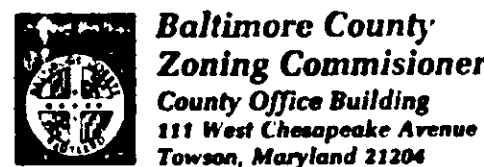
8/22/91

Rosenfelt

94

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: _____ Date of Posting: _____
 Posted for: _____
 Petitioner: _____
 Location of property: _____
 Location of Sign: _____
 Remarks: _____
 Posted by: _____ Date of return: _____
 Number of Signs: _____



Account: R-001-4150
Number

Date: _____

72-96

04A0-00079W1CHRC \$350.00
BA 0010:11A08-22-91
Please Make Checks Payable To: Baltimore County

Cashier Validation

receipt

111 West Chesapeake Avenue
Towson, MD 21204

DATE: 10-15-91

COPY

The Jewish Convalescent and Nursing Home Society, Inc.
 7920 Scotts Level Road
 Baltimore, Maryland 21204

RE:
 Case Number: 92-96-SPHA
 2W/S Scotts Level Road, approximately 48 ft. S/Ely c/l Chickory Hill Lane
 7920 Scotts Level Road
 2nd Election District - 2nd Councilmanic
 Petitioner(s): The Jewish Convalescent and Nursing Home Society, Inc.
 HEARING: MONDAY, OCTOBER 21, 1991 at 11:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 152.94 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE 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 forward your check via return mail to the Zoning office, County Office Building, 111 W. Chesapeake Avenue, Room 111, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

James E. Scher
 Lawrence E. Scher

ZONING COMMISSIONER
 BALTIMORE COUNTY, MARYLAND

Robert E. Scher, Esq.

Baltimore County Government
 Office of Zoning Administration
 and Development Management
 Office of Planning & Zoning

COPY

SEP. 13 1991

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 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 92-96-SPHA
 2W/S Scotts Level Road, approximately 48 ft. S/Ely c/l Chickory Hill Lane
 7920 Scotts Level Road
 2nd Election District - 2nd Councilmanic
 Petitioner(s): The Jewish Convalescent and Nursing Home Society, Inc.
 HEARING: MONDAY, OCTOBER 21, 1991 at 11:00 a.m.

Special Hearing to approve an amendment to the special exception and site plan granted in Case #75-182-1 to permit the addition of a walkway, greenhouse, atrium, patio, garage and addition to the existing parking area and to amend the site plan accordingly; to determine if a waiver of the Residential Transition Requirements can be granted to provide for a modification of the R.T.A. requirements which are provided to the extent possible.
 Valance to permit a 25 foot rear yard setback for an existing nursing home in lieu of the required 30 feet; and to permit a setback between the parking area and the front property line of between zero and 10 feet, in lieu of the 10 feet required.

J. Robert Hines

Zoning Commissioner of
 Baltimore County

cc: The Jewish Convalescent and Nursing Home Society, Inc.
 Robert E. Scher, Esq.
 Judy Kuby/Rosenfeld & Woolfolk, Inc.

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/2/91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/26/91.

THE JEFFERSONIAN,

S. Zeke Orman
 Publisher

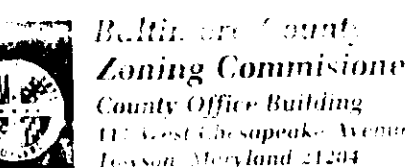
\$ 53.94

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 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 92-96-SPHA
 2W/S Scotts Level Road, approximately 48 ft. S/Ely c/l Chickory Hill Lane
 7920 Scotts Level Road
 2nd Election District - 2nd Councilmanic
 Petitioner(s): The Jewish Convalescent and Nursing Home Society, Inc.
 HEARING: MONDAY, OCTOBER 21, 1991 at 11:00 a.m.

Special Hearing to approve an amendment to the special exception and site plan granted in Case #75-182-1 to permit the addition of a walkway, greenhouse, atrium, patio, garage and addition to the existing parking area and to amend the site plan accordingly; to determine if a waiver of the Residential Transition Requirements can be granted to provide for a modification of the R.T.A. requirements which are provided to the extent possible. Valance to permit a 25 foot rear yard setback for an existing nursing home in lieu of the required 30 feet; and to permit a setback between the parking area and the front property line of between zero and 10 feet, in lieu of the 10 feet required.

