

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION AND VARIANCES
S/S Stone Chapel Road, 310' E of * ZONING COMMISSIONER
the c/l of Reisterstown Road
(11 and 17 Stone Chapel Road) * OF BALTIMORE COUNTY
3rd Election District
2nd Councilmanic District * Case No. 96-118-SPHXA

Rocky Gorge at Grey Rock L.P., *
Rocky Gorge Communities, Inc., - Petitioners
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on a Motion for Reconsideration of the Opinion and Order issued in the above-captioned matter on January 24, 1996. On that date, I authored a 15-page Opinion which granted a Petition for Special Hearing to amend the tract boundary and final development plan for Grey Rock, Phase III, only, and the Gilman School Property, granted a Petition for Special Exception for an assisted living facility on the subject site with a modification and/or waiver of the RTA requirements, and granted a Petition for Variance from Section 413.E of the Baltimore County Zoning Regulations (B.C.Z.R.) as they relate to signage. The Petitions were granted, subject to four restrictions as same are fully set forth in that Opinion and Order.

Following the issuance of that Order, a Motion for Reconsideration was received from Rocky Gorge at Grey Rock Limited Partnership and Rocky Gorge Communities, Inc., the Petitioners. The request for reconsideration seeks a further review of one issue only; that is, the requirements of Restriction No. 3 of my Order which mandates that an alternative means of vehicular access be provided from that which was proposed. Specifically, the Petitioner seeks a deletion of this restriction, which, if enforced, would require the deletion of the proposed access to the property directly

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from Reisterstown Road and the utilization of a different means of access, either from Grey Rock Road or Stone Chapel Road.

Following the receipt of the Petitioners' Motion for Reconsideration, which was supported by the Grey Rock Villas Condominium Council, Inc., one of the surrounding community associations, the matter was duly scheduled for public hearing on February 9, 1996. At that hearing, additional testimony and argument were offered regarding the issue under consideration. The Motion for Reconsideration was taken under advisement by this Zoning Commissioner.

Subsequent to the public hearing, I was advised by the Petitioner that a question had arisen regarding potential appellate rights and the proper time frame for the institution of an appeal from the Order issued on January 24, 1996. In order to preserve those appellate rights and insulate same from any attack, I issued a supplemental Order on February 23, 1994, rescinding the original Findings of Fact and Conclusions of Law dated January 24, 1996.

In considering the Motion for Reconsideration, let it first be noted that the Findings, Conclusions and Order dated January 24, 1996 be and are hereby reincorporated and adopted, except to the extent same are inconsistent with the conclusions expressed herein. In my judgment, the Petitions for Special Hearing, Special Exception and Variance should be granted as more fully set forth in my original Order.

The sole issue under consideration remains the question of the location of the proposed access. In this regard, the Petitioner offered at the February 9, 1996 hearing on the Motion for Reconsideration, the testimony of J. James Dieter, Deputy Director of the Office of Planning. Mr. Dieter testified that his office and the Office of Community Conserva-

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tion supports the proposed use and further opined that the development of the site in a residential manner (townhouses, condominiums, single family homes, etc.) would be problematic. His office apparently shares the conclusions that I expressed in the prior Order, that the proposed use from a traffic generation standpoint, is more preferable than alternative development which might be permitted as of right.

Also testifying at the hearing on the Motion for Reconsideration was Mickey Cornelius, an expert Traffic Engineer from The Traffic Group, Inc. Mr. Cornelius testified as to his additional studies and conclusions regarding the access issue. He first noted that the access which the Petitioner proposes directly onto Reisterstown Road would be graded so as to comply with State Highway Administration (SHA) requirements and construction standards. As to sight distance, he testified that more than sufficient sight distance exists to the south. In this respect, he testified that his study showed a sight distance in excess of 1300 feet was available to traffic exiting the property. Thus, traffic turning right (north) onto Reisterstown Road from the subject site would have no problem in safely making such a movement from the proposed access point. He did, however, acknowledge problems to the north. In his judgment, these problems are not related to the topography of Reisterstown Road. Instead, he indicated that the existence of a wall and plantings on the adjoining property limit a motorist's view of traffic proceeding from the north (southbound) on Reisterstown Road. If the wall and plantings were removed, sight distance would be approximately 1,000 feet, more than sufficient.

Mr. Cornelius also testified that utilizing Stone Chapel Road to access the property would be problematic. He noted the severe angle of

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Nonetheless, despite my best efforts, the citizens and members of these Community Associations are beyond my reach. They are not the Petitioners in the instant case and, therefore, not subject to the restrictions and conditions which I can impose on property owners who seek zoning relief. As much as I would like to resolve this issue in the manner de-

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scribed in my prior Order, it is beyond my reach and authority as Zoning Commissioner.

After great consideration, I will grant the Petitioner's Motion for Reconsideration and strike Restriction No. 3 of my prior Order. In its stead, I will permit the Petitioner to provide vehicular access to the site from Reisterstown Road as shown on the site plan. I will, however, require that the design and construction of the access be approved by the SHA and that it meets all of their standards and criteria. Moreover, I encourage the Petitioners to make best efforts to eliminate those factors which limit sight distance to the north. If the Petitioners can acquire and/or remove the wall and trees which block the sight distance from that direction, the access point may allow turning movements both north and south. However, if those off-site acquisitions and adjustments cannot be made, the access point shall be right turn in/out, only. The design and traffic control devices utilized in assuring and directing traffic flow shall be left to the best judgment of the SHA. In this respect, it should be made clear that, consistent with this Order, the engineers and experts at the SHA are vested with the authority to approve this access point, using their expertise and best judgment.

As to additional restrictions, I will also require compliance with the terms and conditions of the four items contained within Zoning Commissioner's Exhibit 1 (attached hereto and made a part hereof). The Petitioner and property owner to the north of the subject site have agreed to these restrictions and I conclude that same are properly added to the relief granted. In my view, these restrictions are proper and necessary to protect that property and are, therefore, appropriate. I will, however, as in the prior Opinion, decline to incorporate any restrictions as they

DATE 3/16/96 BY [signature]

relate to the Condominium Associations. Those restrictions, although requested by both parties, are not appropriate in this instance and shall not be required as a condition precedent to the zoning relief granted herein.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of March, 1996 that the Petition for Special Hearing to approve an amendment to the tract boundary and final development plan for Grey Rock, Phase III, only, and the Gilman School Property, to reflect the proposed improvements, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception for an assisted living facility on the subject site, and to modify or waive the Residential Transition Area (RTA) requirements, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 413.E of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a double-faced sign of 144 sq.ft. total (72 sq.ft. per side) in lieu of the maximum permitted single-faced sign of 15 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

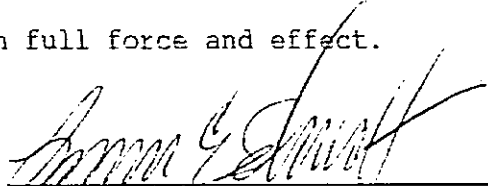
IT IS FURTHER ORDERED that the Motion for Reconsideration to strike Restriction No. 3 of the Order issued January 24, 1996, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petitioner shall provide vehicular access to the site from Reisterstown Road as shown on the site plan.

However, the design and construction of that access shall be approved by the SHA and must meet all of their standards and criteria. Furthermore, if the Petitioners can acquire and/or remove the wall and trees which block the sight distance from the north, the access point may allow turning movements both north and south. However, if those off-site acquisitions and adjustments cannot be made, the access point shall be right turn in/out, only. The design and traffic control devices utilized in assuring and directing traffic flow shall be left to the best judgment of the SHA.

IT IS FURTHER ORDERED that the Petitioners shall comply with the terms and conditions of the four items contained within Zoning Commission-er's Exhibit 1 (attached hereto and made a part hereof).

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued January 24, 1996 shall remain in full force and effect.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Benjamin Bronstein, Esquire, Evans, George & Bronstein
29 W. Susquehanna Avenue, Suite 205, Towson, Md. 21204

Mr. Christopher Dorment, Rocky Gorge at Grey Rock L.P.,
Rocky Gorge Communities, Inc., P.O. Box 32545, Baltimore, Md. 21208

Mr. Cartan B. Kraft, Gilman Schools, Inc.
5407 Roland Avenue, Baltimore, Md. 21210

Mr. Fred Thompson, LPJ, Inc., 16 W. 25th Street, Baltimore, Md. 21213

Ms. Lillian N. Berger, President, Grey Rock Flats Condominium, Inc.
2 Cornelius Court, Baltimore, Md. 21208

Marc J. Lipchin, Esquire, Grey Rock Villas Condominium Association,
201 John Eager Court, Baltimore, Md. 21208

People's Counsel; Case File

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IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
 SPECIAL EXCEPTION AND VARIANCES * ZONING COMMISSIONER
 S/S Stone Chapel Road, 310' E * OF
 of the c/1 of Reisterstown Road * BALTIMORE COUNTY
 (11 and 17 Stone Chapel Road) *
 3rd Election District *
 2nd Councilmanic District *
 Rocky Gorge at Grey Rock, L.P., *
 Rocky Gorge Communities, Inc. *
 CASE NO.: 96-118-SPHXA

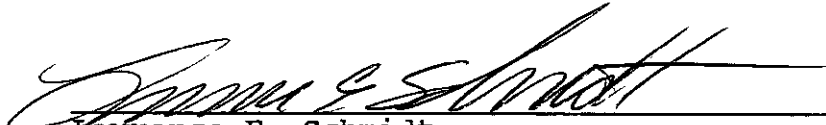
Petitioners

* * * * *

ORDER

Upon consideration of the Petitioner's Motion for Reconsideration filed in this proceeding and testimony having been heard, it is this 23rd day of February, 1996,

ORDERED by the Zoning Commissioner of Baltimore County that the Findings of Fact and Conclusions of Law, together with the Order dated January 24, 1996 be and are hereby rescinded.


 Lawrence E. Schmidt
 Zoning Commissioner for Baltimore County

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Date 2/23/96

By [Signature]

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204
Benjamin Bronstein

February 26, 1996

(410) 887-4386

Evans, George and Bronstein
29 West Susquehanna Avenue, Suite 205
Towson, Maryland 21204

RE: MOTION FOR RECONSIDERATION
PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
Rocky Gorge at Grey Rock/Rocky Gorge Communities, Inc. - Petitioners
Case No. 96-118-SPHXA

Dear Mr. Bronstein:

Enclosed please find my Order rescinding the Findings of Fact and Conclusions of Law previously issued in the above-captioned matter on January 24, 1996. I have entered this Order in response to your filing a Motion for Reconsideration on which a hearing was held February 9, 1996.

You have advised that Peter Max Zimmerman with the Office of People's Counsel has stated that the Motion for Reconsideration may not stay my original Order and the appeal time frame attached thereto. You expressed a concern that if an amended Order was not issued within thirty (30) days of January 24, 1996, that your right to file an appeal could be prejudiced.

Although I disagree with the assertion made by People's Counsel, I want the opportunity to fully consider the testimony and evidence offered at the hearing on your Motion on February 9, 1996. It is my intention to issue an Order addressing all issues raised in this case. Any dissatisfied party would thereafter have a period of thirty (30) days within which to file an appeal to the County Board of Appeals.

Should you have any further questions on the subject, please feel free to contact me.

Very truly yours.

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Christopher Dorment, Rocky Gorge at Grey Rock L.P.
Mr. Cartan B. Kraft, Gilman Schools, Inc.
Marc J. Lipchin, Esquire, Grey Rock Villas Condominium Association,
Mr. Fred Thompson, LPJ, Inc., 16 W. 25th Street, Baltimore, Md. 21218
Ms. Lillian N. Berger, President, Grey Rock Flats Condominium, Inc.
People's Counsel; Case File



IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
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S/S Stone Chapel Road, 310' E * ZONING COMMISSIONER
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Rocky Gorge at Grey Rock, L.P., *
Rocky Gorge Communities, Inc. *
CASE NO.: 96-118-SPHXA

Petitioners

* * * * *

MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR RECONSIDERATION

Rocky Gorge at Grey Rock, L.P., and Rocky Gorge Communities, Inc. by Benjamin Bronstein and Evans, George and Bronstein, its attorneys, files this Memorandum of Law in Support of Motion for Reconsideration filed in the above captioned matter.

I

THE PROPOSED ASSISTED LIVING FACILITY WILL NOT HAVE AN "ADVERSE IMPACT" WITHIN THE MEANING OF SCHULTZ V. PRITTS.

At issue in this case is a proposed assisted living facility located on Reisterstown Road slightly north of its intersection with Mount Wilson Lane, in Baltimore County, Maryland. A concern has been raised regarding whether the proposed use will have an "adverse impact" so as to justify imposition of a draconian restriction -- denial of access on Reisterstown Road (which the property in question abuts), requiring access through Grey Rock Road (which is, as a practical matter, impossible because the neighborhood associations refuse to grant access, and to do so would require massive regrading of the site which would, in turn, necessitate substantial revision to the site plan). The

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alternative suggestion for access through Stone Chapel Road is not feasible because of site distance and off-site rights of way problems. The potential traffic impact, if any, of the proposed use on Reisterstown Road does not rise to the level of an "adverse impact" as that term is defined in Maryland law.

The seminal case in addressing the issue of whether a special exception should be granted is Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981). In Schultz, the Court of Appeals set forth the applicable standards for judicial review of the grant or denial of a special exception use as follows:

...The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any facts or circumstances negating the presumption. The duties given the Board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan.

Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption

of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one of the Board to decide. But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal. (Citations omitted.) These standards dictate that if a requested special exception use is properly determined to have an adverse effect upon neighboring properties in the general area, it must be denied. (emphasis in original) 291 Md. at 11-12, 432 A.2d at 1325.

The Court of Appeals established the following guidelines with respect to the nature and degree of adverse effect which would justify denial of a requested special exception:

Thus, these cases establish that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.

291 Md. at 15, 432 A.2d at 1327.

In People's Counsel for Baltimore County v. Mangione, 85 Md. App. 738, 584 A.2d 1318 (1981), the Court of Special Appeals reaffirmed the necessary findings of "adverse impact" required to warrant a denial of a special exception, declaring:

Specifically, we shall review facts and circumstances upon which the Board [of Appeals] could have found that the special exception use and location proposed would cause an adverse effect upon adjoining and surrounding properties, unique and different in kind or degree, than that inherently associated with such use regardless of its

location within the zone [citation omitted]. In addition, 'if the evidence makes the issue of harm fairly debatable, the matter is one for the Board's decision and should not be second guessed by the appellate court'.

584 A.2d at _____. (emphasis supplied)

The Court of Special Appeals in Mangione went on to find that the following evidence made the Board's decision fairly debatable so as to justify denial of a special exception:

1. the building was uncharacteristically large, in both height and width, than the surrounding properties;

2. the proposed nursing home would sit on a hill, on dominant terrain, blocking light and air from the adjacent residential properties;

3. vehicular access was only through narrow, winding streets in a residential subdivision;

4. the size of the building and its large parking area would dominate the surrounding residential community and would exacerbate storm water run off problems and traffic circulation on surrounding narrow, winding residential streets;

5. the proposed use would generate odors from the central kitchen and dumpster.

In the present case, there is no testimony to support a finding that the proposed assisted living facility would create an adverse impact on surrounding properties within the scope of Mangione. The impact, if any, on traffic on Reisterstown Road does not constitute the type of "adverse impact" on surrounding properties as required under the doctrine enunciated in Schultz v. Pritts. Mangione is, therefore, distinguishable from the present case, and does not support the imposition of the draconian access restriction in the original order in this case.

The present case is further distinguishable from the decision of the Court of Appeals in Board of County Commissioners for Cecil County v. Holbrook, 314 Md. 210, 550 A.2d 664 (1988). In Holbrook, a special exception to permanently locate a mobile home in a rural agricultural area was denied on the basis that it would substantially diminish adjacent property values.

The Court of Appeals recognized that the standard for determining whether to grant the special exception was whether the use would cause an adverse effect upon adjoining and surrounding properties, unique and different, in kind or degree, than that inherently associated with such use regardless of its location within the zone. The court went on to find that the denial of the special exception was justified and that it could be assumed that the presence of a mobile home on a small lot in close proximity to more expensive homes would have an adverse impact on the adjacent property values. The subject mobile home (which had already been placed on the property prior to the filing of a request for special exception) was in full view of a neighboring (much more expensive) residence, was located very close to the property line, and was therefore determined to have a debilitating effect on the neighboring property value which the mobile home would not have had had it been located in the woods or behind a hill where it would not have been readily visible.

In the instant case there is no testimony to support a finding that the proposed assisted living facility would, in any respect, have the sort of detrimental impact on neighboring property values

that the mobile home at issue in Holbrook was found to threaten. Holbrook, is, therefore, distinguishable from the present case and cannot support a denial of or the imposition of any draconian restrictions on, the grant of the special exception.

The present case is somewhat similar to that presented in Anderson v. Sawyer, 23 Md. App. 612, 329 A.2d 716 (1974), a case arising out of Baltimore County. In Anderson v. Sawyer, supra, a funeral home was permitted in a residential zone as a special exception. In addressing the issue of whether a special exception for a nursing home could be properly granted, the Court of Special Appeals recognized that:

The conditional use or special exception is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating the presumption. The duties given the board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan.

Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community If he shows to the satisfaction of the board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden.

23 Md. App. at 617, 329 A.2d at 720.

The Court of Special Appeals went on to find that the unsupported conclusions of witnesses in the case before it that traffic congestion and depressed property values would result from the proposed funeral home were unsubstantiated by specific facts or studies, and were characterized by the court as "vague and generalized expressions of opinion which are lacking in probative value". The court concluded that:

By defining a funeral home as an appropriate use by way of special exception, the legislature of Baltimore County has, in essence, declared that such uses, if they satisfy the other specific requirements of the ordinance, do promote the health, safety and the general welfare of the community. As part of the comprehensive zoning plan this legislative declaration shares in a presumption of validity and correctness which the courts will honor.

The presumption that the general welfare is promoted by allowing funeral homes in a residential use district, notwithstanding their inherent depressing effects, cannot be overcome unless there are strong and substantial existing facts or circumstances showing that the particular raised proposed use has detrimental effects above and beyond the inherent ones ordinarily associated with such uses

23 Md. App. at 624-25, 329 A.2d at 724.

Anderson v. Sawyer, supra, then, supports the granting of a special exception in the instant case. There is an absence of any testimony in the record to support a finding that the "particularized proposed use has detrimental effects above and beyond the inherent ones ordinarily associated with such uses". In fact, the testimony establishes that the number of average daily trips generated by the proposed use is less than the number of

trips which would be generated by townhouses, a permitted use of right at this location. Although this factor is not absolutely determinative, it certainly establishes that the proposed use will not have an adverse impact (i.e., generating traffic) at this location in the zone so as to have an adverse impact on neighboring properties, which would have to occur in order to justify denial of the special exception or imposition of a draconian sanction under Schultz v. Pritts.

In Sharp v. Howard County Board of Appeals, 98 Md. App. 57, 632 A.2d 248 (1993), the Court of Special Appeals found that a proposed special exception for a private airplane field was properly granted. The court noted that in approving a special exception use, a finding of "no adverse effect" may be equated to a finding that the adverse effects found to exist were inherent and not atypical in the proposed use, regardless of where it is located. Thus, the approval of a special exception for private airplane field comported with the Schultz v. Pritts standard where the board's findings, that potential dangers at the site from airplane crashes was remote and that noise generated by the proposed operations did not rise to a level of adverse effects beyond those inherent in an air field located elsewhere in the same zoning district, was supported by substantial evidence.

The court pointed out that statistical evidence as to airplane crashes and noise measurements demonstrating that noise levels did not exceed state maximum levels, and lay testimony from neighbors that the noise did not inhibit their use and enjoyment of their

property, supported the decision to approve. Moreover, the presence of the following factors did not warrant a finding that the proposed use at the proposed location had adverse effects upon adjoining property unique and different from the adverse effects that would otherwise result if the use had been located anywhere else in the same zone:

1. presence of three schools in the vicinity of the air field;
2. evidence of ongoing residential development;
3. approval of 11 special exceptions within a 1-mile radius of the airfield.

The court noted that the board must consider whether the use contemplated at this location would have adverse effects other than those adverse effects that would be caused by the existence of the use (an airport) meeting applicable standards in the same zone. The localized impact must be unique and atypical.

In the present case, the testimony establishes that the access onto Reisterstown Road is acceptable to the State Highway Administration, and meets traffic standards. Under these circumstances, a conclusion that access onto Reisterstown Road constituted an "adverse effect" within the meaning of Schultz v. Pritts would be erroneous.

