

IN THE MATTER OF * BEFORE THE
THE APPLICATION OF * COUNTY BOARD OF APPEALS
CHESTNUT HILL NEIGHBORHOOD *
ASSOCIATION * OF
FOR A SPECIAL HEARING ON * BALTIMORE COUNTY
PROPERTY LOCATED AT THE SOUTH- *
EAST SIDE CHESTNUT AVENUE, * CASE NO. 93-204-SPH
152' NORTH OF PICCADILLY RD. *
(615 CHESTNUT AVENUE) *
9TH ELECTION DISTRICT *
4TH COUNCILMANIC DISTRICT *

ORDER OF DISMISSAL

This case comes to this Board on appeal from a decision of the Zoning Commissioner dated March 22, 1993 in which the Petition for Special Hearing was denied.

This matter was scheduled for hearing before the Board on Tuesday, August 17, 1993 at 10:00 a.m. Appearing were J. Carroll Holzer, Esquire, Counsel for Appellants /Petitioners, Chestnut Hill Neighborhood Association and John Hodge-Williams, President, and Howard L. Alderman, Jr., Esquire, Counsel for Pickersgill, Inc. In open hearing and on the record, Counsel for Appellant moved for dismissal of the appeal pursuant to resolution of issues reached between the parties.

Upon receipt of the above motion to dismiss, the Board will therefore dismiss this appeal, and will so order.

IT IS HEREBY ORDERED this 27th day of August, 1993 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 93-204-SPH be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

John H. Lipowitz
John H. Lipowitz

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

IN RE: PETITION FOR SPECIAL * BEFORE THE
HEARING * ZONING COMMISSIONER
SE/S Chestnut Avenue, *
152' N of *
Piccadilly Road *
(615 Chestnut Avenue) *
9th Election District * BALTIMORE COUNTY
4th Councilmanic District *
John Hodge-Williams * Case No.: 93-204-SPH
President *
Chestnut Hill Neighborhood *
Association *

Petitioners *

NOTICE OF APPEAL

The Chestnut Hill Neighborhood Association, a non-incorporated Association, by its President, John Hodge-Williams, Betsy Sexton and Sara Daignault, Individuals, Petitioners, by and through their attorney, J. Carroll Holzer, hereby note an appeal to the County Board of Appeals from the Decision and Order of the Zoning Commissioner dated March 22, 1993 in the matter of Petition for Special Hearing, Case No.: 93-204-SPH.

Attached is a check made payable to Baltimore County to cover the costs of the appeal.

J. CARROLL HOLZER, Esquire
Holzer, Maher, Demilio & Lee
305 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204
410-825-6960

LAW OFFICE
HOLZER, MAHER,
& DEMILIO
305 WEST CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND
21204
(410) 825-6960

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of April, 1993, a copy of the foregoing Notice of Appeal was mailed, postage pre-paid to: Julius Lichter, Esquire, Levin & Gann, P.A., 305 West Chesapeake Avenue, Suite 113, Towson, Maryland 21204 and Baltimore County Board of Appeals, Old Courthouse, Room 49, Towson, Maryland 21204.

J. CARROLL HOLZER, Esquire



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

August 27, 1993

J. Carroll Holzer, Esquire
HOLZER, MAHER, DEMILIO & LEE
305 W. Chesapeake Avenue, Suite 105
Towson, MD 21204

RE: Case No. 93-204-SPH
Chestnut Hill Neighborhood
Association, Petitioner

Dear Mr. Holzer:

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

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl

cc: Mr. John Hodge-Williams, President
Chestnut Hill Neighborhood Association, Inc.
Julius W. Lichter, Esquire
Howard L. Alderman, Jr., Esquire
Ms. Elizabeth M. Sexton
Ms. Sarah P. Daignault
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director /ZADM

appeals@chestnut.net

2

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SE/S Chestnut Avenue, 152' N * ZONING COMMISSIONER
of Piccadilly Road *
(615 Chestnut Avenue) * OF BALTIMORE COUNTY
9th Election District *
4th Councilmanic District * CASE NO. 93-204-SPH
John Hodge-Williams, President *
Chestnut Hill Neighborhood Asso. *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for the subject property known as Pickersgill, located at 615 Chestnut Avenue, in Towson, Maryland. The Petition was filed by John Hodge-Williams as President of the Chestnut Hill Neighborhood Association, Inc., the community of which is located adjacent to the subject site. The property in question is owned by Pickersgill, Inc. The Petitioners seek an interpretation as to whether the height of certain new additions to the existing facility at Pickersgill are violative of Section 1B02.2.A of the B.C.Z.R. Specifically, the Petitioners allege that the subject additions exceed the height limitation of 50 feet as set forth in that regulation.

Pursuant to the applicable provisions of law, this case was scheduled for a public hearing and notice of same was posted on the property and advertised. At the hearing, the Petitioners were represented by J. Carroll Holzer, Esquire. Pickersgill, Inc. was represented by Howard L. Alderman, Jr., Esquire and Julius W. Lichter, Esquire. Numerous residents of the area appeared both in support of and in opposition to the relief requested herein.

Preliminarily, Counsel for Pickersgill observed that the Chestnut Hill Neighborhood Association was not incorporated. Mr. Alderman proffered that, based upon his investigation of the status of the association with the Maryland Department of Assessments and Taxation, there was no such corporation registered in Maryland. Therefore, he requested that the Petition be dismissed in that the Petitioner was not of proper legal status. However, this objection was overruled when Mr. Holzer substituted Elizabeth L. Sexton and Sarah P. Daignault as Petitioners. These two individuals are both members of the community association who were present at the hearing and were willing to appear as Petitioners. Thus, with Mr. Holzer's amendments, I believe the matter is properly before me from a procedural standpoint.

As noted above, the real issue arising from this case relates to the height of certain additions to the Pickersgill facility. In this regard, a history of this project is significant. The property contains approximately 16.4 acres, split zoned D.R. 3.5 and D.R. 5.5. Originally, the property was approved for use as a convalescent nursing home, pursuant to Petitions for Special Exception and Special Hearing in Case Nos. 4323X and 83-253-SPH. The property has been used in this manner for some time. On July 13, 1989, the Baltimore County Review Group (CRG) granted approval to allow certain renovations and additions to the existing facility as well as the construction of 100 apartments for well elderly. Subsequently, Pickersgill filed a Petition for Special Hearing to amend the previously approved site plan and bring same into compliance with the approved CRG plan. Also, an interpretation of the available density on this site was requested. Simultaneously, several of the neighbors, who no doubt include the Petitioners in this case, filed their own Petition for Special Hearing

related to the density issue and proposed improvements. These Petitions were ultimately ruled upon by the then Zoning Commissioner, J. Robert Haines. In that neither party was satisfied with the determination made, appeals were filed to the County Board of Appeals.

Prior to the hearing before the Board, the litigants reached an agreement to resolve the disputes between them. A restricted covenant was entered into by the parties on May 23, 1990 and incorporated in the opinion of the Board on June 25, 1990. Thereafter, development proceeded in accordance with the approved plan. Further, many of the proposed additions have, in fact, been completed. Dissatisfied with the height of these structures and believing that same are not lawful, the Petitioners filed the instant Petition.

As to the law of this case, the parties are in agreement as to the Sections of the B.C.Z.R. which are controlling. In that the property is split zoned D.R. 5.5 (12.78 acres) and D.R. 3.5 (3.62 acres), it is agreed that Section 1B02.2.A of the B.C.Z.R. regulates the permitted height of buildings on this site. That Section limits buildings to a height of 50 feet. Further, Section 101 of the B.C.Z.R. defines the term "building height" as "The height of the highest point on a building or other structure as measured by the vertical distance from the highest point on the structure to the horizontal projection of the closest point at exterior grade. In instances where it is obvious that the exterior grade has been artificially built up above natural or surrounding finished grade, the vertical distance will be measured by projecting the natural or surrounding finished exterior grade to the closest point (foundation, wall)." Further, this definition is the subject of discussion in the Zoning Commissioner's Policy Manual. That Policy, which is found on Page

1-8 of the Manual, was submitted as Petitioner's Exhibit 2, and replaced a prior policy when the current definition of building height was adopted within the enactment of Bill No. 151-88. A copy of the prior Policy Manual was submitted as Petitioner's Exhibit 3.

As a basis in support of the Petition, the Petitioners produced the testimony of James S. Patton, a licensed engineer, who is familiar with the B.C.Z.R. Mr. Patton testified that, based on his field study and application of the regulations thereto, the height of the building additions at Pickersgill exceed 50 feet and therefore, violate the height limitations imposed by the B.C.Z.R. Specifically, he noted that his field study concluded that the peak of the Pickersgill roof was 494.8 feet in elevation, and that the average elevation of the ground around the addition was 441.3 feet. Thus, Mr. Patton concluded that the average height of the structure was 53.1 feet, slightly more than that allowed under the regulations. Mr. Patton also diagrammed the perimeter of the Pickersgill addition and determined that the length of same was 1280 feet. Based on his measurements from grade to roofline, as shown on Petitioner's Exhibit 5, he concluded that only 14% of the structure complied with the 50-foot height limitation.

Also testifying in support of the Petition was James C. Rohde, a landscape architect. His testimony, although appropriate within his expertise, did not address the issue presented in this case. That is, rather than testifying as to the building height and an interpretation of the B.C.Z.R. (the sole issue presented), Mr. Rohde testified that the appearance of the addition could be softened by additional landscaping. However, as was noted during cross-examination, the project complies with the Balti-

ORDER RECEIVED FOR FILING
Date 8/27/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 8/27/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 8/27/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 8/27/93
By [Signature]

**BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
CASE NO.: 93-204-SPH**

DEFENDANTS POST-HEARING MEMORANDUM

Pickersgill, Inc., a Maryland non-profit organization and Defendant in the above-captioned case (hereinafter "**Pickersgill**" or "**Defendant**"), files this Post-Hearing Memorandum pursuant to the request made by the Petitioner in this action.

FACTS

Pickersgill is the owner of approximately 16.4 ± acres of land on the East side of Chestnut Avenue, being more particularly described as 615 Chestnut Avenue (the "**Property**"). Prior to the construction which is the subject of the controversy in the instant action, Pickersgill was improved with a convalescent/nursing home granted under a Special Exception pursuant to the Baltimore County Zoning Regulations ("**BCZR**") in Case Nos. 4323-X and 83-253-SPH. Approximately 12.78 acres of the Property are presently zoned DR 5.5 and approximately 3.62 acres are presently zoned DR 3.5.

The Baltimore County Review Group ("CRG"), on July 13, 1980, granted final approval to the Pickersgill Addition Plan which contemplated renovations and additions to the then existing improvements, as well as the construction of 100 apartments for the well elderly. This approval was given over the objections of several of the neighbors, who subsequently appealed the final CRG action to the County Board of Appeals for Baltimore County ("Board").

Pickersgill filed previously with the Zoning Commissioner a Petition for Special Hearing¹ to amend the previously approved site plan, consistent with the approved CRG Plan, and for a determination of

¹ The Petition was docketed as Case No. 89-538-SPH.

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IN RE:	*	BEFORE THE
615 CHESTNUT AVENUE	*	ZONING COMMISSIONER
9th ELECTION DISTRICT	*	OF
CHESTNUT HILL NEIGHBORHOOD ASSOCIATION, INC.	*	BALTIMORE COUNTY
Petitioner	*	Case No.: 93-204 SPH
PICKERSGILL, INC.	*	
Legal Owner	*	

PETITIONER'S POST-HEARING MEMORANDUM

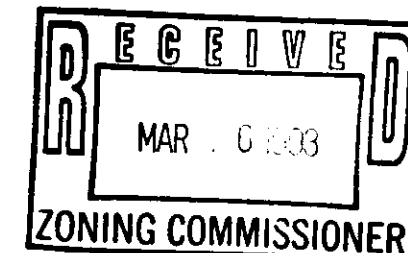
Chestnut Hill Neighborhood Association, a non-incorporated Association, Sara Dagnault, Betsy Sexton, John Hodge-Williams, Petitioners, files this Post-Hearing Memorandum in lieu of final argument.

Facts

The Petition for Special Hearing in regard to the property located at 615 Chestnut Avenue, Baltimore County, Maryland, which is known as Pickersgill, Inc., was filed to determine whether or not under the Baltimore County Zoning Regulations and more particularly under Section 101, Definitions, pertaining to building height, and Section 101 and former Section RM-6 of the Zoning Commissioner's Policy Manual, the height of the new additions to the existing facility known as Pickersgill, are in violation of Section 1B02.A of the Baltimore County Zoning Regulations. It is alleged by

LAW OFFICES
HOLZER, MAHER
& DEMILO
305 W. CHESAPEAKE AVENUE
SUITE 505
TOWSON, MARYLAND
21204

(301) 825-4800



PLEASE PRINT CLEARLY

~~DESTRUCTION~~ SIGN-IN SHEET

NAME _____

ADDRESS

Margaret Pernettich
Cindy Glewens
Ginnie Schmidt
Ann W. Mangels
Brent Hat
William H. HUNTER, JR.
Susan W. Hunter
Marilyn E. Kleuter
KENNETH R. GLEAUBER
Ann W. Hunter
Todd W. & Terri Ann
Matthew C. Holmes
Zalany 3 Days
Rosemary May
Emma L. Bright
Daph T. Butler
Anne E. Hall
Aron Spauldon
Shafer Andersen
James C. Drake
Ross P. Mochon
Willa S. Skinner
Harriet J. Fawcett
Martha R. Lancaster

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME _____

ADDRESS

Elmer H. Sexton
Thomas Sexton
James Hefley
Erwin W. / Huber
Harry R. Kachel
John L. Jahnke
Ruth S. Foster
W. Eugene G. Bunkley
James E. Bunkley
- Gerald P. Desjardins
JOHN ROHRE
Philip Hoffman
Howard Patton
? Virginia Wolf
Gail B. Lawrence

600 Chestnut Ave. Tomsen
600 Chestnut Ave. Tomsen
680 Chestnut Ave. Tomsen
620 Chestnut Ave. Tomsen
545 Pecanely Rd. Tomsen
614 Cassie Blvd.
114 Chestnut Ave.
520 Chestnut Ave.
520 Chestnut Ave.
606 Chestnut St. E.
1118 CHATELAIN AVE.
514 Pecanely Road Tomsen
623 Chestnut Ave 2nd fl.

