

IN RE: DEVELOPMENT PLAN HEARING and \* BEFORE THE  
 PETITIONS FOR SPECIAL EXCEPTION \*  
 and VARIANCE - E/S of N. Charles \* DEPUTY ZONING COMMISSIONER  
 Street, S of Towsontown Boulevard \*  
 (The Gilchrist Center) \* OF BALTIMORE COUNTY  
 9th Election District District \*  
 4th Councilmanic District \* Case Nos. IX-622 and 95-229-XA

Sheppard Pratt Hospital - Owner; \*  
 Greater Baltimore Medical Center - Developer \*  
 \* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Hearing Officer/Deputy Zoning Commissioner for consideration of a development plan prepared by Daft-McCune-Walker, Inc., and Petitions for Special Exception and Variance for the proposed development of the subject property by Sheppard Pratt Hospital, Owner, and the Greater Baltimore Medical Center (GBMC), Developer and Lessee of the subject property, with a hospice care center, in accordance with the development plan submitted into evidence as Developer's Exhibit 1. As to the Petitions filed, the Applicants request a special exception to permit a convalescent home (nursing home) on the subject site, which is split zoned D.R.2 and O-2, pursuant to Sections 1B01.1.C.5 and 205.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Applicants seek variance relief from the B.C.Z.R. as follows: From Sections 1B01.2.C.1.a and 205.4.A, (and Part II, page 29 of the Comprehensive Manual of Development Policies {C.M.D.P.}) to permit a rear yard setback for a non-residential building of as close as 30 feet in lieu of the required 40 feet for the D.R. 2 zoned portion of the property, and as close as 20 feet in lieu of the required 50 feet for the O-2 zoned portion of the site. The subject property and relief sought are more particularly described on the site plan submitted into evidence and marked as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING  
 Date 8/13/85  
 By [Signature]

MICROFILMED

The property which is the subject of this case consists of 2.60 acres, more or less, of which 2.46 acres are zoned O-2 and 0.14 acres are zoned D.R.2. The property is actually located within the Sheppard Pratt Hospital complex, which is in close proximity to the Greater Baltimore Medical Center (GBMC). GBMC has entered into a lease agreement with Sheppard Pratt to utilize this 2.46 acre parcel for the proposed convalescent home, which will be known as the Gilchrist Center for Hospice Care.

Appearing at the public hearing required for this project were Robert A. Kowol, President of GBMC, Phil O'Marrah and Carol Peltier, also representatives of GBMC, Ed Haile, Jean Tansey and David Locke with Daft-McCune-Walker, Inc., the engineering firm that prepared the development plan for this case, Paul Marks, Architect, Mickey Cornelius, expert traffic engineering consultant with The Traffic Group, and W. Lee Thomas. The Applicants were represented by Robert A. Hoffman, Esquire, and John B. Howard, Esquire. Numerous representatives of the various Baltimore County reviewing agencies attended the hearing as did several residents from the surrounding community, all of whom signed the appropriate sign-in sheets.

As to the history of this project, a concept plan conference for this development was conducted on April 25, 1994. As required, a community input meeting was held at the Towson Library on June 1, 1994. Subsequently, a development plan was submitted and a conference thereon was conducted on January 18, 1995. Following the submission of that plan, comments were submitted by the appropriate reviewing agencies of Baltimore County and a revised development plan incorporating these comments and bearing a revision date of January 24, 1995 was submitted at the hearing held before me on February 10, 1995.

At the public hearing before me, I am required to determine what, if any, agency issues or comments remain unresolved. On behalf of the Applicants, Mr. Robert Hoffman stated that he was unaware of any unresolved issues or comments concerning this development plan. In addition, the representatives from the various Baltimore County reviewing agencies who were in attendance indicated that all comments and issues raised had been addressed and incorporated into the revised development plan. The citizens in attendance were then asked if there were any issues or comments they wished to be addressed. Mr. Tal Daley, President of the Southland Hills Community Association, identified an issue of concern relative to a second means of access to the GBMC property from the surrounding road structure. While there is no second means of access being proposed by this development plan, there were representations made by Counsel for the Applicants that if and when a second means of access to GBMC is proposed and identified, the community will be so notified and a public hearing held to determine the appropriateness of their proposal. Mr. John Howard proffered that Arnold Jablon, Director of the Zoning Administration and Development Management (ZADM) office has made a determination that a second means of access to GBMC would be considered "development" and would therefore proceed through the development process. This will afford the citizens from the neighboring community associations the opportunity to participate in the proceedings on any proposed second means of access through the public hearing process.

Ms. Kay Turner, a nearby resident and member of the Southland Hills Community Association, raised a few questions concerning the proposed hospice center and requested clarification as to the State Health Department issuing a Certificate of Need for 12 Beds and the Applicants proposal

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*[Handwritten mark]*

of 24 beds in the subject facility. Testimony was provided on that particular issue during the substantive portion of the hearing.

Testimony was then offered by Mr. Hoffman on behalf of his clients concerning the special exception and variance requests as well as approval of the development plan. Mr. Hoffman first called Mr. Robert Kowal, President of GBMC. Mr. Kowal testified that the proposed Gilchrist Hospice Center is part of GBMC's comprehensive cancer center. He testified that the proposed facility will be utilized by those individuals who are terminally ill and are in the last six months of their life. He stated that 85 percent of the patients will be cancer victims with 15 percent being characterized with other illnesses. He testified that the Gilchrist Center has been designed with a residential flare to provide the most comfortable setting for those individuals who will be receiving care. He further testified that this Center has been made possible by virtue of a very large donation made by a private citizen who is interested in seeing these types of services provided to the community.

Mr. Kowal also explained the difference in the Certificate of Need issued by the State Health Department for 12 hospice beds and the fact that they are providing 24 beds within the proposed facility. He testified that in fact, 12 beds will be used for hospice care, while the remaining 12 beds will be used for respite care, basically allowing those beds to be used for residential purposes. It was further explained that the B.C.Z.R. do not provide for a specific hospice use, and thus, the special exception for a convalescent (nursing) home is necessary. In any event, after completion of his testimony, it was clear that the proposed 24-bed facility is in accordance with the B.C.Z.R. and also satisfies the State's requirements.

Also testifying on behalf of the Applicants was Mr. Paul Marks, the architect who designed the hospice center building. Mr. Marks testified that the building is located within the Sheppard Pratt Hospital complex on a secluded parcel of land which provides a very peaceful setting with excellent views into wooded areas. He testified that this site is ideal for those individuals who will be utilizing the proposed facility. Mr. Marks further testified as to the residential character which has been incorporated into the design of this facility. It was Mr. Marks' intention to provide the most non-institutional setting as possible for these patients. Suffice it to say, based on the presentation by Mr. Marks, the hospice center designed by him is exceptional in its design and layout.

Mr. Hoffman next called Ms. Jean Tansey with Daft-McCune-Walker, Inc., to testify. Ms. Tansey testified concerning the variances that are being requested and indicated that the relief requested complies with Section 307 of the B.C.Z.R. She also testified that the proposed facility satisfies the special exception requirements enunciated in Section 502.1 of the B.C.Z.R. and will not result in any detriment to the surrounding locale. Ms. Tansey further testified concerning the length of the proposed building, which is 295 feet. Inasmuch as the length of the proposed building exceeds the 240 feet allowed in accordance with the Comprehensive Manual of Development Policies (C.M.D.P.), this Deputy Zoning Commissioner/Hearing Officer must make a special finding as to its compatibility. Based upon the recommendation of the Office of Planning that the development plan as submitted should be approved, I find that the building is compatible with the surrounding uses on the Sheppard Pratt property, the adjacent Towson State University property, and GBMC property, and therefore, the length of the building shall be permitted to be 295 feet.

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Date

8/13/95

By

*[Signature]*

After Ms. Tansey concluded her testimony, I asked those citizens in attendance whether anyone was opposed to this particular project. No citizen indicated they were opposed to this hospice center; however, Ms. Kay Turner testified about some concerns she had regarding the proposed facility. She stated in her limited testimony that she is concerned over the constant building that is occurring on the GBMC property. She stated that GBMC is now going off-site in its effort to expand the services they provide to the citizens of Baltimore County. She is concerned that GBMC went off-site to the Sheppard Pratt facility to lease ground to build this hospice center. She voiced a general concern regarding intensification of development at the GBMC complex.

After considering all of the testimony and evidence presented at the hearing before me, I have determined that the development plan entered into evidence as Developer's Exhibit 1 should be approved. None of the issues, concerns, or comments raised by the citizens in attendance were sufficient to warrant a denial of this development plan, and therefore, the development plan as submitted shall be approved.

As to the Petition for Special Exception, the Applicants had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. In the opinion of this Deputy Zoning Commissioner/Hearing Officer, the Applicants have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. Furthermore, the facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use,

irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

As to the variance relief sought, the granting of any variance is subject to a two-step process. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, No. 617, September Term, 1994. The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, established the following two-step process:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman,

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Date

2/13/95

By

[Signature]

227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:



1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;

2) whether a grant of the variance applied for would do substantial injustice to applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; 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, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Therefore, pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 13<sup>th</sup> day of February, 1995 that the development plan for The Gilchrist Center, identified herein as Developer's Exhibit 1, be and is hereby APPROVED; and,

ORDER RECEIVED FOR FILING  
Date 2/13/95  
By [Signature]

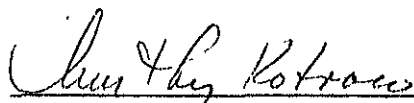
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IT IS FURTHER ORDERED that the Petition for Special Exception to permit a convalescent home (nursing home) on the subject site, which is split zoned D.R.2 and O-2, pursuant to Sections 1B01.1.C.5 and 205.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Developer's Exhibit 1 and Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: From Sections 1B01.2.C.1.a and 205.4A (and Part II, page 29 of the Comprehensive Manual of Development Policies {C.M.D.P.}) to permit a rear yard setback for a non-residential building of as close as 30 feet in lieu of the required 40 feet for the D.R. 2 zoned portion of the property, and as close as 20 feet in lieu of the required 50 feet for the O-2 zoned portion of the site, in accordance with Developer's Exhibit 1 and Petitioner's Exhibit 1, be and is hereby GRANTED.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

TMK:bjjs

  
TIMOTHY M. KOTROCO  
Hearing Officer  
for Baltimore County

230

95-229-XA



# Petition for Special Exception

## to the Zoning Commissioner of Baltimore County

for the property located at N. Charles Street, Baltimore, MD 21204

which is presently zoned 0-2 and DR2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a convalescent home (nursing home) pursuant to Section 1B01.1.C.5 BCZR (D.R.2 zone) and Section 205.3.B BCZR (O-2 zone).

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

I, or we, agree to pay expenses of above Special Exception 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.

Owner:

Sheppard Pratt Health System, Inc.  
(Type or Print Name)

By: [Signature]  
Signature Jack J. Kent, Executive Vice  
JOHN J. KENT, JR. President  
6501 North Charles Street  
Address

Towson, Maryland 21204  
City State Zipcode

Attorney for Petitioner.

Robert A. Hoffman

(Type or Print Name)  
[Signature]  
Signature Venables, Baetjer & Howard  
210 Allegheny Avenue 494-6200  
Address Phone No.  
Towson, Maryland 21204  
City State Zipcode

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

Lessee:

Greater Baltimore Medical Center  
(Type or Print Name)

By: [Signature]  
Signature Robert P. Kowal, President

(Type or Print Name)

Signature

6701 North Charles Street 828-2000

Address Phone No.

Baltimore, Maryland 21204

City State Zipcode

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

Robert A. Hoffman  
Name 210 Allegheny Avenue  
Towson, Maryland 21204 494-6200  
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING  
unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE \_\_\_\_\_



ORDER RECEIVED FOR FILING  
Date 2/13/95  
By [Signature]

MICROFILMED



# Petition for Variance

230

95-229-XA

## to the Zoning Commissioner of Baltimore County

for the property located at N. Charles Street, Baltimore, MD 21204

which is presently zoned O-2 and DR2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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(s) 1B01.2.C.1.a BCZR (D.R. 2) and 205.4.A BCZR (O-2 zone), and Part II, p. 29 of the CMDP to allow a rear yard setback for a non-residential building as close as 30 ft. in lieu of the 40 ft. setback required for the D.R. 2 zone and as close as 20 ft. in lieu of the 50 ft. setback required for the O-2 zone.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be determined at hearing.

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.

Owner: ←

Lessee:

Sheppard Pratt Health System, Inc.  
(Type or Print Name)

Greater Baltimore Medical Center  
(Type or Print Name)

By: [Signature]  
Signature John J. Kent, Jr., Executive Vice President  
6501 North Charles Street  
Address

By: [Signature]  
Signature Robert P. Kowal, President  
(Type or Print Name)

Towson, Maryland 21204  
City State Zipcode

6701 North Charles Street 828-2000  
Address Phone No.  
Baltimore, Maryland 21204  
City State Zipcode

Attorney for Petitioner,  
Robert A. Hoffman  
(Type or Print Name)

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

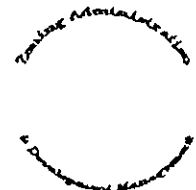
Signature [Signature]  
Venable, Baetjer & Howard  
210 Allegheny Avenue 494-6200  
Address Phone No.  
Towson, Maryland 21204  
City State Zipcode

Robert A. Hoffman  
Name 210 Allegheny Avenue  
Towson, Maryland 21204 494-6200  
Address Phone No.

ORDER RECEIVED FOR FILING

Date 1/3/95  
By [Signature]

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OFFICE USE ONLY  
ESTIMATED LENGTH OF HEARING 1 DAY?  
unavailable for hearing

the following dates \_\_\_\_\_ Next Two Months  
ALL  OTHER  
REVIEWED BY [Signature] DATE 1/4/95

230  
95-229-XA

**Description**

**To Accompany Petition for Zoning Variance and Special Exception**

**2.6 Acre Parcel, Part of**

**The Sheppard and Enoch Pratt Hospital Property**

**Ninth Election District, Baltimore County, Maryland**



Daft·McCune·Walker, Inc.  
200 East Pennsylvania Avenue  
Towson, Maryland 21286  
410 296 3333  
Fax 296 4705  
  
A Team of Land Planners,  
Landscape Architects,  
Engineers, Surveyors &  
Environmental Professionals

Beginning for the same at the end of the following course and distance measured from the intersection of the centerline of Towsontown Boulevard with the centerline of Charles Street Avenue (1) South 14 degrees 33 minutes 45 seconds East 912.08 feet, thence leaving said point of beginning and running the twelve following courses and distances, viz: (1) North 78 degrees 29 minutes 45 seconds East 245.00 feet, thence (2) South 11 degrees 30 minutes 15 seconds East 41.49 feet, thence (3) Southeasterly by a line curving to the left with a radius of 175.31 feet for a distance of 78.66 feet (the arc of said curve being subtended by a chord bearing South 24 degrees 21 minutes 27 seconds East 78.00 feet), thence (4) South 37 degrees 12 minutes 37 seconds East 80.71 feet, thence (5) Southeasterly by a line curving to the left with a radius of 189.80 feet for a distance of 94.41 feet (the arc of said curve being subtended by a chord bearing South 51 degrees 27 minutes 37 seconds East 93.44 feet), thence (6) South 37 degrees 12 minutes 37 seconds East 120.00 feet, thence (7) South 52 degrees 47 minutes 23 seconds West 213.67 feet, thence (8) Northwesterly by a line curving to the left with a radius of 265.00 feet for a distance of 154.22 feet (the arc of said curve being subtended by a chord bearing North 30 degrees 40 minutes 39 seconds West 152.05 feet), thence (9) North 47 degrees 20 minutes 59 seconds West 73.00 feet, thence (10) Northwesterly by a line curving to the left with a radius of 185.18 feet for a distance of 221.37 feet (the arc of said curve

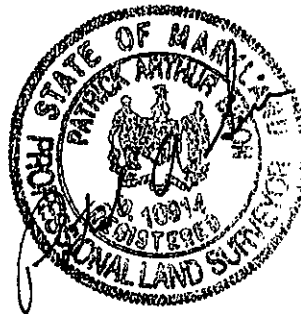
95-229-XA

being subtended by a chord bearing North 81 degrees 35 minutes 43 seconds West 208.42 feet), thence (11) North 37 degrees 12 minutes 37 seconds West 89.34 feet, and thence (12) North 34 degrees 02 minutes 24 seconds East 154.82 feet to the point of beginning; containing 2.6 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

December 6, 1994

Project No. 89014.AA (L89014AA)



**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Townson, Maryland

*IX-672*

*95-229-X17*

District: *9th* Date of Posting: *1/6/95*

Posted for: *Development Plan & Special Exception*

Petitioner: *Greater Balto. Medical Ctr.*

Location of property: *S. of Towson town Blvd, E. of Charles St*

Location of Signs: *Dot on fence to Shepard Pratt - Dot on fence to  
Greater Balto. Med. Ctr. & (2) at location of New Convalescent Home*

Remarks: \_\_\_\_\_

Posted by: *[Signature]* Date of return: *1/13/95*  
Signature

Number of Signs: *4*



RECORDED

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

**Case Number:**

95-229-XA (Item 230)

Sheppard Pratt Property at

N. Charles Street, South 14

degrees 33 minutes, 45

seconds East 912 feet from

the intersection of Towson

town Boulevard and

Charles Street Avenue,

also 150 feet NE of The

Gilchrist Building

**City Election District:**

4th Councilmanic

**Legal Owner(s):**

Sheppard Pratt Health

System, Inc.