II

CONCLUSION

The theme running through the decisions of the appellate courts is that the adverse impact must affect surrounding or adjoining properties. This is true whether the court has been

considering a case in which a special exception has been denied (such as Mangione) or where a special exception has been granted (such as Sharp and Anderson v. Sawyer). In the original order in this case, the traffic impact is discussed at pages 10 - 13. The analysis of any adverse impact resulting from the proposed assisted living facility is discussed at pages 10 and 11. That discussion does not, however, focus on the adverse impact (if any) the proposed use will have on surrounding and adjoining properties. Rather, the discussion focuses on the difficulty of the "turning movement into the property". (page 11)

With focus on whether turning into the property at the proposed access is more or less difficult than were such access to occur off of Grey Rock Road, Stone Chapel Road or elsewhere, is not the type of "adverse impact" contemplated by the Court of Appeals in Schultz v. Pritts, and applied by the appellate courts in subsequent cases. In the present case, the difficulty, vel non, of access to the property vis-a-vis another access point is unrelated to the adverse impact (if any) that the proposed use will have on neighboring or adjoining properties.

In light of the governing principles of law, and the controlling authority of the appellate courts, the evidence before the Zoning Commissioner establishes that the proposed assisted living facility will not have an "adverse impact" on neighboring properties within the scope of Schultz v. Pritts. In particular, the evidence establishes that access onto Reisterstown Road, as proposed, is acceptable to the State Highway

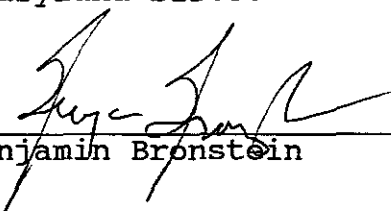
Administration and meets traffic standards. Under these circumstances, it would be erroneous to either deny the special exception or to deny access to Reisterstown Road.

EVANS, GEORGE AND BRONSTEIN


Benjamin Bronstein
205 Susquehanna Building
29 West Susquehanna Avenue
Towson, Maryland 21204
(410) 296-0200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of February, 1996, a copy of the foregoing Memorandum of Law was either mailed, postage pre-paid or hand delivered to People's Counsel for Baltimore County, Courthouse, 400 Washington Avenue, Towson, Maryland 21204; Marc J. Lipchin, Esquire, Tydings & Rosenberg, 100 East Pratt Street, Baltimore, Maryland 21202-1009, attorney for Grey Rock Villas Condominium Council, Inc.; Mr. Christopher Dormont, Rocky Gorge at Grey Rock, L.P., Rocky Gorge Communities, Inc., P.O. Box 32545, Baltimore, Maryland 21208; Mr. Cartan B. Kraft, Gilman Schools, Inc., 5407 Roland Avenue, Baltimore, Maryland 21210; and Ms. Lillian N. Berger, President, Grey Rock Flats Condominium, Inc., 2 Cornelius Court, Baltimore, Maryland 21208.


Benjamin Bronstein

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SPECIAL EXCEPTION AND VARIANCES
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3rd Election District
2nd Councilmanic District * Case No. 96-118-SPHXA

Rocky Gorge at Grey Rock L.P., *
Rocky Gorge Communities, Inc., - Petitioners
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variance for those properties known as 11 and 17 Stone Chapel Road, located in the vicinity of Mt. Wilson Lane and Reisterstown Road in Pikesville. The Petitions were filed by the co-owners of the property, Rocky Gorge at Grey Rock Limited Partnership, Rocky Gorge Communities, Inc., by Christopher Dormont, a General Partner, and Gilman Schools, Inc., through their attorney, Benjamin Bronstein, Esquire. The Petitioners request a special hearing to approve an amendment to the tract boundary and final development plan for Grey Rock, Phase III, only, and the Gilman School Property, to reflect the proposed improvements, pursuant to the requested special exception for an assisted living facility on the subject site, and to modify or waive the Residential Transition Area (RTA) requirements. In addition to the special hearing and special exception relief, the Petitioners seek variance relief from Section 413.E of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a double-faced sign of 144 sq.ft. total (72 sq.ft. per side) in lieu of the maximum permitted single-faced sign of 15 sq.ft. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

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Appearing at the hearing on behalf of the Petitions were Benjamin Bronstein, Esquire, and Michael J. Chomel, Esquire, attorneys for the Petitioners, Tim Loftus and David Blanning, representatives of Manor Care, Inc., proprietor of the proposed assisted living facility, Fred Thompson, Professional Engineer with LPJ, Inc., Consulting Engineers, who prepared the site plan for this project, Bill Kirwin, Landscape Architect with WFK, Inc., and Wes Guckert, Traffic Engineering expert with The Traffic Group, Inc. Numerous individuals appeared as interested parties or Protestants, several of whom are residents from the surrounding communities. Included among those individuals were Robert A. Hoffman, Esquire, an attorney representing the Blaustein family which owns a significantly sized parcel adjacent to the north side of the subject property, Dorothy Langrehr and Bud Weber Chavis, Trustees for the Stone Chapel Church, which also abuts the subject site on the north side, immediately across Stone Chapel Road, and representatives from two affected community associations, including Lillian N. Berger, President of Grey Rock Flats Condominiums, Inc., a community of condominiums located to the south and west of the subject site, and Mark J. Lipchin, who appeared on behalf of the Grey Rock Villas Community Council, Inc.

An understanding of the proposed development of the subject parcel, as well as the development of the entire Grey Rock tract, is appropriate. The property which is the subject of this request is known as Phase III of Grey Rock, and is currently comprised of approximately 7 acres of land. The Phase III parcel is roughly triangular in shape and is located on the northwest side of the overall tract. Phase III abuts Reisterstown Road and the rear of several residential dwellings which front that roadway to the northwest. On the northeast side, the property

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abuts Stone Chapel Road and the Stone Chapel Church property, and across Stone Chapel Road from the subject site is the Blaustein property. To the south, the subject property abuts Grey Rock Road and the balance of the Grey Rock development.

The entire Grey Rock tract encompasses slightly over 63 acres, and is primarily zoned D.R. 3.5 (approximately 37 acres), with some D.R. 10.5 (approximately 18 acres). There is also a small portion of the tract with business zoning (4.54 acres zoned B.M. and .91 acres zoned B.R.). As shown on the site plan marked as Petitioner's Exhibit 1 and the proposed landscape plan, identified as Petitioner's Exhibit 6, the Petitioners propose to develop Phase III with two large buildings to provide housing for the elderly. One of the buildings will be a single story structure which will provide 158 beds. This structure is known as the Arden Courts Building and will provide facilities for patients afflicted with Alzheimer's Disease. The second building is known as the Springhouse Senior Residents Building. This building will be three stories in height and will provide assisted living facilities for 102 elderly residents. In addition to these buildings, an existing house on the property will remain.

In addition to the proposed buildings as described above, the site will also be improved to provide vehicular access and parking. A circular driveway will be located immediately between the two buildings. Also, a number of employee and visitor parking spaces are provided on the plan. Proposed vehicular access to the site will be by way of a new driveway leading from Reisterstown Road. A significant amount of vegetation is also being retained and enhanced as shown on the landscape plan. The Petitioners propose extensive buffering of the proposed buildings from

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the existing residences to the north on Reisterstown Road, the Church property to the northeast, and the condominiums to the south and east.

In addition to the above discussion of the proposed use of the Phase III parcel, an understanding of the entire Grey Rock tract and its development is in order. As noted above, the entire tract consists of over 63 acres in area, predominantly zoned D.R. 3.5. The property has been developed in phases. Phases I and II having obtained the appropriate approvals, are largely built out. These two Phases comprise the majority of the tract and occupy the south, central and eastern portions of the property. The site plan indicates that 87 three-bedroom townhouse condominiums will ultimately be developed as Phase I. There will also be 3 three-bedroom villa condos and 5 two-bedroom villa condos in Phase I. Thus, Phase I has been planned to utilize 95 density units. Phase II shows approved development for 14 three-bedroom villa condos and 143 two-bedroom villa condos for a total of 157 density units. The 158 assisted living beds proposed for Phase III are calculated for density purposes at .25 density units per bed. Thus, 39.5 density units will be utilized in Phase III. The total number of density units utilized on the entire tract will be 292.5, below the 321.7 total units permitted.

The units which have been constructed in Phases I and II comprise the two different community associations identified earlier in this opinion. These associations represent the "Flats" and "Villas" which are private communities. It is of significant note that vehicular access to these two communities is by way of Grey Rock Road, a private road which leads to the interior of the tract from the signalized intersection of Reisterstown Road. A guard house also limits/restricts traffic from entering the communities and is located on Grey Rock Road.

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The zoning/development approval history of this tract is also significant. This Commissioner has reviewed the County records containing the numerous County Review Group (CRG) plans and revisions. CRG approval for the project as a whole was granted on September 7, 1989. Since that time, there has been a myriad of submissions, amending and revising the original CRG plan. There has been a significant evolution of this project.

There is also a zoning history. In Case No. 87-229-A, then Zoning Commissioner Arnold Jablon granted a variance permitting a free-standing sign totaling 72 sq.ft. in lieu of the maximum permitted 1 sq.ft. This Zoning Commissioner in Case No. 92-98-A, approved a variance from Section 400.3 of the B.C.Z.R. to allow an accessory bath house to be 23 feet in height in lieu of the maximum permitted 15 feet. Neither of these cases bear on the issues presented in the instant case. However, a more relevant decision was issued by this office in Case No. 94-293-SPHX on December 6, 1994. At that time, Deputy Commissioner Timothy M. Kotroco, granted a Petition for Special Exception for an assisted living facility on the subject site, and also granted relief to modify or waive the RTA requirements. It is significant to note that the site plan submitted at that time called for the construction of one three-story building containing 144 beds. However, that plan was amended subsequent to the hearing to reduce the height of the building to two stories, and decrease the number of beds to 95. Deputy Commissioner Kotroco noted within his opinion that the CRG had approved the plan for 73 assisted living units and 22 nursing care units, for a combined 95 beds. It is also of note that the property at issue in that case was approximately 4.84 acres in area and did not contain the Gilman School property. Apparently, the Gilman School property was at one time owned by a Mr. and Mrs. Carey, who through Counsel,

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appeared as Protestants in Case 94-293-SPHX. The Carey property apparently was ultimately gifted to the Gilman School and is now under contract for sale to the developers of the subject property. Thus, the current Phase III plan proposes a significantly more dense development, in terms of the number of beds, on a larger property, owing to the addition of the Gilman tract.

Having recited the above history of both the property and development approvals of same, attention is next turned to the issues presented in this case, most prominently, the special exception at issue. Particularly, in view of the tenor and tone of the testimony offered, this Zoning Commissioner feels it incumbent to recite the current state and evolution of the law and special exceptions in Maryland, at least, as he understands them.

The seminal case relating to special exceptions in Maryland is Schultz v. Pritts, 291 Md.1 (1981). The opinion in that case was written by the late Judge Davidson and remains the most quoted and complete statement of the law of special exceptions in this state. Recently, Schultz was looked upon with favor by the Court of Special Appeals in Mossburg v. Montgomery County, 107 Md. App.1 (1995). Both of the Opinions in these cases recognize that land uses are grouped into three categories under the zoning ordinance. The first of these categories contains uses that are permitted by right in a given zone. The second category identifies those uses prohibited in the zone. The third category contains special exceptions (also known as conditional uses). In describing conditional uses, the use of the words "special" and "exception" is somewhat misleading in that the uses identified in this third category are neither special nor exceptional. They are permitted uses, and as Judge Davidson stated, "Part of the comprehensive zoning plan sharing the presumption that, as such, it

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(the use) is in the interest of the general welfare, and therefore, valid." Schultz, infra, Pg. 1325. Stated another way, in Mossburg, special exception uses are "...desirable and necessary in its (the local government's) zoning plan, provided certain standards are met." Pg. 8. Thus, special exceptions are presumptively proper, assuming they pass the scrutiny of the enumerated standards enacted by the legislature in regulating such uses. In Baltimore County, those standards are set forth in Section 502.1 of the B.C.Z.R. as follows:

"Before any Special Exception may be granted, it must appear that the use for which the Special Exception is requested will not:

- a) Be detrimental to the health, safety, or general welfare of the locality involved;
- b. Tend to create congestion in roads, streets or alleys therein;
- c. Create a potential hazard from fire, panic or other dangers;
- d. Tend to overcrowd land and cause undue concentration of population;
- e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
- f. Interfere with adequate light and air;
- g. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these zoning regulations; nor
- h. Be inconsistent with the impermeable surface and vegetative retention provisions of these zoning regulations."

The application of these standards also bears discussion, particularly in view of the testimony offered in this case. Much of the testimony offered on behalf of the Petitioners was that the proposed use is significantly more preferable than other options for development on this tract. Testimony offered revealed that the parcel could be developed with additional residential units, similar in character to the "Flats" and "Villas"

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developed in Phases I and II. It was urged that such a residential development would create a significantly greater impact on the surrounding community (including the existing condominiums in Phases I and II) than the proposed elderly housing facility. Testimony was presented to the effect that the elderly housing facility can be expected to generate significantly less traffic than residences. The elderly residents will not own vehicles, thus the only traffic generated will be by employees/staff, visitors, and deliveries. I concur that the traffic impact of the proposed elderly housing facility will be significantly less than what could be expected if residences are built.

Indeed, in overall character, elderly housing facilities must generally be considered "quiet" land uses. Although the buildings attributable to such uses can be large, the activity therein produces little noise, pollution, traffic, or other impacts associated with land development.

It is for this reason that it is difficult for this Zoning Commissioner to understand the opposition to this project, particularly from the residents in Phases I and II. Apparently, they unrealistically believe that denying approval of this project will mean that the Phase III and Gilman School parcels will remain undeveloped. This viewpoint is shortsighted and surely wrong. Particularly with ongoing development in the area at large, this parcel is ripe for development; it is merely a question of what will ultimately occupy this property.

Returning to a discussion of the law of special exceptions, although a comparison of the proposed use versus uses permitted by right is one method of determining the propriety of the project, it is the wrong method of review under law. One need only to review Judge Davidson's

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discussion of Gowl v. Atlantic Richfield Company, 27 Md. App. 410 (1975). In Gowl, the Court of Special Appeals reversed a Board of Appeals decision denying requested special exception relief on the grounds of potential traffic congestion. The Court of Special Appeals concluded that the special exception should be granted and compared potential traffic problems that might arise under the requested special exception use and those which might arise under a permitted use. The Court held that when "the potential volume of traffic under the requested use would appear to be no greater than that which would arise from permitted uses" the requested special exception use must be granted. Gowl, Pages 417-418. The Gowl Court considered the special exception use by comparing the impacts of same to the impacts of a permitted use. As Judge Davidson stated, such an analysis is improper and cannot be legally sustained. Thus, in the instant case, a comparison of the impacts of the proposed elderly housing facility with those impacts of a permitted use (e.g., residential) is improper.

The proper test is to apply the standards of Section 502.1 of the B.C.Z.R. as they relate to the impacts of the use on the surrounding locale. As noted in Schultz, and ratified in Mossburg, all land uses, including special exception uses, carry with them some impact on surrounding locales. The County Council was clearly aware of the fact that the uses it delineated as permissible by special exception in a given zone would carry some impact. As noted in Mossburg, "...it is not whether a use permitted by way of a special exception will have adverse effects (adverse effects are implied in the first instance by making such uses conditional uses or special exceptions rather than permitted uses), it is whether the adverse effects at a particular location would be greater than the adverse

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effects ordinarily associated with a particular use that is to be considered..." Pgs. 8-9. Thus, it is not whether the proposed elderly housing facility would generate adverse effects on this locale, as it is assumed that it surely will. It is whether those inherent effects result in a unique detriment to the vicinity which is at issue.

In considering the proposed impacts, as codified in Sections 502.1(a) through (h) of the B.C.Z.R., it is found that the proposed special exception passes muster in all but one area. I find that the proposed use will not create a potential of fire, panic, or other dangers; will not overcrowd land; will not interfere with the infrastructure or adequate light and air; is consistent with the property's zoning classification and spirit and intent of the B.C.Z.R.; and is consistent with the impermeable surface and vegetative retention provisions of the B.C.Z.R. In my judgment, the only consideration is whether the proposed use "tends to create congestion in roads, streets, or alleys", an impact which must be studied in accordance with Section 502.1(b) of the B.C.Z.R.

Several factors are troubling here. First, as confirmed during my site visit, the proposed means of access from Reisterstown Road is difficult. As noted by several witnesses during the hearing, and confirmed both by observation in the field and by the Zoning Plans Advisory Committee (ZAC) comments from the State Highway Administration (SHA), Reisterstown Road carries a heavy traffic volume. Access to this street is arduous, particularly during peak hours of commute. The topography of the road is also difficult. In a northerly direction, the road rises from the intersection of Grey Rock Road to a crest north of the property. This makes movement onto Reisterstown Road from the properties abutting thereto often perilous.

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Additional site constraints cause further complications. This property rises rapidly from its border on Reisterstown Road to the west. Apparently, the proposed access from Reisterstown Road will meet SHA grade requirements; however, it is clear that the turning movement into the property will be difficult. Moreover, widening of Reisterstown Road is not feasible because of inherent site constraints.

For all of these reasons, it is clear that the traffic impacts of the proposed special exception are worse here than could be expected elsewhere in the zone. Although the proposed use is better, from a traffic generation standpoint, than many other uses, including some permitted by right, the traffic impacts of this use are worse here than elsewhere because of the particular constraints associated with providing access directly from Reisterstown Road.

The short answer to this dilemma is to provide vehicular access elsewhere, as suggested by the SHA. This is more appropriate as it will resolve the potential dangerous condition which would result if vehicular access to the property is directly from Reisterstown Road. The best alternative would be to provide vehicular access from Grey Rock Road. Grey Rock Road's intersection with Reisterstown Road is signalized and thus, controlled. This would allow visitors and employees to the proposed use the safest most practical means of access. Moreover, access from Grey Rock Road is proper in view of the scheme of development of this entire site. As described above, the Grey Rock tract has been built in phases. Originally, this was all one tract and has been considered as one tract for density purposes. With this history as a single tract, and an approved CRG plan for the entire property, is it not appropriate to utilize

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a single road to provide access to all development on this site? The obvious answer to this question is "yes".

For reasons unknown to this Zoning Commissioner, apparently the owners of Phase III do not now have the option to tie in to Grey Rock Road. I understand that Grey Rock Road is a private road; however, it was shortsighted of the then owners of the Phase III parcel to not retain the privilege to access this road. Phase III has been identified as part of this parcel since the original CRG approval in September 1989. Moreover, in my judgment, the condominium associations which now exercise authority over the private road, are foolish for not allowing access to the Phase III property from Grey Rock Road. A denial of the subject Petition will surely result in a less compatible form of development. Moreover, since the SHA cannot prohibit access to a state road which is otherwise landlocked, such other development will add only more cars entering Reisters-town Road at a less desirable location. Development permitted as of right need not undergo the special exception scrutiny which I must exercise here.

When questioned about these alternative means of access at the hearing, Mr. Thompson, on behalf of the Petitioners, opined that an access onto Grey Rock Road was not possible, owing to engineering considerations. He cited the topography of the land while opining that construction of an access road from Grey Rock Road was not feasible. Although, the topography of the land presents an obstacle, it may not be insurmountable. A review of the CRG file discloses a number of revisions and alternative plans which were submitted to that body for consideration. Among the plans submitted to that body, was the Second Amended CRG, Alternative A for Grey Rock, Phase III, dated April 20, 1992. That plan, drafted by Daft-McCune-Walker, Inc., shows an access from Grey Rock Road into the

Phase III property. Although CRG plans are, by nature, schematic or conceptual, apparently the engineers at Daft-McCune-Walker, Inc., were persuaded that vehicular access from Grey Rock Road to the subject parcel was feasible.

Other alternatives could provide access from Stone Chapel Road located to the north. Utilization of this road would eliminate a new curb cut onto Reisterstown Road. Although the Church members no doubt do not prefer this approach, the road could be upgraded, the intersection straightened, and other improvements made to the mutual benefit of all of the users of this road.

A final alternative may be to provide access from the Blaustein property to the north. Apparently, this property is under consideration for development and will feature a road parallel to Reisterstown Road. Access in this fashion may be a practical solution.