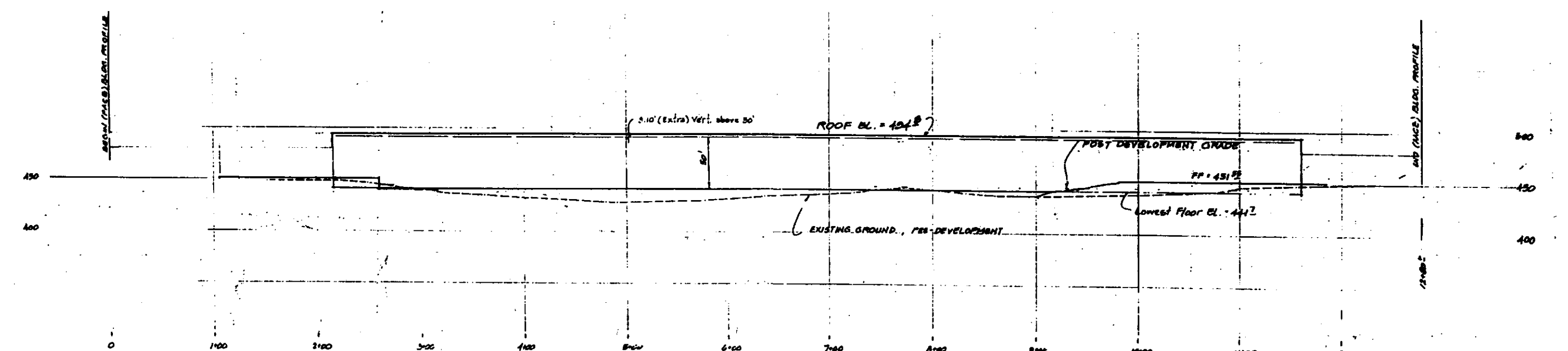
PLEASE PRINT CLEARLY

~~PETITIONER(S)~~ SIGN-IN SHEET

NAME

ADDRESS

Carolyn F. McEwen
 Mary R. Miller
 Sherman Reed
 Charles Holmes
 Mary Moore Holmes
 George M. Moore
 Wendell Thompson
 W. L. Hume
 JAMES E. MATS
 202 CHURCH STREET S. Rm. 21212
 1820 Circle Rd, Baltimore 21204
 722 Morningside Dr. 21204
 1330 Bell Lane Blk. 4000 N.W. 21117
 722 Morningside Dr. Towson 21204
 17205 Hunter Ave Rd. Upperco 21155
 223 Ridgeland Rd 21210
 16 Maryland Rd 21212
 G. W. Sexton 65B Potomac Dr.
 FREDERICK 21201



PROFILE ALONG FACE OF BUILDING

SCALE: Hor. 1"=100' Vert. 1"=100'

PC Ltd.
Patton Consultants, Ltd.
305 W. CHESAPEAKE AVE., SUITE 305
TOWSON, MARYLAND 21204
(301) 296-2140 FAX: (301) 296-0419

**SITE PLANNERS • ENGINEERS
LAND DEVELOPMENT CONSULTANTS**

**SITE PLANNERS • ENGINEERS
LAND DEVELOPMENT CONSULTANTS**

Page 1

11/60 12-60

ING

93-204-SF1

STATE OF MARYLAND
JAMES STEPHEN PETERSON
JAN 1963
JAMES STEPHEN PETERSON
JAN 1963
JAMES STEPHEN PETERSON
JAN 1963

HEIGHT DETERMINATION
PICKERSGILL

212

DATE: 12/3/22

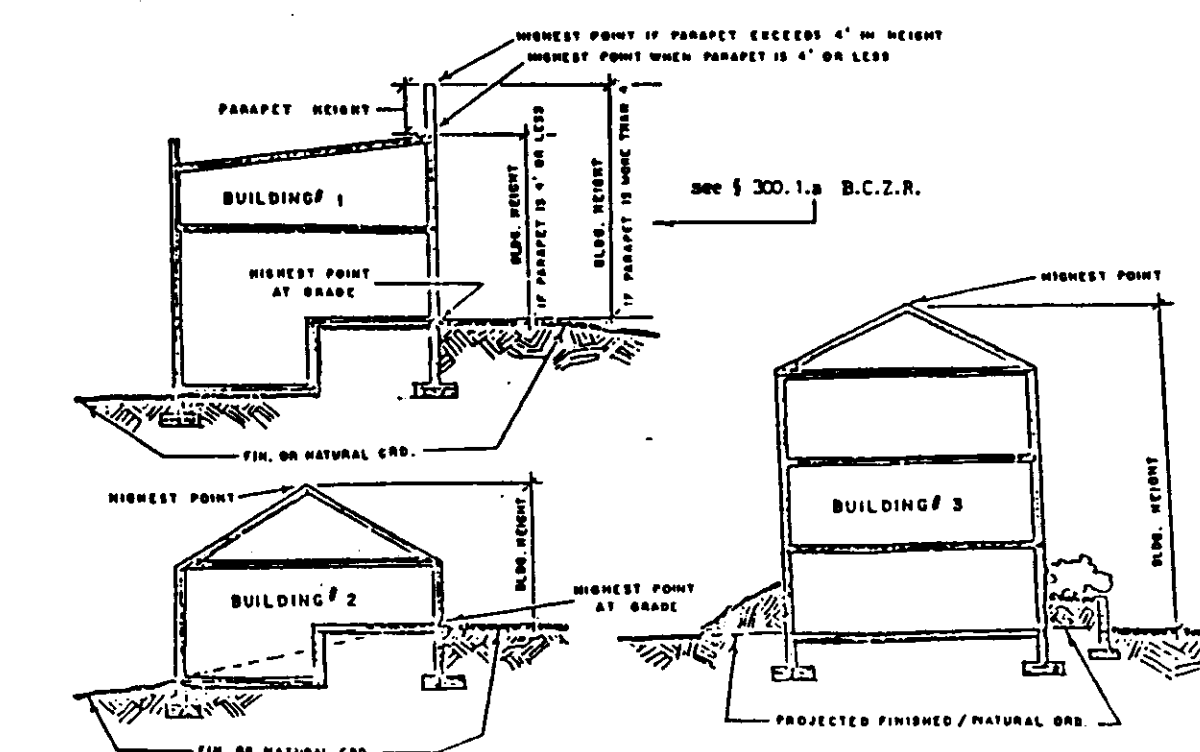
DRAWN:	CHECKED: JSP	JOB# 9231	SCALE: As Shown	SHT.
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EXH A

ZONING COMMISSIONER'S POLICY MANUAL

101 BUILDING HEIGHT DETERMINATION

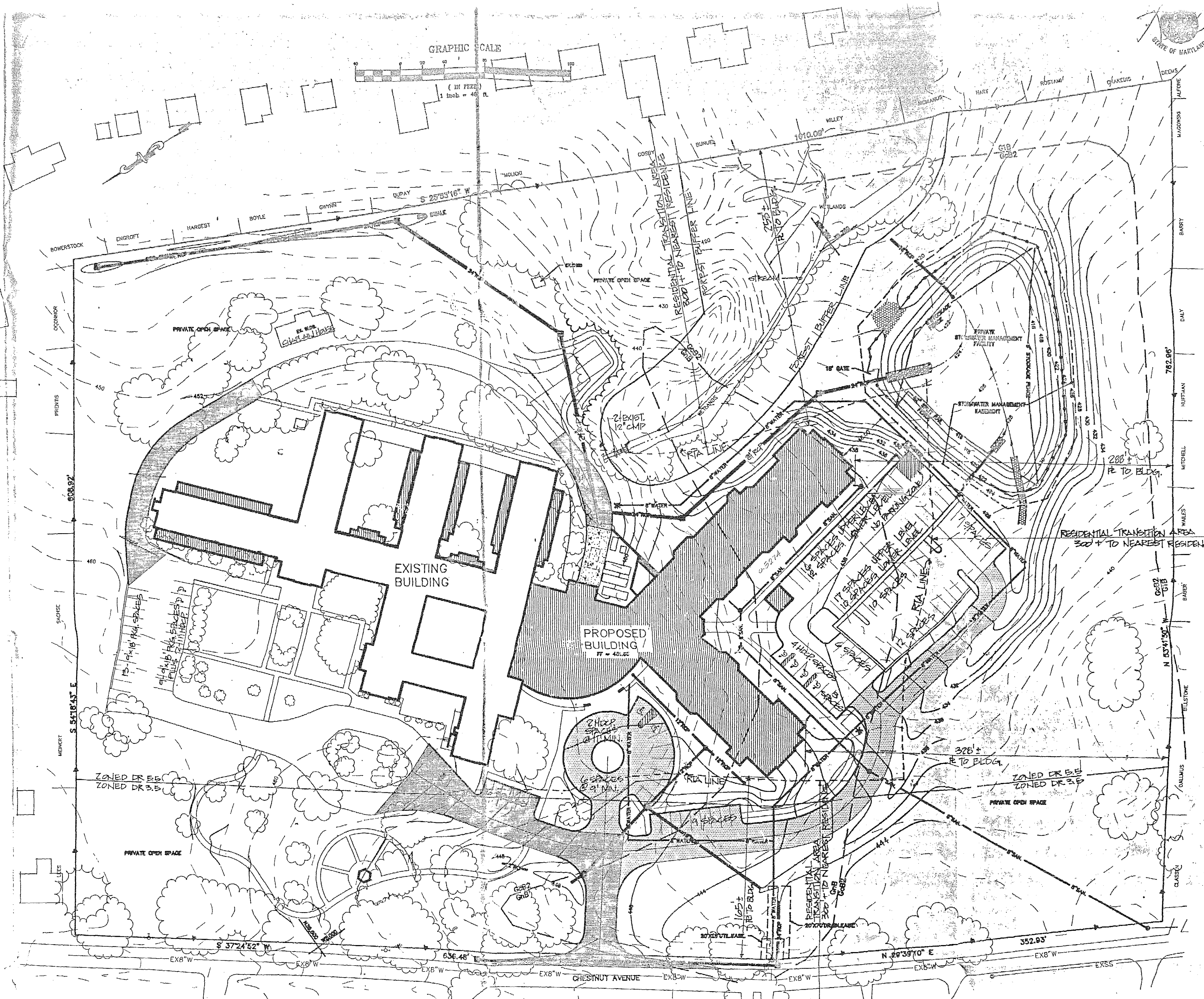
The following diagrams are provided to further clarify the method of interpretation to be used by the Zoning Commissioner.



PETITIONER'S
EXHIBIT No 2

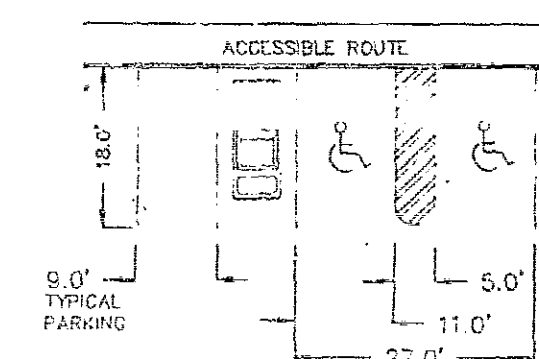
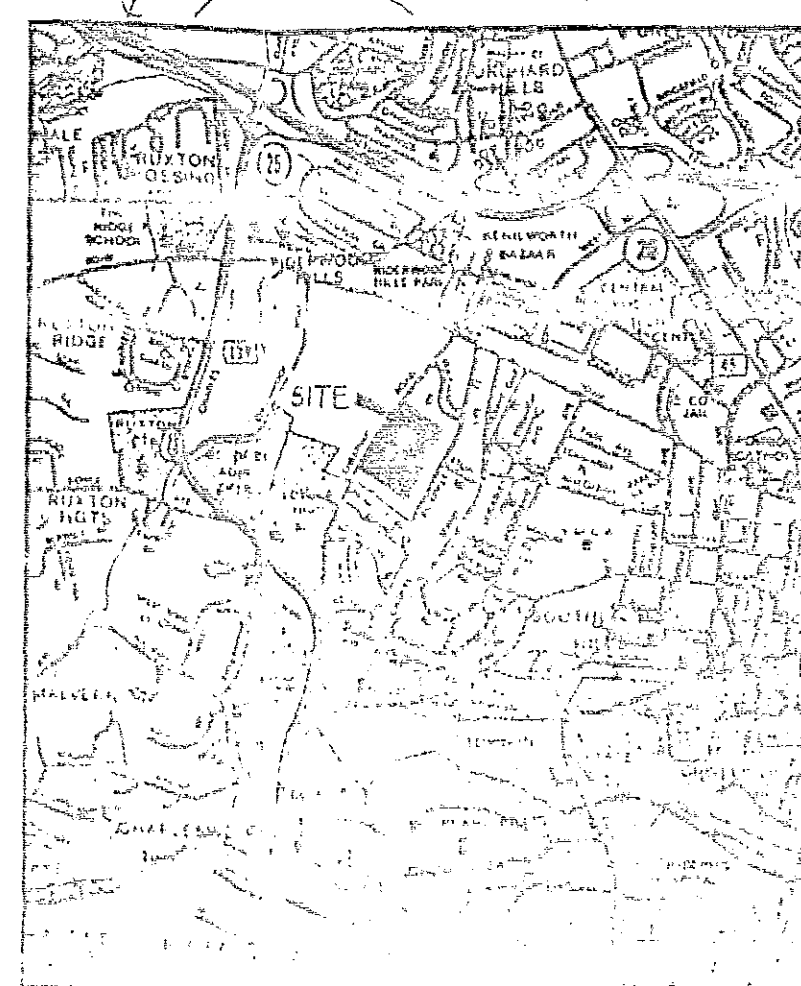
Parent Policy Manual