**Lessee:**

Greater Baltimore

Medical Center (Proposed:

Gilchrist Hospice)

**HEARING: FRIDAY,**

**FEBRUARY 10, 1995 at**

**9:00 a.m. in Rm. 106**

**County Office Building.**

**Special Exception for a convalescent home (nursing home). Variance: to allow a rear yard setback for a non-residential building as close 30 feet in lieu of the 40-foot setback required for the D.R. 2 zone and as close as 20 feet in lieu of the 50-foot setback required for the O-2 zone.**

**LAWRENCE E. SCHMIDT,**

**Zoning Commissioner for**

**Baltimore County**

**NOTES: (1) Hearings are Handicapped accessible; for special accommodations Please Call 987-3353.**

**(2) For Informa:**

# CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Jan. 13, 1995

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 Jan. 12, 1995.

**THE JEFFERSONIAN,**

*A. Henricksen*

**LEGAL AD. - TOWSON**

**Publinter**

**MICROFILM**





Baltimore County  
 Zoning Administration &  
 Development Management  
 111 West Chesapeake Avenue  
 Towson, Maryland 21284

receipt

95-229-XA

Account: R-001-6150

Number 230

Date 1/4/95

1 SPX FILING CODE 050

\$ 300.00

1 ~~SPX~~ VARIANCE FILING CODE 020

250.00

(4) SIGNS. 2 DIRECTIONAL 2 HEARING.  
 TOTAL:

140.00

\$ 690.00

OWNER  
 SHEPPARD PRATT HEALTH SYSTEMS,  
 LOC  
 SHEPPARD PRATT PROP. AT NORTH CHARLES ST.

MICROFILMED PAID BY Venerable Baethen  
 Howard -

02A02801396103HC  
 RG CALIFORNIA SANJO 04-95

Please Make Checks Payable To: Baltimore County

Cashier Validation



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 230

Petitioner: Greater Baltimore Medical Center

Location: N. Charles Street near Towson Town Boulevard

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara W. Ormord

ADDRESS: 210 Allegheny Avenue  
Towson Md 21204

PHONE NUMBER: 494-6200

TO: PUTUXENT PUBLISHING COMPANY  
January 12, 1995 Issue - Jeffersonian

Please forward billing to:

Barbara W. Ormord  
Venable, Baetjer & Howard  
210 Allegheny Avenue  
Towson, Maryland 21204  
494-6200

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-229-XA (Item 230)

Sheppard Pratt Property at N. Charles Street, South 14 degrees, 33 minutes, 45 seconds East 912 feet from the intersection of Towsontown Boulevard and Charles Street Avenue, also 150 feet NE of The Gibson Building

9th Election District - 4th Councilmanic

Legal Owner(s): Sheppard Pratt Health System, Inc.

Lessee: Greater Baltimore Medical Center - (Proposed: Gilchrist Hospice)

HEARING: FRIDAY, FEBRUARY 10, 1995 at 9:00 a.m. in Room 106 County Office Building

Special Exception for a convalescent home (nursing home).

Variance to allow a rear yard setback for a non-residential building as close 30 feet in lieu of the 40 foot setback required for the D.R. 2 zone and as close as 20 feet in lieu of the 50 foot setback required for the O-2 zone.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

WICOM 1/13/95

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

JANUARY 6, 1995

(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 herein 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:

DEVELOPMENT PLAN HEARING

PROJECT NAME: Gilchrist Hospice

PROJECT NUMBER: IX-622

LOCATION: S of Towsontown Boulevard, East of Charles Street

ACRES: 2.60+/-

DEVELOPER: Greater Baltimore Medical Center

PROPOSAL: 24 Bed Hospice

AND

CASE NUMBER: 95-229-XA (Item 230)

Sheppard Pratt Property at N. Charles Street, South 14 degrees, 33 minutes, 45 seconds East 912 feet from the intersection of Towsontown Boulevard and Charles Street Avenue, also 150 feet NE of The Gibson Building

9th Election District - 4th Councilmanic

Legal Owner(s): Sheppard Pratt Health System, Inc.

Lessee: Greater Baltimore Medical Center - (Proposed: Gilchrist Hospice)

Special Exception for a convalescent home (nursing home).

Variance to allow a rear yard setback for a non-residential building as close 30 feet in lieu of the 40 foot setback required for the D.R. 2 zone and as close as 20 feet in lieu of the 50 foot setback required for the O-2 zone.

HEARING: FRIDAY, FEBRUARY 10, 1995 at 9:00 a.m. in Room 106 County Office Building

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Greater Baltimore Medical Center  
Sheppard Pratt Health System, Inc.  
Robert A. Hoffman, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

February 1, 1995

Robert A. Hoffman, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: Item No.: 230  
Case No.: 95-229-XA  
Petitioner: Greater Baltimore  
Medical Center

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on January 4, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)



Baltimore County Government  
Fire Department



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

(410) 887-4500

DATE: 01/12/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SHEPPARD PRATT HEALTH SYSTEM INC.

LOCATION: 150' NE GIBSON BUILDING ON THE SHEPPARD PRATT PROPERTY  
AT N. CHARLES ST. (THE GILCHRIST CENTER FOR HOSPICE CARE)

Item No. 230

Zoning Agenda: SPECIAL EXCEPTION  
VARIANCE

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

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", 1991 edition prior to occupancy.

**RECEIVED**  
JAN 17 1995

**ZADM**

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

**MICROFILMED**



BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: January 23, 1995  
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for January 23, 1995  
Items 225, 226, 227, 229, (230), 231, 232, 233,  
234, and 236

The Developers Engineering Section has reviewed  
the subject zoning item and we have (no) comments.

RWB:sw

RECEIVED



Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

1-13-95

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204  
ATTN: MS. JOYCE WATSON  
Dear Ms. Winiarski:

Re: Baltimore County  
Item No.: +230 (JLL)

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 project.

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,

for

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
PETITION FOR VARIANCE		
N. Charles Street, South 14 degrees, 33	*	ZONING COMMISSIONER
minutes, 45 seconds East 912 feet from		
intersection of Towsontown Blvd & Charles	*	OF BALTIMORE COUNTY
Street Ave., also 150' NE of The Gibson		
Building (Proposed: Gilchrist Hospice)	*	CASE NO. 95-229-XA
9th Election Dist., 4th Councilmanic		
	*	
Sheppard Pratt Health System, Inc./		
Greater Baltimore Medical Center	*	
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

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

*Peter Max Zimmerman*  
 \_\_\_\_\_  
 PETER MAX ZIMMERMAN  
 People's Counsel for Baltimore County

*Carole S. Demilio*  
 \_\_\_\_\_  
 CAROLE S. DEMILIO  
 Deputy People's Counsel  
 Room 47, Courthouse  
 400 Washington Avenue  
 Towson, MD 21204  
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24<sup>th</sup> day of January, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

*Peter Max Zimmerman*  
 \_\_\_\_\_  
 PETER MAX ZIMMERMAN

RECEIVED

230

Swen: Development Plan  
& Full Process. Dev Plan

is coming in in a day

or two. Kurt is Managing

MICROFILMED

See Sign locations on  
the 200 scale. I've marked up.

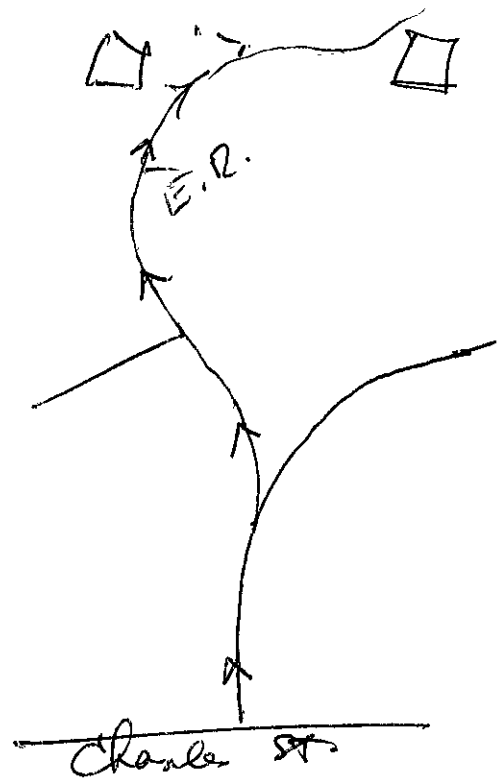
TO WHOM IT MAY CONCERN:

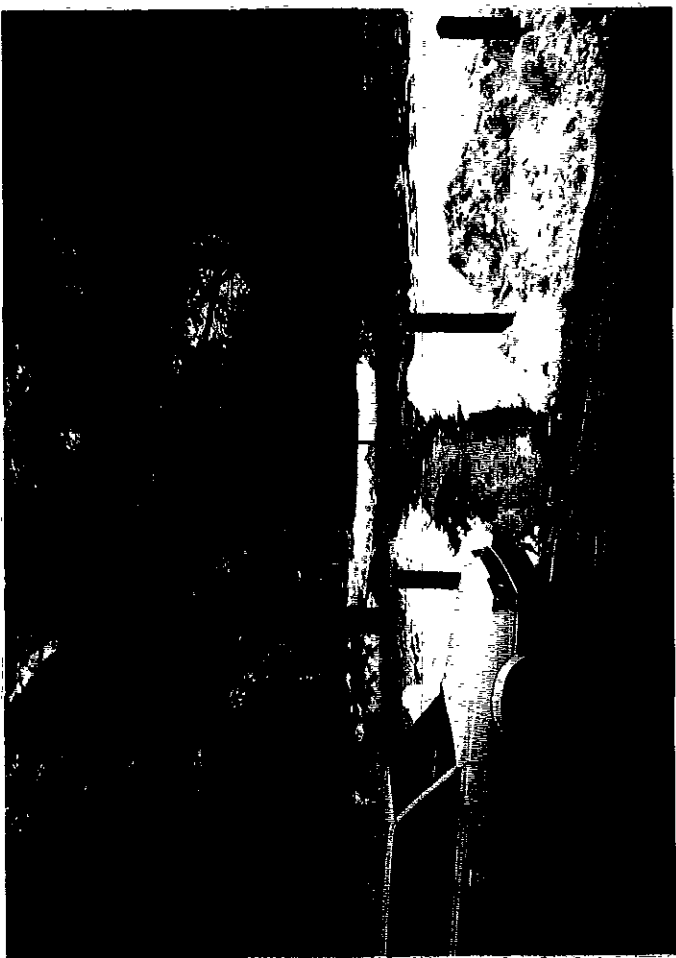
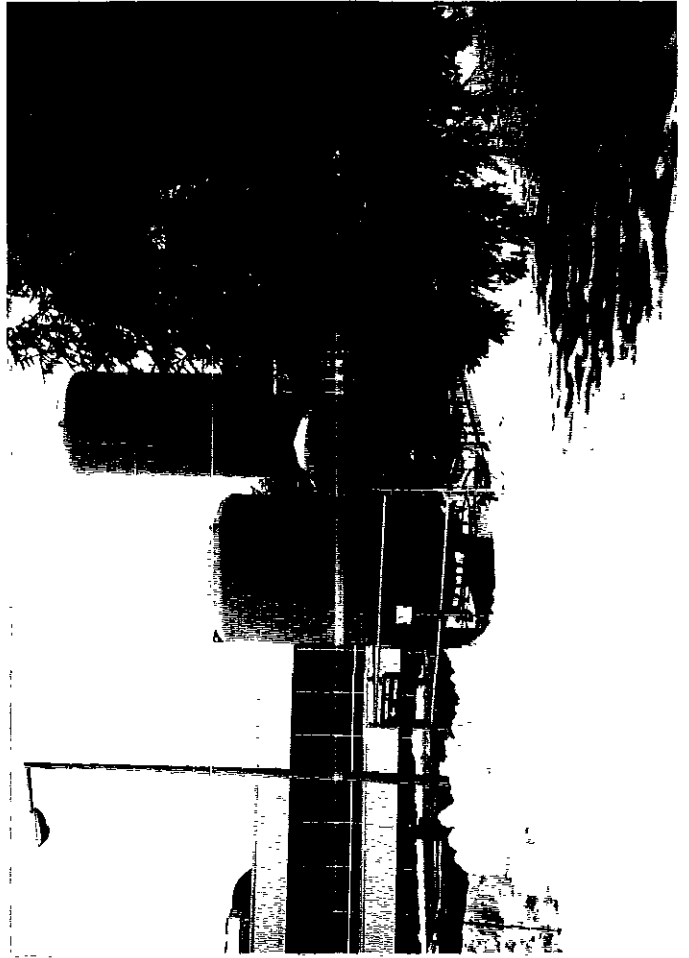
At the February 10, 1995 hearing before the Deputy Zoning Commissioner of Baltimore County in the case of the request by GBMC Gilchrist Hospice for variance and special exception from current zoning regulations to build a 24-bed nursing home, there was discussion regarding vehicle access to the property. Statements were made which gave the impression that GBMC needed an emergency access to their hospital complex, as the entrance onto Charles Street was the only entrance to GBMC.