Based upon all of these considerations, I will grant the Petition for Special Exception to allow the proposed elderly housing facility with one significant modification. I will require the Petitioners to find another means of access to the property, other than by direct curb cut onto Reisterstown Road. In order to facilitate the decision regarding the location of such alternative, I will also extend the authority granted under this special exception to the maximum period of five (5) years as set forth in Section 502.3 of the B.C.Z.R. Other than this restriction, I decline to incorporate other limitations or conditions on the approval of this use. Obviously, the plan must comply with the County's landscape requirements and appropriate buffering and screening will be required; however, the other items exacted by the community associations to enlist their non-opposition will not be incorporated as conditions/restrictions

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to the relief granted herein. Section 502.2 of the B.C.Z.R. allows the Zoning Commissioner to incorporate restrictions "for the protection of neighboring properties." The agreements between the parties do not provide for the protection of the neighborhood from my perspective, but are more of the nature of consideration in a contract between them. The agreements provide beneficial improvements for the community's sake in exchange for an agreement of non-opposition to the Petitions.

The special hearing to amend the tract boundary and final development plan shall also be granted, subject to the same restriction of providing access in a different manner. Likewise, the Petition for Variance shall be approved. In this regard, I find, as fact, that the Petitioners have satisfied the standards of Section 307.1 of the B.C.Z.R. and the case law relating to variance relief.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of January, 1996 that the Petition for Special Hearing to approve an amendment to the tract boundary and final development plan for Grey Rock, Phase III, only, and the Gilman School Property, to reflect the proposed improvements, in accordance with Petitioner's Exhibit 1 and subject to the modification set forth herein, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception for an assisted living facility on the subject site, and to modify or waive the Residential Transition Area (RTA) requirements, in accordance with

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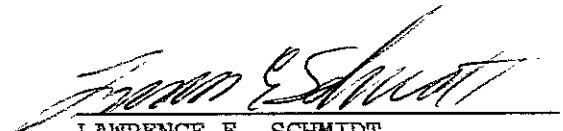
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Petitioner's Exhibit 1 and subject to the modification set forth herein,
be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
- 3) The Petitioner shall submit, for approval by the State Highway Administration and Baltimore County, an amended site plan providing a means of alternative vehicular access to the property as set forth herein.
- 4) The Petitioner shall have a period of up to five (5) years from the date of the final Order approving these Petitions to utilize the proposed special exception use.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 413.E of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a double-faced sign of 144 sq.ft. total (72 sq.ft. per side) in lieu of the maximum permitted single-faced sign of 15 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

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Date 1/23/96
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 23, 1996

Benjamin Bronstein, Esquire
Evans, George & Bronstein
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCES
S/S Stone Chapel Road, 310' E of the c/l of Reisterstown Road
(11 and 17 Stone Chapel Road)
3rd Election District - 2nd Councilmanic District
Rocky Gorge at Grey Rock L.P., Rocky Gorge Comm., Inc., - Petitioners
Case No. 96-118-SPHXA

Dear Mr. Bronstein:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Christopher Dormont, Rocky Gorge at Grey Rock L.P.,
Rocky Gorge Communities, Inc., P.O. Box 32545, Baltimore, Md. 21208
Mr. Cartan B. Kraft, Gilman Schools, Inc.
5407 Roland Avenue, Baltimore, Md. 21210
Mr. Fred Thompson, LPJ, Inc., 16 W. 25th Street, Baltimore, Md. 21218
Ms. Lillian N. Berger, President, Grey Rock Flats Condominium, Inc.
2 Cornelius Court, Baltimore, Md. 21208
Marc J. Lipchin, Esquire, Grey Rock Villas Condominium Association,
201 John Eager Court, Baltimore, Md. 21208
People's Counsel; Case File

RECORDED



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 31, 1996

Mr. Bob Small
Engineering Access Permits
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
Rocky Gorge at Grey Rock/Rocky Gorge Communities, Inc. - Petitioners
Case No. 96-118-SPHXA

Dear Mr. Small:

Enclosed please find a copy of my decision in the above-captioned matter concerning the Grey Rock assisted living facility. As you will note, I granted the Petition for Special Exception, but required the Petitioners provide another means of access to the site from the proposed new curb cut on Reisterstown Road. Not unexpectedly, the Petitioners have filed a Motion for Reconsideration. I strongly suspect that they will request that I reconsider that restriction and claim that vehicular access cannot be provided any other way. It is interesting to note that I have also received a request for reconsideration from one of the affected Condominium Associations.

In any event, I have agreed to schedule a public hearing on the Motion for Friday, February 9, 1996 at 9:00 AM in Room 106 of the County Office Building. It would be appreciated if you would appear at that time. Although I do not know who will testify, I may wish to call you as an expert witness to present the State Highway Administration's position on the Reisterstown Road access issue. I have also enclosed a subpoena to formalize my request for your appearance at this hearing. Please let me know whether or not you will be able to attend, and, if there is anyone in your office who should appear in lieu of, or in addition to, you.

Thank you for your consideration in this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

11 & 17 Stone Chapel Road

96-118-SPHXA

which is presently zoned

DR3.5

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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve to amend the tract boundary and to

amend the final development plan. as 9/12/95

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

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner:

~~Contract Purchaser/lessor:~~

Gilman Schools, Inc.

(Type or Print Name)

By:

Signature

5407 Roland Avenue

Address

Baltimore, Maryland 21210

City

State

Zipcode

Attorney for Petitioner: Benjamin Bronstein

Evans, George & Bronstein

(Type or Print Name)

Signature

29 W. Susquehanna Ave., Suite 205

Address

Towson, Maryland

(410) 296-0200

Phone No.

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.

Legal Owner(s)

Rocky Gorge at Grey Rock L.P.
Rocky Gorge Communities, Inc.

(Type or Print Name)

General Partner

By:

Signature

Christopher Dormont

(Type or Print Name)

Signature

P.O. Box 32545

Address

486-5239

Phone No.

Baltimore, Maryland 21208

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

LPJ, Inc.

Name

16 W. Twenty-Fifth Street, Balto., MD 21218

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY:

DATE

9-1-95

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Date

By



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Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at

11 & 17 Stone Chapel Road

which is presently zoned

DR3.5

96-118-SHXA

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 an assisted living facility and to modify or waive the RTA restriction.

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.

Legal Owner:

Contract Purchaser/Lessee:

Gilman Schools, Inc.

(Type or Print Name)

By:

Signature

5407 Roland Avenue

Address

Baltimore, Maryland 21210

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.

Legal Owner(s). Rocky Gorge at Grey Rock L. P.

Rocky Gorge Communities, Inc.

(Type or Print Name)

General Partner

By:

Signature

Christopher Dormest

(Type or Print Name)

Signature

P.O. Box 32545

486-5239

Address

Phone No.

Baltimore, Maryland 21208

City

State

Zipcode

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

LPJ, Inc.

Name

16 W. Twenty-Fifth Street, Balto., MD 21218

Address

(410) 366-7800

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

9-11-95

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By

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11 & 17 Stone Chapel Road

96-118-SPHXA

which is presently zoned DR3.5

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) 413.E to permit a double face sign of ~~142~~ 144 sq. ft. (72 sq. ft. each side) in lieu of the permitted 15 sq. ft.

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

1. Configuration of the property,
2. Topography of the property,
3. And for such other and further reasons as may be demonstrated at the time of 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.

Legal Owner:

~~Contract Purchaser/Lessee:~~

Gilman Schools, Inc.

(Type or Print Name)

By: [Signature]

Signature

5407 Roland Avenue

Address

Baltimore, Maryland 21210

City

State

Zipcode

Attorney for Petitioner: Benjamin Bronstein
Evans, George & Bronstein

(Type or Print Name)

Signature

29 W. Susquehanna Ave., Suite 205

Address

(410) 296-0200 Phone No.

Bowson, 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.

Legal Owner(s): Rocky Gorge at Grey Rock L.P.
Rocky Gorge Communities, Inc.

(Type or Print Name)

General Partner

By: [Signature]

Signature

Christopher Dormont

(Type or Print Name)

Signature

P.O. Box 32545

486-5239

Address

Phone No

Baltimore, Maryland 21208

City

State

Zipcode

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

LPJ, Inc.

Name

16 W. Twenty-Fifth Street, Balto., MD 21218

Address

(410) 366-7800

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: [Signature] DATE 9-11-95

ORDER RECEIVED FOR FILING

Date

By



116

ISSUES TO BE ADDRESSED IN ZONING ITEM NO. 116
GREY ROCK, PHASE III

1. That a note would be placed on the plan indicating that the dwelling to remain on the property would be considered a part of the proposed assisted living facility and would not generate a residential transition area;
2. That a Class "A" landscape screen would be provided along Stone Chapel Road with the trees between 6 and 8 feet tall when planted;
3. That the emergency exit to Stone Chapel Road would be utilized by fire or police emergency vehicles only and would be a "break-away" type of entrance not open for any other types of traffic movements;
4. That the petitioner would not ask the State Highway Administration for the installation of a traffic signal at its proposed entrance.

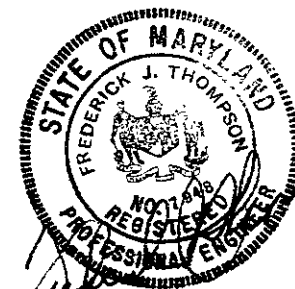
ZC. Ex. No 1

**DESCRIPTION OF PROPERTY FOR
SPECIAL EXCEPTION, SPECIAL HEARING
AND VARIANCES
GREY ROCK, PHASE III AND GILMAN SCHOOL PROPERTY**

BEGINNING AT A POINT ON THE NORTHERN RIGHT OF WAY LINE OF REISTERSTOWN ROAD ADJACENT TO A PRIVATE ROAD TO GREY ROCK (N 34,094.38, W 35,529.11); THENCE EXTENDING N 42° 09'10" W, 468.18 FEET ALONG THE NORTHERN RIGHT-OF-WAY LINE OF REISTERSTOWN ROAD TO A POINT. THENCE LEAVING SAID RIGHT-OF-WAY LINE AND EXTENDING THE FOLLOWING TWO COURSES AND DISTANCES TO A POINT ON THE RIGHT-OF-WAY LINE OF STONE CHAPEL ROAD: (1) N 47° 12'23" E, 109.83 FEET AND (2) N 27° 01'30" W, 349.06 FEET. THENCE EXTENDING ALONG THE SOUTHERN RIGHT-OF-WAY LINE OF STONE CHAPEL ROAD N 86° 22'12" E, 403.15 FEET AND N 86° 15'57" E, 255.06 FEET. THENCE LEAVING SAID RIGHT-OF-WAY AND EXTENDING THE FOLLOWING TWO COURSES AND DISTANCES TO A POINT ON THE NORTHERN RIGHT-OF-WAY LINE OF REISTERSTOWN ROAD: (1) S 57° 58'06" E, 64.53 FEET AND (2) S 23° 02'52" W, 810.35 FEET. THENCE EXTENDING ALONG THE RIGHT-OF-WAY LINE OF REISTERSTOWN ROAD THE FOLLOWING TWO COURSES AND DISTANCES TO THE POINT AND PLACE OF BEGINNING: (1) N 42° 53'29" E, 4.44 FEET AND (2) N 23° 02'52" W, 1.90 FEET.

CONTAINING 6.99 ACRES MORE OR LESS. SAID PARCEL IS DESCRIBED IN DEEDS RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND TO ROCKY GORGE COMMUNITIES, INC, LIBER 10881 FOLIO 317 AND GILMAN SCHOOL, INC. LIBER 10886 FOLIO 758.

116



MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-118-SPHX#

District: 32-4 Date of Posting: 10/14/95
Posted for: Special Hearing & Exception & Variance
Petitioner: Rocky Grove of Grey Rock, a Ltd.
Location of property: 11 #17 Stone Chapel Rd., S/S
Location of Sign: Facing road along on property being Zoned &
Remarks: _____
Posted by: [Signature] Date of return: 10/20/95
Number of Signs: 1 Signature: _____

MICROFILMED



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 108, of the County Office Building, 151 W. Chesapeake Avenue, in Towson, Maryland 21204, of Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #93-118 SPKX (Item 118)

11 and 17 Sigma Chapel Road
Gray Rock, Phase III and
Bilman School
855 Sigma Chapel Road, 310'
4'-6" E of of Rosterstown Road
3rd Election District
2nd Councilmanic

Legal Owner(s):

Rocky George at
Gray Rock, et al

Hearing: Tuesday, October 31,
1995 at 9:00 a.m. in Rm. 118,
Old Courthouse.

Special Hearing to amend the tract boundary and to amend the final development plan, Special Exception for an assisted living facility, and to modify or waive RTA restriction. Variance to permit a double-face sign of 142 square feet (72 sq. ft. each side) in lieu of the permitted 15 square feet.

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.

10/04/97 October 5.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/13, 19 95

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 10/5, 19 95.

THE JEFFERSONIAN,

A. H. Erickson
LEGAL AD. - TOWSON

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-118-SH-1A

District 3rd

Date of Posting 4/28/96

Posted for Approval

Petitioner: Rocky Boys Community, Inc.

Location of property: Rocky Boys of Boy Scout Bldg

Location of Sign: Facing side of property by sign

Remarks:

Posted by

W.H. P. [Signature]
Signature

Date of return

5/5/96
MICROFILMED

Number of Signs: 1



BALTIMORE CO., TY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

011604

DATE 4.12.96 ACCOUNT 2001-7120

AMOUNT \$ 635.00

RECEIVED
FROM:

Wendover Medical Office Bldg. 1st Floor.

FOR

Dependancy Case 96-1185641X4

MICROFILMED
88000237

\$285.00 / C# 0000242 \$350.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER

11/13/86
11/27/86

Special Exception only
985.00

350.00

What with his
Dorson put
in will have
rate.

every thing
appeal

484-8400
Muri Bonnett

11:07
11:07
11:07

635.00

4

☐ WOODHOLME MEDICAL OFFICE BUILDING LIMITED PARTNERSHIP

DATE

04/09/96

CHECK NO.

000242

VENDOR KEY

B04

☐

INVOICE #	INVOICE DATE	AMOUNT	DISCOUNT	DATE	VOUCHER #	NET AMOUNT
	04/09/96	350.00	0.00		VOUCHER 000180	350.00
MICROFILMED						
TOTALS		350.00	0.00			350.00

☐ WOODHOLME MEDICAL OFFICE BUILDING LIMITED PARTNERSHIP

DATE

CHECK NO.

VENDOR KEY

☐

INVOICE #	INVOICE DATE	AMOUNT	DISCOUNT	DATE	VOUCHER #	NET AMOUNT
TOTALS						

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

116 No. 96-118
DATE 9-8-95 ACCOUNT REC-6150

AMOUNT \$ 755.⁰⁰
RALLY GORTEL D. 11/17 51.00
HAROLD RD.

RECEIVED FROM: 24 (070)
522 1151-2 650.00
VAD
FOR: DISTRICT ORD 3435 105.00
DISTRICT OFFICE
ED LUTHERS MARY 25 755.00

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER

Jun

9/18

Sophia advised this date that
Carl permitted Ben Bronstein to ~~amend~~
add "... and to amend the F.D.P." to the
petition for ~~Grant~~ Spec. Hearing form
w/out requiring a revision fee. Per Sophia,
file was given to Gwen prior to processing.
JCM

MICROFILMED

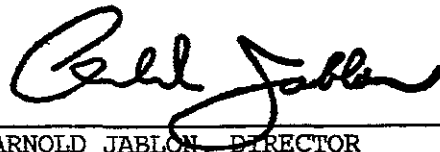
ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring 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 accessed 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.: 116

Petitioner: Rocky GORGE L.P.

Location: 11517 STONE GATE CHAPEL RD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: BEN BROWSTEIN, ESQ.

ADDRESS: 29 W. SUSQUEHANNA AVE. SUITE 205
TOWSON, MD. 21204

PHONE NUMBER: 296-0200



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

Hearing Room - Room 48 (410) 887-3180
Old Courthouse, 400 Washington Avenue

June 10, 1996

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 96-118-SPHXA ROCKY GORGE AT GREY ROCK, L.P.; AND Rocky Gorge Communities, Inc. -Petitioners
S/s Stone Chapel Road, 310' E of c/l of Reisterstown Road, 11 and 17 Stone Chapel Road
3rd Election District
2nd Councilmanic District

SPH -To amend tract boundary and Final Development Plan; SE -Assisted Living Facility; and VAR -sign

3/06/96 -Z.C.'s Order in which Petition for Special Hearing, GRANTED; Petition for Special Exception in accordance with Petitioner's Exhibit 1, GRANTED; Petition for Variance, GRANTED; Motion for Reconsideration of Opinion and Order issued 1/24/96 to strike Restriction No. 3, GRANTED, pursuant to conditions.

ASSIGNED FOR: THURSDAY, SEPTEMBER 19, 1996 at 10:00 a.m.

cc: Stewart J. Greenebaum, President
Woodholme Medical Bldg Ltd Ptnshp

Appellant /Protestant

Benjamin Bronstein, Esquire
Christopher Dorment /Rocky Gorge
Cartan B. Kraft /Gilman Schools, Inc.
Fred Thompson

Counsel for Petitioner
Petitioner
Petitioner
LPJ, Inc.

Robert A. Hoffman, Esquire
George E. Weber, Jr.
Lillian N. Berger, President
Marc C. Lipchin, Esquire

Stone Chapel United Methodist Church
Grey Rock Flats Condominium Assn.
Grey Rock Villas Condominium Assn.

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

MICROFILMED

Kathleen C. Bianco
Administrative Assistant



TO: PUTUXENT PUBLISHING COMPANY
October 5, 1995 Issue - Jeffersonian

Please forward billing to:

Benjamin Bronstein, Esq.
29 W Susquehanna Avenue #205
Towson MD 21204
296-0200

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: 96-118-SPHXA (Item 116)
11 and 17 Stone Chapel Road
Grey Rock, Phase III and Gilman School
S/S Stone Chapel Road, 310'+/- E of c/l Reisterstown Road
3rd Election District - 2nd Councilmanic
Legal Owners: Rocky Gorge at Grey Rock, et al
HEARING: TUESDAY, OCTOBER 31, 1995 at 9:00 a.m.. in Room 118, Old Courthouse.

Special Hearing to amend the tract boundary and to amend the final development plan..
Special Exception for an assisted living facility and to modify or waive RTA restriction.
Variance to permit a double-face sign of 142 square feet (72 sq. ft. each side) in lieu of the permitted 15 square feet.

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.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 25, 1995

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 hereinin 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: 96-118-SPHXA (Item 116)

11 and 17 Stone Chapel Road

Grey Rock, Phase III and Gilman School

S/S Stone Chapel Road, 310' +/- E of c/l Reisterstown Road

3rd Election District - 2nd Councilmanic

Legal Owners: Rocky Gorge at Grey Rock, et al

HEARING: TUESDAY, OCTOBER 31, 1995 at 9:00 a.m.. in Room 118, Old Courthouse.

Special Hearing to amend the tract boundary and to amend the final development plan..

Special Exception for an assisted living facility and to modify or waive RTA restriction.

Variance to permit a double-face sign of 142 square feet (72 sq. ft. each side) in lieu of the permitted 15 square feet.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Rocky Gorge at Grey Rock L.P.
LPJ, Inc.
Gilman Schools, Inc.
Benjamin Bronstein, 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.

11/1/95



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 24, 1995

Benjamin Bronstein, Esquire
Evans, George & Bronstein
29 W. Susquehanna Ave., Suite 205
Towson, Maryland 21204

RE: Item No.: 116
Case No.: 96-118-SPHXA
Petitioner: Rocky Gorge at
Grey Rock L.P.
Rocky Gorge Comm., Inc.

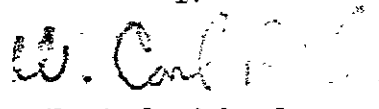
Dear Mr. Bronstein:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 11, 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 (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.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



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

TO: ZADM

DATE: 9/25/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 9/18/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 103

104

107

108

109

110

111

112

113

114

115

116

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: September 27, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 11 & 17 Stone Chapel Road

INFORMATION:

Item Number: 116

Petitioner: Rocky Gorge at Grey Rock L.P.

Property Size: _____

Zoning: DR-3.5

Requested Action: Variance, Special Hearing and Special Exception

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff supports the applicant's request as the proposed use of the property is consistent with the goals of the Reisterstown Road Corridor Study.