- GENERAL NOTES
1. SITE ACREAGE: NET - 15.95 AC.
GROSS - 16.40 AC.
 2. EXISTING ZONING: 12.78 AC - DR 5.5
3.62 AC - DR 3.5
 3. EXISTING USE OF PROPERTY: NURSING HOME (160 BEDS)
 4. PROPOSED USE OF PROPERTY: HOUSING FOR THE WELL ELDERLY/NURSING HOME
 5. DENSITY DATA: (BASED ON BDZ - 1802.2A)
PERMITTED: 12.78 AC X 5.5 = 70.290
3.62 AC X 3.5 = 12.635
TOTAL PERMITTED: = 82.925 DENSITY UNITS
PROPOSED: 71 DENSITY UNITS
- | UNIT TYPE | APART/UNIT TYPE X CONVERSION FACTOR | DENSITY UNITS |
|-----------------|-------------------------------------|---------------|
| STUDIO | 7 X 0.50 | 3.5 |
| ONE BEDROOM | 18 X 0.75 | 13.5 |
| ONE BEDROOM/DEN | 36 X 0.75 | 27.0 |
| TWO BEDROOM | 18 X 1.00 | 18.0 |
| TWO BEDROOM/DEN | 36 X 1.00 | 36.0 |
| TOTAL PROPOSED | 81 ACTUAL UNITS | 102.0 |
- (ADD 1 DENSITY UNIT FOR EX. CHAPLAIN RES.) = 71.0
6. PARKING: BASED ON B.C.Z.R. - 409.6 A.1
REQUIRED: EXISTING NURSING HOME - 160 BEDS + 3 = 56 SPACES
WELL ELDERLY APARTMENTS (CLASS B) = 57 SPACES
TOTAL PARKING REQUIRED = 113 SPACES
PROPOSED: EXISTING NURSING HOME - EXISTING SPACES = 114
EX. NURSING HOME SPACES TO BE REMOVED = 30
EX. NURSING HOME SPACES TO REMAIN = 24
PROPOSED PARKING FOR WELL ELDERLY = 122
TOTAL PARKING PROVIDED (INCLUDING B.H.C. SPACES) = 144
 7. ADT (AVERAGE DAILY TRAFFIC) CALCULATIONS AS SHOWN ON PLAN ARE PER THE BUREAU OF TRAFFIC ENGINEERING, DEPARTMENT OF PUBLIC WORKS, BALTIMORE COUNTY, MD.
 8. LOCAL OPEN SPACE:
REQUIRED: 650 SQ. FT./DWELLING UNIT = 56,550 SQ. FT. (1.30 ACRES)
(650 X 87)
PROPOSED: = 318,859 SQ. FT. (7.32 ACRES)
ALL LOCAL OPEN SPACE TO BE OWNED AND MAINTAINED BY PICKERSGILL, INC.
 9. REFUSE COLLECTION WILL BE BY PRIVATE CONTRACTOR.
 10. LANDSCAPE REQUIREMENTS:
1 TREE/DWELLING UNIT = 87 TREES
LANDSCAPING PROPOSED:
EXISTING TREES TO REMAIN = 75+ TREES
PROPOSED TREES = 200+ TREES
TOTAL TREES TO BE PROVIDED = 275+ TREES
ALL PARKING AREAS, TRASH DUMPSTERS AND SWM AREAS TO BE SCREENED FROM RESIDENTIAL PREMISES, AS PER BALTIMORE COUNTY LANDSCAPE MANUAL.
A FINAL LANDSCAPE PLAN WILL BE SUBMITTED, REVIEWED AND APPROVED BY BALTIMORE COUNTY PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT.
 11. THERE IS AN ON-SITE OIL RECOVERY OPERATION AT THE LOCATION SHOWN ON THE PLAN WHICH IS MAINTAINED UNDER MARYLAND STATE DEPARTMENT OF THE ENVIRONMENT, OIL OPERATIONS - PERMIT NO. 88 0P0489.
 12. THIS SITE IS VOID OF THE FOLLOWING: (TO THE BEST OF OUR KNOWLEDGE):
HISTORIC BUILDINGS CRITICAL AREAS
ARCHAEOLOGICAL SITES
ENDANGERED SPECIES HABITAT
EX. WELLS OR SEPTIC WITHIN 100' OF PROPERTY LINES
FLOOD PLAINS
25% OR GREATER SLOPES
 13. LIGHTING SHALL BE ARRANGED AS TO LOCATION, DIRECTION, GLARE AND INTENSITY SO AS NOT TO SHINE OR REFLECT ON ADJOINING PREMISES
 14. WETLANDS AND STREAM HAVE BEEN FIELD LOCATED AND HAVE BEEN CONFIRMED BY DEPDM AS SHOWN ON THE PLAN. NO CLEARING, GRADING OR DISTURBANCE OF THE WETLANDS OR FOREST BUFFER WILL OCCUR EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY WATER QUALITY MANUAL.
 15. THIS SITE IS LOCATED IN THE FOLLOWING:
ELECTION DISTRICT 9
COUNCILMANIC DISTRICT 4
CENSUS TRACT 4907.01
WATERSHED NO. 55
SUB-SEWER SHED NO. 23
 16. THIS SITE IS GENERALLY OPEN, SLIGHTLY ROLLING LAND CONTAINING A NUMBER OF MATURE HARDWOOD TREES WHICH WILL BE SAVED AND PROTECTED WHEREVER POSSIBLE.
 17. STORM WATER WILL BE MANAGED BY A SURFACE DRY POND IN THE LOCATION SHOWN ON THE PLAN.
 18. SITE ZONING HISTORY:
1957 - CASE NO. 4324X - GRANTED SPECIAL EXCEPTION OF A CONValesCENT HOME;
1978 - ADDITION APPROVED BY ALL COUNTY AGENCIES PER BALTIMORE COUNTY BUILDING PERMIT NO. 272-75 DATED 3/17/78.
1983 - CASE NO. 83-352 SPH - GRANTED THE RIGHT TO AMEND THE PREVIOUSLY APPROVED SITE PLAN IN CASE 4323-X FOR PROPOSED ADDITION OF STORAGE AREA AND REMOVAL OF GARR.
 19. PROPOSED HOUSING FOR THE WELL ELDERLY UNITS ARE FOR RENT.
 20. PARKING AND ACCESS THERETO SHALL BE AS SHOWN GENERALLY ON THE PLAN, BUT FINAL DETAILS SHALL BE ESTABLISHED BY APPROVED PLANS PRIOR TO BUILDING PERMIT ISSUANCE.
 21. GROSS FLOOR AREA:
EX. NURSING HOME = 35,020 SQ. FT.
PROPOSED BUILDING RENOVATIONS = 33,100 SQ. FT.
 22. THE PROPOSED S.W.M. FACILITY WILL BE USED AS A TEMPORARY SEDIMENT BASIN DURING CONSTRUCTION.
 23. THE DEVELOPER ACKNOWLEDGES THAT REVISED PLANS AND POSSIBLY ADDITIONAL PUBLIC HEARINGS MAY BE REQUIRED PRIOR TO FINAL PLANNING AND ZONING APPROVAL PENDING THE OUTCOME OF SPECIAL HEARING CASE NOS. 89-444 SPH AND 89-536 SPH.



OWNER / DEVELOPER

PICKERSGILL INC.
615 CHESTNUT AVE.
TOWSON, MD. 21204
(301) 826-7423
TAX ACCT. NO. 0901270040
1326/311, 1429/140



PETITIONER'S
EXHIBIT No. 1

OFFICE OF PLANNING AND ZONING
APPROVED BY:

DIRECTOR OF PLANNING

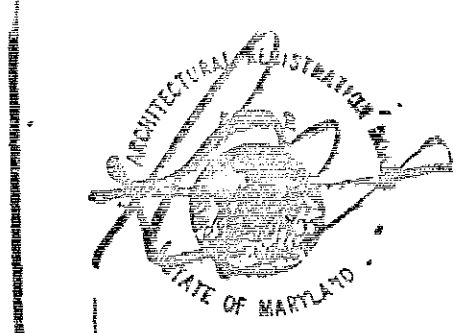
ZONING COMMISSIONER

DATE AUGUST 15, 1991

DATE

CO. 4

OFFICIAL BLDG. PERMIT SITE PLAN



PICKERSGILL ADDITIONS AND HOUSING FOR THE ELDERLY

Architecture
Engineering
Planning
Interiors

SFCS
Sheretz, Franklin, Crawford, Shaffner, Inc.
1015 S. Jefferson St., Roanoke, VA 24011
Tel. No. (703) 344-6664, FAX (703) 343-6935

DESIGNER: JWD
DRAWN: JWD
CHECKED: CRC
APPROVED: :
REVISIONS:

TITLE
FINAL
DEVELOPMENT
PLAN

COMB. NO.
88071.00

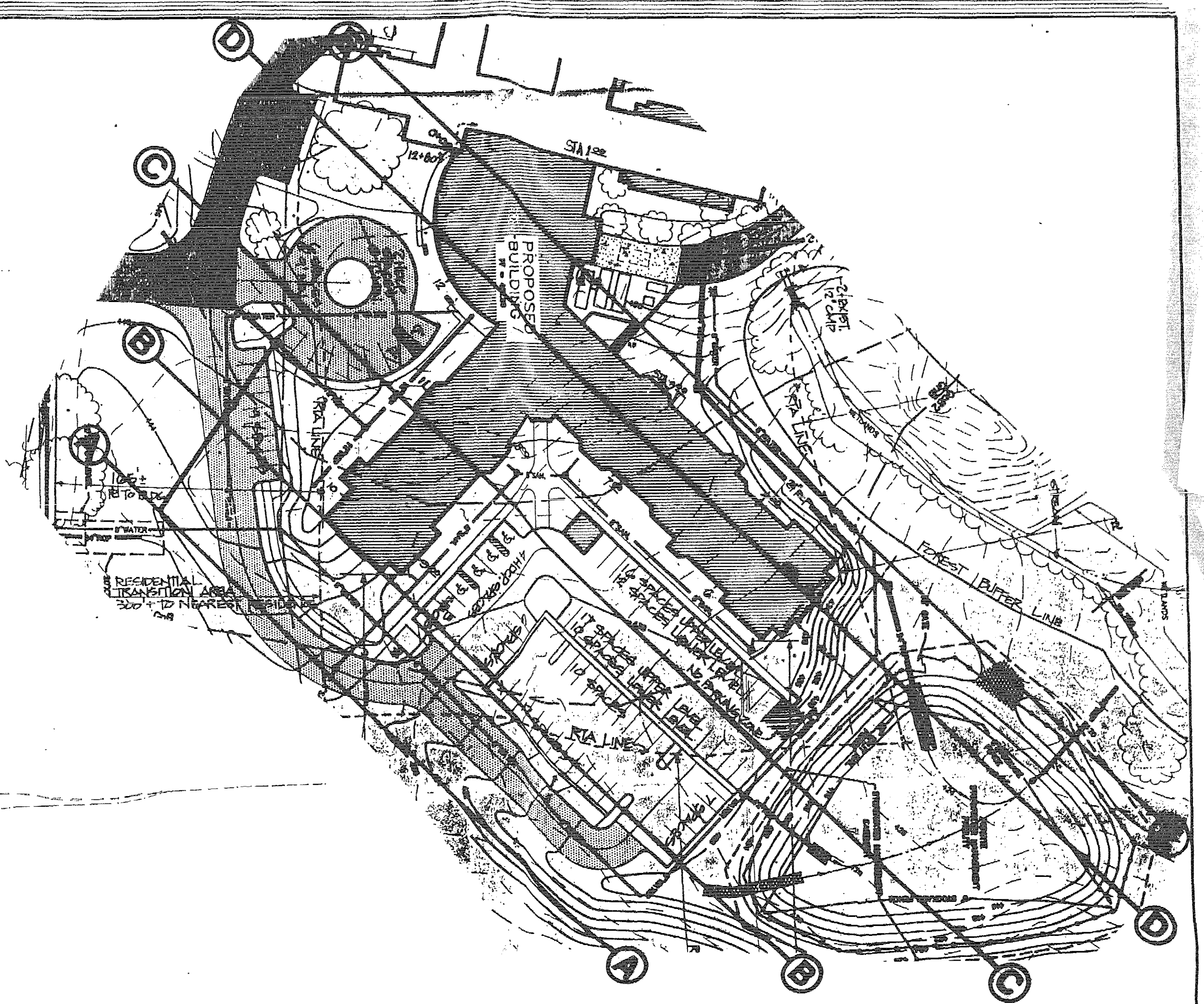
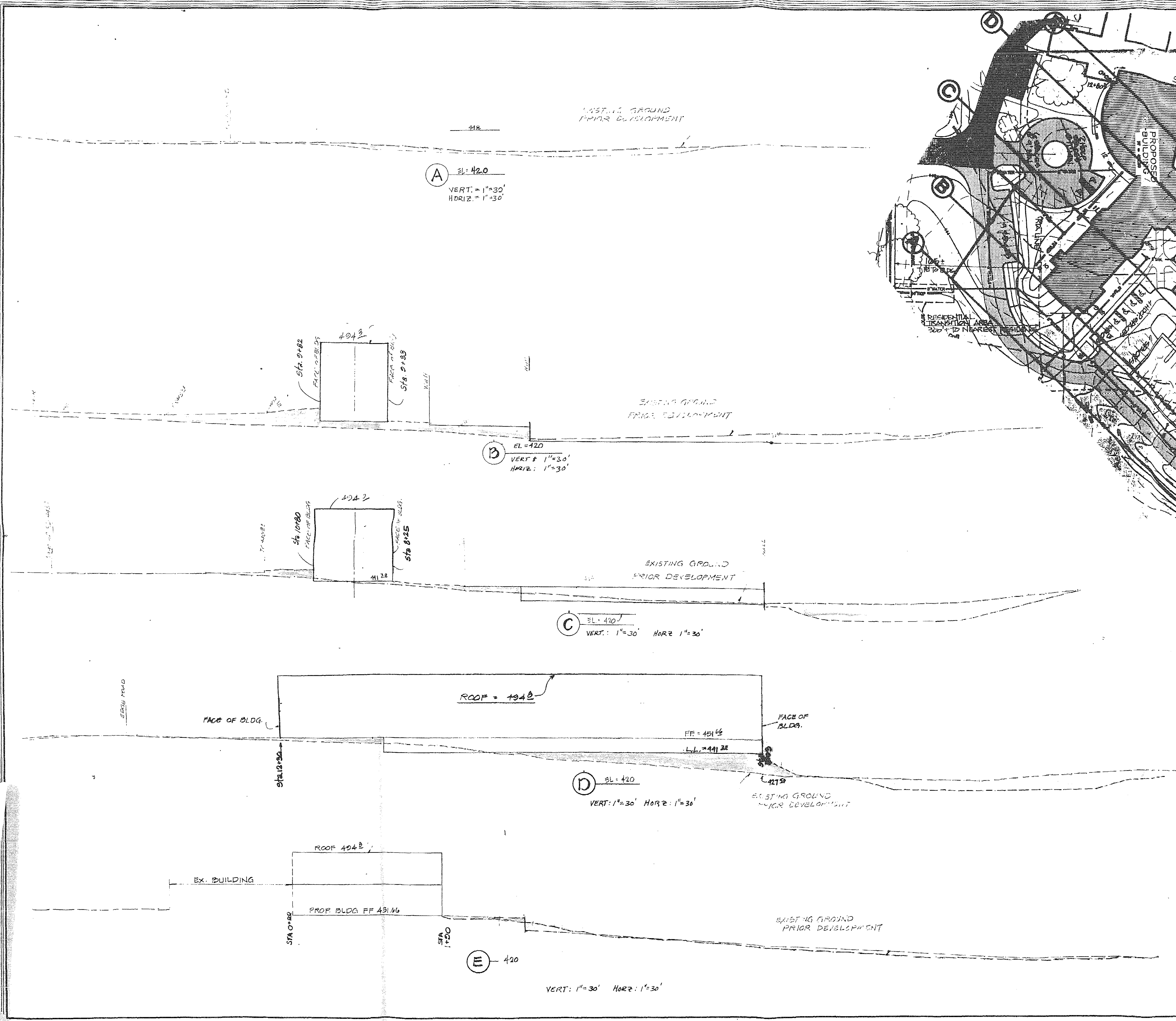
DATE AUGUST 15, 1991

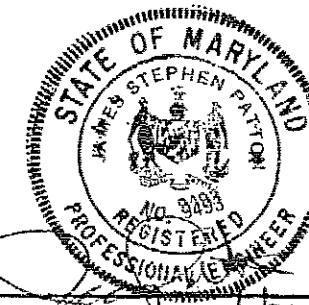
DRAWING

CO. 4

SHEET

PETITIONER'S EXHIBIT



APPROVALS		 2/1/93
PETITIONER'S EXHIBIT No. 4		
PC Ltd. Patton Consultants, Ltd. 305 W. CHESAPEAKE AVE., SUITE 305 TOWSON, MARYLAND 21204 (301) 296-2140 Fax: (301) 296-0419 SITE PLANNERS • ENGINEERS LAND DEVELOPMENT CONSULTANTS		
HEIGHT DETERMINATION PICKERSGILL PETITIONER'S EXHIBIT NO. 4		SCALE 1"=50' PROJ. NO. NORTH SHEET NO.
ELECTION DIST.	CENSUS TRACT	COUNCILMANIC
DRAWN	CHECKED	DATE
		OF

All plant materials shall be nursery grown and shall conform to American Association of Nurserymen, Inc. standards.