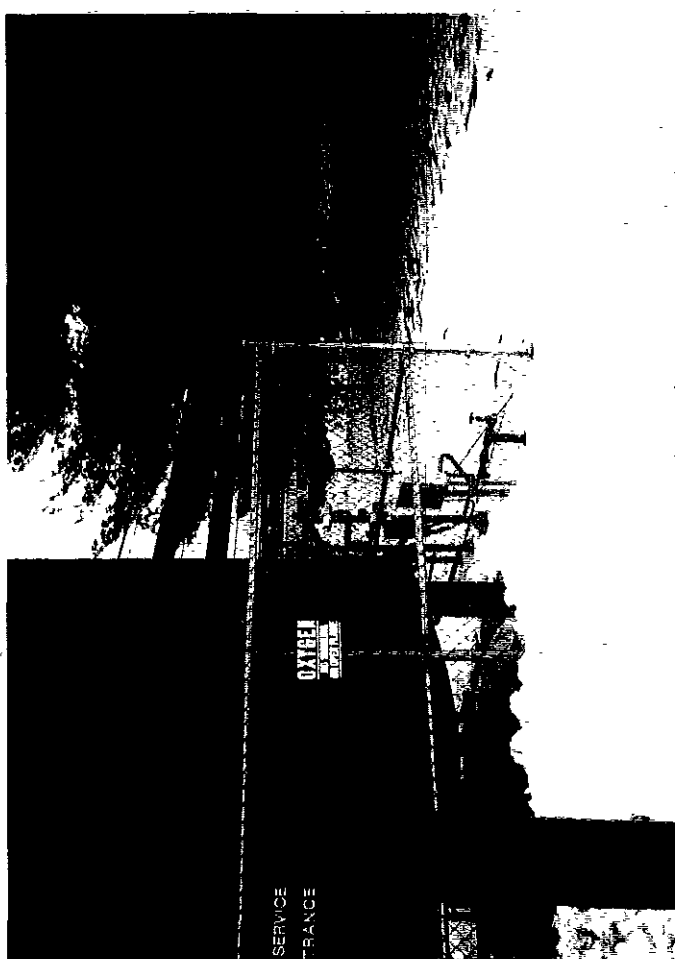
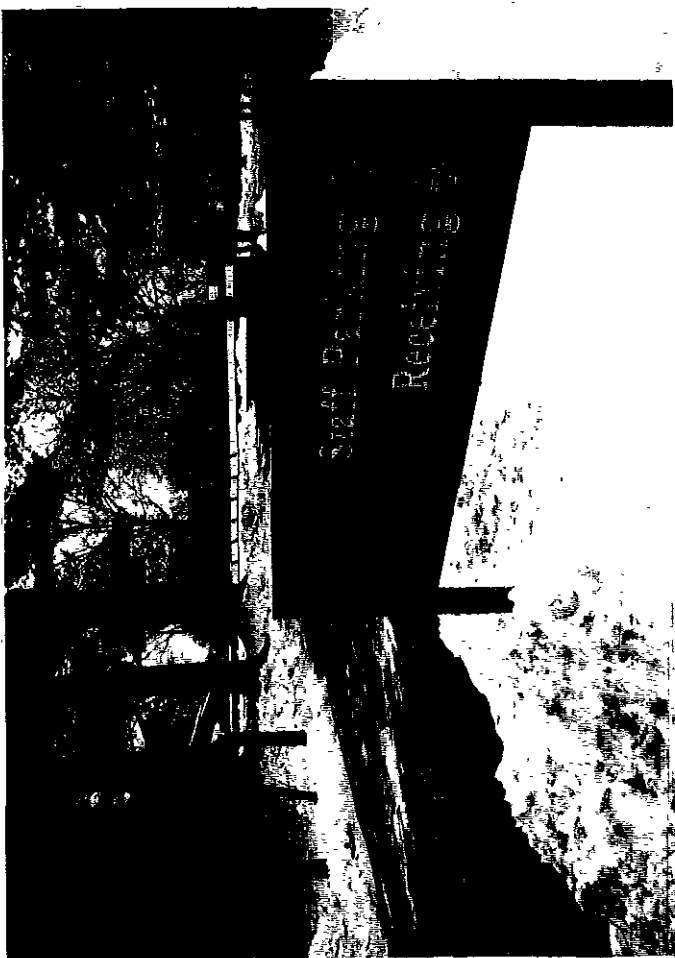
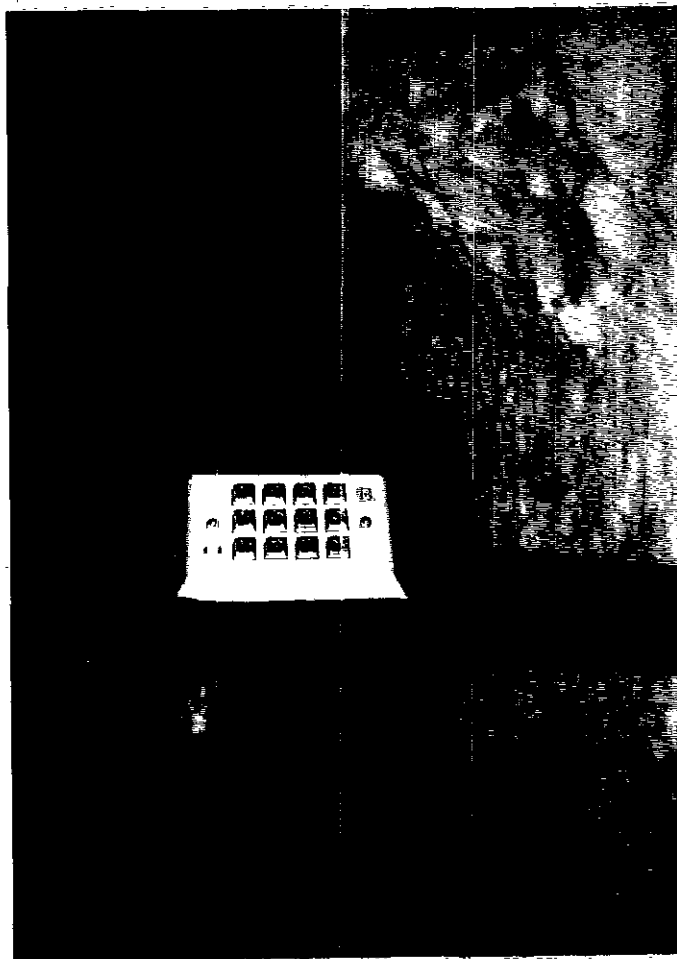
THIS statement is to say that GBMC has in place, and in use already, a controlled access gate. It is located at the juncture with Shepherd Pratt property, near the emergency room of GBMC. It is accessed from GBMC and from Shepherd Pratt properties by means of a gate which rises after numbers are punched in a box. There is a box located in each direction. The road is kept clear. It is not a new road. There is, also, a walking path placed nearby which goes across both properties.

While these facts may not alter the Deputy Zoning Commissioner's opinion regarding the variance and special exception zoning exceptions requests, it does show why one doubts the truth of other statements made by those asking for the exceptions!

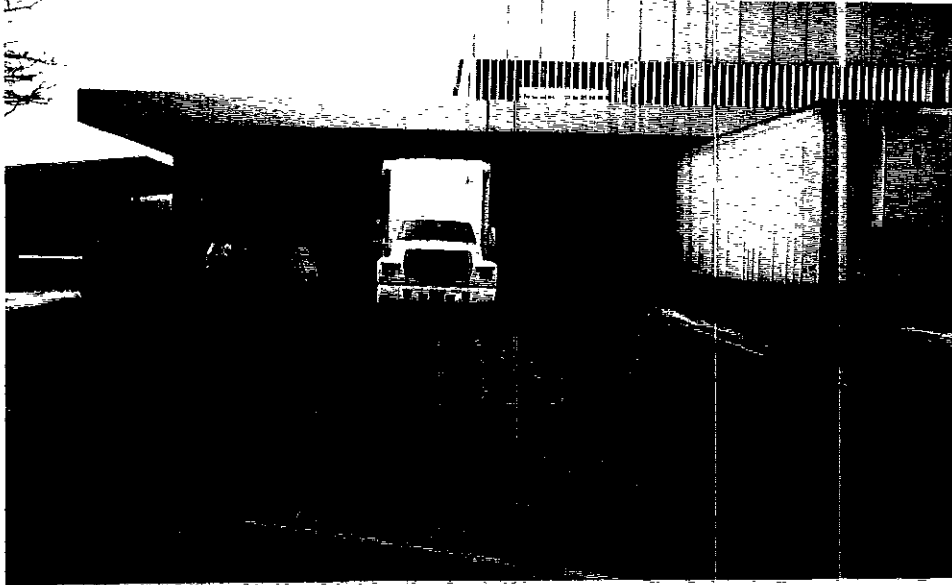
Kay Turner - 825-9384  
Southland Hills community  
Greater Towson Council of Community Associations











ALL  
PICTURES  
TAKEN  
FEBRUARY 10, 1995  
IN  
REAR GBMC

PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES  
SIGN-IN SHEET

NAME

ADDRESS

KURT KUGELBERG

ZADM

FRANCIS MORSEY

PLANNING

R. BRUCE SEELEY

DEPRM

LES SCHREIBER

D.P.W.



APR 20 1983



PLEASE PRINT CLEARLY

**SIGN-IN SHEET**

NAME

ADDRESS

TAL DALEY (SOUTHLAND HILLS)  
ART TURNER (SOUTHLAND HILLS)  
Steve Cupit  
Ellyn Hooper  
Key Turner (Southland Hills)

312 ALABAMA RD, TOWSON  
618 WEST CHESAPEAKE AV TOWSON  
TOWSON BUSINESS ASSNO  
111 Versailles Circle  
618 West Chesapeake Ave 21204

with [unclear]



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

TO: Mr. Arnold Jablon, Director January 24, 1995  
Zoning Administration and  
Development Management

FROM: J. Lawrence Pilson, JLP  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #230 - The Gilchrist Center for Hospice Care  
North Charles Street  
Zoning Advisory Committee Meeting of January 17, 1995

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

Environmental Impact Review

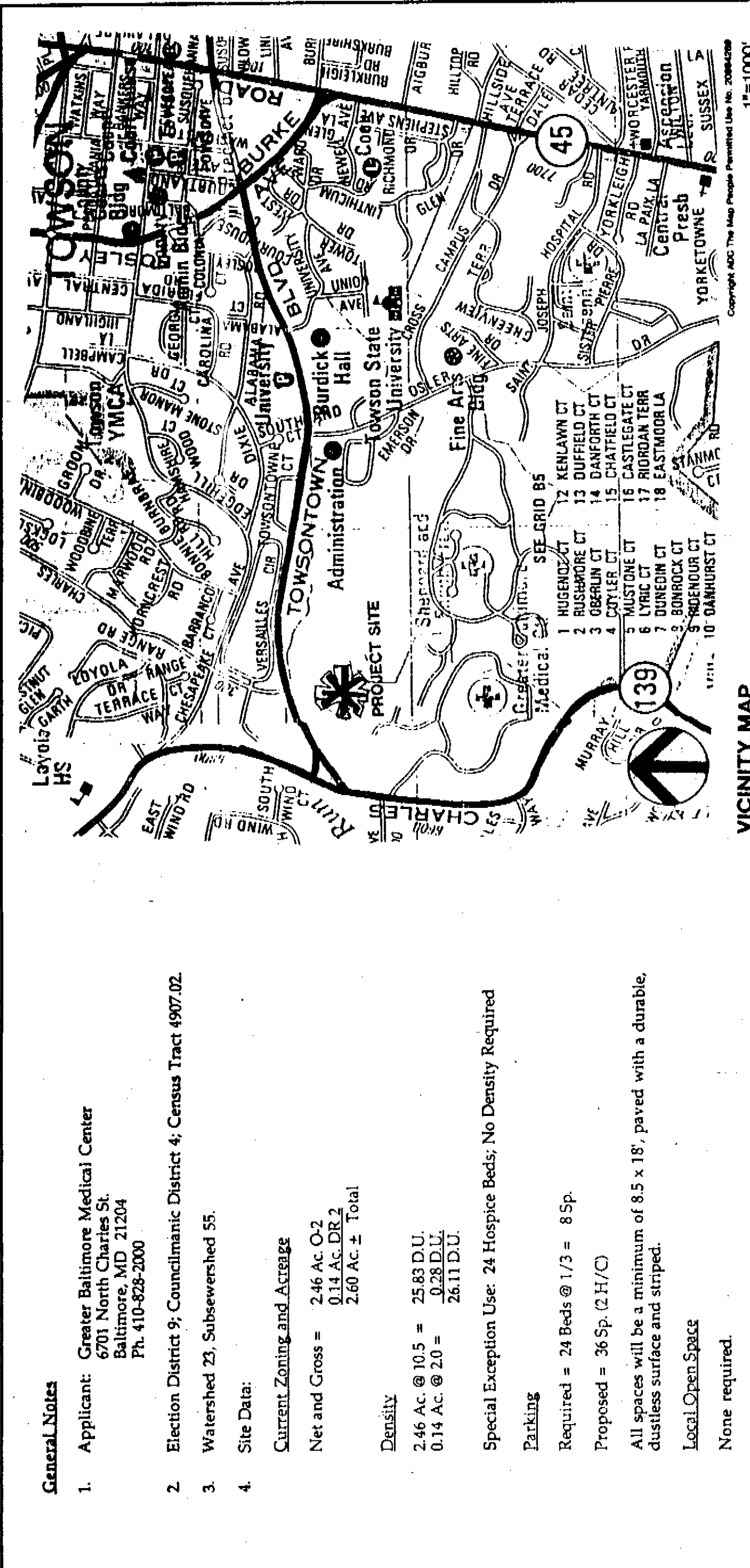
Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Development of the property must comply with the Regulations for Forest Conservation.

JLP:VK:sp

GILCHRI/DEPRM/TXTSBP

MICROFILMED



- General Notes**
- Applicant: Greater Baltimore Medical Center, 6701 North Charles St., Baltimore, MD 21204, Ph: 410-955-3000
  - Election District 9, Councilmanic District 4, Census Tract 4907.02
  - Watered 23, Subwatershed 55.
  - Site Data:
    - Current Zoning and Allowage: DR-2
    - Net and Gross: 2.46 Ac. O-2, 2.60 Ac. DR-2, 2.60 Ac. Total
    - Density: 2.46 Ac. @ 10.5 = 25.83 D.U., 0.14 Ac. @ 20 = 2.81 D.U., 2.60 Ac. @ 20 = 13.00 D.U., 2.60 Ac. @ 20 = 13.00 D.U.
  - Special Exception User: 24 Hospice Beds; No Density Required
  - Parking: Required = 24 Beds @ 1/3 = 8 Sp., Proposed = 36 Sp. (21/15)
  - All spaces will be a minimum of 8.5 x 18', paved with a durable, porous surface and striped.
  - Local Open Space: None required.
  - Landscape Planting: Required = 36 P.U. (3 M.D.), 1100 L.F. (12' Ht. @ 1/20' Total), Proposed = 58 P.U. (31 M.D.), 1100 L.F. (12' Ht. @ 1/20' Total)
  - There are no existing or proposed well or septic systems on site.
  - Soils:
 

Soil Series	Without Basements	With Basements	Limitations
Alluvial (Av)	D	Severe/Flooding, high water table	
Brandywine (BwB2)	C	Slight	
(BwC3)	C	Moderate	
(ByD2, ByE)	C	Moderate	
(ByD2, ByE)	C	Severe	
Cleaveland (ClB)	B	Slight	
Cleaveland (ClB)	C	Slight	
Cleaveland (ClB)	C	Severe	High Water Table
Made (Ma)	B/C	N/A	N/A
  - Stormwater quality and quantity management will be supplied for the 2, 10 and 100 year storm in one underground facility as outlined on the plan.
  - Existing streams, springs and wetlands adjacent to the property and their appropriate buffers are noted on the plan. There are no other known bodies of water or floodplains. The site is a meadow.
  - There are no existing buildings on this site. No known historic buildings, archaeological sites or other resources are shown on the plan.