Prepared by: Jeffrey M. Long

Division Chief: Gary L. Kerns

PK/JL

ENCLOSURE

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 09/19/95

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

RE: Property Owner: ROCKY GORGE AT GREY ROCK, L.P./ROCKY GORGE
COMMUNITIES, INC., GENERAL PARTNER & GILMAN SCHOOL, INC.
LOCATION: S/S STONE CHAPEL RD., 310' +/- E OF CENTERLINE REISTERSTOWN
RD. (11&17 STONE CHAPEL RD.-GREY ROCK RD. PHASE III & GILMAN SCHOOL.

Item No.: 116

Zoning Agenda: SPECIAL HEARING/SPECIAL EXCEPTION

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

SEP 21 1995

ZADM

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



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: Sept. 25, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief *RWB/DAK*
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for September 25, 1995
Item No. 116

The Development Plans Review Division has reviewed the subject zoning item. See Subdivision Review Comments from the Developers Engineering Division for Grey Rock Phase III, Alternate B, dated 2-25-92 and Supplemental Highway Comments, dated 5-1-92.

RWB:sw

MICROFILMED



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

September 28, 1995

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Baltimore County
MD 140
Rocky Gorge at Grey Rock
#11 and #17 Stone Chapel Way
Grey Rock, Phase III
& Gilman School
Special Hearing, Special
Exception and Variance request
Item #116 (JCM)
Mile Post 2.73

Dear Ms. Watson:

This letter is in response to your request for our review of the plan for the referenced item.

In our review of a previous special hearing and special exception request and in a letter dated February 23, 1994, to Ms. Charlotte Minton formerly of Baltimore County's Office of Zoning, we indicated the proposed access from the site onto MD 140 is not acceptable to the State Highway Administration (SHA). Due to the proposed nursing facility's proximity to Stone Chapel Way and the existing MD 140/Grey Rock Road signalized intersection, and in keeping with the SHA policy to minimize access onto State roadways, all access to this development should be from either Stone Chapel Way or Grey Rock Road as a condition of plan approval.

Our review of the current plan reveals the addition of two (2) entrances onto Stone Chapel Way along with additional improvements to that roadway which is acceptable to the SHA.

However, the proposed 35' entrance onto MD 140 indicated on the plan is still not acceptable to the SHA as we had previously indicated in our February 23rd letter.

My telephone number is 410-333-1350 (Fax# 333-1041)

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

545-5581
MICROFILMED

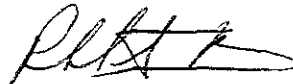
Ms. Joyce Watson
Page Two
September 28, 1995

In addition to our policy of limiting access onto State roadways whenever possible, the proposed 10% grade within the entrance onto MD 140 does not meet SHA standards and specifications for access onto a State roadway.

We have no objection to approval of the referenced item subject to the aforementioned comments.

Should you have any questions, please contact Bob Small at 410-333-1350. Thank you for the opportunity to review this plan.

Very truly yours,



Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

cc: Mr. Darrell Wiles w/att.

MICROFILMED



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoﬀ
Administrator

February 20, 1992

**Mr. Robert Covahey, Chief
Bureau of Public Services
County Office Building
Towson, Maryland 21204**

**Re: Baltimore County
Grey Rock
N/S Reisterstown Road
MD 140
opposite Mt. Wilson Lane**

Dear Mr. Covahey:

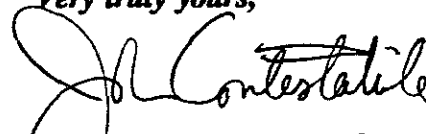
We have reviewed the submittal for Grey Rock and offer the following.

Upon the development of Phase III, we will require the following:

- Construction of concrete curb and gutter along the entire frontage of the property north of Grey Rock Road at a distance of 31' from the centerline of Reisterstown Road.**
- A complete hydraulic analysis will be required to be reviewed and approved prior to issuance of any building permits.**

If you have any questions, please contact Larry Brocato at 333-1350.

Very truly yours,


**John Contestabile, Chief
Engineering Access Permits
Division**

LB/es

**cc: Daft-McCune-Walker, Incorporated
Mr. Joe Maranto**

MICROFILMED

My telephone number is 301-333-1350 (Fax# 333-1041)

**Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717**

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS

DATE: 02/25/92

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Division

PROJECT NAME: GREY ROCK PHASE III, ALTERNATIVE A & ALTERNATIVE B

PROJECT NO: 92007

LOCATION: Grey Rock Road at Stone Chapel Road

DISTRICT: 3C3

The CRG Plan for the subject site dated January 28, 1992, with latest revisions dated February 20, 1992, has been reviewed by the Developers Engineering Division and our comments are as follows:

ALTERNATIVE 'A' COMMENTS

GENERAL COMMENTS:

All private contracts for construction of storm drains and roads intended for public title and maintenance must be let under a contract form, proposal and attachments adopted by the Baltimore County Department of Public Works. The Developer has the option of placing the storm drains under a public contract.

The State Department of the Environment Construction Permits for each private utility (water and sanitary sewer) having a projected flow greater than 5,000 gallons per day average daily flow will be obtained through the Baltimore County Department of Public Works. A processing fee of \$100.00 per each utility will be required at the time of application.

The proposed private utilities and roads shall be drawn on County Standard Linens and shall follow County Standards for size, materials and construction details, and shall be submitted to the Bureau of Public Services for review and approval.

All construction drawings and construction for public use shall conform with Baltimore County Department of Public Works Design Standards and Standard Specifications and Details for Construction.

The responsibilities of the Developer involving public improvements shall include the Inspection Fees, Burden and Fringe Costs incurred. Currently these charges are 3 times payroll for Metropolitan District Projects and 2 times payroll for the Capital Improvement Fund.

The Developer is responsible for the full cost of all highway and storm drain construction.

MICROFILMED

GENERAL COMMENTS: (Con't)

A Public Works Agreement must be executed by the owner and Baltimore County for the required public improvements, after which a Building Permit may be approved.

In accordance with Bill No. 18-90, Section 26-276, dredging, filling or construction in any wetland is prohibited.

Any manmade embankment over 10 feet vertically shall be designed and/or approved by a soils engineer. The following note is to be placed on the sediment control plans and grading plans before approval will be given:

"All manmade embankments have been designed and/or certified for stability by a soils engineer."

The Developer shall be responsible for damages to the County's facilities, such as water meters, manholes, curbs and gutters and inlets within his subdivision. Occupancy Permits will be withheld until such damages have been corrected.

Where construction contracts do not cover an entire Public Works Agreement, an additional Public Works Agreement fee will be collected. This fee will be the difference in cost between the fee/unit as covered in the Public Works Agreement and the fee/unit cost for the number of lots/units covered by the proposed contract. This additional fee will be collected at the time of contract for all partial contracts.

The Developer's engineer shall furnish along with the quantity estimates, the total number of units covered by the Public Works Agreement and the number of units served by the proposed contract.

Offsite rights-of-way are necessary for roads, storm drains or other utilities. The Developer is hereby advised that the final plat and/or building permits will not be approved until the offsite right-of-way is acquired. The County reserves the right to make the necessary contacts for acquisition of rights-of-way.

The storm drain outfall appears to traverse adverse property and will require the acquisition of the necessary easements and/or rights-of-way prior to further processing of this project.

The Developer's Engineer shall investigate the need and obtain the necessary permits for the facilities serving this site that may require a "Corps of Engineer's Permit", a "Water Resources Permit", a "Water Quality Certification", and any other Federal or State Permits. These facilities cannot be sent to contract until such permits have been received.

The Developer shall not allow any cable television cables to be installed in this subdivision without the required County permits being obtained. Baltimore County will not assume any rights-of-way, easements, or maintenance of any public improvements, where such cables have been installed without a permit until the cables are satisfactorily located.

MICROFILMED

GENERAL COMMENTS: (Con't)

When an Irrevocable Letter of Credit is posted as security and, if the County's ability to draw on or otherwise call a Letter of Credit is negatively impacted for any reason (bank default, receivership, etc.), it shall be the sole responsibility of the developer to obtain a replacement Letter of Credit under the same terms and conditions.

The Developer shall be responsible for having all proposed street names in any new development approved by the Street Name and Address Section of the Reception and Processing Division of the Bureau of Public Services prior to his engineer placing these names on the final record plat and/or construction drawings. All street name changes made after plat recordation must also be approved by the Street Name and Address Section and the construction drawings revised accordingly. The method for changing street names after a plat has been recorded will vary by project, and guidance will be provided by the Street Name and Address Section.

HIGHWAY COMMENTS:

Stone Chapel Road is an existing road which shall ultimately be improved as a 30-foot street cross-section on a 50-foot right-of-way.

The Developer's responsibilities along the existing road frontage of the subdivision shall be as follows:

- a. The submission of detailed construction drawings to extend a minimum distance of 200 feet beyond the limits of the subdivision or as may be required to establish line and grade.
- b. The submission of full cross-sections is deemed necessary for design and/or construction purposes. The sections are to be taken at 25-foot intervals and are to be shown on standard cross-section paper at 1" = 5' horizontal to 1" = 5' vertical scale.
- c. The preparation of the right-of-way plat for, and the dedication of any widening and slope easements at no cost to the County.
- d. The preparation of the right-of-way plats for any offsite road rights-of-way required to make the necessary improvements. Baltimore County will attempt to acquire the right-of-way at the Developer's expense.
- e. The grading of the widening and the existing road to the established grade. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.
- f. The relocation of any utilities or poles as required by the road improvements.

MICROFILMED

HIGHWAY COMMENTS: (Con't)

- g. The construction of combination curb and gutter in its ultimate location and a maximum of 28.5 feet of paving adjacent thereto along the frontage of the property. The paving thickness shall conform with Baltimore County Standards.

Stone Chapel Road shall be improved to a minimum 24-foot paving section along the Stone Chapel Methodist Church property from Reisterstown Road to the northwest property line of Phase III. These improvements consist of but may not necessarily be limited to curb and gutter, paving, street lights, sidewalk, and drainage facilities.

Reisterstown Road (MD Rte #140) is a State road. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

It shall be the responsibility of the Developer's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The Developer shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

The entrance locations are subject to approval by the Bureau of Traffic Engineering.

Entrances shall be a minimum of 24 feet and a maximum of 35 feet wide, shall have 10-foot minimum radii curb returns, shall be located a minimum of 15 feet from any property line, and shall be constructed in accordance with Baltimore County Standards (Details R-32, 1977 Edition), as the Developer's total responsibility.

In accordance with Bill No. 32-72, street lights are required in all subdivisions. The Developer will be responsible for the full costs of installation of the cable, poles and fixtures. The County will assume the cost of the power after installation.

"No Parking" signs shall be posted prohibiting parallel parking on 24-foot width streets and within the turnaround area.

Ramps shall be provided for physically handicapped persons at all street intersections.

Sidewalks are required adjacent to the public roads serving this site, including State roads as applicable. The walks shall be 4 feet wide and shall be installed to conform with Baltimore County Standards, which places the back edge of the sidewalk 2 feet off the property line, or the adjacent unencumbered area.

The Developer shall be responsible for construction stake-out of all highway improvements required in connection with this site and all stake-outs shall be in accordance with Baltimore County Standards.

HIGHWAY COMMENTS: (Con't)

It shall be the Developer's responsibility to have his engineer set property line control stakes on the points of curvature and points of tangency and on adjacent rights-of-way along proposed roads to be used as control for the stake-out of utilities.

The private roads, if allowed, shall be designed and constructed to the Department of Public Works' Standards and Specifications. The roads shall be inspected and certified to the Bureau of Public Services by the developer's engineer.

Security must be posted prior to the issuance of a building permit to insure completion of any private improvement. Upon satisfactory completion of the private improvements and certification by a Professional Engineer that said improvements have been constructed in accordance with County standards and specifications, the security will be refunded.

STORM DRAINS AND SEDIMENT CONTROL COMMENTS:

Storm drainage improvements to Stone Chapel Road appear necessary.

2-10-100 year storm water management is required.

Storm drain drawing 92-0011 and 92-0012 must be revised to accurately reflect proposed drainage patterns for Phase III.

The Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Developer's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - and the deeding in fee of said rights-of-way to the County. Preparation of all construction, rights-of-way and easement drawings, engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

The Developer must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Developer.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm water management drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

MICROFILMED

STORM DRAINS AND SEDIMENT CONTROL COMMENTS: (Con't)

In accordance with Baltimore County Council Grading, Sediment Control and Forest Management Ordinance (Bill No. 33-88), a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit. A sediment control plan is required. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

The Developer shall be responsible to stabilize the sidewalk areas and supporting slopes on all road rights-of-way following completion of the initial grading of the boxed-out subgrade. The stabilization shall be accomplished within the nearest period of optimum seeding as established in the Baltimore County Sediment Control Manual. Minimum acceptable stabilization measures will be as specified in the Baltimore County Sediment Control Manual under "Critical Area Stabilization (With Semi-Permanent Seedings)".

Failure by the Developer to accomplish the stabilization as aforementioned will result in the termination of all processing phases of this development.

Temporary construction easements of adequate width are necessary adjacent to all offsite rights-of-way or easements where utility construction is planned. They should be indicated on the right-of-way plats and construction drawings.

Building/Occupancy Permits shall be withheld until offsite right-of-way and utility construction as required has been cleared and the contract for the utilities has been awarded.

The Developer shall provide a minimum 10-foot drainage and utility easement along all bordering property lines which are not adjacent to County rights-of-way or storm drain reservations.

WATER AND SANITARY SEWER COMMENTS:

Public sanitary sewer must be extended to the upstream property line of Phase III to serve the Grand property and the Kremzburg, Sanders and Stone Chapel Methodist Church properties.

A preliminary print of this property has been referred to the Baltimore City Water Division for review and comment in regard to adequacy of water pressure in this development. If Baltimore City has any comment, it will be forwarded.

The Developer is responsible for any deficit to be incurred by the construction, under County contract and inspection, of public water main extension and/or public sanitary sewerage required to serve this property. He is responsible for the preparation and the cost of construction drawings and right-of-way plats required. He is further responsible for conveying any required right-of-way to Baltimore County at no cost to the County.

Permission to obtain a metered connection from the existing main may be obtained from the Department of Permits and Licenses.

MICROFILMED

WATER AND SANITARY SEWER COMMENTS: (Con't)

Permission to connect to, or (to connect additional sanitary fixtures to) the existing public sanitary sewer may be obtained from the Department of Permits and Licenses.

The total Water and/or Sanitary Sewer System Connection Charge is determined, and payable, upon application for the Plumbing Permit. This Charge is in addition to the normal front foot assessment and permit charges.

Water mains outside of public rights-of-way serving a proposed site improvement are considered private and shall be the Developer's full responsibility for construction and maintenance.

Onsite private water mains with fire hydrants shall be metered at the public source. The size and design of the meters shall conform with Baltimore City Standards. Permission to obtain a metered connection may be obtained from the Department of Permits and Licenses.

Fire hydrant spacing and location are subject to review and approval by the Fire Protection Section of the Fire Department.

This property is subject to Water and/or Sewer System Connection Charges based on the size of water meters utilized in accordance with current County Policy.

The Developer shall contact the Bureau of Public Services on 887-3321 for information on obtaining water service where the meter required is 3" or less, or the Developers Engineering Division on 887-3751 for water service requiring meters 4" and larger.

Offsite right-of-way is required for the construction of the public sewer crossing of Grey Rock Road. The final plat and/or building permits will not be approved until the offsite right-of-way is acquired.

ALTERNATIVE 'B' COMMENTS:

GENERAL COMMENTS:

All private contracts for construction of storm drains and roads intended for public title and maintenance must be let under a contract form, proposal and attachments adopted by the Baltimore County Department of Public Works. The Developer has the option of placing the storm drains under a public contract.

The State Department of the Environment Construction Permits for each private utility (water and sanitary sewer) having a projected flow greater than 5,000 gallons per day average daily flow will be obtained through the Baltimore County Department of Public Works. A processing fee of \$100.00 per each utility will be required at the time of application.

MICROFILMED

GENERAL COMMENTS: (Con't)

The proposed private utilities and roads shall be drawn on County Standard Linens and shall follow County Standards for size, materials and construction details, and shall be submitted to the Bureau of Public Services for review and approval.

All construction drawings and construction for public use shall conform with Baltimore County Department of Public Works Design Standards and Standard Specifications and Details for Construction.

The responsibilities of the Developer involving public improvements shall include the Inspection Fees, Burden and Fringe Costs incurred. Currently these charges are 3 times payroll for Metropolitan District Projects and 2 times payroll for the Capital Improvement Fund.

The Developer is responsible for the full cost of all highway and storm drain construction.

A Public Works Agreement must be executed by the owner and Baltimore County for the required public improvements, after which a Building Permit may be approved.

In accordance with Bill No. 18-90, Section 26-276, dredging, filling or construction in any wetland is prohibited.

Any manmade embankment over 10 feet vertically shall be designed and/or approved by a soils engineer. The following note is to be placed on the sediment control plans and grading plans before approval will be given:

"All manmade embankments have been designed and/or certified for stability by a soils engineer."

The Developer shall be responsible for damages to the County's facilities, such as water meters, manholes, curbs and gutters and inlets within his subdivision. Occupancy Permits will be withheld until such damages have been corrected.

Where construction contracts do not cover an entire Public Works Agreement, an additional Public Works Agreement fee will be collected. This fee will be the difference in cost between the fee/unit as covered in the Public Works Agreement and the fee/unit cost for the number of lots/units covered by the proposed contract. This additional fee will be collected at the time of contract for all partial contracts.

The Developer's engineer shall furnish along with the quantity estimates, the total number of units covered by the Public Works Agreement and the number of units served by the proposed contract.

The contours on the plan reveal rather excessive grading. The Developer's engineer is cautioned not to exceed the maximum set by Baltimore County Standards. Benching requirements shall be in accordance with Section 41.02, Item 3 of the 1983 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

RECEIVED

GENERAL COMMENTS: (Con't)

Offsite rights-of-way are necessary for roads, storm drains or other utilities. The Developer is hereby advised that the final plat and/or building permits will not be approved until the offsite right-of-way is acquired. The County reserves the right to make the necessary contacts for acquisition of rights-of-way.

The storm drain outfall appears to traverse adverse property and will require the acquisition of the necessary easements and/or rights-of-way prior to further processing of this project.

The Developer's Engineer shall investigate the need and obtain the necessary permits for the facilities serving this site that may require a "Corps of Engineer's Permit", a "Water Resources Permit", a "Water Quality Certification", and any other Federal or State Permits. These facilities cannot be sent to contract until such permits have been received.

The Developer shall not allow any cable television cables to be installed in this subdivision without the required County permits being obtained. Baltimore County will not assume any rights-of-way, easements, or maintenance of any public improvements, where such cables have been installed without a permit until the cables are satisfactorily located.

When an Irrevocable Letter of Credit is posted as security and, if the County's ability to draw on or otherwise call a Letter of Credit is negatively impacted for any reason (bank default, receivership, etc.), it shall be the sole responsibility of the developer to obtain a replacement Letter of Credit under the same terms and conditions.

HIGHWAY COMMENTS:

Stone Chapel Road is an existing road which shall ultimately be improved as a 30-foot street cross-section on a 50-foot right-of-way.

The Developer's responsibilities along the existing road frontage of the subdivision shall be as follows:

- a. The submission of detailed construction drawings to extend a minimum distance of 200 feet beyond the limits of the subdivision or as may be required to establish line and grade.
- b. The submission of full cross-sections is deemed necessary for design and/or construction purposes. The sections are to be taken at 25-foot intervals and are to be shown on standard cross-section paper at 1" = 5' horizontal to 1" = 5' vertical scale.
- c. The preparation of the right-of-way plat for, and the dedication of any widening and slope easements at no cost to the County.

MICROFILMED

HIGHWAY COMMENTS: (Con't)

- d. The preparation of the right-of-way plats for any offsite road rights-of-way required to make the necessary improvements. Baltimore County will attempt to acquire the right-of-way at the Developer's expense.
- e. The grading of the widening and the existing road to the established grade. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.
- f. The relocation of any utilities or poles as required by the road improvements.
- g. The construction of combination curb and gutter in its ultimate location and a maximum of 28.5 feet of paving adjacent thereto along the frontage of the property. The paving thickness shall conform with Baltimore County Standards.

Stone Chapel Road shall be improved to a minimum 24-foot paving section along the Stone Chapel Methodist Church property from Reisterstown Road to the northwest property line of Phase III. These improvements consist of but may not necessarily be limited to curb and gutter, paving, street lights, sidewalk and drainage facilities.

Reisterstown Road (MD Rte 140) is a State road. All improvements, intersections, entrances, drainage requirements and construction affecting a State road right-of-way are subject to the Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

It shall be the responsibility of the Developer's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The Developer shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

The entrance locations are subject to approval by the Bureau of Traffic Engineering.