All planting procedures and specifications shall conform to "Landscape Specification Guidelines for Baltimore-Washington Metropolitan Area" latest edition.

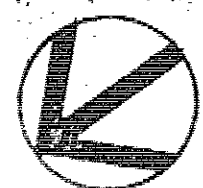
**ALL PLANT MATERIAL SHALL BE GUARANTEED
THRU ONE GROWING SEASON.**

EXISTING TREES —
EXISTING SHRUBS

- PROPOSED SHADE TREES ———— (+) ———— (•)
 PROPOSED EVERGREEN TREES ———— (+) ———— (•)
 PROPOSED FLOWERING TREES ———— (+) ———— (•)
 PROPOSED EVERGREEN SHRUBS ———— (+) ———— (•)
 PROPOSED DECIDUOUS SHRUBS ———— (+) ———— (•)
 PROPOSED GROUND COVER PLANTING ———— (+) ———— (•)
 LIMITS OF MULCHED AREA ———— (+) ———— (•)

NOTE
SHADED SYMBOLS FOR PROPOSED TREES & SHRUBS INDICATE LOCATION OF PLANTS REQUIRED BY THE COUNTY REVIEW GROUP OF BALTIMORE CO. DEPICTED ON PLAN & APPROVED 7-13-89.

FINAL LANDSCAPE PLAN

$$1^{\circ} \in 3/2$$


Ref Exh 7

PICKERSGILL ADDITIONS

ROUSON, MD 21204

ADDITION

Architecture
Engineering
Planning
Interiors

SFCS

DESIGNER	:	ORC
DRAWN	:	TEL/CR
CHECKED	:	
APPROVED	:	