- Owner: Sheppard Pratt Hospital, 6501 North Charles St., Towson, MD 21284, 471/2877, Tax Acct: 17-00-001912
- Average Daily Trips: 24 Nursing Beds @ 3 ea. = 72 ADTs
- There are no known critical areas, archeological sites, endangered plants, animals, underground tanks or hazardous materials on the site.
- Interior sign location and elevation are shown on the plan. Signs will match on-site signs currently used by GBMC.
- There will be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer Easement except as permitted by the Forest Conservation Act. Protective covenants governing the Forest Buffer Easement will be recorded in the land records of the Baltimore County at the time of the plat recordation and will run with the land in perpetuity.
- Relief Sought:
  - Zoning variance from Sec. 1801.2.C.1.a. and Sec. 205.4.A BCZR and Part II, p. 29 of the CMDP to allow as close as a 20-foot rear setback for a non-residential building in an O-2 (DR 10.5) zone over a 50-foot setback for a non-residential building in a DR 2 zone.
  - Zoning Special Exception to allow a convalescent home (hospital pursuant to Sec. 1801.1.C.3 BCZR (DR 2 zone) and Sec. 205.3.B BCZR (O-2 zone).
  - Variance from the provisions of the Forest Conservation Act to be approved by the Director of DEPRM.
  - Variance from provisions of the Forest Conservation Act to be approved by the Director of DEPRM.
  - Approval of easement containing an area of 200,000 sq. ft. in length with recommendation of Director of Planning per Part II, p. 26 of the CMDP.
- Unresolved community concerns raised at the CIM held June 1, 1994.
  - Amount of additional traffic from GBMC that will flow onto Towson Blvd. from this new access.
  - Left hand turns from and to the site onto Towson Blvd.
  - Intersection configuration for new access and Charles St. Ave. at Towson Blvd.

NOTE: Access onto Towson Blvd. has been eliminated due to community concern.

95-229-XA



**DMW**  
Duff-McCune-Walker, Inc.  
A Team of Land Planners,  
Landscape Architects,  
Engineers, Surveyors &  
Environmental Professionals  
200 East Pennsylvania Avenue  
Towson, Maryland 21286  
(410) 286-5035  
Fax: 286-4708

DEVELOPMENT PLAN/  
SCHEMATIC LANDSCAPE PLAN  
**THE GILCHRIST CENTER  
FOR HOSPICE CARE**

ZADM #17-722  
REVISIONS  
DATE BY  
DESIGNED BY  
CHECKED BY  
DATE CHECKED  
SCALE  
PROJECT NO.: 890156  
DRAWING  
**1 of 1**

REVIEW: 12-29-94  
ISSUE DATES  
DESIGNED BY: [Signature]  
CHECKED BY: [Signature]  
DATE CHECKED: [Signature]  
SCALE: 1" = 30'  
PROJECT NO.: 890156  
DRAWING: 1 of 1

**LEGEND:**

- PROPOSED EVERGREEN TREE
- PROPOSED SHADE TREE
- PROPOSED ORNAMENTAL TREE
- PROPOSED SHRUBS
- EXISTING TREES TO REMAIN
- EXISTING TREES TO BE REMOVED
- PROPOSED FIRE HYDRANT
- FOREST BUFFER

**SOUTH ELEVATION**  
N.T.S.  
SIGNAGE FORMAT  
N.T.S.

**GENERAL NOTES**

- Applicant: Greater Baltimore Medical Center, 6701 North Charles St., Baltimore, MD 21204, Ph: 410-955-3000
- Election District 9, Councilmanic District 4, Census Tract 4907.02
- Watered 23, Subwatershed 55.
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- Soils:
 

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Made (Ma)	B/C	N/A	N/A
- Stormwater quality and quantity management will be supplied for the 2, 10 and 100 year storm in one underground facility as outlined on the plan.
- Existing streams, springs and wetlands adjacent to the property and their appropriate buffers are noted on the plan. There are no other known bodies of water or floodplains. The site is a meadow.
- There are no existing buildings on this site. No known historic buildings, archaeological sites or other resources are shown on the plan.



IN RE: DEVELOPMENT PLAN HEARING and \* BEFORE THE  
PETITIONS FOR SPECIAL EXCEPTION \*  
and VARIANCE - E/S of N. Charles \* DEPUTY ZONING COMMISSIONER  
Street, S of Towson/Town Boulevard \*  
(The Gilchrist Center) \* OF BALTIMORE COUNTY  
9th Election District District \* Case Nos. IX-622 and 95-229-KA  
4th Councilmanic District \*  
Sheppard Pratt Hospital - Owner; \*  
Greater Baltimore Medical Center - Developer \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Hearing Officer/Deputy Zoning Commissioner for consideration of a development plan prepared by Daft-McCune-Walker, Inc., and Petitions for Special Exception and Variance for the proposed development of the subject property by Sheppard Pratt Hospital, Owner, and the Greater Baltimore Medical Center (GBMC), Developer and Lessee of the subject property, with a hospice care center, in accordance with the development plan submitted into evidence as Developer's Exhibit 1. As to the Petitions filed, the Applicants request a special exception to permit a convalescent home (nursing home) on the subject site, which is split zoned D.R.2 and O-2, pursuant to Sections 1B01.1.C.5 and 205.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Applicants seek variance relief from the B.C.Z.R. as follows: From Sections 1B01.2.C.1.a and 205.4.A, (and Part II, page 29 of the Comprehensive Manual of Development Policies (C.M.D.P.)) to permit a rear yard setback for a non-residential building of as close as 30 feet in lieu of the required 40 feet for the D.R. 2 zoned portion of the property, and as close as 20 feet in lieu of the required 50 feet for the O-2 zoned portion of the site. The subject property and relief sought are more particularly described on the site plan submitted into evidence and marked as Petitioner's Exhibit 1.

The property which is the subject of this case consists of 2.60 acres, more or less, of which 2.46 acres are zoned O-2 and 0.14 acres are zoned D.R.2. The property is actually located within the Sheppard Pratt Hospital complex, which is in close proximity to the Greater Baltimore Medical Center (GBMC). GBMC has entered into a lease agreement with Sheppard Pratt to utilize this 2.46 acre parcel for the proposed convalescent home, which will be known as the Gilchrist Center for Hospice Care.

Appearing at the public hearing required for this project were Robert A. Kowal, President of GBMC, Phil O'Marrah and Carol Peltier, also representatives of GBMC, Ed Haile, Jean Tansey and David Locke with Daft-McCune-Walker, Inc., the engineering firm that prepared the development plan for this case, Paul Marks, Architect, Mickey Cornelius, expert traffic engineering consultant with The Traffic Group, and W. Lee Thomas. The Applicants were represented by Robert A. Hoffman, Esquire, and John B. Howard, Esquire. Numerous representatives of the various Baltimore County reviewing agencies attended the hearing as did several residents from the surrounding community, all of whom signed the appropriate sign-in sheets.

As to the history of this project, a concept plan conference for this development was conducted on April 25, 1994. As required, a community input meeting was held at the Towson Library on June 1, 1994. Subsequently, a development plan was submitted and a conference thereon was conducted on January 18, 1995. Following the submission of that plan, comments were submitted by the appropriate reviewing agencies of Baltimore County and a revised development plan incorporating these comments and bearing a revision date of January 24, 1995 was submitted at the hearing held before me on February 10, 1995.

2

At the public hearing before me, I am required to determine what, if any, agency issues or comments remain unresolved. On behalf of the Applicants, Mr. Robert Hoffman stated that he was unaware of any unresolved issues or comments concerning this development plan. In addition, the representatives from the various Baltimore County reviewing agencies who were in attendance indicated that all comments and issues raised had been addressed and incorporated into the revised development plan. The citizens in attendance were then asked if there were any issues or comments they wished to be addressed. Mr. Tal Daley, President of the Southland Hills Community Association, identified an issue of concern relative to a second means of access to the GBMC property from the surrounding road structure. While there is no second means of access being proposed by this development plan, there were representations made by Counsel for the Applicants that if and when a second means of access to GBMC is proposed and identified, the community will be so notified and a public hearing held to determine the appropriateness of their proposal. Mr. John Howard proffered that Arnold Jablon, Director of the Zoning Administration and Development Management (ZADM) office has made a determination that a second means of access to GBMC would be considered "development" and would therefore proceed through the development process. This will afford the citizens from the neighboring community associations the opportunity to participate in the proceedings on any proposed second means of access through the public hearing process.

Ms. Kay Turner, a nearby resident and member of the Southland Hills Community Association, raised a few questions concerning the proposed hospice center and requested clarification as to the State Health Department issuing a Certificate of Need for 12 Beds and the Applicants proposal

3

of 24 beds in the subject facility. Testimony was provided on that particular issue during the substantive portion of the hearing.

Testimony was then offered by Mr. Hoffman on behalf of his clients concerning the special exception and variance requests as well as approval of the development plan. Mr. Hoffman first called Mr. Robert Kowal, President of GBMC. Mr. Kowal testified that the proposed Gilchrist Hospice Center is part of GBMC's comprehensive cancer center. He testified that the proposed facility will be utilized by those individuals who are terminally ill and are in the last six months of their life. He stated that 85 percent of the patients will be cancer victims with 15 percent being characterized with other illnesses. He testified that the Gilchrist Center has been designed with a residential flare to provide the most comfortable setting for those individuals who will be receiving care. He further testified that this Center has been made possible by virtue of a very large donation made by a private citizen who is interested in seeing these types of services provided to the community.

Mr. Kowal also explained the difference in the Certificate of Need issued by the State Health Department for 12 hospice beds and the fact that they are providing 24 beds within the proposed facility. He testified that in fact, 12 beds will be used for hospice care, while the remaining 12 beds will be used for respite care, basically allowing those beds to be used for residential purposes. It was further explained that the B.C.Z.R. do not provide for a specific hospice use, and thus, the special exception for a convalescent (nursing) home is necessary. In any event, after completion of his testimony, it was clear that the proposed 24-bed facility is in accordance with the B.C.Z.R. and also satisfies the State's requirements.

4

Also testifying on behalf of the Applicants was Mr. Paul Marks, the architect who designed the hospice center building. Mr. Marks testified that the building is located within the Sheppard Pratt Hospital complex on a secluded parcel of land which provides a very peaceful setting with excellent views into wooded areas. He testified that this site is ideal for those individuals who will be utilizing the proposed facility. Mr. Marks further testified as to the residential character which has been incorporated into the design of this facility. It was Mr. Marks' intention to provide the most non-institutional setting as possible for these patients. Suffice it to say, based on the presentation by Mr. Marks, the hospice center designed by him is exceptional in its design and layout.

Mr. Hoffman next called Ms. Jean Tansey with Daft-McCune-Walker, Inc., to testify. Ms. Tansey testified concerning the variances that are being requested and indicated that the relief requested complies with Section 307 of the B.C.Z.R. She also testified that the proposed facility satisfies the special exception requirements enunciated in Section 502.1 of the B.C.Z.R. and will not result in any detriment to the surrounding locale. Ms. Tansey further testified concerning the length of the proposed building, which is 295 feet. Inasmuch as the length of the proposed building exceeds the 240 feet allowed in accordance with the Comprehensive Manual of Development Policies (C.M.D.P.), this Deputy Zoning Commissioner/Hearing Officer must make a special finding as to its compatibility. Based upon the recommendation of the Office of Planning that the development plan as submitted should be approved, I find that the building is compatible with the surrounding uses on the Sheppard Pratt property, the adjacent Towson State University property, and GBMC property, and therefore, the length of the building shall be permitted to be 295 feet.

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After Ms. Tansey concluded her testimony, I asked those citizens in attendance whether anyone was opposed to this particular project. No citizen indicated they were opposed to this hospice center; however, Ms. Kay Turner testified about some concerns she had regarding the proposed facility. She stated in her limited testimony that she is concerned over the constant building that is occurring on the GBMC property. She stated that GBMC is now going off-site in its effort to expand the services they provide to the citizens of Baltimore County. She is concerned that GBMC went off-site to the Sheppard Pratt facility to lease ground to build this hospice center. She voiced a general concern regarding intensification of development at the GBMC complex.

After considering all of the testimony and evidence presented at the hearing before me, I have determined that the development plan entered into evidence as Developer's Exhibit 1 should be approved. None of the issues, concerns, or comments raised by the citizens in attendance were sufficient to warrant a denial of this development plan, and therefore, the development plan as submitted shall be approved.

As to the Petition for Special Exception, the Applicants had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. In the opinion of this Deputy Zoning Commissioner/Hearing Officer, the Applicants have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. Furthermore, the facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use.

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irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

As to the variance relief sought, the granting of any variance is subject to a two-step process. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, No. 617, September Term, 1994. The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, established the following two-step process:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman,

7

227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

8

ORDER RECEIVED FOR FILING  
Date 9/13/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 9/13/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 9/13/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 9/13/95  
By [Signature]

1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;

2) whether a grant of the variance applied for would do substantial injustice to applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; 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, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Therefore, pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 13th day of February, 1995 that the development plan for The Gilchrist Center, identified herein as Developer's Exhibit 1, be and is hereby APPROVED; and,

Date 2/13/95 By [Signature]

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a convalescent home (nursing home) on the subject site, which is split zoned D.R.2 and O-2, pursuant to Sections 1801.1.C.5 and 205.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Developer's Exhibit 1 and Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: From Sections 1801.2.C.1.a and 205.4A (and Part II, page 29 of the Comprehensive Manual of Development Policies (C.M.D.P.)) to permit a rear yard setback for a non-residential building of as close as 30 feet in lieu of the required 40 feet for the D.R. 2 zoned portion of the property, and as close as 20 feet in lieu of the required 50 feet for the O-2 zoned portion of the site, in accordance with Developer's Exhibit 1 and Petitioner's Exhibit 1, be and is hereby GRANTED.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

TMK:bjs

Timothy M. Murocco Hearing Officer for Baltimore County

Petition for Special Exception to the Zoning Commissioner of Baltimore County for the property located at N. Charles Street, Baltimore, MD 21204 which is presently zoned O-2 and DR2. Includes owner/lessee information for Sheppard Pratt Health System, Inc. and Greater Baltimore Medical Center.

Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at N. Charles Street, Baltimore, MD 21204 which is presently zoned O-2 and DR2. Includes owner/lessee information for Sheppard Pratt Health System, Inc. and Greater Baltimore Medical Center.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY. District 2nd, Date of Posting 1/14/95. Posted for Variance and Special Exception.

Description To Accompany Petition for Zoning Variance and Special Exception 2.6 Acre Parcel, Part of The Sheppard and Enoch Pratt Hospital Property Ninth Election District, Baltimore County, Maryland. Includes DMW logo and address information.

being subtended by a chord bearing North 81 degrees 35 minutes 43 seconds West 208.42 feet, thence (11) North 37 degrees 12 minutes 37 seconds West 89.34 feet, and thence (12) North 34 degrees 02 minutes 24 seconds East 154.82 feet to the point of beginning; containing 2.6 acres of land, more or less. THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE. December 6, 1994 Project No. 89014.AA (L89014AA)

CERTIFICATE OF PUBLICATION TOWSON, MD., Jan 13, 1995. 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 Jan 12, 1995.

receipt 95-229-XA Account R-001-6180 Number 230. 1 SFX FILING CODE 050 \$ 300.00, 1 VARIANCE FILING CODE 020 250.00, 4 SIGNS 2DIRECTIONAL SIGNAGE 140.00. TOTAL \$ 690.00.



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

*Arnold Jablon*  
ARNOLD JABLON, DIRECTOR

**For newspaper advertising:**

Item No.: 230  
 Petitioner: Greater Baltimore Medical Center  
 Location: N. Charles Street near Towson Boulevard  
 PLEASE FORWARD ADVERTISING BILL TO:  
 NAME: Barbara W. Ormrod  
 ADDRESS: 210 Allegheny Avenue  
Towson Md 21204  
 PHONE NUMBER: 494-6200

AD:ggg (Revised 04/09/93)

TO: FUTURE PUBLISHING COMPANY  
January 12, 1995 Issue - Jeffersonian

Please forward billing to:

Barbara W. Ormrod  
Venable, Rostker & Howard  
210 Allegheny Avenue  
Towson, Maryland 21204  
494-6200

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-229-2A (Item 230)  
 Sheppard Pratt Property at N. Charles Street, South 14 degrees, 33 minutes, 45 seconds East 912 feet from the intersection of Towson Boulevard and Charles Street Avenue, also 150 feet NE of The Gibson Building  
 9th Election District - 4th Councilmanic  
 Legal Owner(s): Sheppard Pratt Health System, Inc.  
 Lessee: Greater Baltimore Medical Center - (Proposed: Gilchrist Hospice)  
 HEARING: FRIDAY, FEBRUARY 10, 1995 at 9:00 a.m. in Room 106 County Office Building  
 Special Exception for a convalescent home (nursing home).  
 Variance to allow a rear yard setback for a non-residential building as close as 30 feet in lieu of the 40 foot setback required for the D.E. 2 zone and as close as 20 feet in lieu of the 50 foot setback required for the O-2 zone.