Zoning Commissioner of
 Baltimore County
 9/26/91



Account: R-001-4150
Number

Date: _____

72-96

04A0-00079W1CHRC \$350.00
BA 0010:11A08-22-91
Please Make Checks Payable To: Baltimore County

Cashier Validation

receipt

111 West Chesapeake Avenue
Towson, MD 21204

887-3354

Baltimore County Government
 Office of Zoning Administration
 and Development Management
 Office of Planning & Zoning

Your petition has been received and accepted for filing this 22nd day of August, 1991.

Arnold Jablon
 ARNOLD JABLON
 DIRECTOR

Received By:
James E. Scher
 Chairman,
 Zoning Plans Advisory Committee

Petitioner: Jewish Convalescent and Nursing Home, et al
 Petitioner's Attorney: Robert E. Scher

Zoning Plans Advisory Committee Comments
 Date: October 7, 1991
 Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
James E. Scher
 JAMES E. DYER
 Chairman
 Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Bernard Fishbein
 The Jewish Convalescent and Nursing Home
 7920 Scotts Level Road
 Baltimore, MD 21208

October 7, 1991

H. Barnes Mowell, Esquire
 Mudd, Harrison & Burch
 Suite 300, Jefferson Building
 105 West Chesapeake Avenue
 Towson, MD 21204

RE: Item No. 94, Case No. 92-96-SPHA
 Petitioner: Jewish Convalescent and Nursing Home Society, et al
 Petition for Special Hearing and Variance

Dear Mr. Scher:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 30, 1991
 Zoning Administration and Development Management

FROM: Pat Keller, Deputy Director
 Office of Planning and Zoning

SUBJECT: The Jewish Convalescent and Nursing Home Society, Item No. 94

Based upon an analysis of the information provided, staff supports the petitioner's request subject to the following:

Due to concerns this office has regarding the provision of landscaping to buffer the proposed parking area expansion, a landscape plan shall be filed with the Baltimore County landscape planner for approval by the deputy director of the Office of Planning and Zoning. A copy of the approved plan shall be forwarded to the Zoning Office to be maintained in the official file. Since other areas of the site are well landscaped, the plan should focus its attention to the area of the property along Scotts Level Road.

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 887-3211.

PK/JL/rdn
 ITEM94/TXTROZ



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

SEPTEMBER 16, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: THE JEWISH CONVALESCENT AND NURSING HOME
Location: #7920 SCOTTS LEVEL ROAD
Item No.: 94 Zoning Agenda: SEPTEMBER 3, 1991

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.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

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

JF/REK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 24, 1991
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for September 3, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 55, 56, 54, 82, 85, 88, 89, 90, 93, 94, 96, 97, 98, and 99.

For Item 84, see the County Review Group comments for the St. Lukes Apartment site.

For Item 91, the previous County Review Group and Public Works Agreement comments remain in effect.

For Item 92, the previous County Review Group comments remain in effect.

For Item 95, see the County Review Group comments for this site.

For Item 101, comments are reserved for this site until the County Review Group meeting.

[Signature]
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
October 7, 1991

RECEIVED
OCT 10 1991
ZONING OFFICE

TO: ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: RICHARD F. SEIM, PLANS REVIEW CHIEF,
DEPARTMENT OF PERMITS & LICENSES
SUBJECT: ZONING ITEM # 94
PROPERTY OWNER: The Jewish Convalescent & Nursing Home
Society, Inc.
LOCATION: SW/5 Scotts Level Road, approximately 48 feet
SEly of centerline Chikory Hill Lane (#7920 Scotts Level Rd)
ELECTION DISTRICT: 2nd
COUNCILMANIC DISTRICT: 2nd

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 517.0 COUNCIL BILL #192-90 (BALTIMORE COUNTY BUILDING CODE).
- (X) OTHER - These comments do not address the GAZEBO and patio as they are not shown on the site plan.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.
APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY COUNCIL BILL #192-90 EFFECTIVE 1/13/91

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 9, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
FROM: Rahee J. Famili
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: September 3, 1991

This office has no comments for item numbers 54, 82, 85, 88, 89, 90, 91, 93, 94, 96 and 97.