Entrances shall be a minimum of 24 feet and a maximum of 35 feet wide, shall have 10-foot minimum radii curb returns, shall be located a minimum of 15 feet from any property line, and shall be constructed in accordance with Baltimore County Standards (Details R-32, 1977 Edition), as the Developer's total responsibility.

In accordance with Bill No. 32-72, street lights are required in all subdivisions. The Developer will be responsible for the full costs of installation of the cable, poles and fixtures. The County will assume the cost of the power after installation.

MICROFILMED

HIGHWAY COMMENTS: (Con't)

"No Parking" signs shall be posted prohibiting parallel parking on 24-foot width streets and within the turnaround area.

Ramps shall be provided for physically handicapped persons at all street intersections.

Sidewalks are required adjacent to the public roads serving this site, including State roads as applicable. The walks shall be 5 feet wide and shall be installed to conform with Baltimore County Standards, which places the back edge of the sidewalk 2 feet off the property line, or the adjacent unencumbered area.

The Developer shall be responsible for construction stake-out of all highway improvements required in connection with this site and all stake-outs shall be in accordance with Baltimore County Standards.

It shall be the Developer's responsibility to have his engineer set property line control stakes on the points of curvature and points of tangency and on adjacent rights-of-way along proposed roads to be used as control for the stake-out of utilities.

STORM DRAINS AND SEDIMENT CONTROL COMMENTS:

Storm drainage improvements to Stone Chapel Road appear necessary.

2-10-100 year storm water management is required.

Storm drain drawing 92-0011 and 92-0012 must be revised to accurately reflect proposed drainage patterns for Phase III.

2
The proposed grading along the east property line of Phase III appears to create drainage problems on the offsite Grand property. A swale or drainage system on Phase III property to control surface water drainage is necessary to prevent damage to adjacent property.

The Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Developer's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - and the deeding in fee of said rights-of-way to the County. Preparation of all construction, rights-of-way and easement drawings, engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

The Developer must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Developer.

UNRECORDED

STORM DRAINS AND SEDIMENT CONTROL COMMENTS: (Con't)

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm water management drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

In accordance with Baltimore County Council Grading, Sediment Control and Forest Management Ordinance (Bill No. 33-88), a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit. A sediment control plan is required. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

The Developer shall be responsible to stabilize the sidewalk areas and supporting slopes on all road rights-of-way following completion of the initial grading of the boxed-out subgrade. The stabilization shall be accomplished within the nearest period of optimum seeding as established in the Baltimore County Sediment Control Manual. Minimum acceptable stabilization measures will be as specified in the Baltimore County Sediment Control Manual under "Critical Area Stabilization (With Semi-Permanent Seedings)".

Failure by the Developer to accomplish the stabilization as aforementioned will result in the termination of all processing phases of this development.

Temporary construction easements of adequate width are necessary adjacent to all offsite rights-of-way or easements where utility construction is planned. They should be indicated on the right-of-way plats and construction drawings.

Building/Occupancy Permits shall be withheld until offsite right-of-way and utility construction as required has been cleared and the contract for the utilities has been awarded.

WATER AND SANITARY SEWER COMMENTS:

Public sanitary sewer must be extended to the upstream property line of Phase III to serve the Grand property and the Krumzburg, Sanders, and Stone Chapel Methodist Church properties.

A preliminary print of this property has been referred to the Baltimore City Water Division for review and comment in regard to adequacy of water pressure in this development. If Baltimore City has any comment, it will be forwarded.

RECEIVED
FEB 28 1992

WATER AND SANITARY SEWER COMMENTS: (Con't)

The Developer is responsible for any deficit to be incurred by the construction, under County contract and inspection, of public water main extension and/or public sanitary sewerage required to serve this property. He is responsible for the preparation and the cost of construction drawings and right-of-way plats required. He is further responsible for conveying any required right-of-way to Baltimore County at no cost to the County.

Permission to obtain a metered connection from the existing main may be obtained from the Department of Permits and Licenses.

Permission to connect to, or (to connect additional sanitary fixtures to) the existing public sanitary sewer may be obtained from the Department of Permits and Licenses.

The total Water and/or Sanitary Sewer System Connection Charge is determined, and payable, upon application for the Plumbing Permit. This Charge is in addition to the normal front foot assessment and permit charges.

Water mains outside of public rights-of-way serving a proposed site improvement are considered private and shall be the Developer's full responsibility for construction and maintenance.

Onsite private water mains with fire hydrants shall be metered at the public source. The size and design of the meters shall conform with Baltimore City Standards. Permission to obtain a metered connection may be obtained from the Department of Permits and Licenses.

Fire hydrant spacing and location are subject to review and approval by the Fire Protection Section of the Fire Department.

This property is subject to Water and/or Sewer System Connection Charges based on the size of water meters utilized in accordance with current County Policy.

The Developer shall contact the Bureau of Public Services on 887-3321 for information on obtaining water service where the meter required is 3" or less, or the Developers Engineering Division on 887-3751 for water service requiring meters 4" and larger.

Offsite right-of-way is required for the construction of the public sewer crossing of Grey Rock Road. The final plat and/or building permits will not be approved until the offsite right-of-way is acquired.

* * * * *

MICROFILMED

Both alternatives may be approved subject to compliance with all of the above comments and after the following are shown on the plans:

ALTERNATIVE 'A'

- * Stone Chapel Road improvements to Reisterstown Road

ALTERNATIVE 'B'

- * Stone Chapel Road improvements to Reisterstown Road
- * Revisions to proposed grading along east property line

Robert W. Bowling
Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:DAB:pab

cc: Paul Hudson
File

GREYRIII/TXTCOMM2

MICROFILMED

#103 --- MJK

1. No telephone number for legal owner.

#104 --- MJK

1. Need attorney - incorporated.
2. Need printed name of person signing for legal owner.

#105 --- JCM

1. Need authorization for person signing for legal owner.
2. Zoning on variance petition says "BR-AS"; zoning on special exception and special hearing petition says "BL-AS"; folder says "BL-AS". Which is correct? Incorrect one needs to be corrected.

#106 --- JCM

1. Need authorization for person signing for legal owner.

#107 --- JCM

1. Need authorization for person signing for legal owner.

#109 --- JLL

1. No review information on bottom of petition form.

#110 --- JRA

1. No review information on bottom of petition form.

#112 --- JRF

1. No city, state, or zip code for legal owner.

#113 --- JJS

1. Legal owner did not sign back of petition form.
2. Notary section is invalid -- no signature to notarize & no notary seal on the petition form. Also notary cannot notarize a signature of a relative (same last name - related?).

#116 --- JCM

1. Need typed name of person signing for Gilman School.
2. Need typed title of persons signing for both legal owners. Also authorization to sign for these owners.

UNRECORDED



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

April 9, 1996

Benjamin Bronstein, Esquire
Evans, George and Bronstein
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

RE: Petitions for Special Hearing,
Special Exception and Variances
S/S Stone Chapel Road, 310' E of the c/l of
Reisterstown Road, 11 and 17 Stone Chapel Road
3rd Election District
2nd Councilmanic District
Rocky Gorge at Grey Rock, Rocky Gorge Comm.,
Inc. - Petitioner
Case No. 96-118-SPHXA

Dear Mr. Bronstein:

Please be advised that an appeal of the above-referenced case was filed in this office on April 8, 1996 by Mr. Stewart J. Greenebaum on behalf of the Woodholm Medical Office Building Limited Partnership. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, "Board".

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the typed name.

ARNOLD JABLON
Director
Department of Permits and
Development Management

AJ:nmn

c: Mr. Christopher Dorment
Mr. Cartan B. Kraft
Mr. Fred Thompson
Ms. Lillian N. Berger
Marc J. Lipchin, Esquire
People's Counsel

25 APR 10 PM 1996



APPEAL

Petitions for Special Hearing, Special Exception and Variances
S/S Stone Chapel Road, 310' E of the c/l of Reisterstown Road
11 and 17 Stone Chapel Road
3rd Election District - 2nd Councilmanic District
Rocky Gorge at Grey Rock L.P.,
Rocky Gorge Communities, Inc., - Petitioners
Case No. 96-118 SPHXA

Petitions for Special Hearing, Special Exception and Variances

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Petitioner(s) and Citizen(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Plat to accompany Petition for Special Exception, Special Hearing, and Variances
1A - Highlighted Plan and Plat to Accompany Petition for Zoning Hearing
2 - Spring House Colored Xerographic Copy
3 - Colored Xerographic Copy of Arden Court
4 - Nothing Marked as Exhibit No. 4 in the File
5 - Nothing Marked as Exhibit No. 5 in the File
6 - Highlighted Tree and Shrubbery Plan for Zoning Hearing
7 - Plan for Zoning Hearing
8 - Nothing Marked as Exhibit No. 8 in the File
9 - Section A and D Plan
10 - Section E and F Plan
11 - Site Constraints Map

Zoning Commissioner's Exhibits: 1 - Issues to be addressed in Zoning Item No. 116

52 Photographs Not Marked as Exhibits

Memorandum of Law in Support of Motion for Reconsideration Submitted by Benjamin Bronstein

Seven Miscellaneous Letters

Zoning Commissioner's Order dated March 6, 1996, Petition for Special Exception in accordance with Petitioner's Exhibit 1, GRANTED; Petition for Variance, GRANTED; Motion for Reconsideration of the Opinion and Order issued on January 24, 1996 to strike Restriction No. 3, GRANTED.

Notice of Appeal received on April 8, 1996 from Stewart J. Greenebaum on behalf of the Woodholme Medical Office Building Limited Partnership.

c: Benjamin Bronstein, Esquire, Evans, George and Bronstein, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204
Mr. Christopher Dormont, Rocky Gorge at Grey Rock L.P., Rocky Gorge Communities, Inc., P.O. Box 32545, Baltimore, MD 21208
Mr. Cartan B. Kraft, Gilman Schools, Inc., 5407 Roland Avenue, Baltimore, MD 21210
Mr. Fred Thompson, LPJ, Inc., 16 W. 25th Street, Baltimore, MD 21218
Ms. Lillian N. Berger, President, Grey Rock Flats Condominium, Inc., 2 Cornelius Court, Baltimore, MD 21208
Marc C. Lipchin, Esquire, Grey Rock Villas Condominium Association, 201 John Eager Court, Baltimore, MD 21208
Mr. Stewart J. Greenebaum, President, Woodholme Medical Building Limited Partnership, Suite 410, Woodholme Center, 1829 Reisterstown Road, Baltimore, MD 21208
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

MICROFILMED

6/10/96 -Notice of Assignment for hearing scheduled for Tuesday,
September 19, 1996 at 10:00 a.m. sent to following:

Stewart J. Greenebaum, President
Woodholme Medical Bldg Ltd Ptnshp
Benjamin Bronstein, Esquire
Christopher Dormont /Rocky Gorge
Cartan B. Kraft /Gilman Schools, Inc.
Fred Thompson /LPJ, Inc.
Robert A. Hoffman, Esquire
George E. Weber, Jr. /Stone Chapel United Methodist Church
Lillian N. Berger, President /Grey Rock Flats Condominium Assn.
Marc C. Lipchin, Esquire /Grey Rock Villas Condominium Assn.
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

7/10/96 - Dismissal of appeal filed by Appellant. Order of Dismissal to
be issued by CBA.

Post-it® Fax Note	7671	Date	7/10/96	# of pages	1
To	BEN BRONSTEIN	From			
Co./Dept.		Co.	CBA		
Phone #		Phone #			
Fax #	296-3719	Fax #	887-3182		

MICROFILMED

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR SPECIAL EXCEPTION		
PETITION FOR VARIANCE	*	ZONING COMMISSIONER
11 and 17 Stone Chapel Road (Grey Rock,		
Phase III and Gilman School), S/S Stone	*	OF BALTIMORE COUNTY
Chapel Road, 310'+/- E of c/l Reisterstown		
Rd, 3rd Election Dist., 2nd Councilmanic	*	CASE NO. 96-118-SPHXA
Rocky Gorge at Grey Rock, L.P., et al.	*	
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 30th day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esquire, Evans, George & Bronstein, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

RECORDED

IN RE: PETITION FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & VARIANCE * ZONING COMMISSIONER
(11 and 17 Stone Chapel Road) * OF BALTIMORE COUNTY
3rd Election District
2nd Councilmanic District
Rocky Gorge at Grey Rock L.P., * Case No. 96-118-SPHXA
Rocky Gorge Comm., Inc. - Petitioners
* * * * *

SUBPOENA

TO: Mr. Bob Small
Engineering Access Permits
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

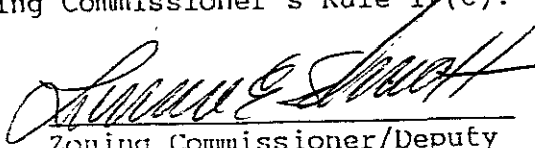
You are hereby summoned and commanded to be and appear personally
before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore
County in Room 106, County Office Building,

and to bring _____

on the 9th day of February 1996, regarding the above captioned
case, for the purpose of testifying at the request of Lawrence E. Schmidt,
Zoning Commissioner for Baltimore County

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).


Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: 1/31/96

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 10, 1997
Permits & Development Management

FROM: Charlotte E. Radcliffe *WR*
County Board of Appeals

SUBJECT: Closed Files: Case Nos.
95-366-A /Carroll Coleman, et ux (12th; 7th)
96-24-A /Thomas Kreiner, Jr., et ux (15th; 5th)
96-31-SPH /Stephen Seymour (3rd; 2nd)
96-40-A /Joseph C. Nowakowski (15th; 7th)
96-63-A /Joseph E. Neet, et ux (13th; 1st)
96-118-SPHXA /Rocky Gorge at Grey Rock, L.P. and
Rocky Gorge Communities, Inc., G.P. (3rd; 2nd)
96-120-SPHA /Richmond American Homes and
Ruby Holzapfel, et al (2nd; 2nd)
CBA-95-178 /Steinberg Property (DRC #07315M)
CBA-96-113 /Samuel Owings House (Permit #B240689)

As no further appeals have been taken regarding the subject cases, we are hereby closing the files and returning same to you herewith.

Attachments (Case File Nos. 95-366-A; 96-24-A; 96-31-SPH; 96-40-A;
96-63-A; 96-118-SPHXA; 96-120-SPHA; CBA-95-178; CBA-96-113)

MICROFILMED

Post-It™ fax transmittal memo 7871		# of pages > 1
To	Ben Bronstein	
From	Zoning Review	
Co.		
Dept.		
Phone #	887-3391	
Fax #	296-3719	887-2824

LAW OFFICES
GEORGE AND BRONSTEIN
 SUSQUEHANNA BUILDING, SUITE 205
 29 WEST SUSQUEHANNA AVENUE
 TOWSON, MARYLAND 21204
 (410) 296-0200
 FAX (410) 296-3719

HARRIS JAMES GEORGE
 MICHAEL J. CHOMEL

October 8, 1996

HAND DELIVERED

Arnold Jablon, Director
 Department of Permits
 and Development Management
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

RE: Manor Care at Grey Rock

Dear Mr. Jablon:

On the 6th day of March, 1996, the Zoning Commissioner, Lawrence E. Schmidt entered an order in case no.: 96-118-SPDXA approving a special exception for an assisted living facility at the above entitled site. A copy of Commissioner Schmidt's decision is enclosed for your convenience, together with a red line copy of the special exception plan and the CRG plan.

The Springhouse building shown on the enclosed plans contains 105 units rather than the original 102 units. Unfortunately, there was an error in calculating the correct units in that some of the units have two beds rather than one bed. The change of three additional units will still be less than the total permitted density nor does it change the footprint of the building.

Please confirm that the proposed changes meet with the spirit and intent of the Baltimore County Zoning Regulations and Development Regulations. Upon confirmation, the site engineer will submit the revised Special Exception and CRG plans. I have enclosed my check in the amount of \$40.00 for costs.

Thank you for your kind and prompt attention to this matter.

Very truly yours,

GEORGE AND BRONSTEIN

Benjamin Bronstein

October 18, 1996

3rd Election District

Dear Mr. Bronstein:

Please be advised that this office can make decisions or interpretations on modifications to site plans or exhibits approved within specific zoning hearings; however, we cannot approve a modification that will increase the amount of density approved within a zoning hearing and order. This adjustment or increase in density must be approved by the Zoning Commissioner. It is suggested that you send Commissioner Schmidt a copy of your letter with a copy of my response. If you have further questions, please contact me at 887-3391.

Very truly yours,

Mitchell J. Kellman

Mitchell J. Kellman
 Planner II
 Zoning Review

MICROFILMED

MJK:rye



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

January 31, 1996

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

Benjamin Bronstein
Evans, George and Bronstein
29 West Susquehanna Avenue, Suite 205
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
Rocky Gorge at Grey Rock/Rocky Gorge Communities, Inc. - Petitioners
Case No. 96-118-SPHXA

Dear Mr. Bronstein:

I am in receipt of your letter dated January 24, 1996 in which you have requested a hearing in reconsideration of my opinion in the above-captioned matter issued on January 24, 1996. I have also received correspondence in support of your request from Marc J. Lipchin, Esquire, who represents the Grey Rock Villas Condominium Association.

In view of the above, I have scheduled this matter for a public hearing to entertain your Motion for Reconsideration on Friday, February 9, 1996 at 9:00 AM in Room 106 of the County Office Building. This letter will constitute a stay of further proceedings in this matter, including the timeframe in which an appeal must run. Thus, in a similar manner as provided in the Maryland Rules, I will issue a written Order on your request for reconsideration and the timeframe from which an appeal will run will commence on the date of that Order.

Should you have any questions on the subject, please feel free to contact me.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

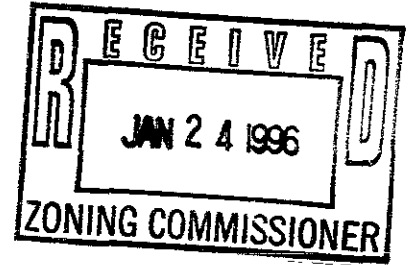
LES:bjs

cc: Mr. Christopher Dorment, Rocky Gorge at Grey Rock L.P.,
Rocky Gorge Communities, Inc., P.O. Box 32545, Baltimore, Md. 21208
Mr. Cartan B. Kraft, Gilman Schools, Inc.
5407 Roland Avenue, Baltimore, Md. 21210
Marc J. Lipchin, Esquire, Grey Rock Villas Condominium Association,
201 John Eager Court, Baltimore, Md. 21208
Mr. Fred Thompson, LPJ, Inc., 16 W. 25th Street, Baltimore, Md. 21218
Ms. Lillian N. Berger, President, Grey Rock Flats Condominium, Inc.
2 Cornelius Court, Baltimore, Md. 21208
People's Counsel; Case File

RECORDED

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719



L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL

CONSTANCE K. PUTZEL
OF COUNSEL

January 24, 1996

The Honorable Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
Courthouse
400 Washington Avenue
Suite 112
Towson, Maryland 21204

RE: Petitions for Special Hearing, Special Exception
and Variances
S/S Stone Chapel Road, 310' E of the c/l of
Reisterstown Road
(11 and 17 Stone Chapel Road)
3rd Election District - 2nd Councilmanic District
Rocky Gorge at Grey Rock, L.P., Rocky Gorge
Community, Inc. - Petitioners
Case No.: 96-118 SPHA

Dear Commissioner Schmidt:

I would appreciate your promptly setting in the above entitled case for a hearing in reconsideration of your opinion dated January 24, 1996.

Thank you for your kind consideration.

Very truly yours,

EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein

BB/mlg

cc: Mr. Christopher Dorment, Rocky Gorge at Grey Rock, L.P.
Mr. Cartan B. Kraft, Gilman Schools, Inc.
Mr. Fred Thompson, LPJ, Inc.
Ms. Lillian N. Berger, President, Grey Rock Flats Condo., Inc.
Marc J. Lipchin, Esquire, Grey Rock Villas Condominium Assoc.
People's Counsel

2-9-96
9:00 AM 106

ATTORNEYS AT LAW

TYDINGS & ROSENBERG LLP

100 EAST PRATT STREET
BALTIMORE
MARYLAND
21202410/752-9700
FAX 410/727-5460FACSIMILE COVER SHEET
(Dex 6500)

TO: Com. Lawrence E. Schmidt	FROM: Marc J. Lipchin, Esq.
FAX NUMBER: 887-3468	DATE/TIME: 01/29/96
RE: Grey Rock Villas Condominium Council	NUMBER OF PAGES: 2 (including this page)

MESSAGE:

Transmission of my letter to you of today. Hard copy will follow.