REVISIONS
DEC. 18, 1972 FINAL SUBMIT
FOR SCR. 3.8

3 7 2
TITLE
LANDSCAPE
PLAN
FINAL

Nov. 18, 1992 SUBMITT

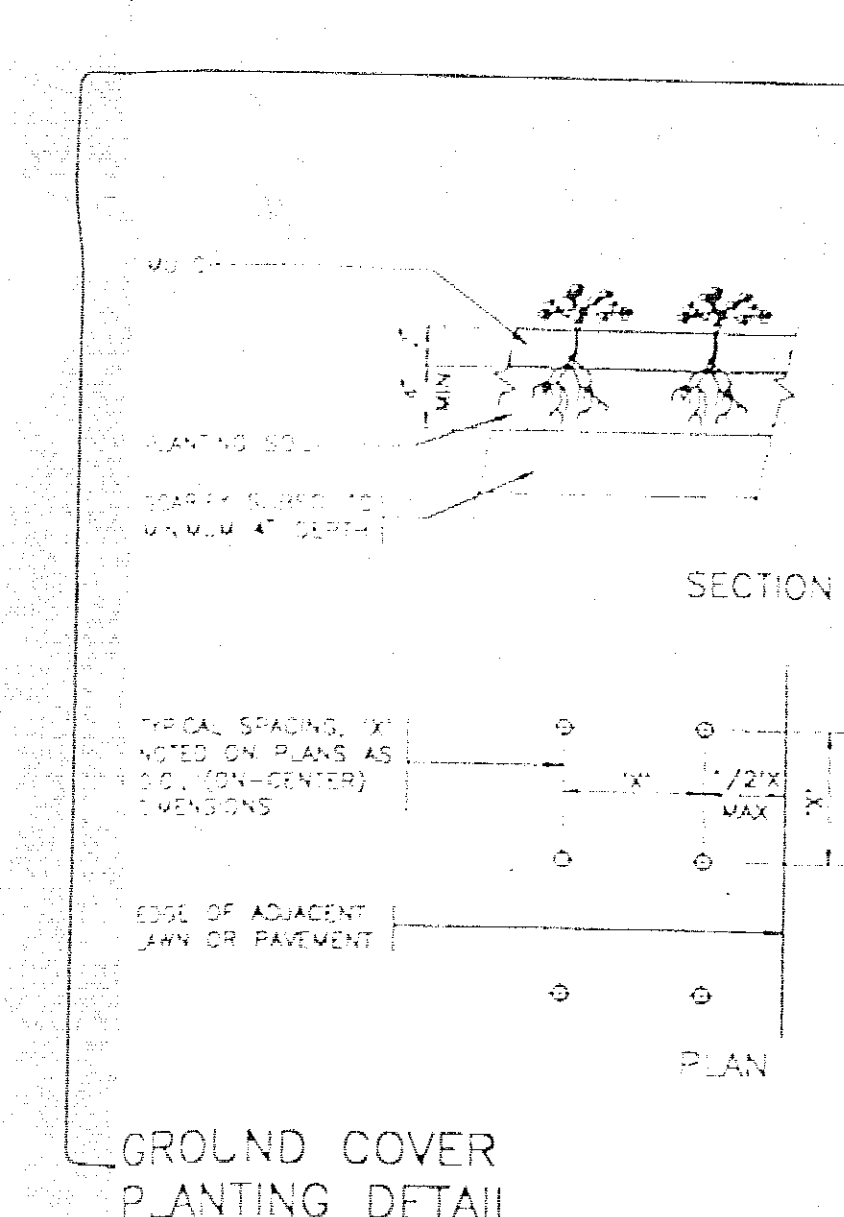
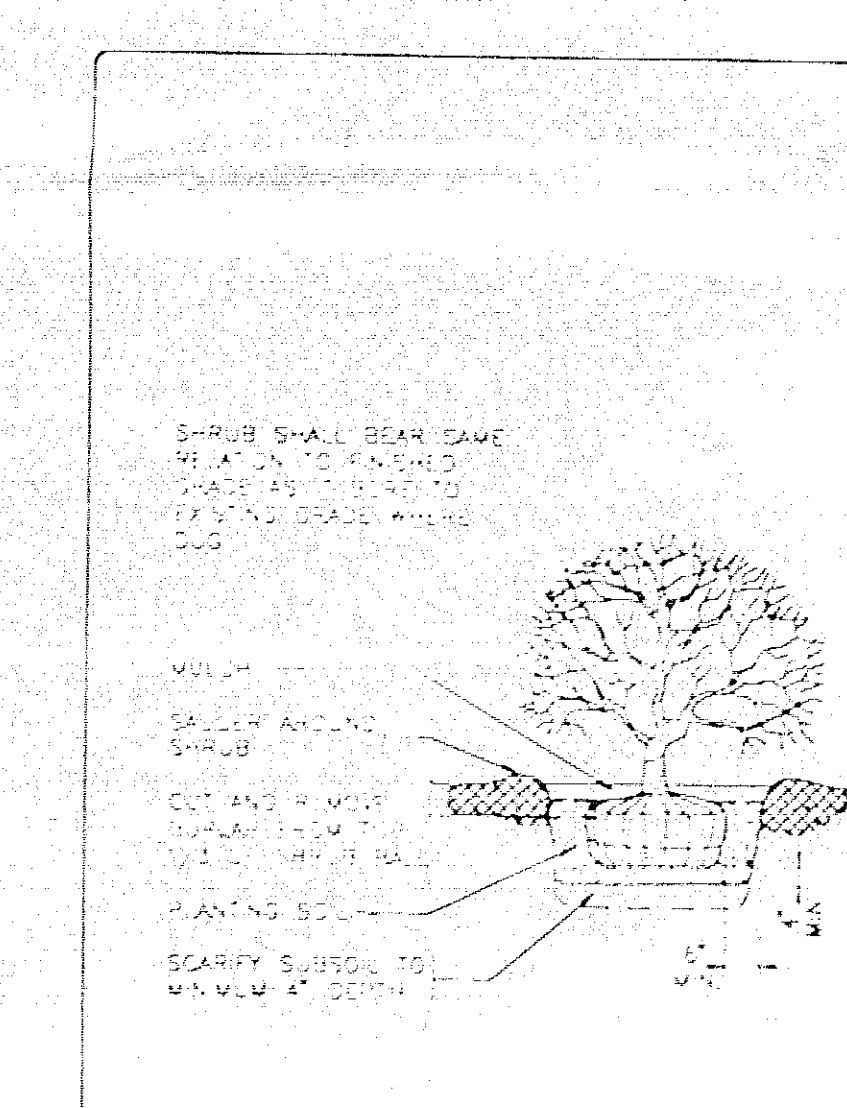
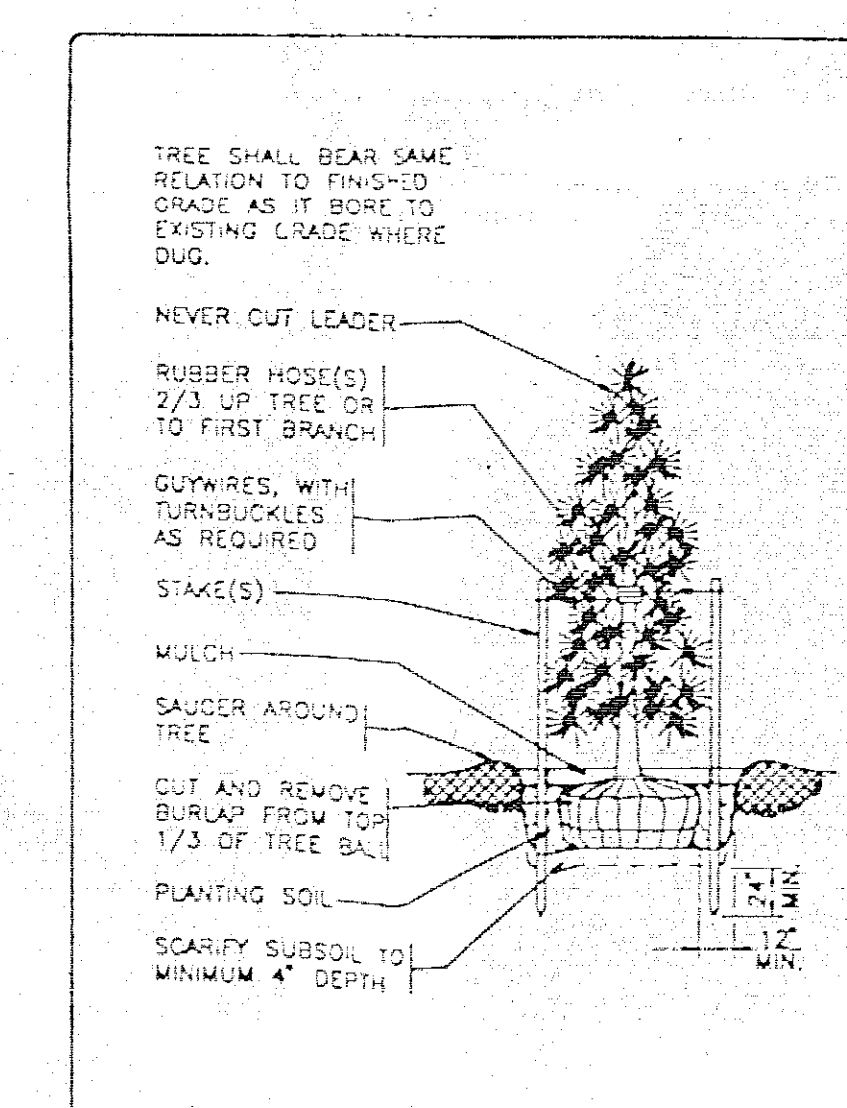
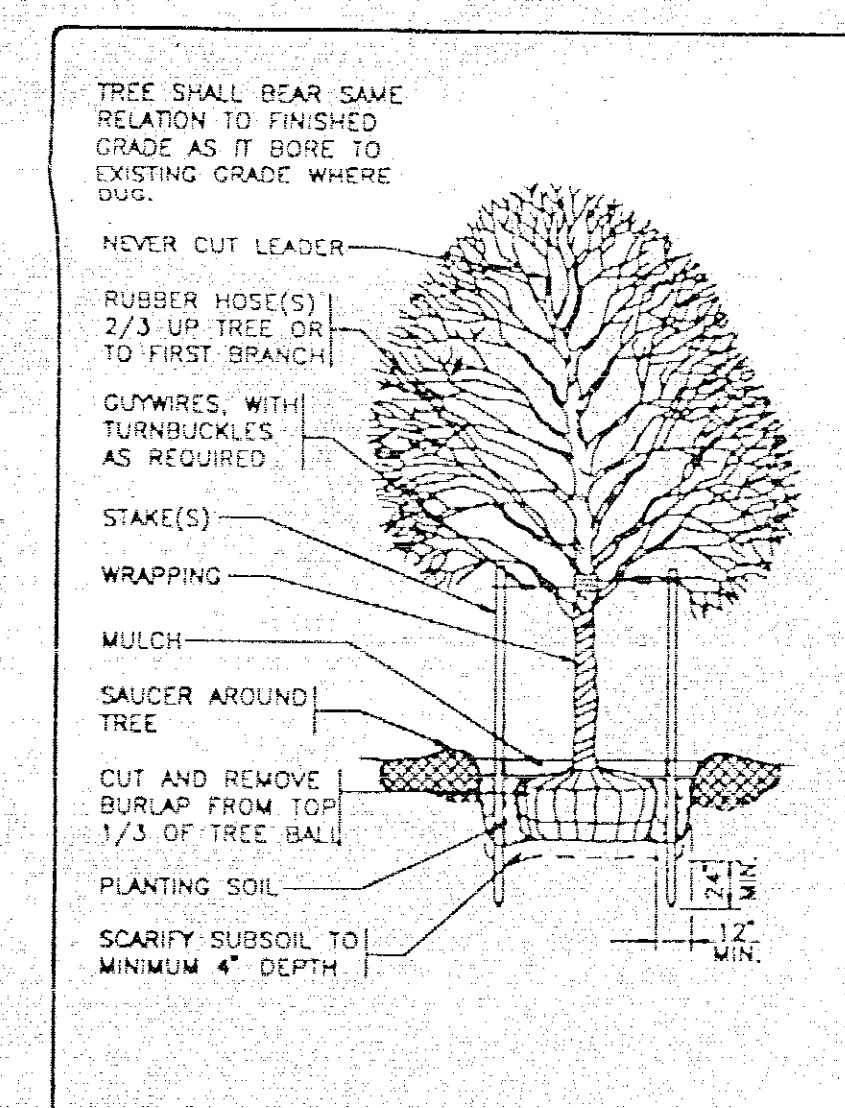
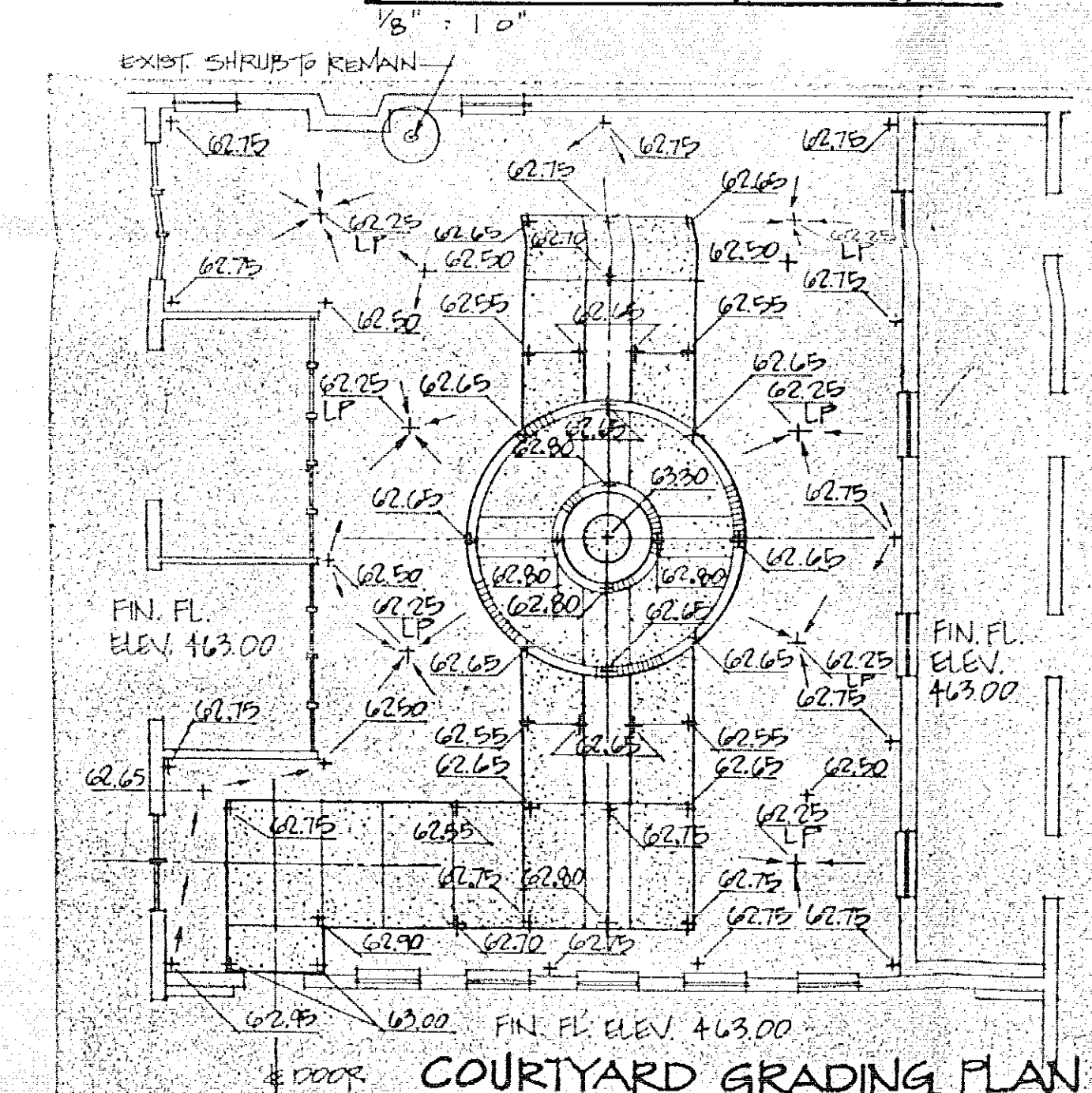
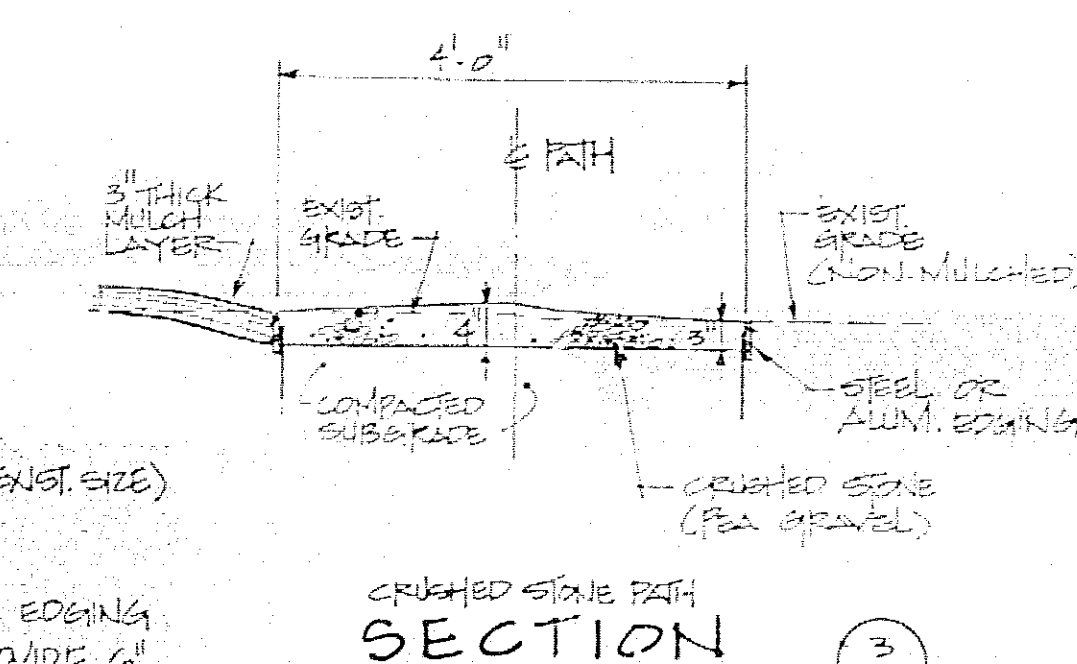
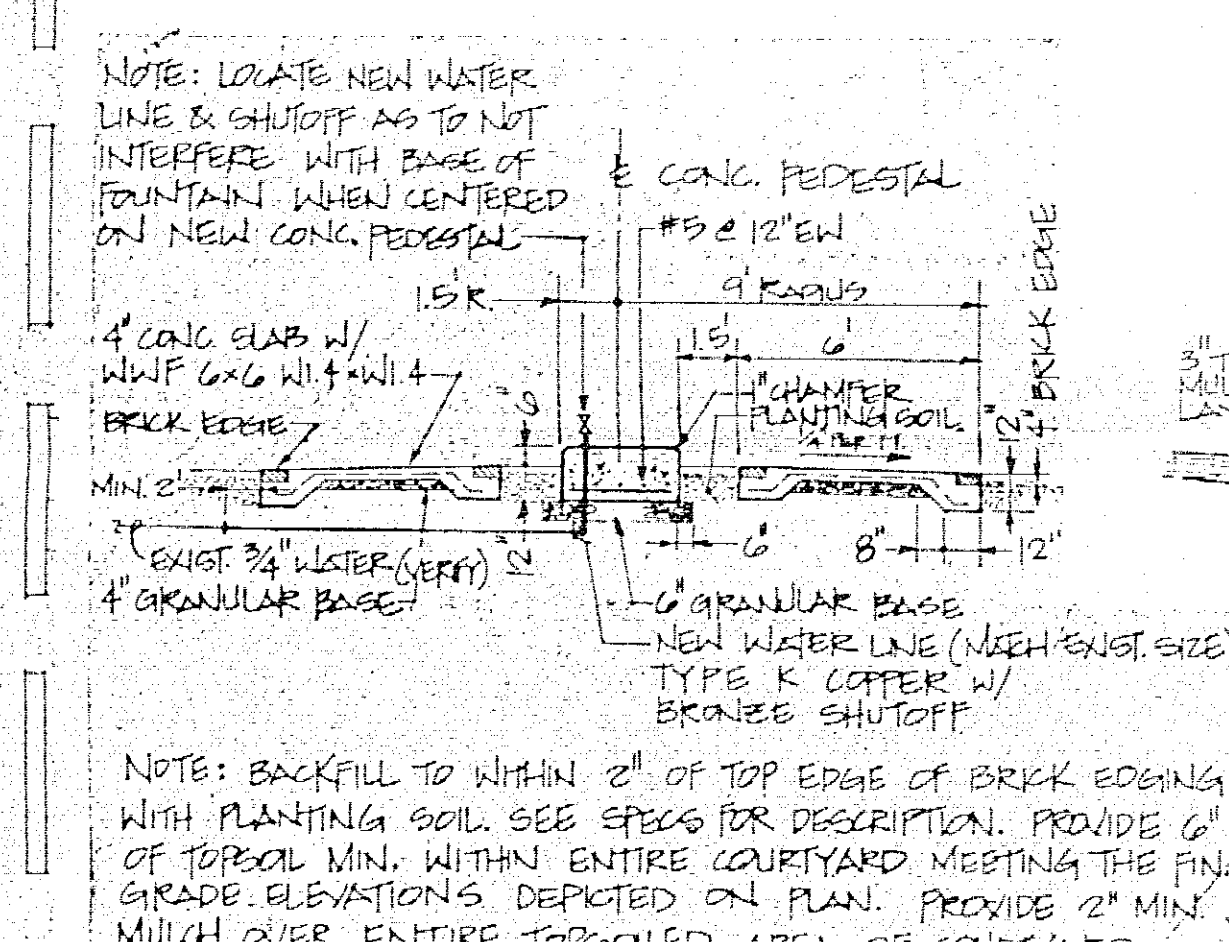
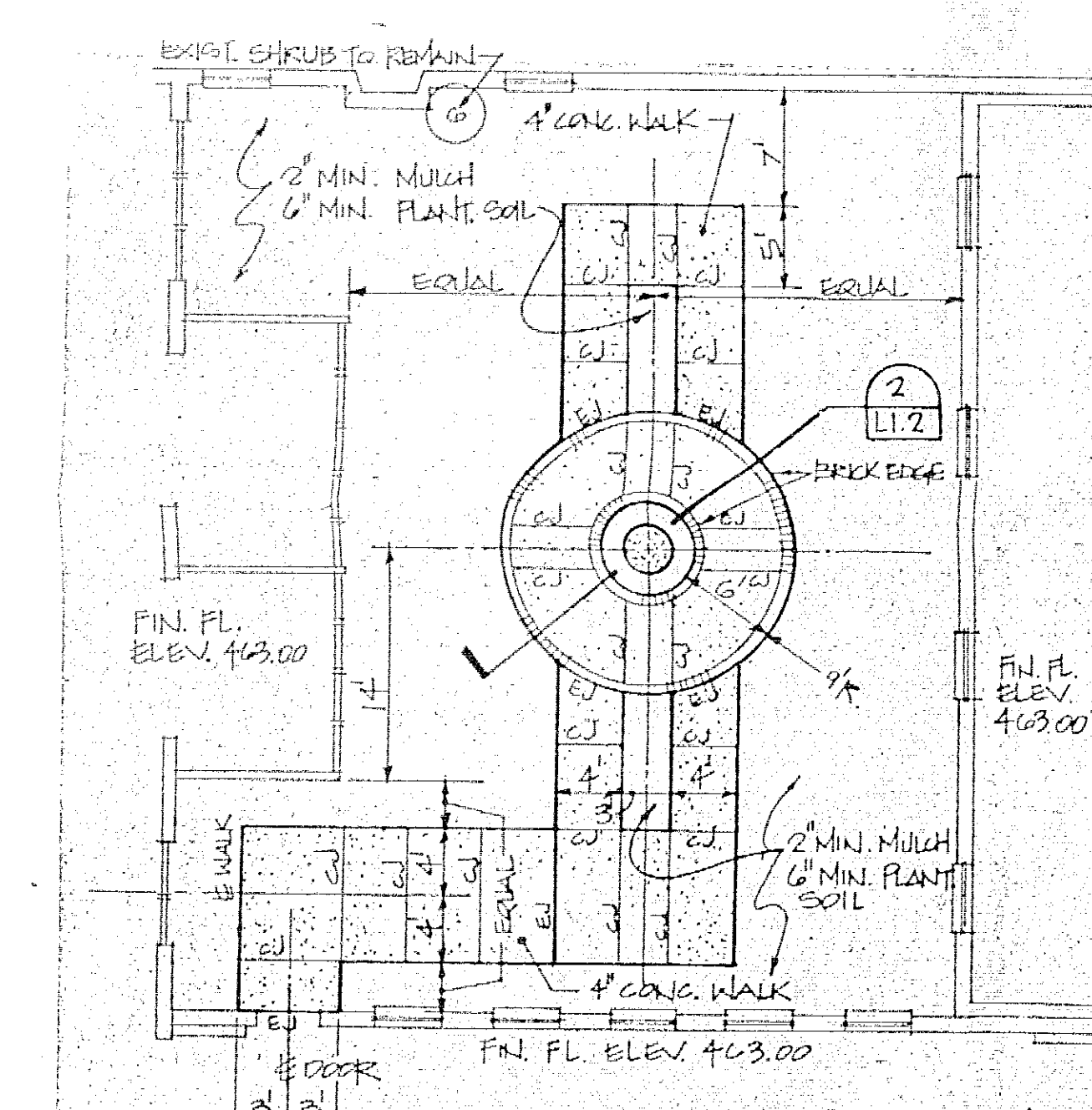
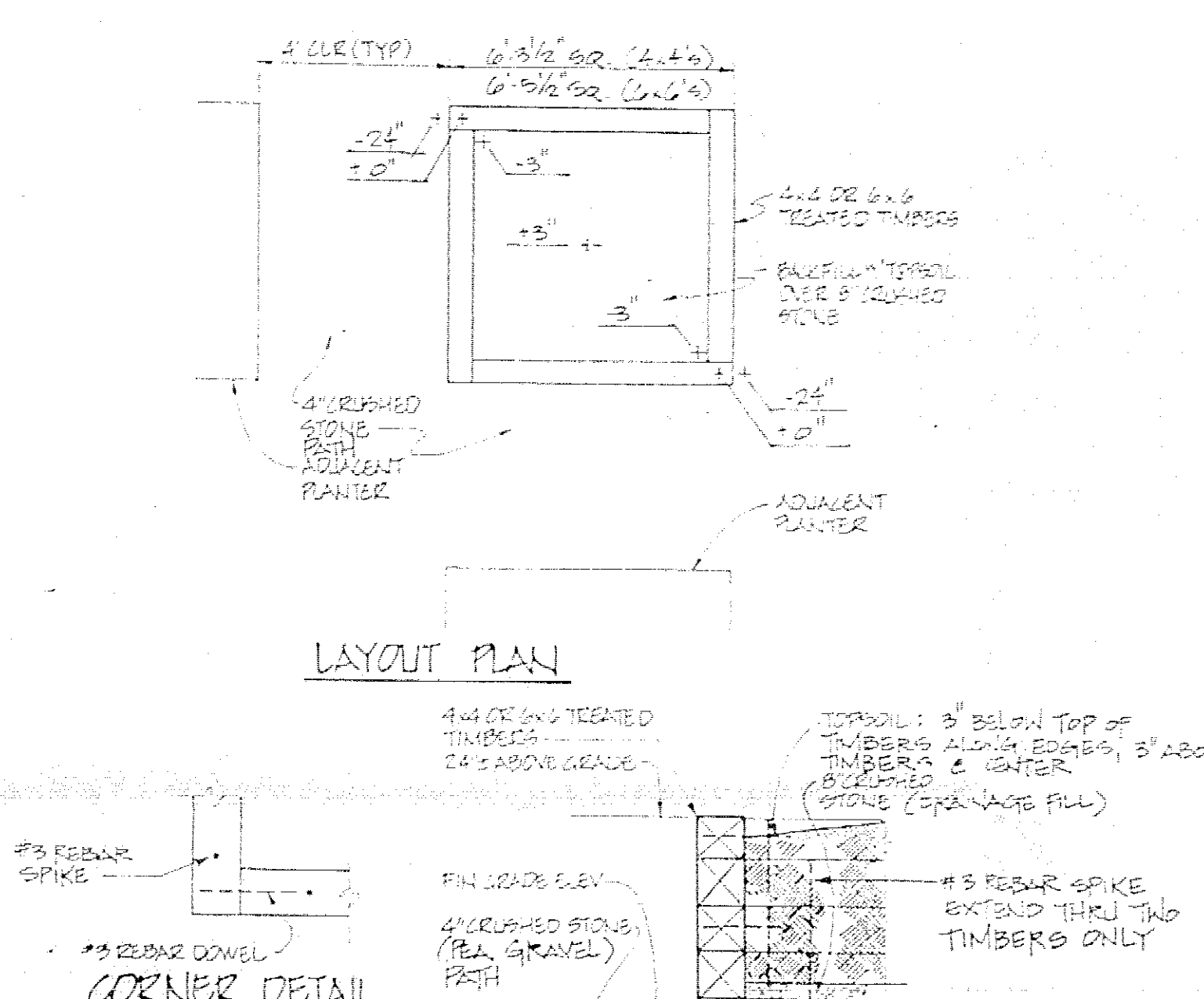
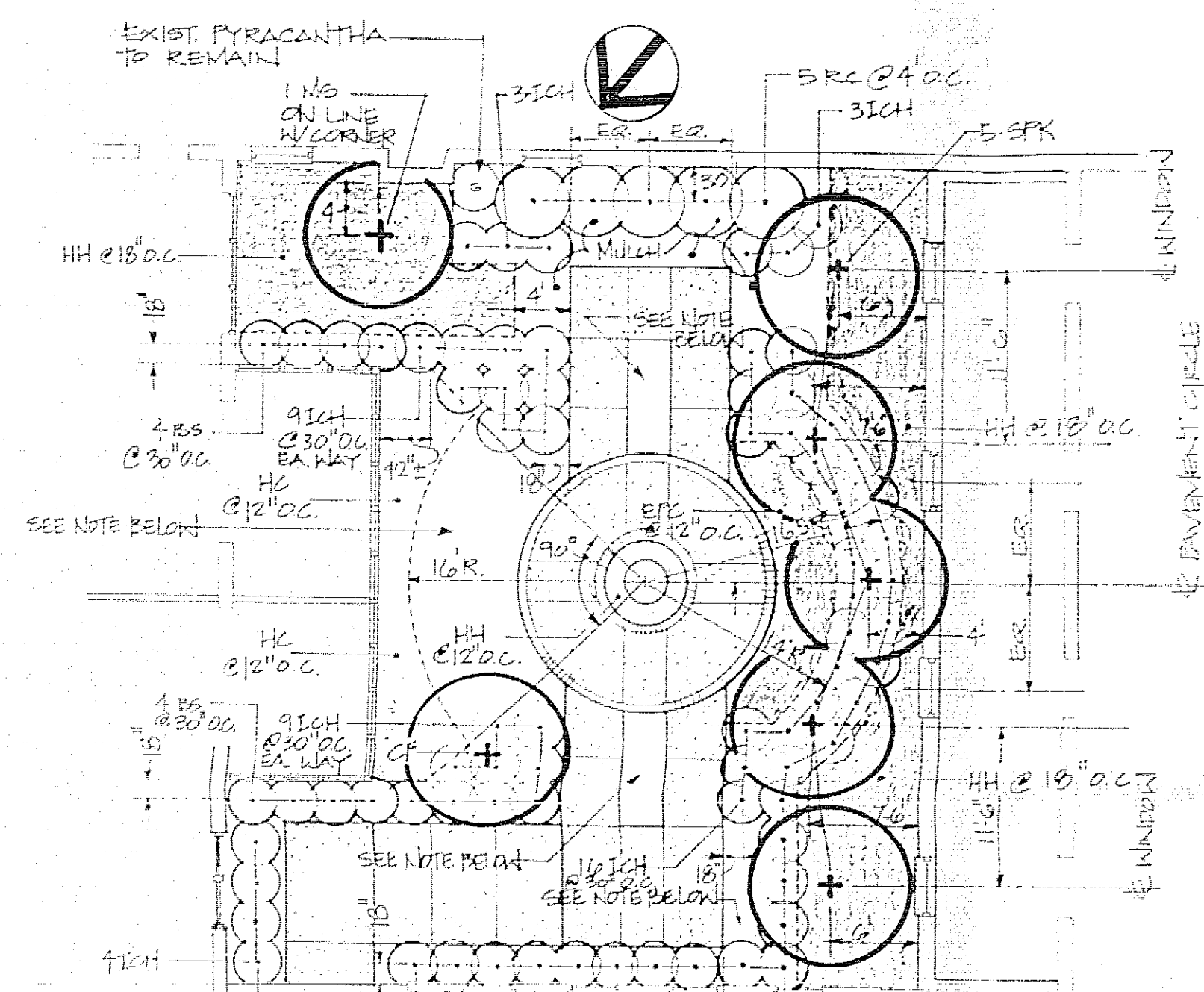
COMM. NO. 880710