[Signature]
Rahee J. Famili
Traffic Engineer II

RJF/lvd

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 30, 1993

T. Rogers Harrison, Esquire
105 West Pennsylvania Avenue
300 Jefferson Building
Towson, Maryland 21204

RE: Case No. 92-96-SPH
The Jewish Convalescent
and Nursing Home Society -
Petitioner

Dear Mr. Harrison:

Your letter to County Executive Roger B. Hayden, dated August 18, 1993, has been forwarded to me for response.

I feel I must apologize for the length of time this matter has taken to resolve. There is no excuse other than possibly it was because of the reorganization of this office and the shifting of personnel. Still, it concerns me and so I apologize again.

As you know, the petition file does not indicate a duplicate payment for the advertising and posting costs in this matter. However, your assistant, Laura, was able to furnish me with copies of checks, both in the amount of \$152.94, from your firm and from the petitioner. Although the check from the petitioner does not reflect that payment was received by Baltimore County, I feel that it is sufficient proof and am, therefore, authorizing the Office of Finance to refund \$152.94, which you should receive in a week to ten days.

Thank you for your patience and understanding. Please let me know if I can be of any further assistance in this matter.

Sincerely,

[Signature]
ARNOLD JABLON
Director

NJ/SRL/srl

cc: The Honorable Roger B. Hayden

MUDD, HARRISON & BURCH
ATTORNEYS AT LAW

JOHN E. MUDD
T. ROGERS HARRISON
RICHARD C. BURCH
DOUGLAS W. BURCH
H. PATRICK STRINER, JR.

105 WEST CHESAPEAKE AVENUE
300 JEFFERSON BUILDING
TOWSON, MARYLAND 21204
(410) 828-1335
FAX (410) 828-1042

ANDREW JANQUETTO
JAMES R. ANDERSEN

August 18, 1993

Mr. Roger B. Hayden
County Executive
Executive Office
400 Washington Avenue
Towson, Maryland 21204

Re: Planning & Zoning
Case No. 92-96-SPHA

Dear Mr. Hayden:

Can your office help? We have been trying since October of 1991 to get a refund of \$152.94 from the Office of Planning and Zoning. This fee was paid twice, once by our firm and also by our client, Jewish Convalescent & Nursing Home. In addition to the enclosed correspondence, we made numerous telephone calls and got such excuses as "the office that pays refunds is moving." It has been almost two years and we have still not received a refund or even the courtesy of a returned telephone call.

Anything you can do to expedite this refund would be greatly appreciated.

Very truly yours,

[Signature]
T. Rogers Harrison
T. Rogers Harrison

Enclosures

TRH/mdd

AUG 20 1993

MUDD, HARRISON & BURCH
ATTORNEYS AT LAW

JOHN E. MUDD
T. ROGERS HARRISON
RICHARD C. BURCH
DOUGLAS W. BURCH
H. PATRICK STRINER, JR.
ANDREW JANQUETTO
H. ANDERSEN MORRIS

105 WEST CHESAPEAKE AVENUE
300 JEFFERSON BUILDING
TOWSON, MARYLAND 21204
(410) 828-1335
FAX (410) 828-1042

100 MARYLAND TRUST BUILDING
14-00 THE BALTIMORE STREET
BALTIMORE, MARYLAND 21202
(410) 325-0000

October 23, 1991

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Jewish Convalescent & Nursing Home
Petition for Special Hearing and
Petition for Variance
Case Number 92-96-SPHA

Dear Mr. Kotroco:

Would you please see that this letter is included in the zoning file substituting my appearance on behalf of the Jewish Convalescent & Nursing Home in place of that of Robert E. Scher. I recognize that I had entered my appearance at the time of the hearing, but have not formally done so in the past and wanted to make sure that my office does receive a copy of your opinion and order when available.

Lastly, I would like to thank you for the professional and courteous manner in which you conducted the hearing in this matter on October 21, 1991.