LAWRENCE S. SCHEIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



111 West Chesapeake Avenue  
Towson, MD 21204  
JANUARY 6, 1995

(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 herein 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:

DEVELOPMENT PLAN HEARING  
 PROJECT NAME: Gilchrist Hospice  
 PROJECT NUMBER: IX-622  
 LOCATION: S of Towson Boulevard, East of Charles Street  
 ACRES: 2.60 +/-  
 DEVELOPER: Greater Baltimore Medical Center  
 PROPOSAL: 24 Bed Hospice

CASE NUMBER: 95-229-2A (Item 230)  
 Sheppard Pratt Property at N. Charles Street, South 14 degrees, 33 minutes, 45 seconds East 912 feet from the intersection of Towson Boulevard and Charles Street Avenue, also 150 feet NE of The Gibson Building  
 9th Election District - 4th Councilmanic  
 Legal Owner(s): Sheppard Pratt Health System, Inc.  
 Lessee: Greater Baltimore Medical Center - (Proposed: Gilchrist Hospice)

Special Exception for a convalescent home (nursing home).  
 Variance to allow a rear yard setback for a non-residential building as close as 30 feet in lieu of the 40 foot setback required for the D.E. 2 zone and as close as 20 feet in lieu of the 50 foot setback required for the O-2 zone.

HEARING: FRIDAY, FEBRUARY 10, 1995 at 9:00 a.m. in Room 106 County Office Building

*Arnold Jablon*  
Arnold Jablon  
Director

cc: Greater Baltimore Medical Center  
Sheppard Pratt Health System, Inc.  
Robert A. Hoffman, Esq.

NOTES: (1) HEARING ROOM & POST MUST BE REMINDED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Recycled Ink on Recycled Paper



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

February 1, 1995

Robert A. Hoffman, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: Item No.: 230  
Case No.: 95-229-2A  
Petitioner: Greater Baltimore Medical Center

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on January 4, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,  
*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

Printed with Recycled Ink on Recycled Paper

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

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management January 24, 1995

FROM: J. Lawrence Pilsbury, DEPRM  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #230 - The Gilchrist Center for Hospice Care  
North Charles Street  
Zoning Advisory Committee Meeting of January 17, 1995

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

- Environmental Impact Review**
- Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.
- Development of the property must comply with the Regulations for Forest Conservation.

JLP:VK:sp  
GILCHR1/DEPRM/TXTSHP



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

(410) 887-4500

DATE: 01/12/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SHEPPARD PRATT HEALTH SYSTEM INC.

LOCATION: 150' NE GIBSON BUILDING ON THE SHEPPARD PRATT PROPERTY AT N. CHARLES ST. (THE GILCHRIST CENTER FOR HOSPICE CARE)

Item No. 230 Zoning Agenda: SPECIAL EXCEPTION VARIANCE

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
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", 1991 edition prior to occupancy.

RECEIVED  
JAN 17 1995  
ZADM

REVIEWER: LT. ROBERT P. SALERHALD  
Fire Marshal Office, PHONE 887-4881, MS-1106F

cc: File

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 23, 1995  
Zoning Administration and Development Management

FROM: Robert M. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for January 23, 1995  
Items 226, 226, 227, 229, 230, 231, 232, 233,  
234, and 236

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RMB:aw



O. James Lighthizer  
Secretary  
Hal Rassoff  
Administrator

1-13-95

Ms. Julie Winarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204  
ATTN: MS. JOYCE WATSON  
Dear Ms. Winarski:

Re: Baltimore County  
Item No. +230 (JLL)

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 project.

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,  
*Bob Small*  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 787 North Calvert Street • Baltimore, Maryland 21202



RE: PETITION FOR SPECIAL EXCEPTION  
 PETITION FOR VARIANCE  
 N. Charles Street, South 14 degrees, 33  
 minutes, 45 seconds East 912 feet from  
 intersection of Towsontown Blvd & Charles  
 Street Ave., also 150' NS of The Gibson  
 Building (Proposed: Gilchrist Hospice)  
 9th Election Dist., 4th Councilmanic

Sheppard Pratt Health System, Inc./  
 Greater Baltimore Medical Center  
 Petitioners

BEFORE THE  
 ZONING COMMISSIONER  
 OF BALTIMORE COUNTY  
 CASE NO. 95-229-XA

ENTRY OF APPEARANCE

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

*Peter Max Zimmerman*  
 PETER MAX ZIMMERMAN  
 People's Counsel for Baltimore County

*Carol S. Demilio*  
 CAROL S. DEMILIO  
 Deputy People's Counsel  
 Room 47, Courthouse  
 400 Washington Avenue  
 Towson, MD 21284  
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24<sup>th</sup> day of January, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

*Peter Max Zimmerman*  
 PETER MAX ZIMMERMAN

230

*Given: Development Plan  
 & Full Process. Dev Plan  
 is coming in in a day  
 or two. Kurt is Managing*

PLEASE PRINT CLEARLY BALTIMORE COUNTY REPRESENTATIVES  
 SIGN-IN SHEET

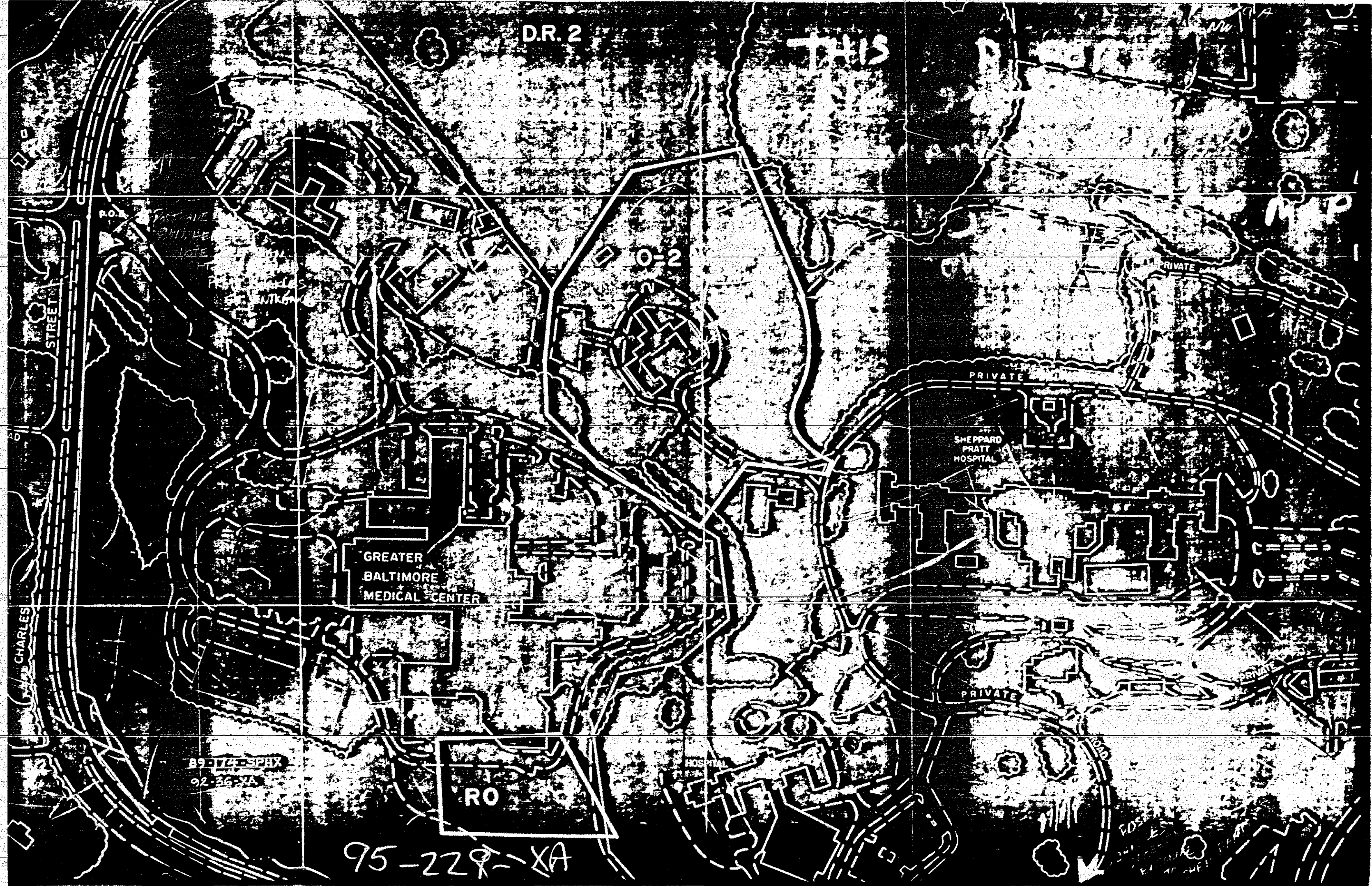
NAME	ADDRESS
KURT KUCELSKI	ZADA
FRANCIS MORSEY	PLANNING
R. BRUCE SEELY	DEPT
LES SCHREIBER	D.P.W.

PLEASE PRINT CLEARLY SIGN-IN SHEET

NAME	ADDRESS
TAL DALEY (SOUTHLAND HILLS)	312 MABAMA RD, TOWSON
ART TRONIG (SOUTHLAND HILLS)	618 WEST CHESTER AVE TOWSON
Steve Cant	Towson Families Assoc
Ellen Hooper	11 Versailles Circle

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Rob Hoffman	210 Allegheny Ave 21204
Jean Howard	"
Mickey CARVELIUS	40 W Chesapeake Ave 21204
Phil O'MARA	6701 N. Charles 6800
Carol Baetjer	6701 N. Charles 6800
W. Lee Homan	109 WASHINGTON AVE 21204
David Locke (new)	700 EAST PENNSYLVANIA AVE.
Ed Hele	"
Jean Tanky	"