TRANSMITTED BY: Carol Campbell 410/752-9884

PLEASE CALL (410) 752-9700 IMMEDIATELY IF ANY PAGES ARE MISSING
IMPORTANT NOTICE TO READER

The information transmitted with this cover sheet is intended only for the personal use of the recipient(s) named above. The information may be an attorney-client communication, or attorney work product, and as such constitutes PRIVILEGED AND CONFIDENTIAL information. If you are not a designated recipient, or an employee or agent responsible for delivering the message to a designated recipient, you are hereby notified that you have received this communication in error and that any use, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message by mail to the above address.

For Office Use Only

TDX:

CLIENT/MATTER: 93090-37362

MICROFILMED

100 LAST PRATT STREET
BALTIMORE MARYLAND 21202

410/752-4700
FAX 410/727-5100

ATTORNEYS AT LAW

TYDINGS & ROSENBERG LLP

WASHINGTON DC OFFICE

202 246-1612
FAX 202 429-9130

MARC J. LIPCHIN
410/752-9723

VIA FAX 887-3468 and Mail

January 29, 1996

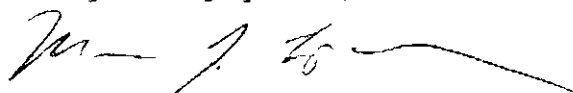
Commissioner Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCES
S/S Stone Chapel Road, 310' E of the c/l of Reisterstown Road
(11 and 17 Stone Chapel Road)
3rd Election District - 2nd Councilmanic District
Rocky Gorge at Grey Rock L.P., Rocky Gorge Comm., Inc.-
Petitioners - Case No. 96-118-SPHXA

Dear Commissioner Schmidt:

The Grey Rock Villas Condominium Council, Inc., supports the request for reconsideration set forth in Mr. Bronstein's letter of January 24, 1996, to you.

Very truly yours,


Marc J. Lipchin

cc: Benjamin Bronstein, Esquire

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL

CONSTANCE K. PUTZEL
OF COUNSEL

December 15, 1995

HAND DELIVERED

Lawrence E. Schmidt, Zoning Commissioner
Baltimore County
Court House
Towson, Maryland 21204



RE: Case No: 96-118-SPHXA
Petition for Special Hearing,
Special Exception, and Variance
Rocky Gorge at Gray Rock, LP

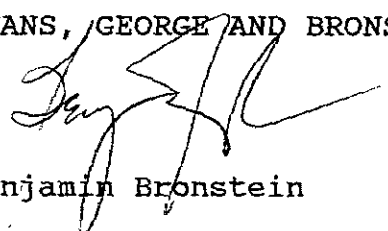
Dear Mr. Schmidt:

I have enclosed a copy of a Letter of Agreement dated December 12, 1995 for your consideration in the above entitled case.

Thank you for your kind attention to this matter.

Very truly yours,

EVANS, GEORGE AND BRONSTEIN


Benjamin Bronstein

JB:meh
enc.

cc: via facsimile - 410-727-5460
Mark J. Lipchin

MICROFILMED

LAW OFFICES
GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL

CONSTANCE K. PUTZEL
OF COUNSEL

October 22, 1996

The Honorable Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Manor Care at Grey Rock
Case No.: 96-118-SPHXA

Dear Commissioner Schmidt:

I have enclosed the following:

1. Copy of your Opinion dated March 6, 1996 filed in case no.: 96-118-SPHXA;
2. Redline copy dated October 7, 1996 of the Plat to Accompany Petition for Special Exception, Special Hearing and Variances, prepared by LPJ, Inc., filed in the above entitled case;
3. Fourth Amended CRG Plan dated October 7, 1996, prepared by Gower Thompson, Inc.; and
4. Copy of my letter dated October 8, 1996 to Arnold Jablon, with a reply dated October 18, 1996 from Mitchell J. Kellman of the Zoning Office relating to the above entitled project.

Unfortunately, there was an error in calculating the correct number of units. Several units have two beds rather than one bed in the Springhouse building. The new calculation adds three additional assisted living units which is less than the total permitted density. The configuration of the building remains the same. The parking has been reconfigured as shown on the plans.

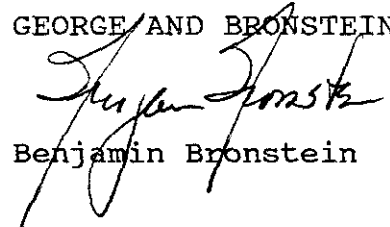
The number of units was not an issue at the time of the zoning hearing. It is my belief that the amendments to the plan meet the intent of your order as well as the spirit and intent of the Zoning Regulations.

The Honorable Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
October 22, 1996
Page 2

I appreciate your kind attention and consideration in
permitting an amendment to the zoning plan.

Very truly yours,

GEORGE AND BRONSTEIN

A handwritten signature in dark ink, appearing to read "Benjamin Bronstein", is written over the typed name. The signature is fluid and cursive.

Benjamin Bronstein

BB/mlg
Enclosures

MICROFILMED

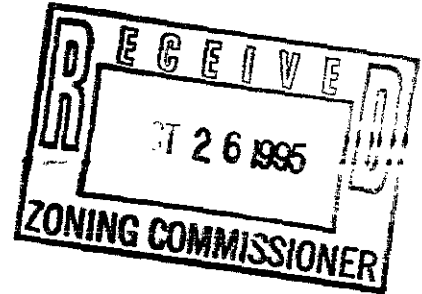


Grey Rock Flats Condominium, Inc.

October 18, 1995

Zoning Commissioner Lawrence Schmidt
Deputy Commissioner Tim Kotroco
Baltimore County Court House
Towson, Maryland 21204

Re: Case #96-118-Sphxa (Item 116)
11 and 17 Stone Chapel Road
Legal Owners: Rocky Gorge at Grey Rock, *et. al.*



Dear Commissioner Schmidt & Deputy Commissioner Kotroco;

The Grey Rock Flats Condominium Association oppose the proposal by Manor Care to establish an assisted living facility on Reisterstown Road, Pikesville, adjacent to Grey Rock Road.

The Association opposes the proposed facility because it would create a dangerous traffic situation in the immediate area. Reisterstown Road is now heavily travelled between Grey Rock Road and McDonough Road. The Manor Care facility would require an entrance on Reisterstown Road. However, any entrance created between Grey Rock Road and Stone Chapel Road would present a traffic hazard, especially for vehicles traveling south along Reisterstown Road and turning left into the proposed facility. There is no turning lane in this area, and the roadway is not wide enough to create one. Vehicles traveling north would have to stop or slow down immediately after crossing the traffic signal at Mt. Wilson/Grey Rock Road.

If an entrance were allowed, a no left turn sign at the entrance would not solve the problem, and probably would increase the danger. A no left turn sign would, (1) probably be ignored, and (2) would encourage vehicles traveling south to make a U-turn at Mt. Wilson/Grey Rock Road or turn into the road and re-exit.

For these reasons, the Grey Rock Flats Condominium Association urges that the proposal to establish a Manor Care facility on Reisterstown Road adjacent to Grey Rock Road be rejected.

Sincerely yours,

Lillian Berger, President
Grey Rock Flats Condominium, Inc.

cc: Kevin Kamenetz
Paula Hollinger

MICROFILMED

Manor Care, Inc.

10750 Columbia Pike, Silver Spring, Maryland 20901-4447
(301) 681-9400

January 29, 1996

VIA Fax (410) 296-3719

Benjamin Bronstein, Esquire
Evans, George, and Bronstein
Susquehanna Building, Suite 205
29 West Susquehanna Avenue
Towson, MD 21204

Re: Proposed Development - Pikesville, MD

Dear Ben:

In accordance with our conversation, the proposed Springhouse Assisted Living facility will cost approximately Ten Million Dollars (\$10,000,000.00) to develop. We will employ approximately 47 people to operate the facility.

Our Arden Courts Assisted Living facility (on the same site) will require approximately 4.3 Million Dollars (\$4,300,000.00) to develop. This facility will employ approximately 40 people.

Ben, as you know, Manor Care is a Maryland-based company with a strong presence in the state. We look forward to our continued development projects in Maryland and Baltimore County.

Sincerely,



David B. Lanning
Director, Development

/slk

RECEIVED

JAN 20 1996

EVANS, GEORGE &
BRONSTEIN

1/29/96
G:\WORD\DAVE\LETTERS\BRONSTEIN

1/29/96

100 EAST PRATT STREET
BALTIMORE MARYLAND 21202

410/752-9700
FAX 410/727-5460

WASHINGTON DC OFFICE
202/296-1642
FAX 202/828-4130

ATTORNEYS AT LAW

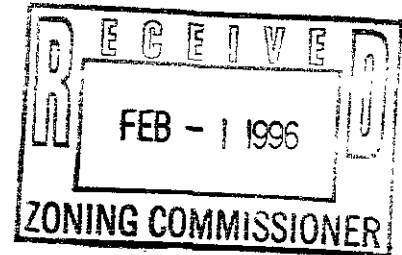
TYDINGS & ROSENBERG LLP

MARC J. LIPCHIN
410/752-9723

VIA FAX 887-3468 and Mail

January 29, 1996

Commissioner Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204



**Re: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCES
S/S Stone Chapel Road, 310' E of the c/1 of Reisterstown Road
(11 and 17 Stone Chapel Road)
3rd Election District - 2nd Councilmanic District
Rocky Gorge at Grey Rock L.P., Rocky Gorge Comm., Inc.-
Petitioners - Case No. 96-118-SPHXA**

Dear Commissioner Schmidt:

The Grey Rock Villas Condominium Council, Inc., supports the request for reconsideration set forth in Mr. Bronstein's letter of January 24, 1996, to you.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Marc J. Lipchin". The signature is fluid and cursive, with a long horizontal stroke extending to the right.
Marc J. Lipchin

cc: Benjamin Bronstein, Esquire

SUITE 410
WOODHOLME CENTER
1829 REISTERSTOWN ROAD
BALTIMORE, MARYLAND 21208

(410) 484-8400
FAX (410) 484-1943

April 8, 1996

Mr. Arnold Jablon
Director of Permits and Development Management
County Office Building
Towson, Maryland

Dear Mr. Jablon:

On behalf of the Woodholme Medical Office Building Limited Partnership please note an appeal to the Board of Appeals on the decision of the Zoning Commission in Case No. 96-118 (Re: Rocky Gorge at Grey Rock L.P.). My check for costs is also enclosed.

Very truly yours,



WOODHOLME MEDICAL OFFICE, Inc.
Stewart J. Greenebaum, PRES. General Partner
Woodholme Medical Building
Limited Partnership

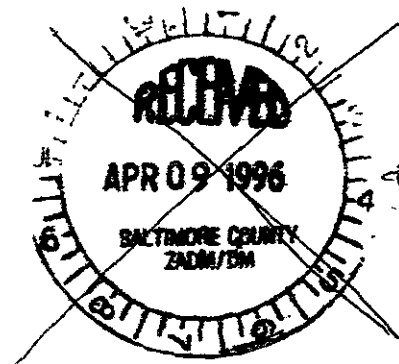
SJG:nd
Enclosure

RECEIVED

APR 8 1996

ZONING OFFICE

Received By
D. J. Flower



The Stone Chapel

in Garrison Forest



18 Stone Chapel Rd.
Pikesville, Maryland 21208

United Methodist Church Established 1786
"Holding Forth The Word of Life"

May 13, 1996

Re: Case # 96-118-SPHXA

Sirs:

Stone Chapel United Methodist Church is very interested in what happens in its' neighborhood. Therefore, we would like to be notified of the hearing date of case # 96-118-SPHXA. We are also asking that we are apprised of any action taken on your part pertaining to case # 96-118-SPHXA. Please send any correspondence regarding this matter to:

Mr. George E. Weber, Jr.
18 Castleon Avenue
Pikesville, Maryland 21208

Sincerely,
George E. Weber, Jr.
George E. Weber, Jr.

Trustee Chairman, Stone Chapel United Methodist Church

MICROFILMED

2018-11-13

*Noted
5/16/96*

STATE HIGHWAY ADMINISTRATION
Engineering Access Permits DivisionDATE: 2-5-96 PROJECT: MANOR CARE
ROCKY GORGE AT GRAY ROCK - PHASE IIIDATE COMPLETED ACTION DUE: 2-5-96TO: MR. CARRY SCHMIDT FROM: BOB SMALL - SHA
HEARING OFFICER - BALCO CO.

ACTION:

☐ DISCUSS WITH ME☐ FOR YOUR COMMENTS☐ FOR YOUR SIGNATURE☐ FOR YOUR APPROVAL☐ FOR YOUR INFORMATION☐ NOTE AND FILE/RETURN☐ TAKE APPROPRIATE ACTION☐ REPLY DIRECT AND SEND ME
A COPY☒ AS YOU REQUESTED☐ OTHER:REMARKS: _____

MATERIAL TRANSMITTED:

Copies: (1) END-RANGE DESIGN COMMENT LETTER

CC:



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

January 31, 1996

Ms. Cindy Gower
L.P.J. Incorporated
Consulting Engineers
16 West 25th Street
Baltimore, Maryland 21218

RE: Baltimore County
MD 140 (east side)
Manor Care
Rocky Gorge at Grey Rock
Phase III
Entrance design approval
comments
Mile Post 2.73

Dear Ms. Gower:

This letter is in follow-up to recent discussions with this office regarding the [redacted] submitted by you on December 18, 1995

As was indicated to you, the revised landing grade of the access that was proposed onto MD 140 effectively addressed our previous concerns, and would have been acceptable to the State Highway Administration (SHA).

However, it is our understanding the Hearing Officer for Baltimore County recently approved the proposed development, with the condition that no access be allowed onto MD 140.

As you may recall, SHA's original position was that access to the property be restricted to Stone Chapel Way or Grey Rock Road, therefore, we support the Hearing Officers decision.

Should you have any questions, please contact Bob Small at 410-545-5581.

Very truly yours,

David N. Ramsey

^ Ronald Burns, Chief
^ Engineering Access Permits
Division

My telephone number is 410-545-5600 (Fax# 333-1041)

MICROFILMED

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

Ms. Cindy Gower
Page Two
January 31, 1996

BS/es

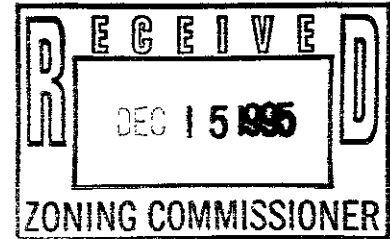
cc: Mr. Donald Rascoe
Mr Darrell Wiles

MICROFILMED

12-13-95

11:45 AM

TYDINGS & ROSENBERG



December 13, 1995

**Gray Rock Villas Condominium Council, Inc.
c/o Marc J. Lipchin, Esquire
Tydings & Rosenberg
100 E. Pratt Street, 26th Floor
Baltimore, Maryland 21202**

Re: Proposed Manor Care Assisted Living Facility

Gentlemen:

The purpose of this letter is to confirm and memorialize our agreement of October 31, 1995, concerning the proposed Manor Care assisted living facility on Reisterstown Road north of the Gray Rock development.

In consideration of the Gray Rock Villas Condominium Council, Inc. (the "Villas Association"), having not opposed the zoning changes requested by the undersigned at the zoning hearing held on October 31, 1995, the undersigned, Rocky Gorge at Gray Rock, L.P. ("RG"), did agree, and does hereby confirm its agreement, to the following:

1. RG has submitted a detailed proposed fence plan to the residents of the Gray Rock community.
2. The fence shall enclose the entire Gray Rock residential community and will include a card or remote operated gate on Green Tree Road. Additionally, a card or remote operated exit gate will be installed at the monumental exit presently on Reisterstown Road.
3. The fence shall be tubular steel or, in the alternative, chain link vinyl clad in black or green. It is agreed that the tubular steel fence shall be utilized in all areas except wooded areas, and that the chain link fence will be utilized in wooded areas only. If the Villas Association agrees (in writing), chain link fencing may be used in non-wooded areas provided the fence is appropriately shrubbed so that it meets class A screen requirements as established by the applicable Baltimore County zoning laws and regulations. Any fence which is between the Gray Rock and Manor Care properties shall also be shrubbed to meet such class A screen requirements.

Gray Rock Villas Condominium Council, Inc.
c/o Marc J. Lipchin, Esquire
December 12, 1995
Page 2

4. The fence construction plan shall be finalized by the parties within thirty (30) days after the zoning commissioner's order, and construction of the fence shall be phased in and completed in a manner consistent with the development of the Gray Rock residential community. It is agreed that all fencing will be completed within one (1) year from the date of such order unless a later date is approved in writing by the Villas Association and the Gray Rock Flats Condominium Council, Inc. (the "Flats Association"). However, the Villas and Flats Associations will agree to reasonable extensions of the one (1) year period so that installation of the fence will be coordinated with development of the Gray Rock residential community; provided, however, that in no event will the time for completion of the fence extend beyond eighteen (18) months from the date of the zoning commissioner's order.

5. At the time the sale by RG to Manor Care is consummated, an appropriate escrow will be established by RG to assure there are sufficient funds available to complete RG's fencing obligations hereunder. In the event RG does not timely complete its obligations hereunder, Manor Care, at its option, may: (a) complete those obligations (provided it does so promptly) and use the escrowed funds for that purpose; or (b) elect to have the escrowed funds paid to the Villas and Flats Associations in lieu of either RG or Manor Care completing the fencing required hereunder.

6. RG agrees to cause the applicable Deeds of Declaration and/or Declarations affecting the entire Gray Rock development to be amended to provide for covenants requiring any developer of all or any portion of the Gray Rock residential community to install fencing in accordance with the provisions of this letter. Such amendments shall be subject to the reasonable approval of the Villas and Flats Associations, and shall be completed and recorded within forty-five (45) days after the zoning commissioner's order. If through no fault of Manor Care, RG fails to timely effect any such amendment, then Manor Care shall not be liable for such failure by RG.

7. Manor Care shall request and urge the State Highway Administration to permit full access into and out of its proposed access road on its site, and shall diligently pursue such access. The access road to Manor Care's site shall be as far north of the Gray Rock residential community as possible, and, in any event, not closer to the Gray Rock residential community than shown on the present proposed development plat. RG may not grant to Manor Care or any other person or entity any right to use all or any portion

12-19-95 12:36PM

ROCKY GORGE

FINDINGS & ROSENBERG

Gray Rock Villas Condominium Council, Inc.
c/o Marc J. Lipchin, Esquire
December 12, 1995
Page 3

of Grey Rock Road without the express written consent of the Villas and Flats Associations. Any sign which Manor Care proposes to erect on or with respect to its property and/or the facility thereon shall be located at least two hundred (200) feet north of Grey Rock Road.

8. The parties mutually request that the terms and provisions of this letter be included in the zoning commissioner's order, and agree that a copy of the final fence plan shall be filed in the zoning commissioner's file.

9. In the event that the petitions for special exception, variance and special hearing which were considered on October 11, 1995, are not approved, then this agreement shall be null and void; provided, however, that if, notwithstanding the denial of any such approval, Manor Care proceeds with the development of its site, then this agreement shall be deemed to be in full force and effect.

Very truly yours,

ROCKY GORGE AT GREY ROCK, L.P.

BY: ROCKY GORGE COMMUNITIES, INC.,
General Partner

BY: Chris Dornier
President

The undersigned, Gray Rock Villas Condominium Council, Inc., in consideration of RG's agreement set forth above, joins herein for the purpose of agreeing to the foregoing and confirming that it does not oppose the zoning changes requested by Rocky Gorge at Grey Rock, L.P., at the zoning hearing held on October 31, 1995.

GREY ROCK VILLAS CONDOMINIUM
COUNCIL, INC.

BY: Marc J. Lipchin
Marc J. Lipchin, President

The undersigned, Gray Rock Flats Condominium Council, Inc., in consideration of RG's agreement set forth above, joins herein for

12-13-95 11:55 AM

TYNINGS & DUNCAN INC

Grey Rock Villas Condominium Council, Inc.
c/o Marc J. Lipchin, Esquire
December 12, 1995
Page 4

the purpose of agreeing to the foregoing and for the purpose of withdrawing its objection to the proposed zoning changes.

GREY ROCK PLATS CONDOMINIUM
COUNCIL, INC.

By:

~~Milton Aidus, President~~

Milton Aidus, Vice President

Manor Care Corporation joins herein for the purpose of acknowledging and consenting to the foregoing.