Kind regards.

Very truly yours,

[Signature]
T. Rogers Harrison

TRH/lfc

copy - Mr. Murray K. Lilley

RECEIVED
OCT 25 1991
ZONING OFFICE

MUDD, HARRISON & BURCH
ATTORNEYS AT LAW

JOHN E. MUDD
T. ROGERS HARRISON
RICHARD C. BURCH
DOUGLAS W. BURCH
H. PATRICK STRINER, JR.

105 WEST CHESAPEAKE AVENUE
300 JEFFERSON BUILDING
TOWSON, MARYLAND 21204
(410) 828-1335
FAX (410) 828-1042

ANDREW JANQUETTO
JAMES R. ANDERSEN

September 20, 1993

Ms. Gwen Stevens
Baltimore County Government
Office of Planning & Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No: 92-96-SPHA

Dear Ms. Stevens:

Pursuant to your telephone advice to my secretary last week, enclosed find copies of the two checks which paid the advertising and posting fee in captioned case. The amount of \$152.94 should be refunded to this firm.

Your prompt attention to this matter is appreciated.

Very truly yours,

[Signature]
T. Rogers Harrison

Enclosures

TRH/mdd

RECEIVED
SEP 21 1993
ZACV

PIKEVILLE ZONING MAP

SCALE 1" = 200' ±

DATE OF PHOTOGRAPHY JANUARY 1986

LOCATION

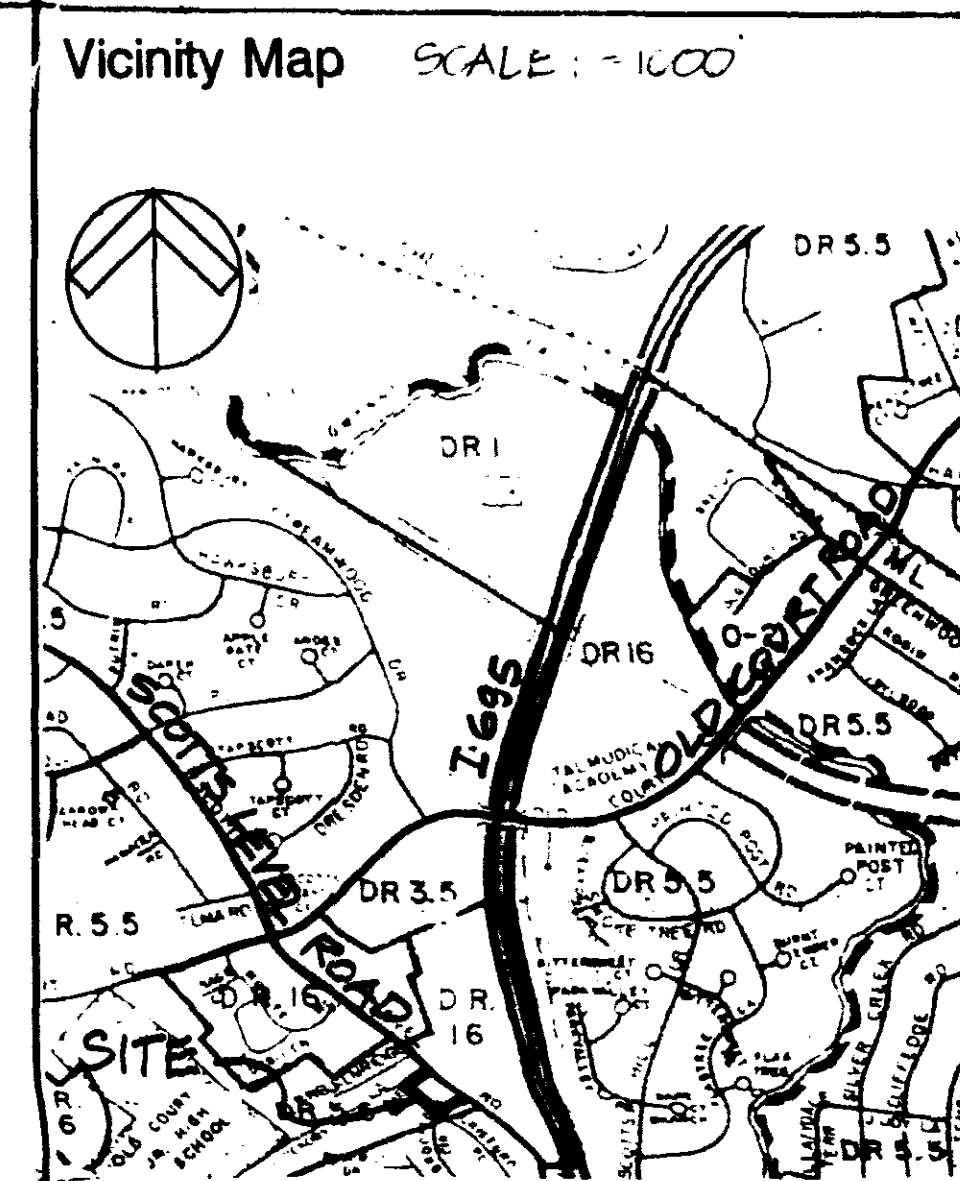
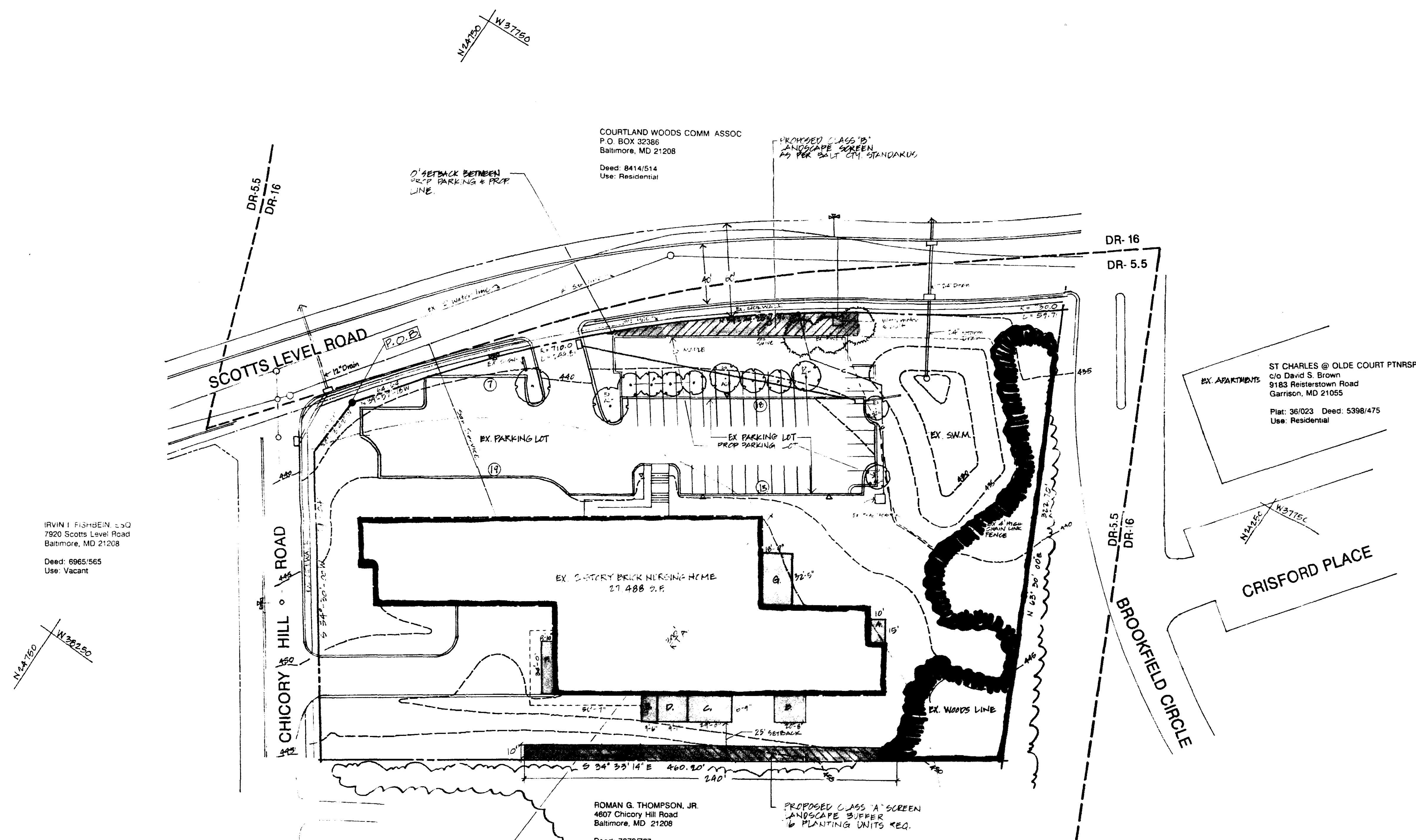
PIKEVILLE AREA