DATE AUGUST 15, 1964

DRAWING

11

SHEET 15 OF 16

[illegible]

PICKERSGILL ADDITIONS

Architecture
Engineering
Planning
Interiors

SFCS

305 S. Jefferson St. Roanoke, VA 24001
Tel: 800-704-3444 FAX: 703/240-1000

186

THE 100

$$J(\mathbf{p}, \mathbf{q}, \mathbf{r}, \mathbf{t}, \mathbf{u}) = \int_{\mathbf{p}}^{\mathbf{q}} \int_{\mathbf{r}}^{\mathbf{t}} \int_{\mathbf{u}}^{\mathbf{v}} \mathbf{f}(\mathbf{x}, \mathbf{y}, \mathbf{z}, \mathbf{w}, \mathbf{v}) d\mathbf{x} d\mathbf{y} d\mathbf{z} d\mathbf{w} d\mathbf{v}$$

 American Chemical Society
 11 Dupont Circle, N.W.
 Washington, D.C. 20036
 Phone: (202) 862-4600
 Fax: (202) 862-4601
 E-mail: info@chemed.org
 Website: www.chemed.org

$\Delta P = \frac{1}{2} \rho v^2 C_D$

ADT 1.7 1-21-92

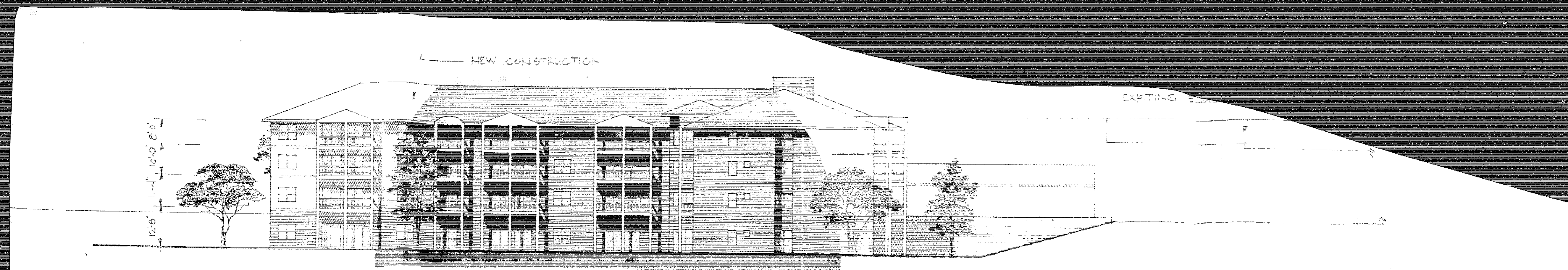
6/16/92 FINAL SUBMISSION
FOR SCR. & BUREAU

$\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

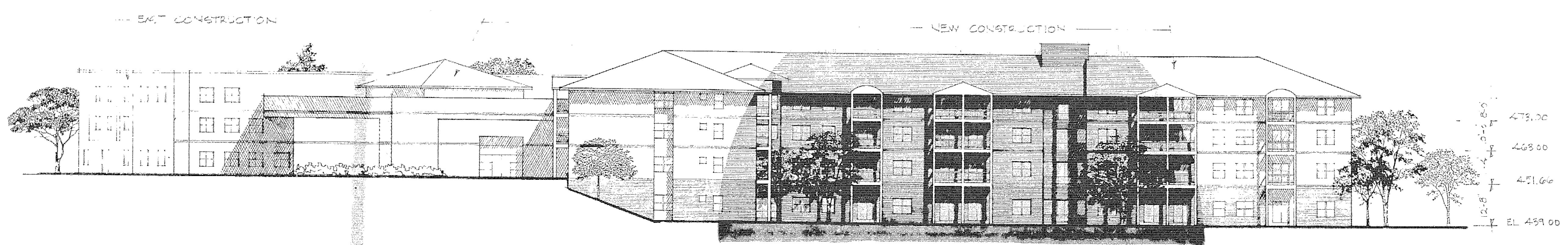
$\frac{d}{dt} \left(\frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}$

LANDSCAPE
NOTES, DETAILS
AND PLANTING
SCHEDULE

NOV. 18, 1992. SUBMITTAL.



• SOUTH ELEVATION •
FL 1/2 1/2



• WEST ELEVATION •
FL 1/2 1/2

**PETITIONER'S
EXHIBIT 17**

NEW A
P.C.

93-204-SPH

*Def. No 1
Case No 93-204-SPH*

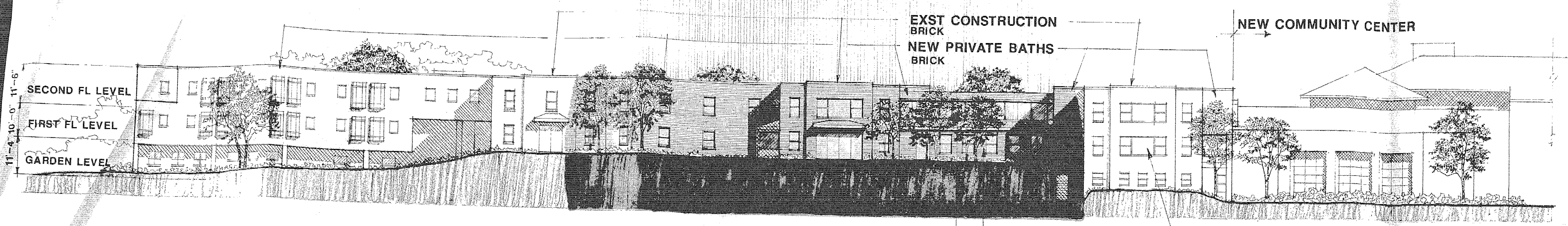


WEST ELEVATION

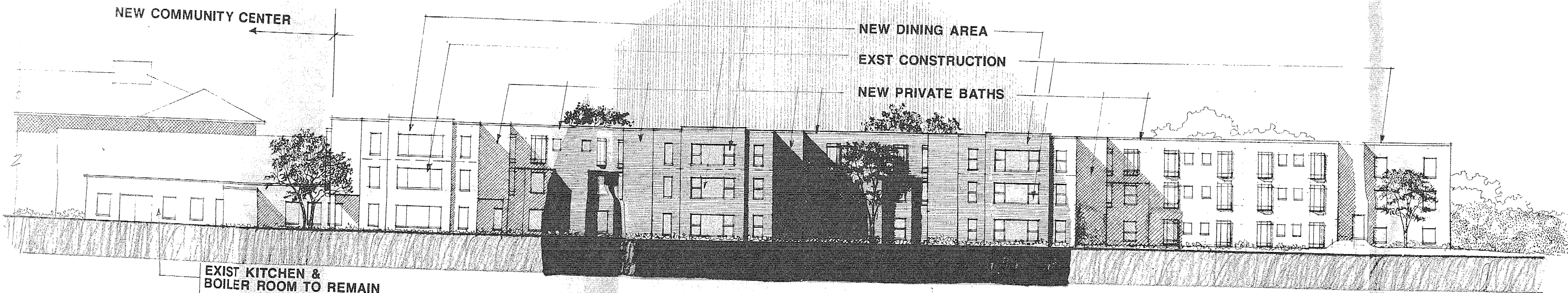
NEW CORRIDOR
EXIST AUDITORIUM

RENOVATED AREA FOR
NEW COMMUNITY CENTER
(SEE FIRST FLOOR PLAN)

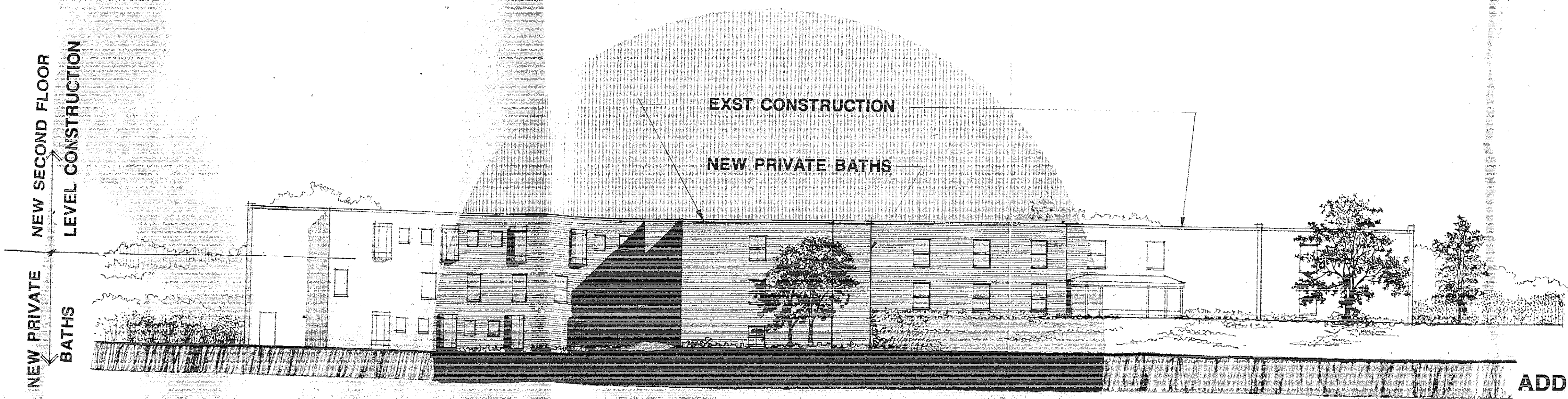
**PETITIONER'S
EXHIBIT 16**



WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION

1/16" = 1'-0"

**PETITIONER'S
EXHIBIT 18**

**PICKERSGILL
ADDITION TO EXISTING BLDG**

COMM NO 88071.01
JUNE 5, 1989

SFCS
SHERIDAN FARMERS' CO-OP, INC.
1400 14th Street, North Platte, NE 68901

*Pls No 3
CASE NO 93-204*

more County Landscape Manual, and a landscape plan for the addition has been approved by Baltimore County.