MANOR CARE CORPORATION

By:



Vice President

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Michael J. Chornel

29 W. Susquehanna Ave #205

Ben Branstern

29 W. Susquehanna Ave #205

Tim Loftus - Minor Care Inc

10770 Columbia Pike, Silver Spring, MD 20901

David Blanning

10770 Columbia Pike Silver Spring MD 20901

FRED THOMPSON

LPI INC 16 W. 25TH ST BARTO 21218

Bill Kirwin

WEK INC 28 E SUSQ AVE 21286

WES GUERBERT

TNE Traffic Group 40 W. CHES. AVE
SUITE 600 21204

MICROFILMED

2/9/96

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

MICKEY CORNELIUS

40 W. CHESAPEAKE AVE SUITE 600 TOWSON

FRED THOMPSON

L.P. 16 W. 25TH ST 21218

DAVID LANNING

10750 COLUMBIA PIKE SILVER SPRING MD 20904

MARY de CASTRO

10770 COLUMBIA PIKE, SILVER SPRING, MD
20901



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

Rob Hoffman

MARC J. LIPCHIN

Marcia D. Wagner

Isa Dymov

Jane Koppel

Carol Joseph

Israel Weis

Moshe Kucavich

William N. Berger

David Dyalce

Sandra L. Himmel

Betty Kreuzburg

TERESA M. SANDERS

Dorothy Langrehr - trustee

Bud Walter chair Trustee

Alvin L. Freedman

ADDRESS

210 Allegheny Ave 21204

201 JOHN EATON CT 21208

24 Old Plantation Way 21208

Windsorfield Rd

109 Ruth Eager Ct.

107 Sudbrook Lane

9105 Howard St. Car Dr

9107 Howard St. DR

2 Cornelius Ct. 21208

304 Colonial Ct 21204

Reisterstown Rd 21207

8919 Reisterstown Rd 21208

8923 REISTERSTOWN RD 21208

Member Stone Chapel Church

Stone chapel church

15 MARY CARROLL CT

BALTIMORE 21204

Pres. Rock
Grey #10ts

MICROFILMED

10/31

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

Rob Hoffman

ADDRESS

210 Allegheny Ave 21204

MICROFILMED

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

Rob Hoffman

BOB SMALL

MILTON AIDUN

MARK LIFCOVICH

ADDRESS

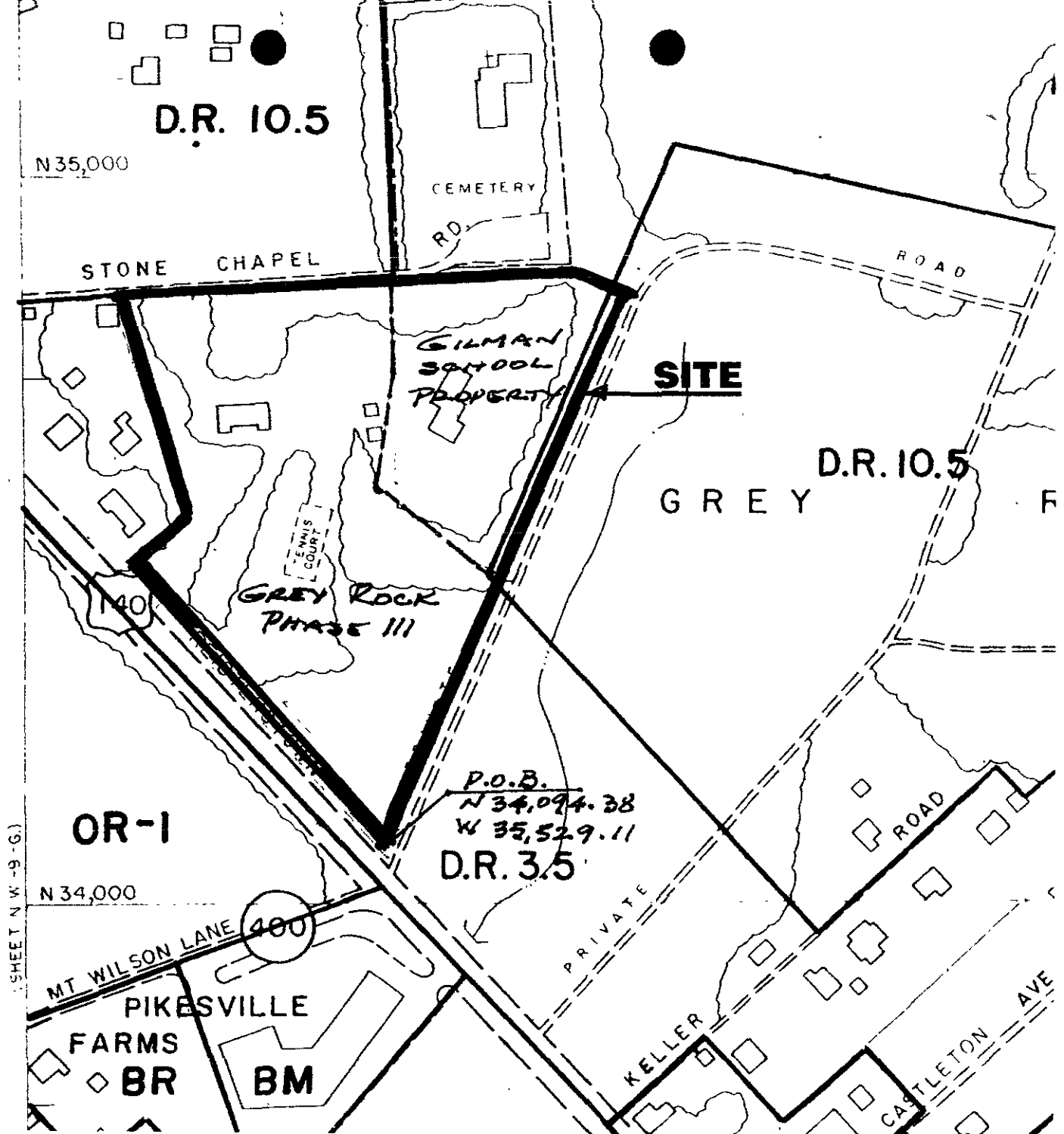
210 Allegheny Ave 21204

707 N. CALVERT ST - 367A

2 JOHN EAGER CT 21208

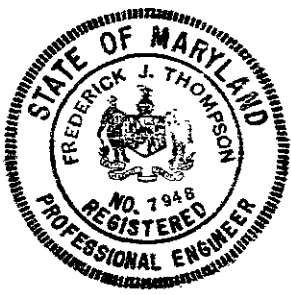
9107 Gray Rock RD 21208

MICROFILMED



SHEET N W 9-G

96-118-SPHXA
 ZONING MAP WITH LOCATION AND BOUNDARIES OF
 GREY ROCK, PHASE III AND GILMAN SCHOOL PROPERTY



Frederick J. Thompson

SCALE	LOCATION	SHEET
1" = 200' ±	PIKESVILLE GREY ROCK	N. W 9-F
DATE OF PHOTOGRAPHY JANUARY 1986	MICROFILMED	

CASE NO. 96-118-SPHXA

Rocky Gorge at Grey Rock L.P., Rocky
Gorge Communities, Inc., - Petitioners

S/s Stone Chapel Road, 310' E of the c/l of
Reisterstown Road (11' and 17' Stone Chapel Road)

3rd Election District Appealed: 4/8/96

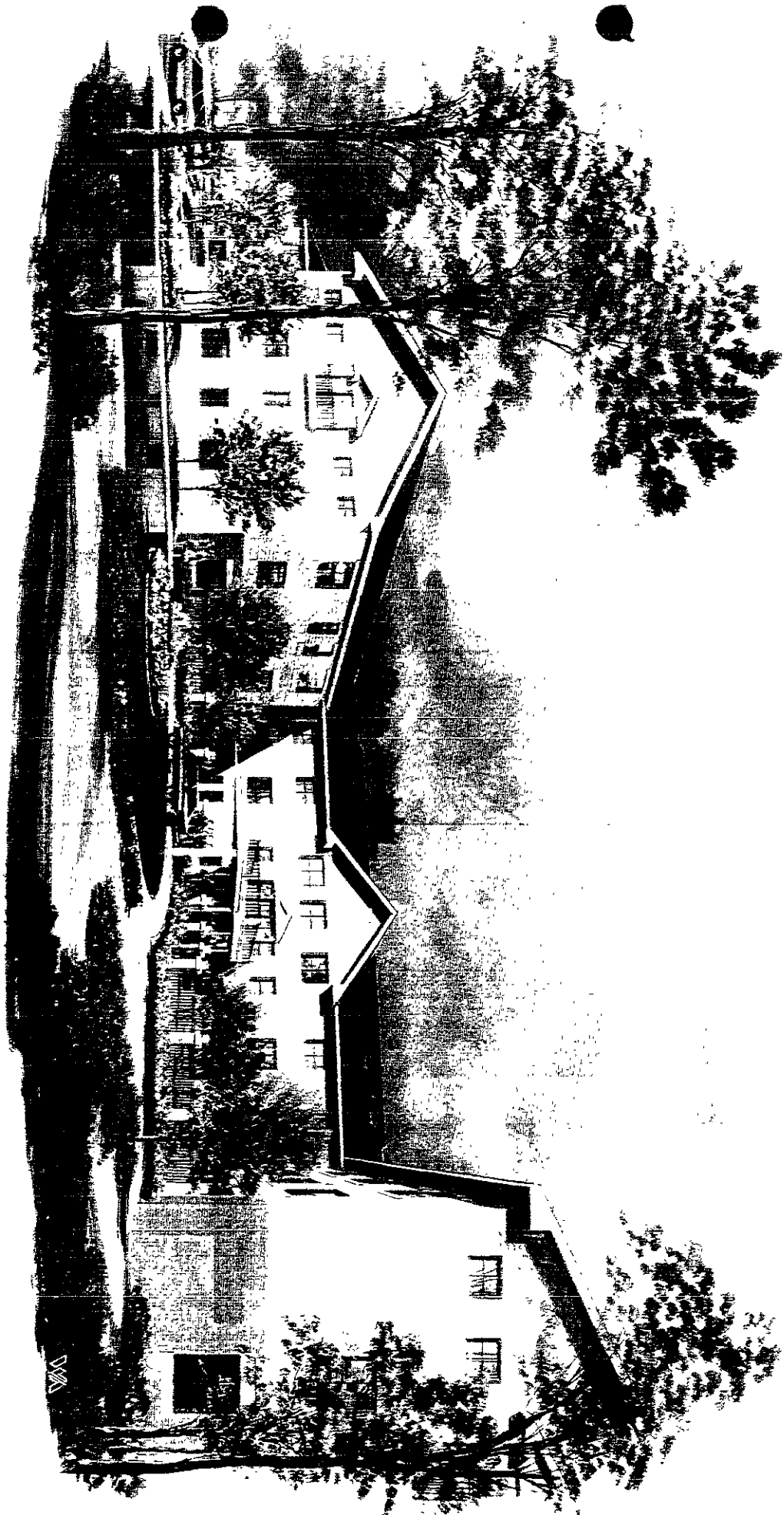
ISSUES TO BE ADDRESSED IN ZONING ITEM NO. 116
GREY ROCK, PHASE III

1. That a note would be placed on the plan indicating that the dwelling to remain on the property would be considered a part of the proposed assisted living facility and would not generate a residential transition area;
2. That a Class "A" landscape screen would be provided along Stone Chapel Road with the trees between 6 and 8 feet tall when planted;
3. That the emergency exit to Stone Chapel Road would be utilized by fire or police emergency vehicles only and would be a "break-away" type of entrance not open for any other types of traffic movements;
4. That the petitioner would not ask the State Highway Administration for the installation of a traffic signal at its proposed entrance.