92-96-SPHA

94

92-96-SPHA

**PETITIONER'S
EXHIBIT #3A**



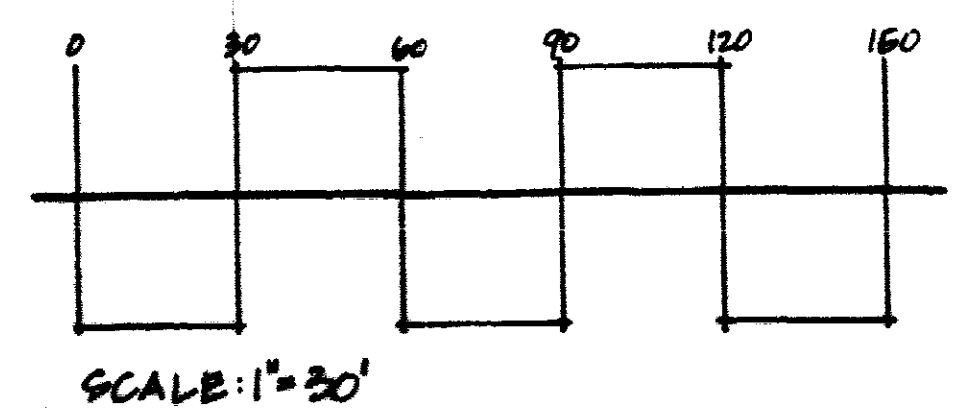
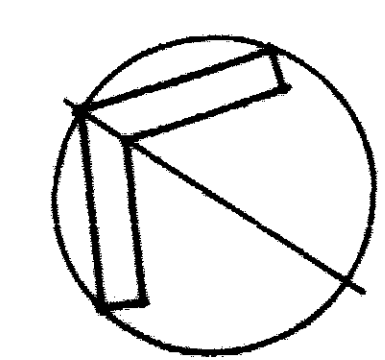
Legend - Proposed Additions

- A Electrical Box
- B Greenhouse
- C Storage
- D Elevator Tower
- E Mechanical Vestibule
- F Storage
- G Atrium

ST CHARLES @ OLDE COURT PTNRSP
c/o David S. Brown
9183 Reisterstown Road
Garrison, MD 21055
Plat: 36/023 Deed: 5398/475
Use: Residential

CRISFORD PLACE

- EX. NURSING HOME OUTLINE
- PROPOSED ADDITIONS
- EX. WOODS LINE
- PROPOSED LANDSCAPE BUFFER



**Plan To Accompany
Special Hearing & Variance**

**JEWISH CONVALESCENT
& NURSING HOME**

7920 Scotts Level Road
2nd County Council District
Election District No. 2
Pikesville, Maryland



REVISIONS:	DATE: 8/12/91
	JOB NO: 074/009
	DESIGNED: AS
	DRAWN: AS
	CHECKED: TNW
	SCALE: 1" = 30'
	DRAWING NUMBER:

ROSENFELD & WOOLFOLK
CIVIL ENGINEERS/LAND PLANNERS/
LANDSCAPE ARCHITECTS
Owings Mills Professional Center
10709 Tellerstown Road
Owings Mills, MD 21117
Telephone: (301) 358-4800