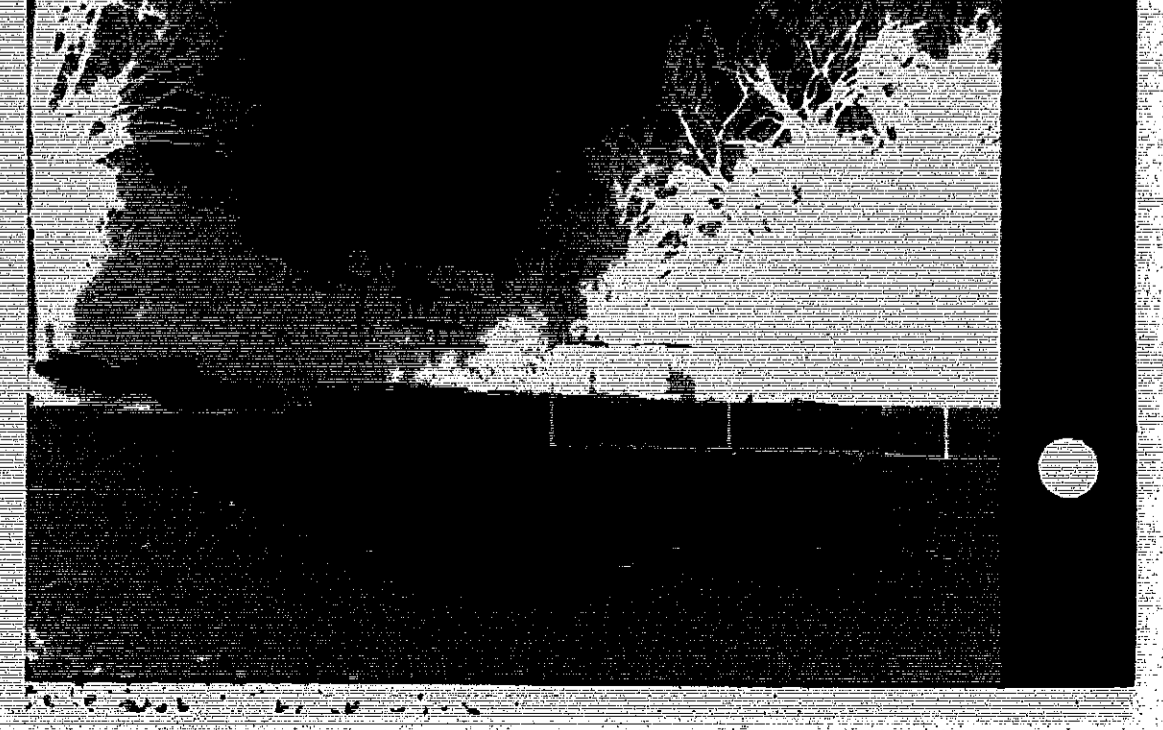
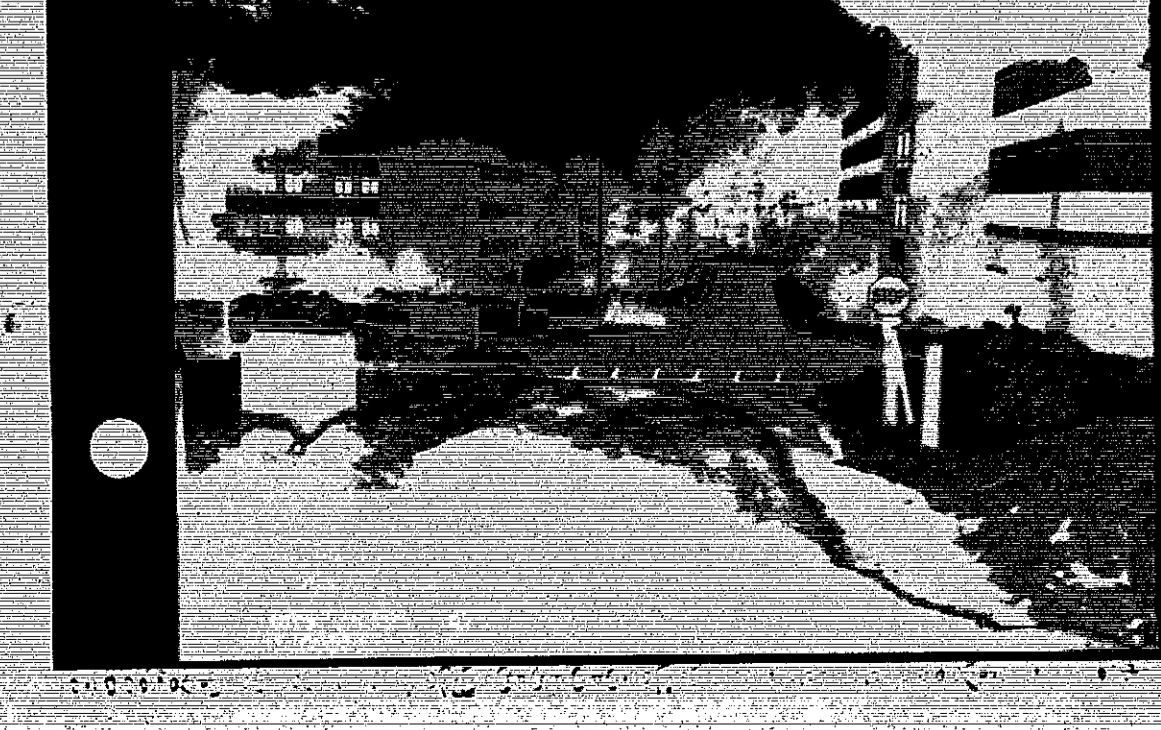
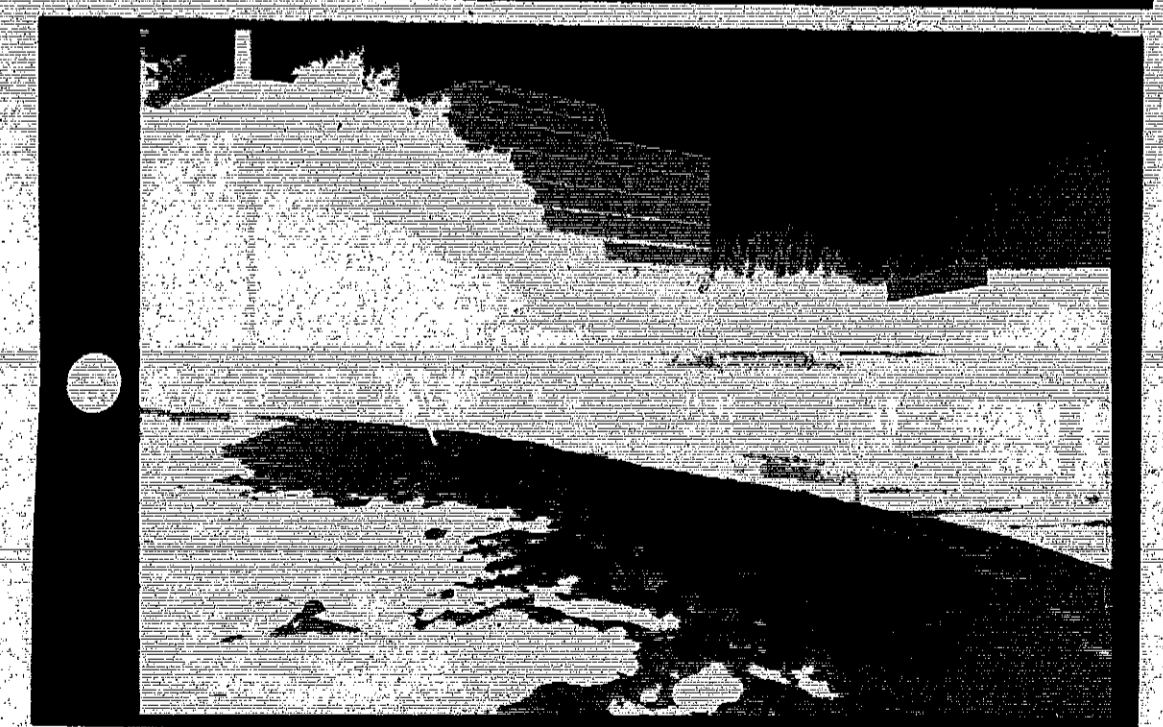
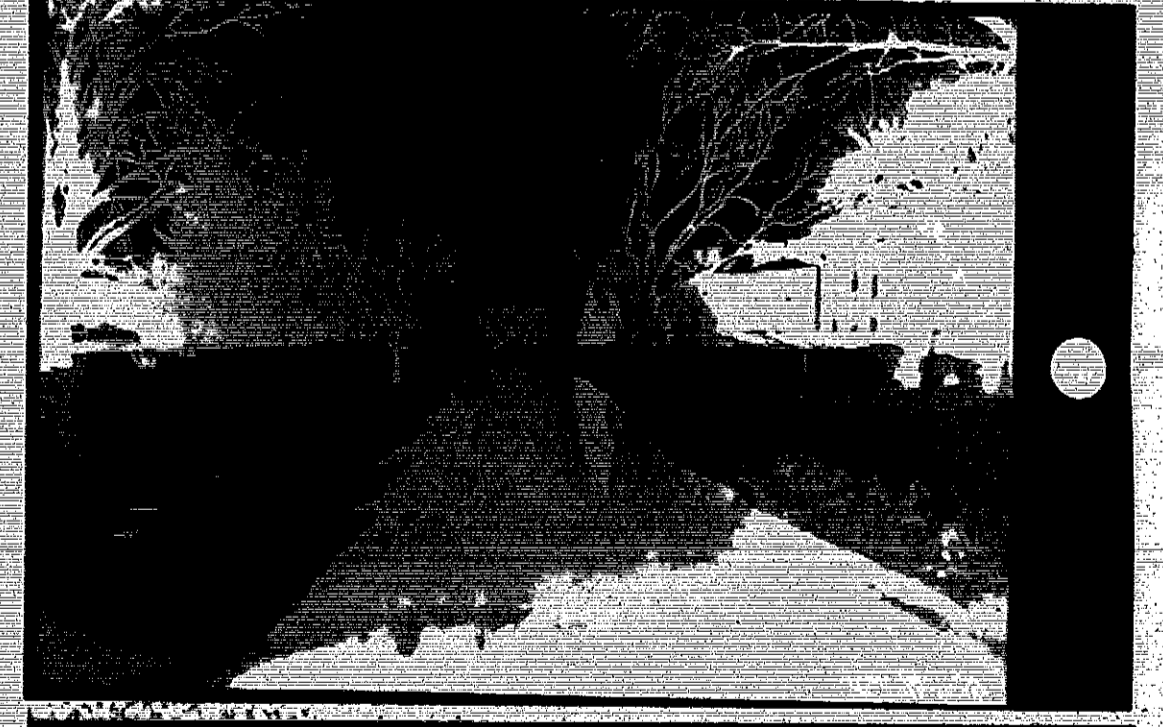
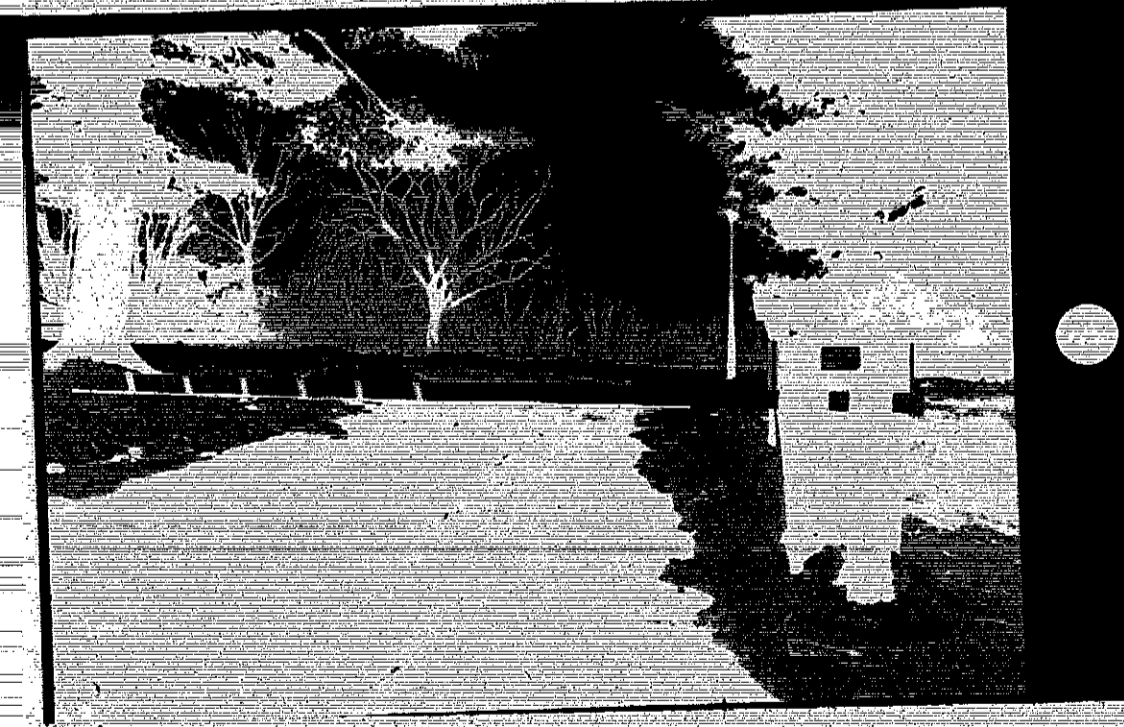
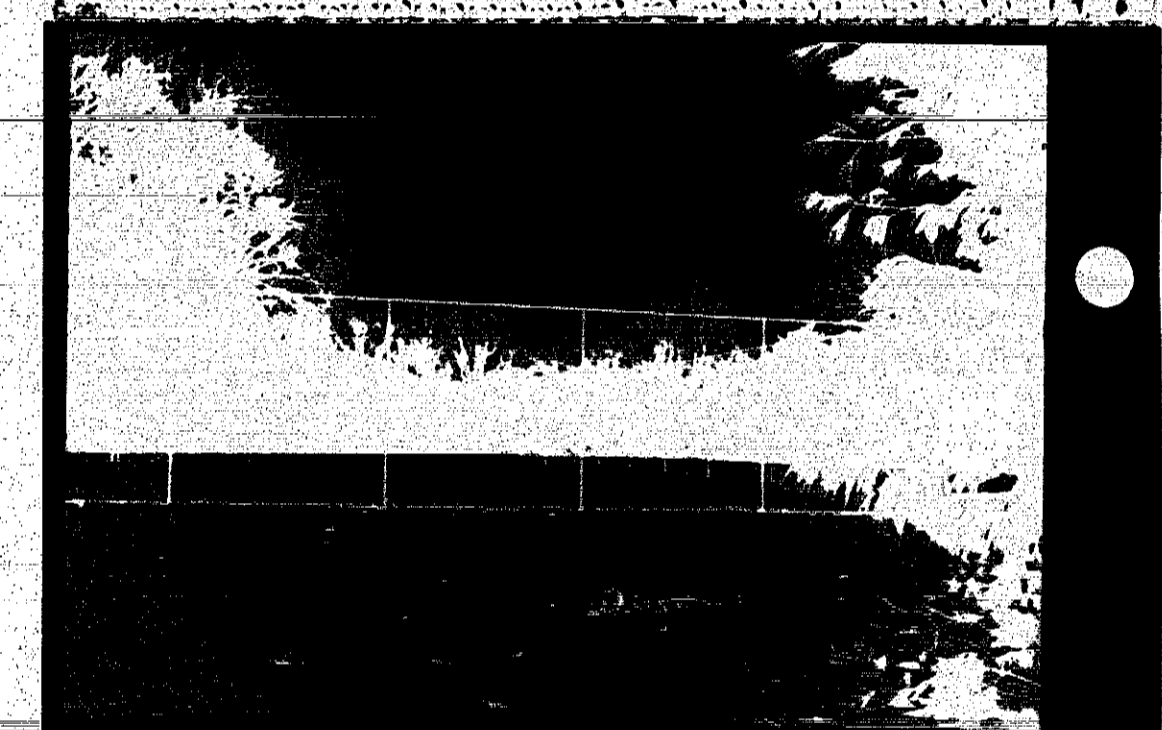
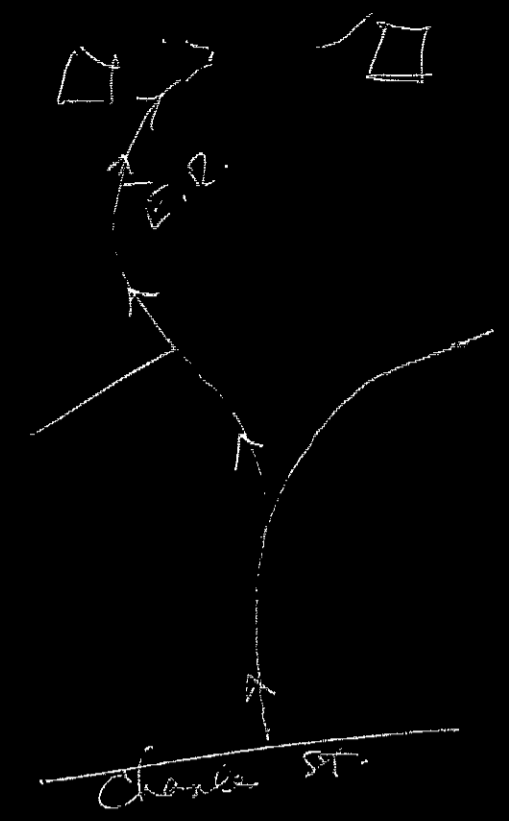
TO WHOM IT MAY CONCERN:

At the February 10, 1995 hearing in County in the case of the request for a special exception from current zoning which gave the impression that the complex, as the entrance onto the