Also testifying were two residents of the community, namely Elizabeth Sexton and Erwin Huber. They both believe that the Pickersgill additions constitute a substantial violation of the height limitation set forth in the B.C.Z.R. They also testified that the additions are larger and more obtrusive than what was expected. However, both admitted to signing the agreement of restrictive covenant which was ultimately incorporated and ratified by the Board of Appeals.

In opposition to the Petition, testimony was presented by Brant Hart, the Executive Director of Pickersgill. He introduced the approved site plan for the additions. Also testifying was James Matis, an engineer from George W. Stephens, Jr. and Associates, who vehemently disagreed with Mr. Patton's methodology and conclusions. Specifically, Mr. Matis rejected Mr. Patton's theory that the B.C.Z.R. require that the height around the perimeter of the building should be averaged to determine the defined height of the structure.

Also testifying was Warren Hamilton, of J. Vincent Schaffer & Sons, the construction managers for this site. Mr. Hamilton testified as to actual measurements he made on the site. At one part of the addition, his measurements showed a grade to roof peak distance of 43 feet, 5.5 inches.

Perhaps the most instructive testimony received was that of Carl Richards, Zoning Coordinator of the Zoning Administration and Development Management (ZADM) office. Mr. Richards noted that the averaging of building height was a system used by Baltimore County prior to the adoption of the current regulation in 1985. However, that averaging policy has now

- 5 -

been disregarded and replaced by the current building height definition set forth in Section 101 of the B.C.Z.R., and described on Page 1-8 of the Zoning Commissioner's Policy Manual.

In addressing this issue, it is clear that there are two types of buildings which might be constructed. The first is a building with a single point of maximum height. For example, a dome structure such as the United States Capitol or the Old Courthouse of Baltimore County comes to mind. In those instances, the crest (top) of the dome is the point from which height should be measured. Other, somewhat more unique architecturally styled buildings are examples of structures with a single highest point. For example, many of the Best Products company buildings are uniquely styled so as to feature a single highest point.

However, the most common architectural style, be it a flat or pitched roof, is a building with its highest point at plane. The Pickersgill additions fall into this category. For example, there is no individual point of maximum height on a building with a pitched roof, rather it is that plane where both sides of the roof adjoin at the top of the structure which is the highest point. Assuming that the building is set straight in the ground, the plane created by the pitched roof maintains a consistent horizontal distance across the top of the roof. What then gives the impression of a different height of the same building is the surrounding grade. This is graphically illustrated within the Policy Manual on Page 1-8. As is noted on the drawings therein, buildings can be constructed into the side of a hill or grade. After such construction, a building may appear significantly higher when looking up from the bottom of the grade than when one views the structure downward from the top of the grade. To maintain a consistent level of interpretation, the building height defini-

- 6 -

tion and Policy Manual require measurement from the natural grade to a point of maximum height on the building. Again, this is illustrated in the drawings contained in the Policy Manual. Further, the Policy Manual prohibits the creation of an artificial grade to lessen the distance from roof peak to earth, thereby attempting to reduce the defined building height.

Based upon a clear reading of the definition in Section 101 of the B.C.Z.R. and the Policy Manual, I cannot conclude that the Pickersgill additions are violative of the 50-foot height restrictions. Even Mr. Patton conceded that 14% of the building was in compliance. Neither he nor the other Petitioners could produce any lawful authority that the building should somehow be averaged to determine the building height as defined by the B.C.Z.R. In fact, based on Mr. Richards testimony, it is clear that the Baltimore County Council and staff rejected this approach when the regulations were amended by Bill No. 151-88. Within that legislation, it was clearly the intent of the Council to define building height as the distance of the vertical line from any point on the natural grade adjacent to the building to the maximum roof height, for so long as the natural grade has not been artificially altered. Thus, for so long as there is one point on the perimeter of the building which measures less than 50 feet from the natural grade to the pitch of the roof, the height of the entire structure is proper. Further, to promote a consistent uniform application and to prohibit abuse of the regulations, it is clear that the definition was drafted to allow staff to prohibit artificial regrading of properties while allowing developers assurance that natural grade to maximum height distances would be uniformly applied. Therefore, for the rea-

- 7 -

sons set forth herein, the Petition for Special Hearing must be denied and I will so order.

Pursuant to the advertising, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested in the Petition for Special Hearing shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of March, 1993 that the Petition for Special Hearing to determine that the height of certain new additions to the existing facility are violative of Section 1802.2.A of the B.C.Z.R., be and is hereby DENIED.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

- 8 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

March 22, 1993

(410) 887-4386

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

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

RE: PETITION FOR SPECIAL HEARING
SE/5 Chestnut Avenue, 152' N of Piccadilly Road
(615 Chestnut Avenue)
9th Election District - 4th Councilmanic District
John Hodge-Williams, President, Chestnut Hill Neighborhood Asso. -
Petitioners
Case No. 93-204-SPH

Dear Mr. Holzer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Suite 113, Towson, Md. 21204

People's Counsel

File



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 615 Chestnut Avenue
Baltimore County, Maryland
which is presently zoned DR 5.5 and

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, neighborhood of the property situated 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 Zoning Regulations of Baltimore County, to determine:

(SEE ATTACHED)

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

I, or we, agree to pay expenses of 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.

John Hodge-Williams, president

Chestnut Hill Neighborhood
Association, Inc.

(Type or Print Name)

John Hodge-Williams

(Type or Print Name)

305 W. Chesapeake Ave. #105

Address

Towson, Md. 21204

City

State

Zip Code

Attorney for Petitioner

J. Carroll Holzer, Esquire

(Type or Print Name)

Holzer, Maher, Demilio & Lee

(Type or Print Name)

305 West Chesapeake Avenue, Suite 105

Address

Towson, Maryland 21204 825-6962

City

State

Zip Code

ORDER RECEIVED FOR FILING
Date 3/29/93
By [Signature]

No REVIEW
12.9.92
wcr

ESTIMATED LENGTH OF HEARING
Responsible for Hearing
The following date: _____ Best Two Months
ALL OTHER DATE
REVIEWED BY: _____ DATE: _____

ATTACHMENT TO PETITION
FOR SPECIAL HEARING
PICKERSGILL, INC.
615 CHESTNUT AVENUE, TOWSON, MARYLAND

The property is more specifically defined as 16.4 acres located on the east side of Chestnut Avenue between Trafalgar and Picadilly Roads in the 4th Councilmanic Districts of Baltimore County, recorded in the Land Records of Baltimore County in Liber 1326, folio 311, and Liber 1429, folio 140. Approximately 12.78 acres are presently zoned DR 5.5 and approximately 3.62 acres are presently zoned DR 3.5.

To determine whether or not under the Baltimore County Zoning Regulations, and more particularly, under Section 101, Definitions pertaining to building height, and Section 101 and former Section RM-6 of the Zoning Commissioner's Policy Manual, the height of the new additions to the existing facility are in violation of Section 1802.2.A of the Baltimore County Zoning Regulations in that they exceed fifty (50) feet as a result of the exterior grade being artificially built up above natural or surrounding finished grade, which, thereby results in a violation of the height permitted in a DR 5.5 and 3.5 zone as per the attached height determination in Exhibit A.

ORDER RECEIVED FOR FILING
Date 3/29/93
By [Signature]

212

93-204-SPH

PICKERSGILL, Inc.

DESCRIPTION

15.9482 ACRE TRACT - SOUTHEAST SIDE OF CHESTNUT AVENUE,
152'± NORTH OF PICCADILLY ROAD, BALTIMORE COUNTY, MARYLAND

THIS DESCRIPTION IS FOR SPECIAL HEARING

BEGINNING at a point on the southeast side of Chestnut Avenue, 40 feet wide, as laid out and conveyed in the deed from Benjamin F. DeFord and others to County commissioners of Baltimore County dated April 19, 1904 and recorded among the Land Records of Baltimore County in Liber W.P.C. 286 Page 119 at a point 150 feet ± northeast of Piccadilly Road said point also being at the beginning of the South 53 degrees 41 minutes 50 seconds East 762.96 foot line at the rear of lots 113 through 125 as shown on the plat of "Chestnut Hill" as recorded among said Land Records in Plat Book 14 Page 118, running thence binding on the southeast side of said Chestnut Avenue two courses (1) North 29 degrees 39 minutes 10 seconds East 352.93 feet and (2) North 37 degrees 24 minutes 52 seconds East 636.48 feet to a point at the end of the North 54 degrees 18 minutes 43 seconds West 608.92 foot line of the land as shown on the plat of "Chestnut Hill" as recorded among said Land Records in Plat Book 14 Pages 116, 117, said point being on the third line of the land described in the deed from Robert Bell DeFord, Jr. and others to The Aged Women's and Aged Men's Homes Franklin Square Baltimore, dated January 15, 1946 and

93-204-SP4

recorded among said Land Records in Liber R.J.S. 1429 Page 140. thence binding reversely on a part of said third line and binding also on said 608.92 foot line (3) South 54 degrees 18 minutes 45 seconds East 608.92 feet. thence binding reversely on the second line in said Liber R.J.S. 1429 Page 140. and continuing to bind on part of the third line of the land described in the deed from Safe Deposit and Trust Company of Baltimore to Aged Women's and Aged Men's Homes Franklin Square Baltimore. dated January 18. 1944 and recorded among said Land Records in Liber R.J.S. 1306. Page 111. and also binding on the northwest outlines of said plats of "Chestnut Hill" (4) South 25 degrees 53 minutes 16 seconds West 1010.03 feet to the end of the second or South 45 degrees 52 minutes East 783.10 foot line of the land conveyed in the deed from The Aged Women's and Aged Men's Homes Franklin Square Baltimore. dated January 15. 1946 and recorded among said Land Records in Liber R.J.S. 1429 Page 141. thence binding reversely on a part of said second line and binding also on said 762.96 foot line of "Chestnut Hill" (5) North 53 degrees 41 minutes 50 seconds West 762.96 feet to the place of beginning.

CONTAINING 15.9482 acres of land.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: 1/19/93
 Posted for: Special Hearing
 Petitioner: Pickersgill, Inc. & Chestnut Hill Nbr. Assn., Inc.
 Location of property: 586 Chestnut Hwy. W of Piccadilly Rd.
615 Chestnut Ave.
 Location of Sign: Along road way, as property being checked
for zoning
 Remarks:
 Posted by: [Signature] Date of return: 1/22/93
 Number of Signs: 27-116 12-Town R.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: 1/21/93
 Posted for: Special Hearing
 Petitioner: Pickersgill, Inc.
 Location of property: 615 Chestnut Ave.
 Location of Sign: Along the street with new date 1/21/93
 Remarks:
 Posted by: [Signature] Date of return: 1/22/93
 Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 115, 19 14
 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 1/14, 19 93

THE JEFFERSONIAN,
S. Zake Orlem
 Publisher

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: 1/23/93
 Posted for: Special
 Petitioner: Chestnut Hill Nbr. Assn.
 Location of property: 586 Chestnut Hwy. W of Piccadilly Rd.
 Location of Sign: Along road way, as property being checked
 Remarks:
 Posted by: [Signature] Date of return: 1/30/93
 Number of Signs: 1

receipt

Date: 93-204-SP4
 Number:
 Please Make Checks Payable To: Baltimore County

BALTIMORE COUNTY, MARYLAND
 OFFICE OF ZONING ADMINISTRATION
 MISCELLANEOUS CASH RECEIPT

DATE: 1/21/93 ACCOUNT: 615
 AMOUNT: \$ 2.00
 RECEIVED FROM: [Signature]
 FOR: [Signature]
 VALIDATION OR SIGNATURE OF CASHIER: [Signature]

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353

DATE: 1-27-93
 John Hodge-Williams, Individually
 and
 Chestnut Hill Neighborhood Association, Inc.
 c/o J. Carroll Holzer, Esq.
 305 W. Chesapeake Avenue, #105
 Towson, Maryland 21204
 RE:
 CASE NUMBER: 93-204-SP4 (Item 212)
 SE/S Chestnut Avenue, 152' +/- W of Piccadilly Road
 615 Chestnut Avenue
 9th Election District - 4th Councilmanic
 Legal Owner(s): Pickersgill, Inc.
 Petitioner(s): Chestnut Hill Neighborhood Association, Inc.
 HEARING: TUESDAY, FEBRUARY 2, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.
 Dear Petitioner(s):
 Please be advised that \$ 66.13 is due for advertising and posting of the above captioned property and hearing date.
 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 forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

[Signature]
 ARNOLD JABLON
 DIRECTOR

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353

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 hereto in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-204-SP4 (Item 212)
 SE/S Chestnut Avenue, 152' +/- W of Piccadilly Road
 615 Chestnut Avenue
 9th Election District - 4th Councilmanic
 Legal Owner(s): Pickersgill, Inc.
 Petitioner(s): Chestnut Hill Neighborhood Association, Inc.
 HEARING: TUESDAY, FEBRUARY 2, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

Special hearing to determine whether or not the height of the new additions to the existing facility are in violation of the Baltimore County Zoning Regulations in that they exceed 50 feet as a result of the exterior grade being artificially built up above natural or surrounding finished grade.

Arnold Jablon
 Director

cc: Pickersgill, Inc.
 Chestnut Hill Neighborhood Association, Inc.
 J. Carroll Holzer, Esq.
 Howard L. Alderman, Esq.
 NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353

JANUARY 26, 1993

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 93-204-SP4
 LEGAL OWNER: PICKERSGILL, INC.
 LOCATION: 615 CHESTNUT AVENUE

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

MONDAY, MARCH 1, 1993 at 9:00 a.m.

IN THE BALTIMORE COUNTY COURTHOUSE, ROOM 118, 400 WASHINGTON AVENUE, TOWSON, MARYLAND 21204.