ZON 1
SHEET 1 OF 1

PETITIONER'S EXHIBIT #38

GENERAL NOTES

- Owner/Applicant** Jewish Convalescent and Nursing Home
 7920 Scotts Level Road
 Pikesville, Md. 21208
 (301) 521-3600
- Deed Reference** SK28/364
- Tax Account No.** 0202650500
- Site Data** 2.8998 AC
 Acreage 2
 Election District 2
 Council District 1023.01
 Census Tract 27
 Watershed 04
 Subwatershed 04
- Existing and Proposed Use**
 Existing Use Non-Profit Nursing Home
 Proposed Additions Walkway
 Greenhouse
 Atrium
 Patio
 Gazebo
 Parking Area Addition
- Site Development Information**
 Existing water and sewer in Scotts Level Road. No new connections are proposed.
 No change is proposed to the existing entrance drive.
 Scotts Level Road has been improved to full pavement width.
 No new signs are proposed on the site.
- Parking Calculations**
 151 Beds @ 1 bed/3 spaces = 51 spaces required
 Existing Parking 54 spaces
 Proposed Parking 73 spaces
 70 standard
 3 handicapped
- Zoning**
 Subject Property: DR-5.5
 Adjoining Properties: DR-5.5 and DR-16
- Zoning History**
 Petition for Special Exception for Nursing Home approved 3/6/75 (Case No. 75-182-X)
 Zoning Board of Appeals affirmed the Special Exception approval on 5/20/75, subject to the following restrictions:
 1. That the construction of the subject proposal shall be restricted to the dimensions and layout as indicated on the plat, Petitioner's Exhibit #2, filed in this case.
 2. That the Petitioners shall not remove or alter the wooded area as designated along the southerly boundary line of the subject property.
 3. That it shall be subject to the issuance of all necessary and proper County approvals and permits.
- Residential Transition Requirements**
 A portion of the property is within a Residential Transition Area.
 RTA Requirements:
 Maximum building height 35 ft.
 Maximum height of lighting fixtures 16 ft.
 Lighting to be designed and placed to prevent spillage onto any adjoining dwelling or lot.
 Setback to rear of building 150 ft.
 Buffer along rear property line 75 ft.
- A Special Hearing will be held pursuant to Sec. 500.6 for an amendment to the Special Exception and Site Plan granted in Case No. 75-182-X to permit the addition of a walkway, greenhouse, atrium, patio, gazebo and addition to the existing parking area, and to amend the Site Plan accordingly, and to determine if, pursuant to Sec. 432.4, a waiver of the Residential Transition Requirements in Sec. 1801.1B1.b can be granted to permit modification of the RTA requirements which are provided to the extent possible as shown on the hearing Site Plan.
- A variance will be requested from CMDP V.B.2 and Sec. 1802.2B and Sec. 102.2 to permit a 25 foot rear yard setback for an existing nursing home in lieu of the required 30 feet as shown on the hearing site plan.
- A variance will be requested from Sec. 409.B to permit a setback between the parking area and the front property line of between 0 and 10 feet, in lieu of the 10 feet required.
- Landscaping Requirements**
 Class "B" Screen to be provided between parking area and Scotts Level Road per Baltimore County Landscape requirements.
 Class "A" Screen to be provided along west property line per Baltimore County landscape requirements.
 Existing woods to be retained along south side of property as shown on hearing Site Plan.

Plan To Accompany
 Special Hearing & Variance

JEWISH CONVALESCENT & NURSING HOME

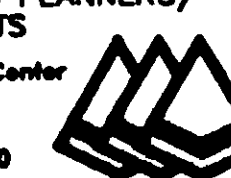
7920 Scotts Level Road
 2nd County Council District
 Election District No. 2
 Pikesville, Maryland



REVISIONS:	DATE: 6-18-91
	JOB NO.: 074/909
	DESIGNED: AG
	DRAWN: AG
	CHECKED: TNW
	SCALE: N/A

ROSENFELT & WOOLFOLK
 CIVIL ENGINEERS/LAND PLANNERS/
 LANDSCAPE ARCHITECTS

Orange Mills Professional Center
 10708 Reisterstown Road
 Orange Mills, MD 21117
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DRAWING NUMBER:	ZON 2
SHEET 2 OF 2	