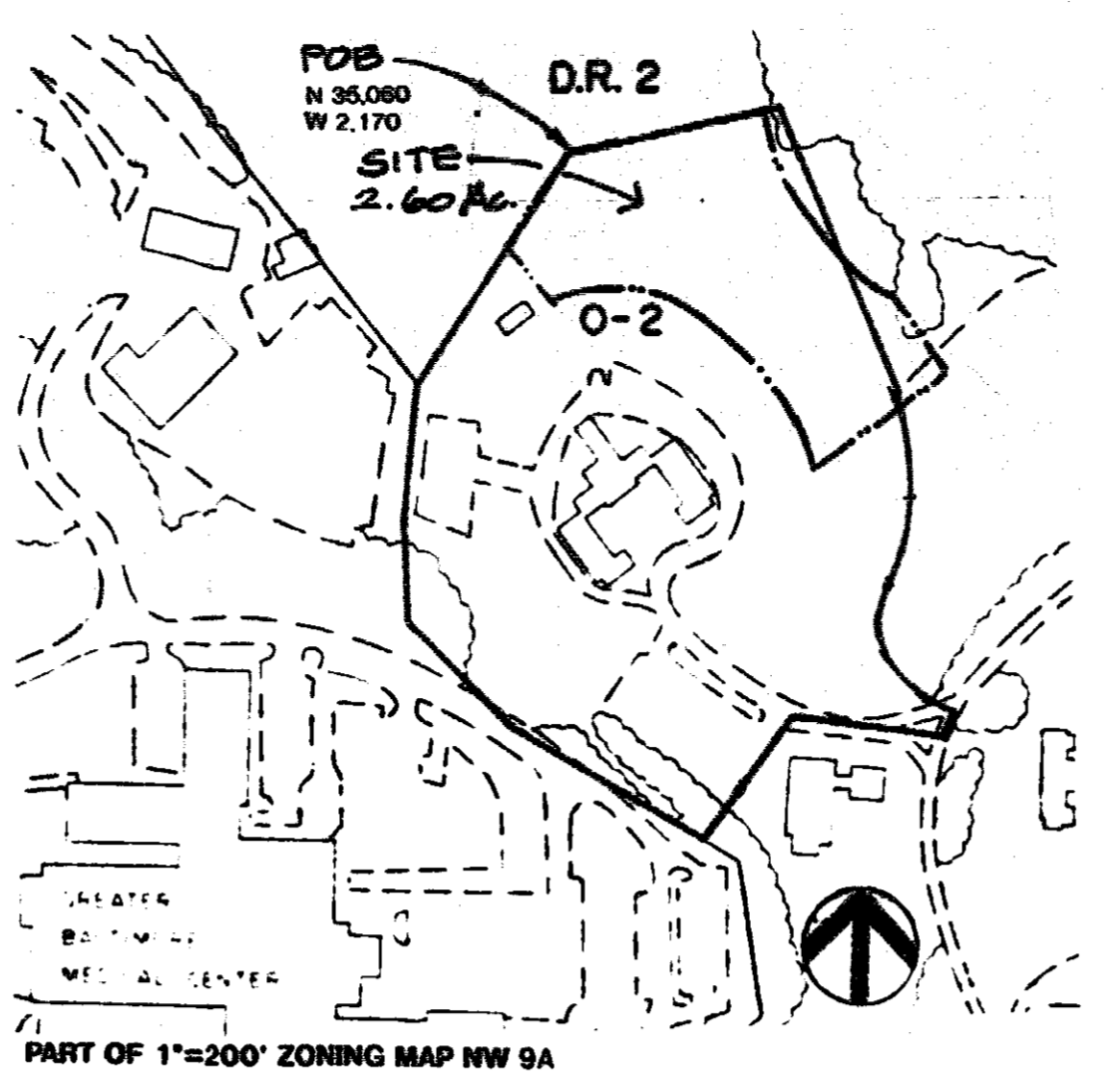
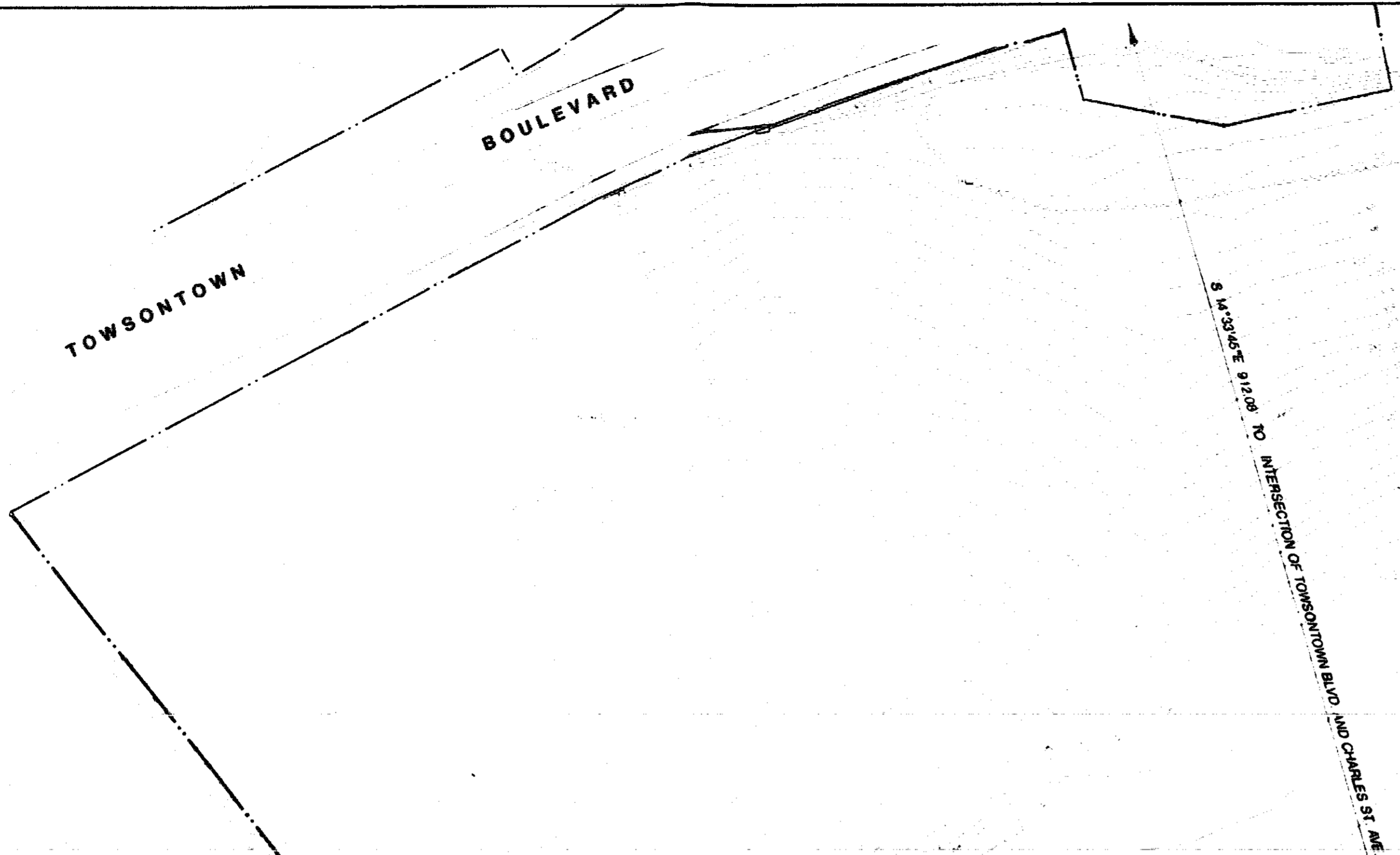
THIS statement is to say that the access gate. It is located at the emergency room of GBMC. It is accessed by means of a gate which rises and is located in each direction. There is also a walking path placed near

While these facts may not alter the variance and special exception, they do not doubt the truth of other statements.

Kay Turner - 825-9364  
Southland Hills Community  
Greater Towson Council of Community



ALL  
PICTURES  
TAKEN  
FEBRUARY 10, 1995  
IN  
REAR GBMC



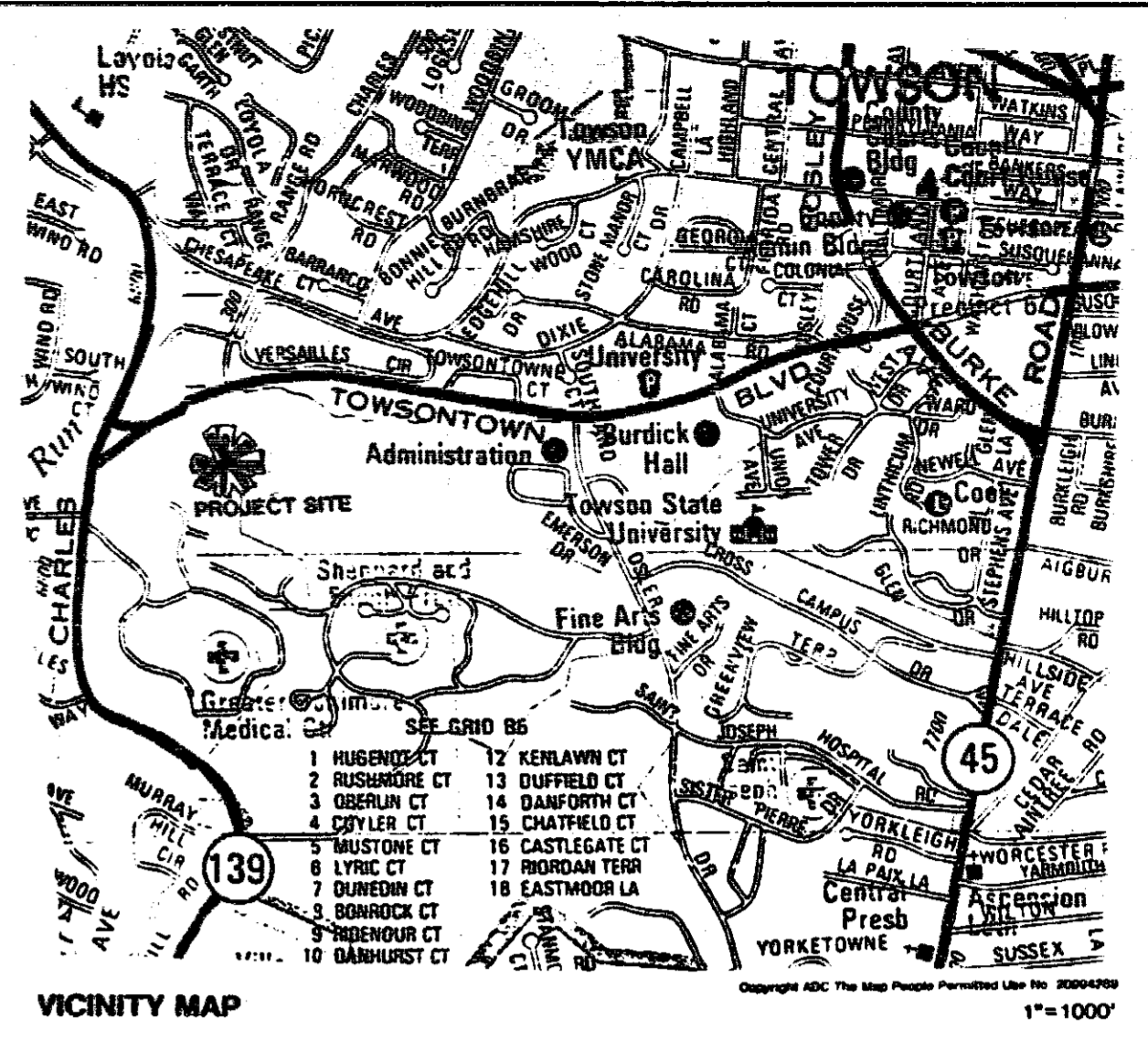
PART OF 1"=200' ZONING MAP NW 9A

**TOWSON STATE UNIVERSITY**  
 DEED # 411/287  
 TAX # 09-10-55158

**General Notes**

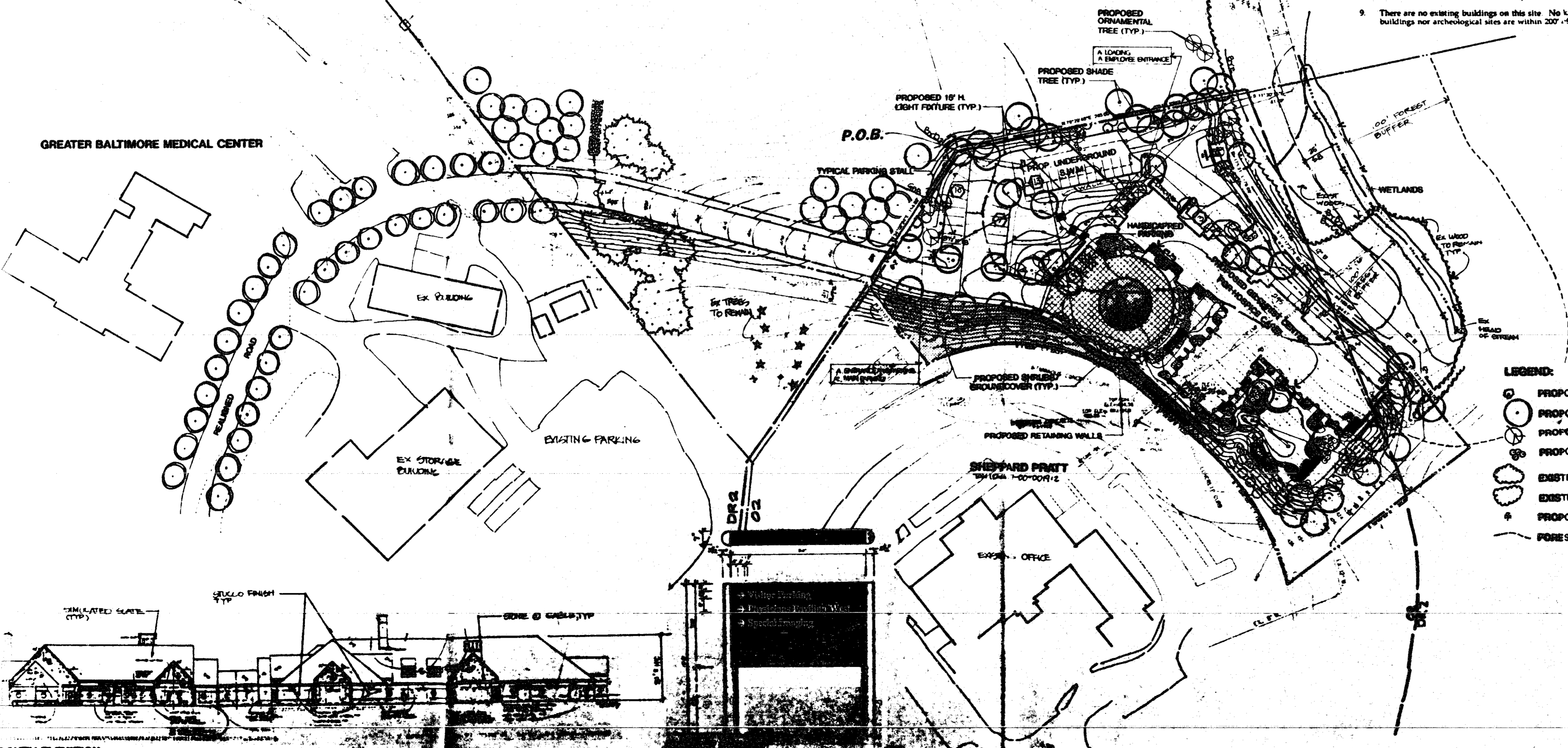
- Applicant: Greater Baltimore Medical Center  
 6701 North Charles St  
 Baltimore, MD 21204  
 Ph. 410-428-2000
- Election District 9; Councilmanic District 4; Census Tract 4907.02
- Watershed 23, Subwatershed 55
- Site Data:  
 Current Zoning and Acreage  
 Net and Gross = 2.46 Ac. O-2  
 0.14 Ac. DR-2  
 2.60 Ac. ± Total
- Density:  
 2.46 Ac. @ 10.5 = 25.83 D.U.  
 0.14 Ac. @ 2.0 = 0.28 D.U.  
 26.11 D.U.
- Special Exception Use: 24 Hospice Beds; No Density Required
- Parking  
 Required = 24 Beds @ 1/3 = 8 Sp.  
 Proposed = 36 Sp. (2 H/C)
- All spaces will be a minimum of 8.5 x 18', paved with a durable, dustless surface and striped.
- Local Open Space  
 None required
- Landscape Planting  
 Required = 36 Parking Spaces @ 1/12 = 3 P.U. (3 M.D.)  
 1100 LF Int. Rd. @ 1/20 = 55 P.U. (28 M.D.)  
 Total = 58 P.U. (31 M.D.)  
 Proposed = 58 P.U. (31 M.D.) minimum
- There are no existing or proposed well or septic systems on site.
- Soils:  

Soil Series	Limitations		
	Hydro. With	Without	Streets & Clean Basements
Alluvial (Av)	D	Severe: Flooding, high water table	Severe: Slope
Brandywine (BwB2)	C	Slight	Moderate: Slope
(BwC2)	C	Moderate	Severe: Slope
(ByD2, ByE)	C	Severe: Slope	Severe: Slope
Glennelg (GIB)	B	Slight	Moderate: Slope
Glennville (GnB)	C	Severe: High Water Table	Severe: High Water Table
Made (Ma)	B/C	N/A	N/A
- Stormwater quality and quantity management will be supplied for the 2, 10 and 100 year storms in one underground facility as outlined on the plan.
- Existing streams, springs and wetlands adjacent to the property and their appropriate buffers are noted on the plan. There are no other known bodies of water or floodplains.
- There are no existing buildings on this site. No known historic buildings nor archeological sites are within 200' of the site.



VICINITY MAP

- Owner: Sheppard Pratt Hospital  
 6501 North Charles St  
 Baltimore, MD 21204  
 Deed Ref: ---  
 Tax Acct: 17-00-001912
- Towson State Univ.  
 Towson, MD 21204  
 4711/287  
 09-20-551581
- Average Daily Trips: 24 Nursing Beds @ 3 ea. = 72 ADTs
- There are no known critical areas, archeological sites, endangered species habitats, underground tanks or hazardous materials on the site.
- Interior sign location and elevation are shown on the plan. Signage will match on-site signs currently used by GBMC.
- There will be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer Easement except as permitted by the Baltimore County Dept. of Environmental Protection and Resource Management. Protective covenants governing the use of the Forest Buffer Easement will be recorded in the land records of Baltimore County at the time of the plat recordation and will run with the land in perpetuity.
- Relief Sought:  
  - Zoning variance from Sec. 1801.2c.1.a. and Sec. 205.4.A BCZR and Part II, p. 29 of the CMDP to allow as close as a 20-foot rear setback in lieu of the required 50-foot setback for a non-residential building in an O-2 (DR 10.5) zone or a 30-foot setback in lieu of 40-foot setback for a non-residential building in a DR 2 zone.
  - Zoning Special Exception to allow a convalescent home (hospice) pursuant to Sec. 1801.1.C.5 BCZR (DR 2 zone) and Sec. 205.3.B BCZR (O-2 zone).
  - Variance from the provisions of Forest Buffer requirements to be approved by the Director of DEPRM.
  - Variance from provisions of the Forest Conservation Act to be approved by the Director of DEPRM.
  - Approval of 295 foot building length in lieu of 240 foot building length with recommendation of Director of Planning per Part II, p.26 of the CMDP.