[Signature]
 ARNOLD JABLON
 DIRECTOR

cc: Pickersgill, Inc.
 J. Carroll Holzer, Esq.
 Howard Alderman, Esq.

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353

January 19, 1993

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

RE: Case No. 93-204-SP4, Item No. 212
 Petitioner: Pickersgill, Inc., et al
 Petition for Special Hearing

Dear Mr. Holzer:

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 indicate the appropriateness of the zoning action requested, but 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 preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this
9th day of December 1992.

Carl Jablon
ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Pickersgill, Inc., et al
Petitioner's Attorney: J. Carroll Holzer

DPM/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature: *David R. Kennedy* Date: *1/10/93*

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ J.F.O. Holding Corporation		213		1-04-93 <i>NC</i>
DED DEPRM RP STP TE				
✓ Marshall and Mildred Whipperman		214		<i>NC</i>
DED DEPRM RP STP TE				
✓ Eudowood Holding Corporation		215		<i>NC</i>
DED DEPRM RP STP TE				
✓ Joseph K. And Alva A. Pokorny		216		<i>NC</i>
DED DEPRM RP STP TE				
✓ Pikesville Partnership		217		<i>NC</i>
DED DEPRM RP STP TE				
COUNT 5				
Wyaness Associates Limited Partnership		208		12-28-92 <i>Comment</i>
DED RP STP				
✓ Pickersgill, Inc.		212		<i>NC</i>
DED DEPRM RP STP TE				
COUNT 2				
Stonegate at Patapsco (Azeal Property)				6-1-92
90476				
ZON DED TE				(Waiting for developer to submit plans first)
COUNT 1				
FINAL TOTALS				
COUNT 8				
*** END OF REPORT ***				

SHA Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrative

Re: Baltimore County
Item No.: + 212 (WCR)

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it
does not access a State roadway and is not effected by any State Highway Administration
projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Robert A. Small
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

DPM/Traffic Engineering
Development Review Committee Response Form
Authorized signature: *David R. Kennedy* Date: *1/10/93*

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
Charles A. Wagandt		203		12-28-92
DED DEPRM RP STP TE				
✓ Walter Dempsey Lee and Carolyn Shaw		204	<i>W/C</i>	
DED DEPRM RP STP TE				
Thomas Booth, Louis and Elmer Morsberger		205	<i>W/C</i>	
DED DEPRM RP STP TE				
✓ Michael J. and Bonnie Conner		207	<i>W/C</i>	
DED DEPRM RP STP TE				
Wyaness Associates Limited Partnership		208	<i>W/C</i>	
DED DEPRM RP STP TE				
✓ James G. and Pamela J. Miller		209	<i>W/C</i>	
DED DEPRM RP STP TE				
✓ Sarkis G. and Susan T. Aghazarian		210	<i>W/C</i>	
DED DEPRM RP STP TE				
✓ Pickersgill, Inc.		E12	<i>W/C</i>	
DED DEPRM RP STP TE				
✓ Stephen Thomas Fox and Mary Catherine Wilson		221	<i>W/C</i>	
DED DEPRM RP STP TE				
COUNT 9				
Stonegate at Patapsco (Azeal Property)				6-1-92
90476				
ZON DED TE				(Waiting for developer to submit plans first)
COUNT 1				
FINAL TOTALS				
COUNT 10				

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: January 4, 1993

FROM: J. Lawrence Pilson *JLP/KW*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #212
615 Chestnut Avenue
Zoning Advisory Committee Meeting of December 28, 1992.

The Department of Environmental Protection and Resource Management offers
the following comments on the above referenced zoning item.

Development of the property must comply with the Regulations for the
Protection of Water Quality, Streams, Wetlands and Floodplains.

LP:sp

CHESTNUT/TXTSBB

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-1500

DECEMBER 28, 1992

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

RE: Property Owner: PICKERSGILL HILL NEIGHBORHOOD ASSOCIATION, INC.
Location: #615 CHESTNUT AVENUE
Item No.: + 212 (WCR) Zoning Agenda: DECEMBER 28, 1992

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: *Capt. Anne R. Jones*
Planning Group
Special Inspection Division

JP/KEK

2-2-93 93-204-S/H

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

DATE: January 13, 1993

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

SUBJECT: Pickersgill

INFORMATION:
Item Number: 212

Petitioner: Pickersgill, Inc.

Property Size: 16.4 acres

Zoning: DR 3.5, DR 5.5

Requested Action: Special Hearing

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:
The petitioner is requesting a Special Hearing to determine whether or not the
height of the new additions to the existing facility are in violation of the
Development Regulations in that they exceed 50' as a result of the grade being
built up above the natural grade.

This property was the subject of several previous hearings, Case No. 89-538-SPH,
Case No. 89-444-SPH before the Zoning Commissioner and Case No. CBA 89-156 before
the Board of Appeals.

The Office of Planning and Zoning believes that the determination of height is a
technical matter that should be reviewed for compliance with Section RH-6 of the
Zoning Commissioner's Policy Manual and Sections 1802.2.A and Section 101 of the
B.C.Z.R.

Prepared by: *Francis Morsey*

Division Chief: *Garry L. Keane*

PK/FH:rdn

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

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 25, 1993

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

RE: Preliminary Petition Review
Item #212; Case #93-204-SPH
Hearing Date: 2/2/93, 10:00 a.m.
Petitioner: Chestnut Hill Neighborhood
Association, Inc.
Legal Owner: Pickersgill, Inc.
615 Chestnut Avenue
9th Election District

Dear Mr. Holzer:

This letter is in reference to the zoning special hearing petition
request filed with this office under item #212 on December 18, 1992. The
petition was filed as authorized by Section 500.7 of the Baltimore County
Zoning Regulations, which guarantees "the right of any interested person to
petition the Zoning Commissioner for a public hearing...to determine any
right whatsoever of such person in any property in Baltimore County insofar
as they are affected by these regulations".

The usual filing procedure for zoning petitions requires that the
appropriate filing checklist requirements be met; however, in this case
(due to the interpretation being requested by a party not the property
owner), these requirements would understandably require that information be
provided which is not readily available or unobtainable by the petitioner.
Determination of compliance with these requirements are, therefore, left to
the discretion of the Zoning Commissioner at the future public hearing.
After a review of the information provided, staff does recommend that a

J. Carroll Holzer, Esquire
January 25, 1993
Page 2

scaled graphic representation of the non-compliance with zoning height regulations and policies (outlined in the hearing request) be provided (prior to the zoning hearing) by the petitioner to further establish the facts in this case.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

By: John L. Lewis
Planner II

JLL:scj

Enclosure (receipt)

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 21, 1993

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

RE: Petition for Special Hearing
SE/S Chestnut Avenue, 152' N of
Piccadilly Road
(615 Chestnut Avenue)
9th Election District
4th Councilmanic District
John Hodge-Williams, President
Chestnut Hill Neighborhood Assoc. - Petitioner
Case No. 93-204-SPH

Dear Mr. Alderman:

Please be advised that an appeal of the above-referenced case was filed in this office on April 20, 1993 by J. Carroll Holzer, Esquire. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,

ARONOLD JABLON

Director

AJ:jaw

cc: J. Carroll Holzer, Esquire
Ms. Elizabeth H. Sexton
Ms. Sarah P. Daignault
Mr. John Hodge-Williams
W. Carl Richards, Zoning Coordinator
People's Counsel



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APPEAL

Petition for Special Hearing
SE/S Chestnut Avenue, 152' N of Piccadilly Rd
(615 Chestnut Avenue)
9th Election District - 4th Councilmanic District
John Hodge-Williams, President
Chestnut Hill Neighborhood Assoc. - PETITIONER
Case No. 93-204-SPH

Petition(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protestant(s) Sign-in Sheets

Petitioner's Post-Hearing Memorandum

Petitioner's Exhibits: 1 Copy of Final Development Plan
2 Zoning Commissioner Policy Manual, Pg 1-8
3 RM-6 Height Determination
4 Pickersgill Height Determination Plat
5 Plat (Height Determination)
6 John C. Rohle Resume
7(a) Landscape Plan
7(b) Landscape Notes, Details and Planting Schedule

Protestant's Post-Hearing Memorandum

Protestant's Exhibits: 1 West Elevation Sketch
2 New Apartments Sketch
3 Addition to Existing Building

Zoning Commissioner's Order dated March 22, 1993 (Denied)

Notice of Appeal received on April 20, 1993 from J. Carroll Holzer

cc: J. Carroll Holzer, Esquire, Holzer, Maher, Demilio & Lee, 305 W. Chesapeake Avenue, Suite 105, Towson, MD 21204
Ms. Elizabeth H. Sexton, 600 Chestnut Avenue, Towson, MD 21204
Ms. Sarah P. Daignault, 606 Chestnut Avenue, Towson, MD 21204
Mr. John Hodge-Williams, President, Chestnut Hill Neighborhood Association, Inc., 305 W. Chesapeake Avenue, Suite 105, Towson, MD 21204
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
Lawrence E. Schmidt, Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of ZADM



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue
May 14, 1993

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 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. 93-204-SPH

CHESTNUT HILL NEIGHBORHOOD ASSOCIATION
Property located at the SE/S Chestnut
Avenue, 152' N of Piccadilly Road (615
Chestnut Avenue)
9th Election District
4th Councilmanic District

SPH - for interpretation as to whether
the height of certain new additions to
existing facility at Pickersgill is
violative of the BCZ/Petition filed by
community located adjacent to site.

3/22/93 - Z.C.'s Order in which Petition
for Special Hearing is DENIED.

ASSIGNED FOR: TUESDAY, AUGUST 17, 1993 AT 10:00 a.m.

cc: J. Carroll Holzer, Esquire Counsel for Appellants
Chestnut Hill Neighborhood Appellants /Petitioners
Assn. /John Hodge-Williams, Pres.
Ms. Elizabeth H. Sexton
Ms. Sarah P. Daignault
Julius W. Lichter, Esquire Counsel for Pickersgill, Inc.
Howard L. Alderman, Jr., Esq.
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant



Printed on Recycled Paper

5/14/93 - Following parties notified of hearing set for Tuesday,
August 17, 1993 at 10:00 a.m.:

J. Carroll Holzer, Esquire
Chestnut Hill Neighborhood
Assn. /John Hodge-Williams, Pres.
Ms. Elizabeth H. Sexton
Ms. Sarah P. Daignault
Julius W. Lichter, Esquire
Howard L. Alderman, Jr., Esq.
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

8/04/93 -Copy of letter from H. Alderman, Jr., Esq. to J. Carroll Holzer, Esq. -
indication from Alderman's client that, based upon discussions between
said clients (Pickersgill reps) and Mr. Holzer's clients, appeal will
be dismissed, and therefore Messrs Alderman & Lichter would not be
preparing for scheduled hearing; and requesting confirmation of same.

8/17/93 -Scheduled for hearings dismissed on record by counsel for appellants --
matter resolved between parties prior to hearing. Order to be issued
by Board dismissing appeal.

RONALD L. MAHER
J. CARROLL HOLZER
CAROL'S DEMILIO
THOMAS J. LEE

LAW OFFICES
HOLZER, MAHER, DEMILIO & LEE
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(410) 825-6960
FAX (410) 825-6964

APPEAL COUNTY OFFICE
1315 LIBERTY ROAD
ELLSBURG, MARYLAND 21794
(410) 798-8536
FAX (410) 798-5535

SUITE 300
1725 IN SALES STREET, N.W.
WASHINGTON, D.C. 20036

January 8, 1993
16682

Ms. Gwen Stephens
Office of Zoning
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Chestnut Hill Neighborhood Association
Property Located at
615 Chestnut Avenue
Towson, Maryland 21204

Dear Ms. Stephens:

On December 9, 1992, I filed a Petition for Special Hearing
in the above referenced matter paying \$250.00 in filing fees. I
would respectfully request that you set this issue in before the
Zoning Commissioner at the earliest available date.

If you have any questions, you can call me directly at 410-
825-6961.

Very truly yours,

J. Carroll Holzer

JCH:m1g

cc: Chestnut Hill
Neighborhood Association

P.S. Since this letter was dictated, the case was set for
Tuesday, February 2, 1993. I must request a
postponement due to a scheduling conflict. I am to
appear before the County Board of Appeals at 10:00 a.m.
that morning on Brookview Farms.

RECEIVED ZONING OFFICE
DATE: 8/17/93

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-239-3700
TELECOPIER 410-825-9050

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

ELLS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.

March 11, 1993

HAND DELIVERED

Lawrence E. Schmidt, Esquire
Zoning Commissioner for Baltimore County
Court House
Towson, MD 21204

RE: Post-Bearing Memoranda
Case No. 93-204-SPH
Pickersgill, Legal Owner/Defendant

Dear Mr. Schmidt:

Pursuant to the direction given at the conclusion of the
hearing held on the above-referenced case, I enclose herewith the
Post-Bearing Memorandum filed on behalf of Pickersgill, Inc., the
defendant and legal owner of the subject property. Should you need
any further information in this regard, please do not hesitate to
contact Jules Lichter or me.

Thank you for your prompt attention to this matter.

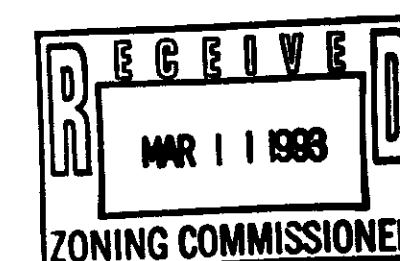
Very truly yours,

Howard L. Alderman, Jr.

HLA,Jr./gk

Enclosure

cc (w/encl.): Pickersgill, Inc.
J. Carroll Holzer, Esquire



BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-239-3700
TELECOPIER 410-825-9050

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

ELLS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.

August 4, 1993

HAND DELIVERED

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

RE: Petition for Special Hearing - Pickersgill, Inc.
Chestnut Hill Neighborhood Association, Petitioner
Case No. 93-204-SPH - Hearing Date: August 17, 1993
Dismissal of Appeal

Dear Carroll:

As you know, we represent Pickersgill, Inc in connection with the above-referenced matter.
I am advised that Pickersgill representatives have been in communication with your clients, the
Petitioners in the above-referenced case.

I spoke with Mrs. James B. Diggs, President of Pickersgill, Inc. this morning regarding the
on-going discussions with your clients. Ms. Diggs advised that, based on a telephone conversation
that she had last evening with Mr. Erwin Huber, your clients will be dismissing their appeal.

Based upon these representations, we will not be preparing for the scheduled hearing. If this
information is incorrect, please notify either Jules Lichter or me immediately. Otherwise, either Jules
or I will be present in the Board's hearing room at 10:00 a.m. on August 17, 1993 to concur in
dismissal of your appeal, unless the same is done in writing by you in advance.

Please confirm that the information represented herein is correct. Thank you for your
continuing cooperation in this matter.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk

cc: Pickersgill, Inc.
William T. Hackett, Chairman
Julius W. Lichter, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
930616-4 PM 3:49