- LEGEND:**
- PROPOSED EVERGREEN TREE
  - PROPOSED SHADE TREE
  - PROPOSED ORNAMENTAL TREE
  - PROPOSED SHRUBS
  - EXISTING TREES TO REMAIN
  - EXISTING TREES TO BE REMOVED
  - PROPOSED FIRE HYDRANT
  - FOREST BUFFER

PRINTED  
 DEC 20 1994  
 DAFT-McCLINE-WALKER, INC.

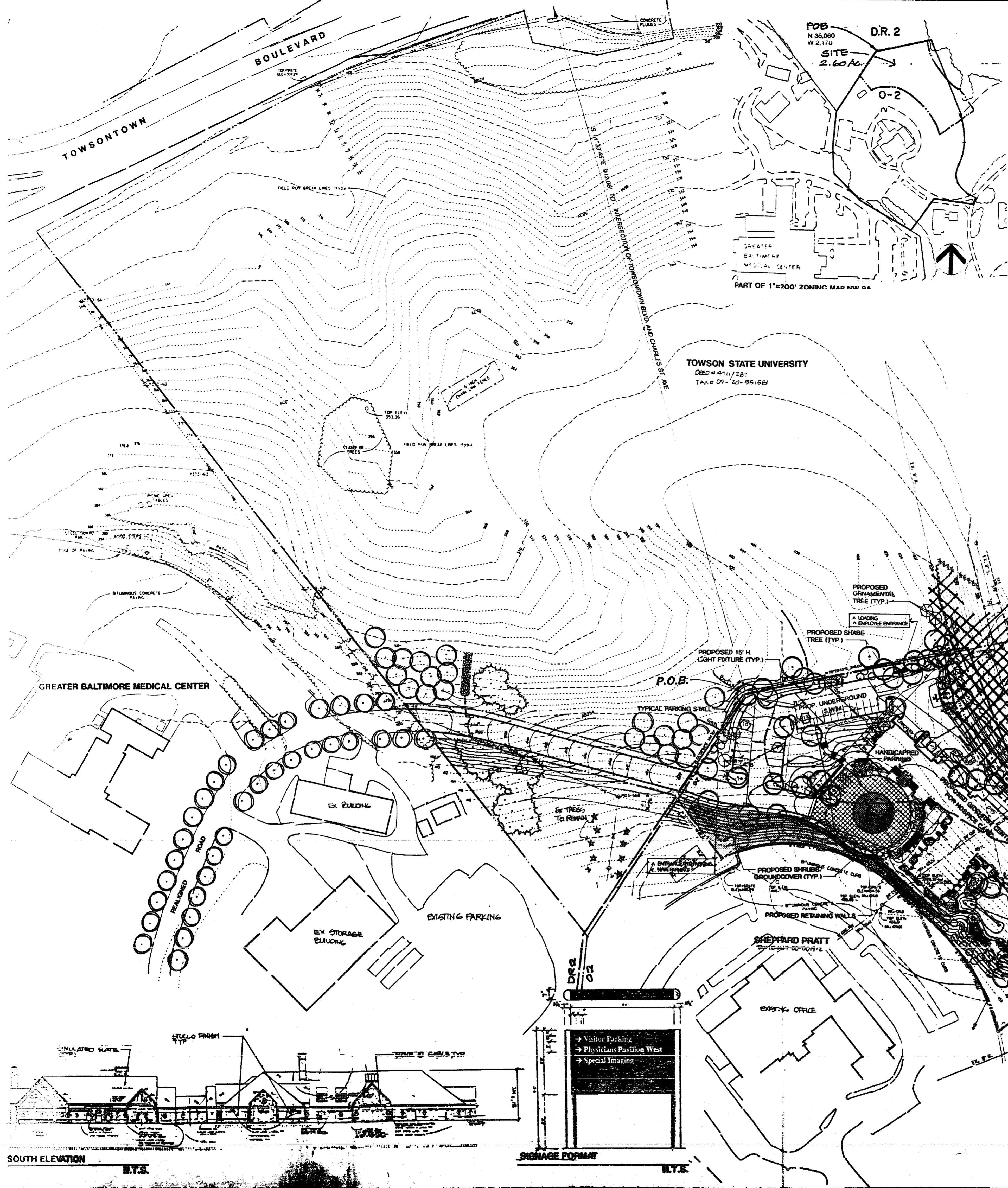
**DMW**  
 Daft-McCune-Walker, Inc.  
 200 East Pennsylvania Avenue  
 Towson, Maryland 21286  
 (410) 286-3333  
 Fax 286-4706

A Team of Land Planners,  
 Landscape Architects,  
 Engineers, Surveyors &  
 Environmental Professionals

PLAN AND PLAT TO ACCOMPANY PETITION  
 FOR ZONING VARIANCE AND SPECIAL EXCEPTION  
**THE GILCHRIST CENTER  
 FOR HOSPICE CARE**

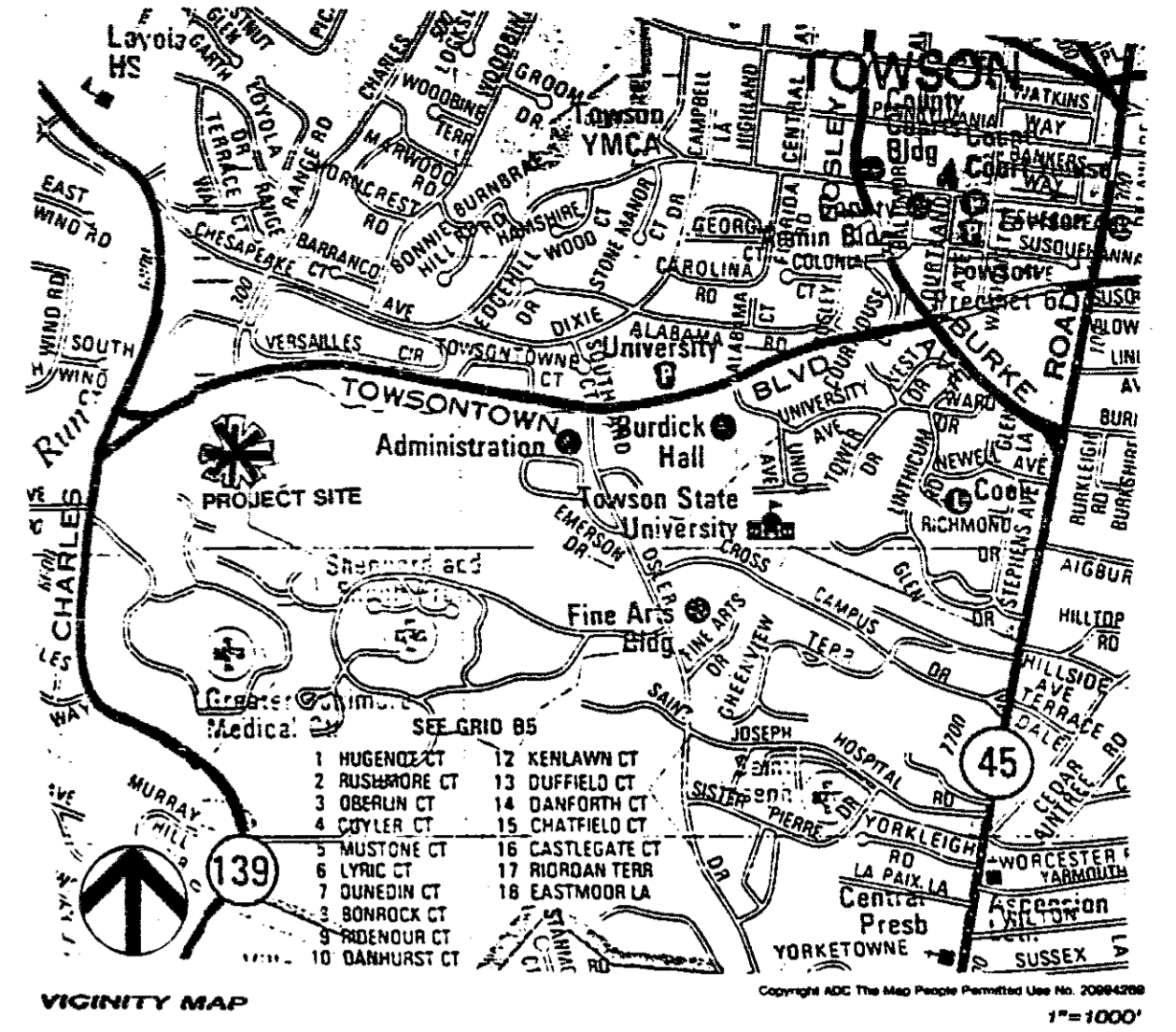
ZADM #X-722

DATE	BY	REVISIONS	ISSUE DATED
			11/21/94
			REVIEW
			PERMIT
			CONSTRUCTION
			BASE
			SCALE
			1" = 50'
			PROJECT NO.
			820400
			DRAWING
			1 of 1



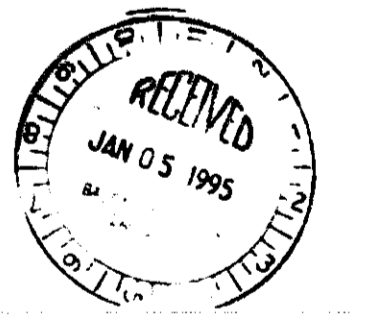
**General Notes**

- Applicant: Greater Baltimore Medical Center  
6701 North Charles St.  
Baltimore, MD 21204  
Ph. 410-628-2000
- Election District 9; Councilmanic District 4; Census Tract 4907.02.
- Watershed 23, Subwatershed 55.
- Site Data:  
Current Zoning and Acreage  
Net and Gross = 2.46 Ac. O-2  
0.14 Ac. DR-2  
2.60 Ac. ± Total
- Density:  
2.46 Ac. @ 10.5 = 25.83 D.U.  
0.14 Ac. @ 2.0 = 0.28 D.U.  
26.11 D.U.
- Special Exception Use: 24 Hospice Beds; No Density Required
- Parking  
Required = 24 Beds @ 1/3 = 8 Sp.  
Proposed = 36 Sp. (24/12)
- All spaces will be a minimum of 8.5 x 15', paved with a durable, dustless surface and striped.
- Local Open Space  
None required.
- Landscape Planning  
Required = 36 Parking Spaces @ 1/12 = 3 P.U. (3 M.D.)  
1100 LF Int. Rd. @ 1/20 = 55 P.U. (28 M.D.)  
Total = 58 P.U. (31 M.D.)  
Proposed = 58 P.U. (31 M.D.) minimum
- There are no existing or proposed well or septic systems on site.
- Soils:  
Limitations  
Soil Series Hydro With Class Basements Without Basements Streets & Parking  
Alluvial (Av) D Severe: Flooding, high water table  
Brandywine (BwB2) C Slight Slight Moderate: Slope  
(BwC2) C Moderate Moderate Severe  
(ByD2, ByE) C Severe: Slope  
Glennelg (GIB) B Slight Slight Moderate: Slope  
Glennville (GnB) C Severe: Moderate: Severe: High Water Table  
Made (Ma) B/C N/A N/A N/A
- Stormwater quality and quantity management will be supplied for the 2, 10 and 100 year storm in one underground facility as outlined on the plan.
- Existing streams, springs and wetlands adjacent to the property and their appropriate buffers are noted on the plan. There are no other known bodies of water or floodplains. The site is meadow.
- There are no existing buildings on this site. No known historic buildings nor archeological sites are within 200' of the site.



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6501 North Charles St.  
Baltimore, MD 21204  
Deed Ref: 17-00-001912  
Tax Act: 4711/287  
09-20-551581
  - Towson State Univ.  
Towson, MD 21204  
4711/287  
09-20-551581
  - Average Daily Trips: 24 Nursing Beds @ 3 ea. = 72 ADTs
  - There are no known critical areas, archeological sites, endangered species habitats, underground tanks or hazardous materials on the site.
  - Interior sign location and elevation are shown on the plan. Signage will match on-site signs currently used by CBMC.
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  - Relief Sought:  
• Zoning variance from Sec. 1801.2.c.1.a. and Sec. 205.4 A BCZR and Part II, p. 29 of the CMDP to allow as close as a 20-foot rear setback in lieu of the required 50-foot setback for a non-residential building in an O-2 (DR 10.5) zone or a 30-foot setback in lieu of 40-foot setback for a non-residential building in a DR-2 zone.  
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• Variance from the provisions of Forest Buffer requirements to be approved by the Director of DEPRM.  
• Variance from provisions of the Forest Conservation Act to be approved by the Director of DEPRM.  
• Approval of 295 foot building length in lieu of 240 foot allowed length with recommendation of Director of Planning per Part II, p. 26 of the CMDP.
  - Unresolved community concerns raised at the CIM held June 1, 1994.  
• Amount of additional traffic from CBMC that will flow onto Towsontown Blvd from this new access.  
• Left hand turns from and to the site onto Towsontown Blvd.  
• Intersection configuration for new access and Charles St. Ave. at Towsontown Blvd.
- NOTE: Access onto Towsontown Blvd. has been eliminated due to community concern.

95-229-XA



**LEGEND:**

- PROPOSED EVERGREEN TREE
  - PROPOSED SHADE TREE
  - PROPOSED ORNAMENTAL TREE
  - PROPOSED SHRUBS
  - EXISTING TREES TO REMAIN
  - EXISTING TREES TO BE REMOVED
  - PROPOSED FIRE HYDRANT
  - ▨ FOREST BUFFER
- PRINTED JAN 03 1995  
DAFT-McCUNE-WALKER, INC.

I certify that I have reviewed this Schematic Landscape Plan and that I am aware of the landscape regulations presented in the Baltimore County Landscaping Manual, latest edition. I agree to comply with these regulations and all applicable laws, ordinances and codes.

Applicant Signature: *Thomas C. ...*  
Printed Name: *Thomas C. ...*  
Date: *1-4-95*

Continued on to Subsequent Drawings

**DMW**  
DAFT-McCUNE-WALKER, INC.  
200 East Pennsylvania Avenue  
Towson, Maryland 21286  
(410) 296-3333  
Fax: 296-4705

A Team of Land Planners,  
Landscape Architects,  
Engineers, Surveyors &  
Environmental Professionals

DEVELOPMENT PLAN /  
SCHEMATIC LANDSCAPE PLAN  
**THE GILCHRIST CENTER  
FOR HOSPICE CARE**

ZADM #0X-722

ISSUE DATES  
REVIEW: 12-29-94  
ED: \_\_\_\_\_  
PERMIT: \_\_\_\_\_  
CONSTRUCTION: \_\_\_\_\_  
BASE: \_\_\_\_\_  
DATE CHECKED: \_\_\_\_\_  
SCALE: 1" = 50'  
PROJECT NO.: 950400  
DRAWING: \_\_\_\_\_  
1 of 1

SOUTH ELEVATION N.Y.S.

SIGNAGE FORMAT N.Y.S.