2C. Ex. No 1

MICROFILMED

Ref No 2
House
Spring 102 units



MICROFILMED



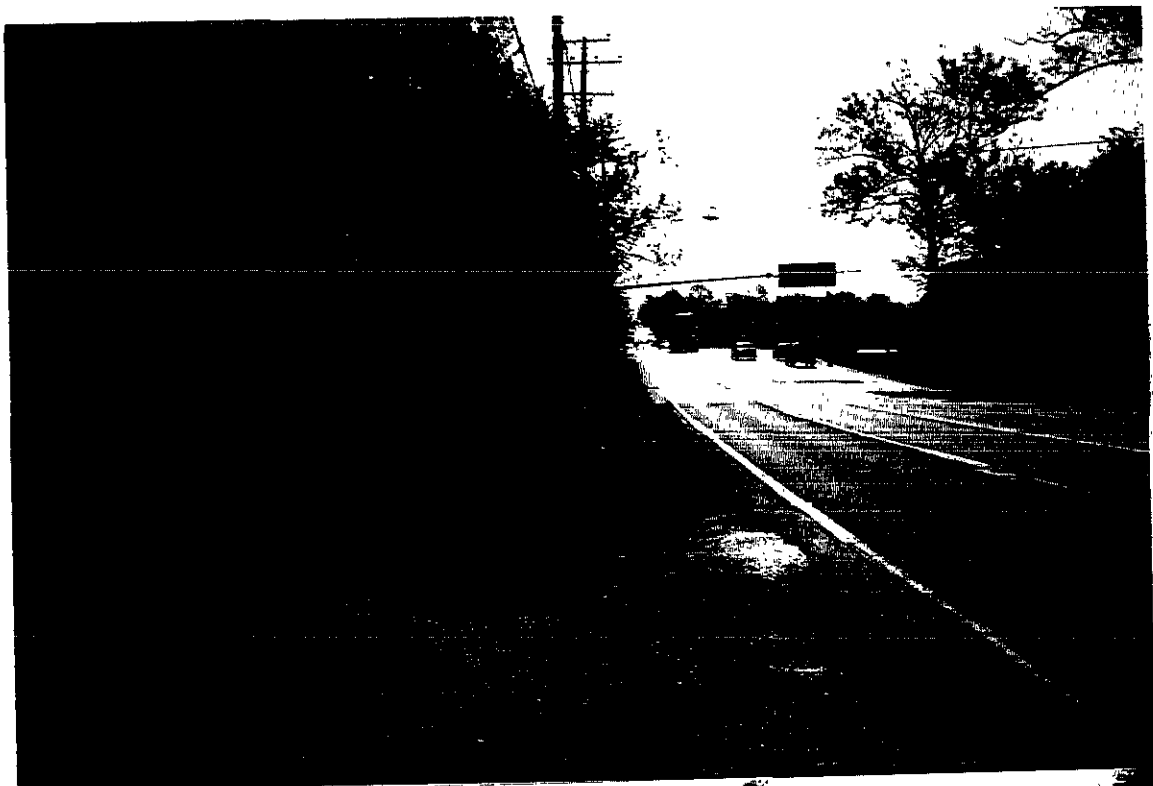
ARDEN COURTSSM

ALZHEIMER'S ASSISTED LIVING

800-222-0000

122 No 3
 Arden Ct
 Alzheimer's
 Assisted
 Living
 800

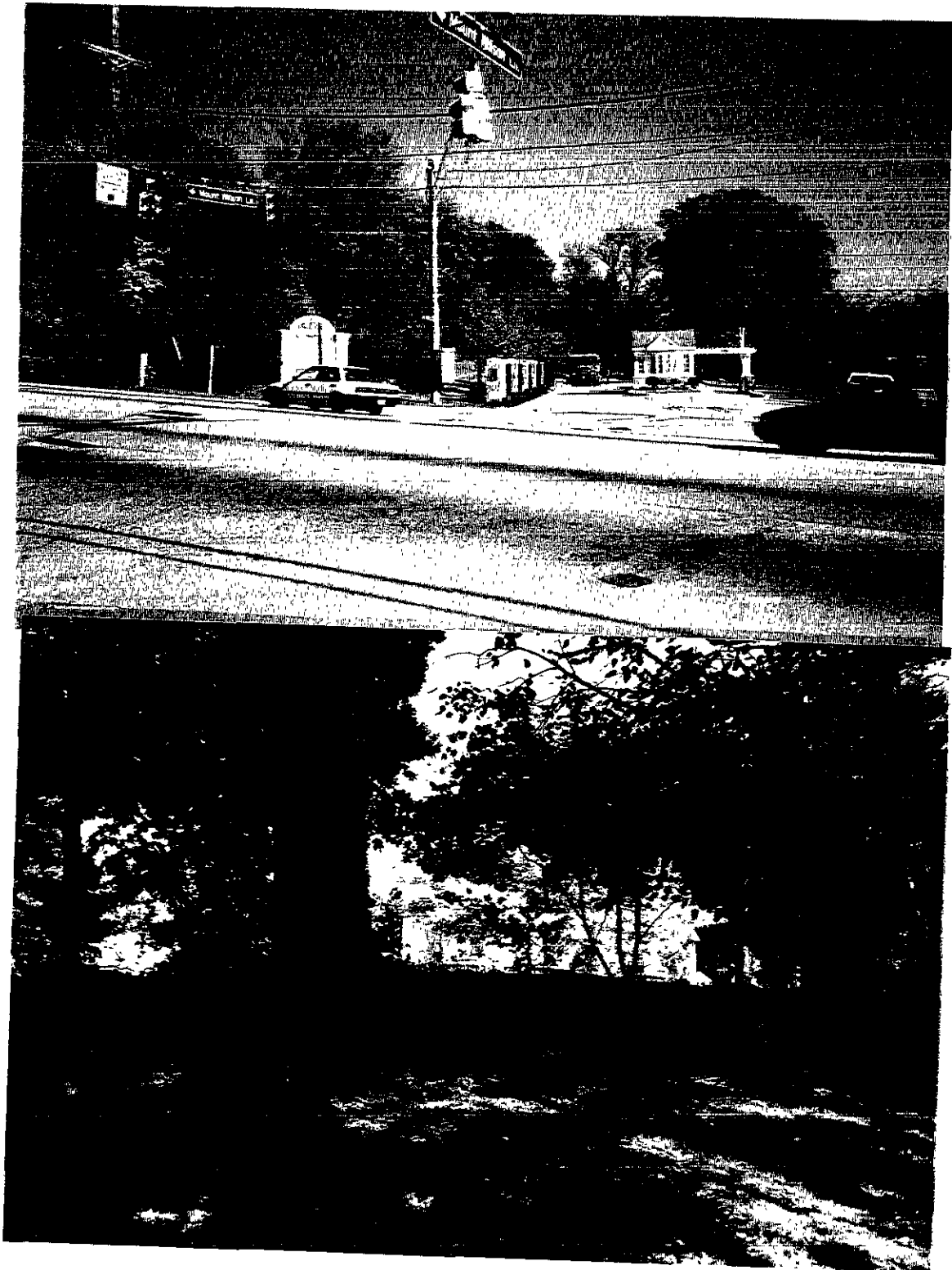






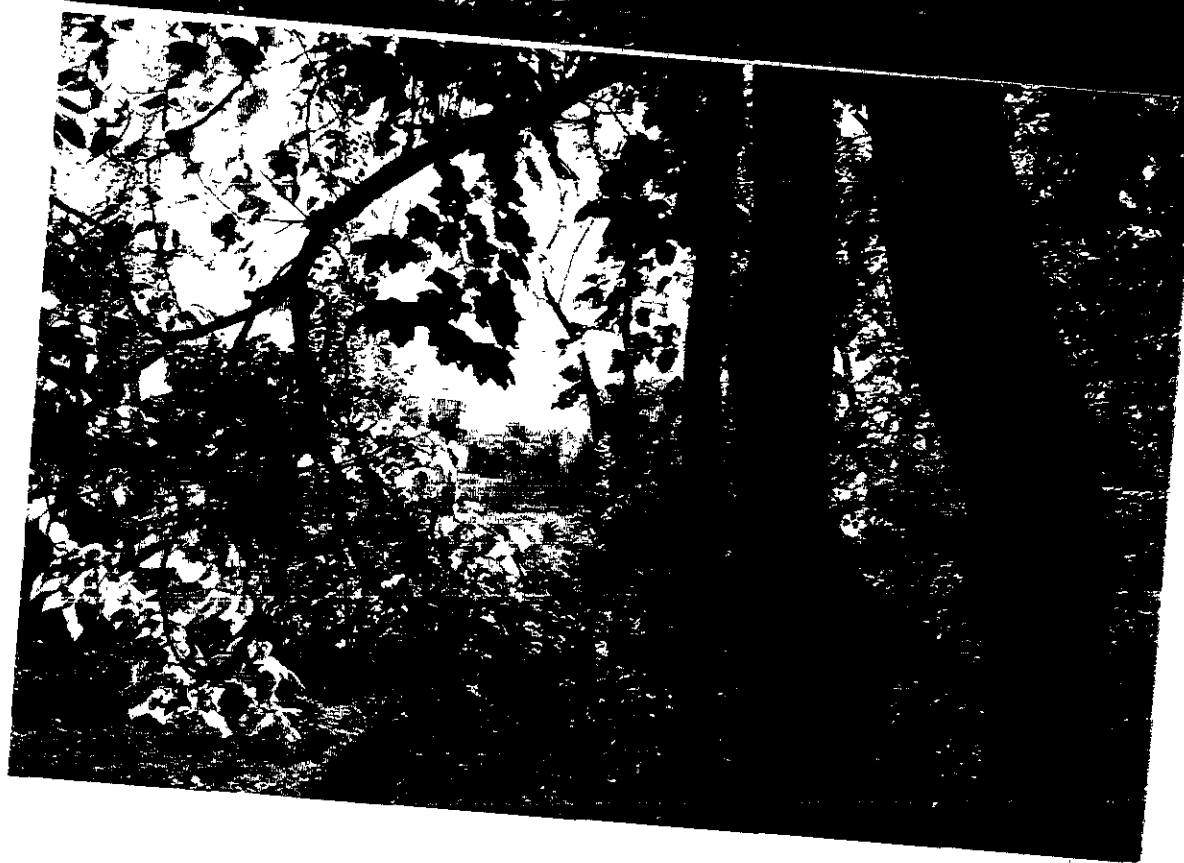




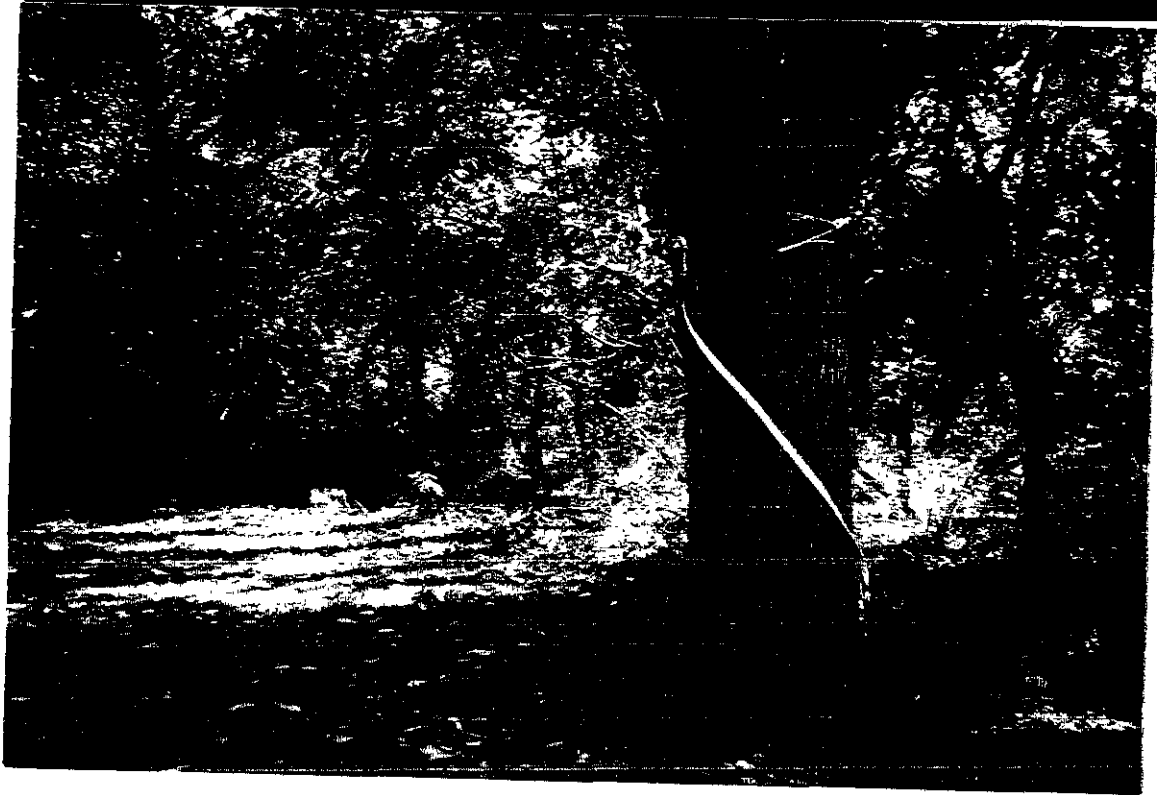




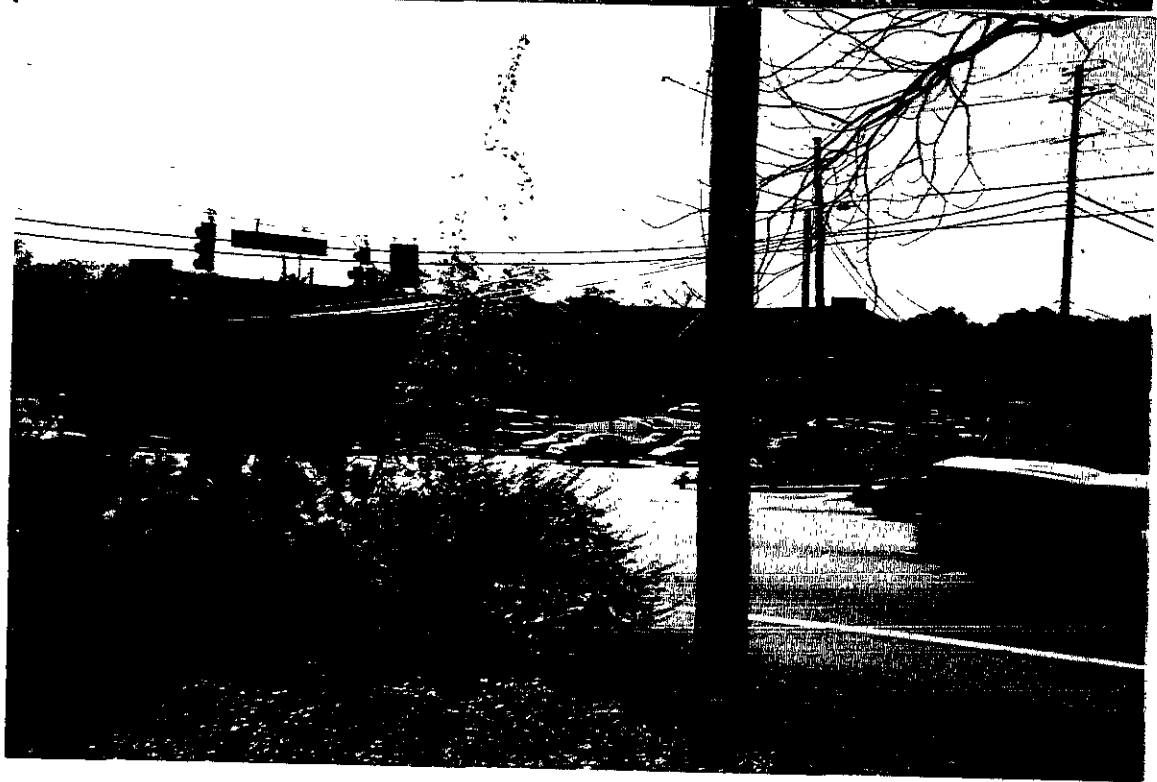


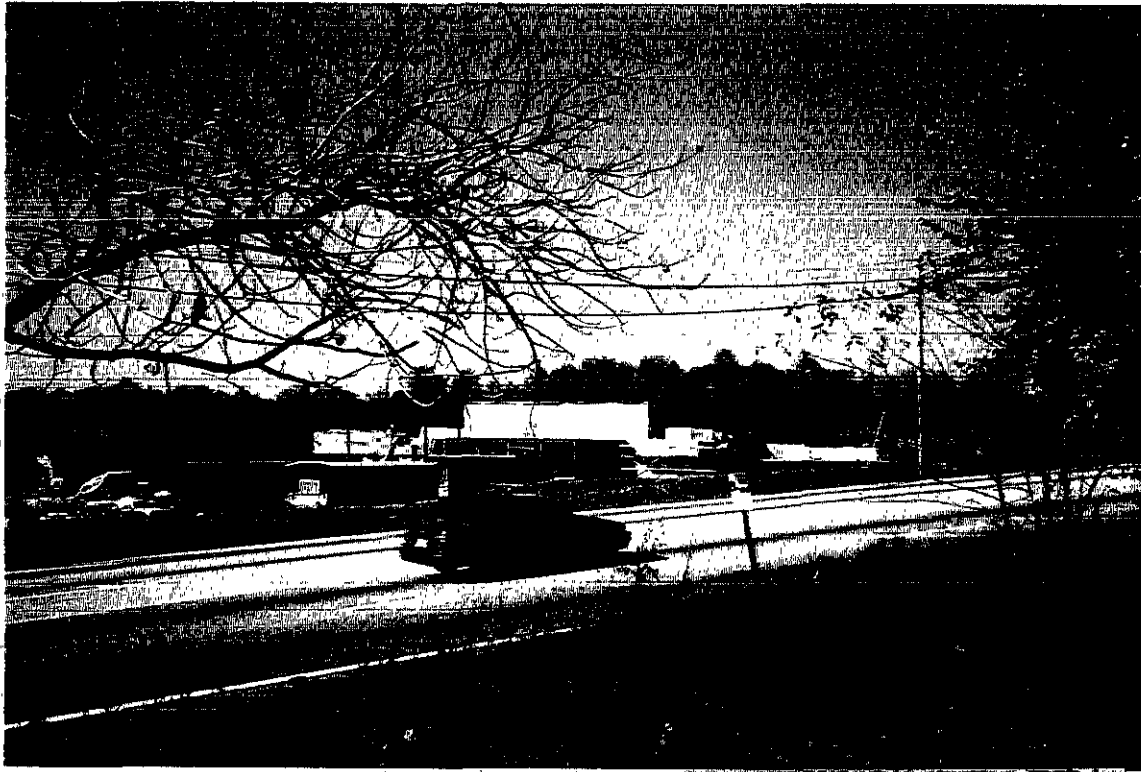


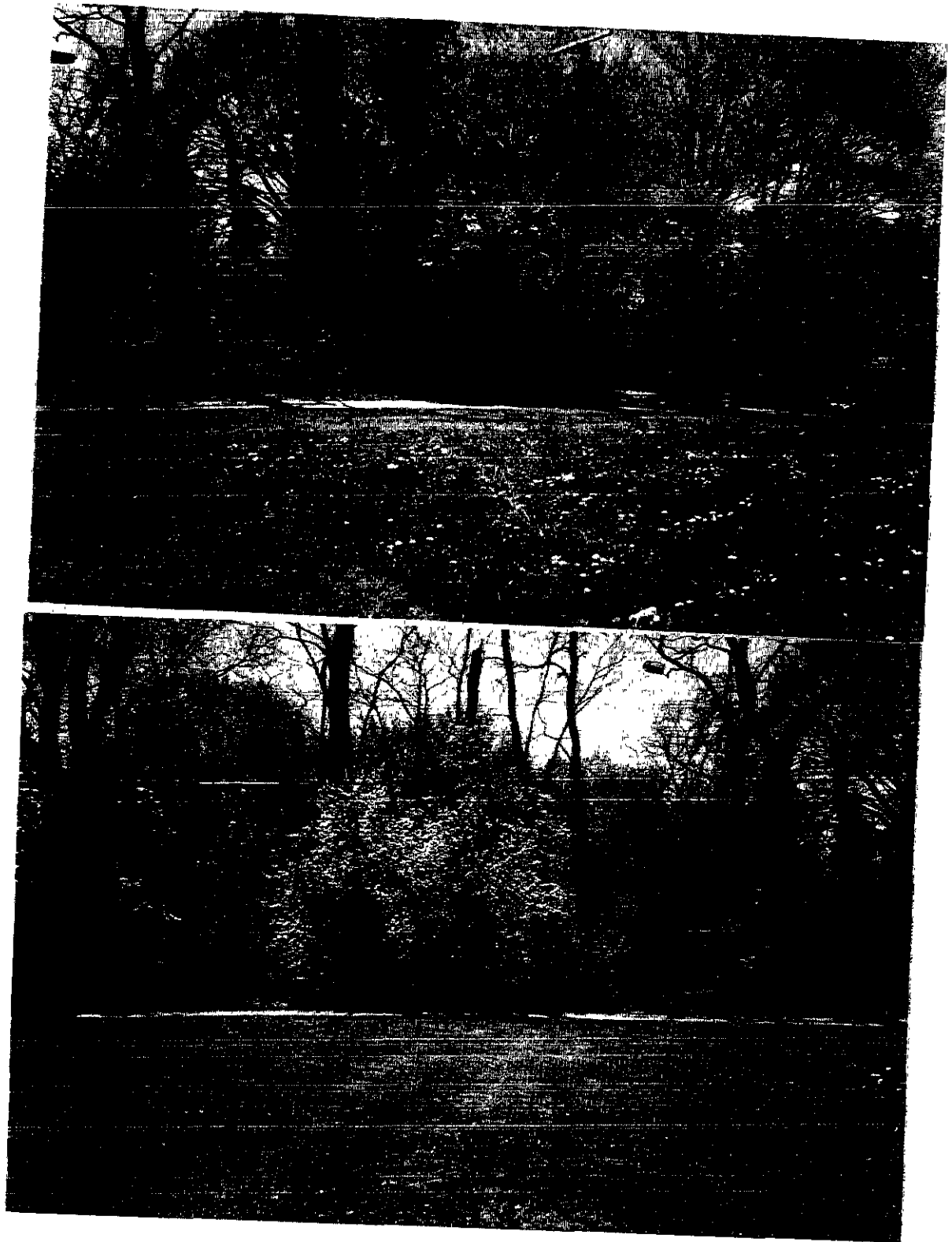






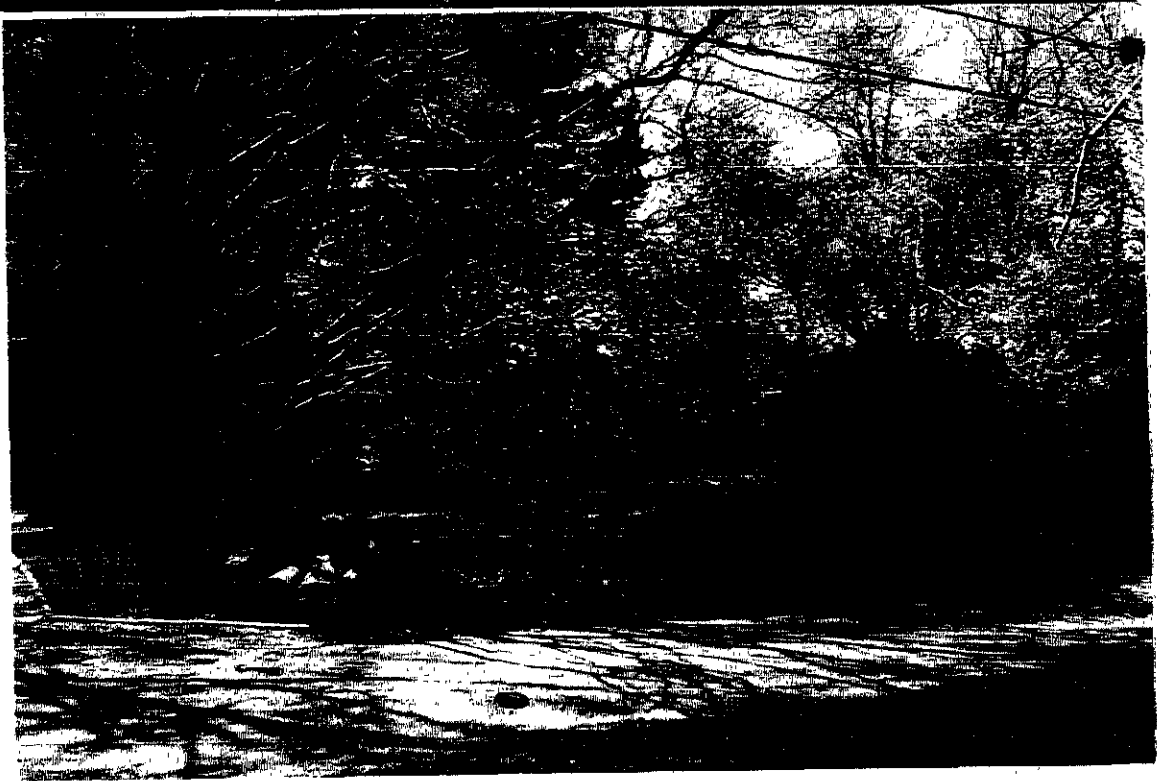




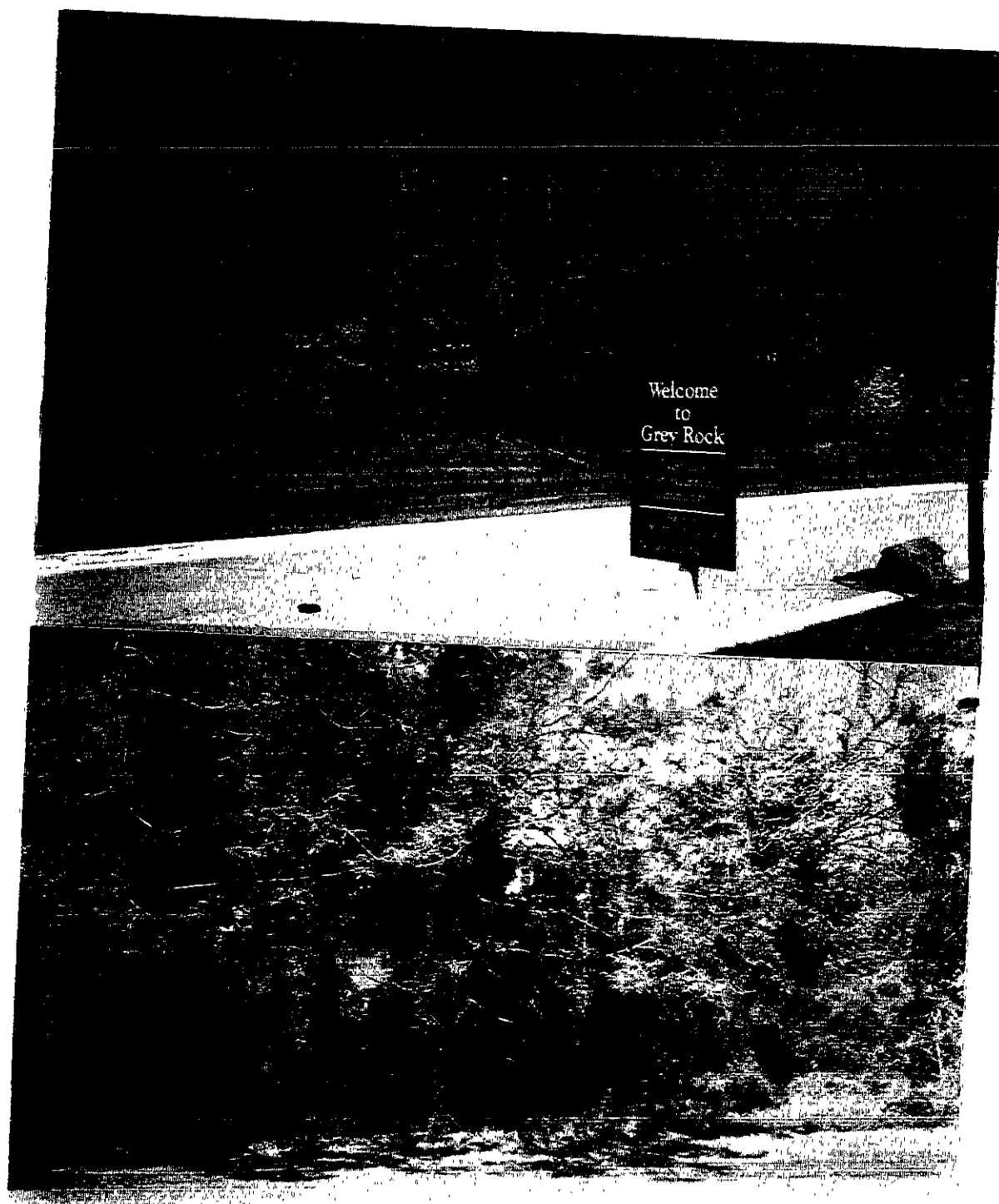






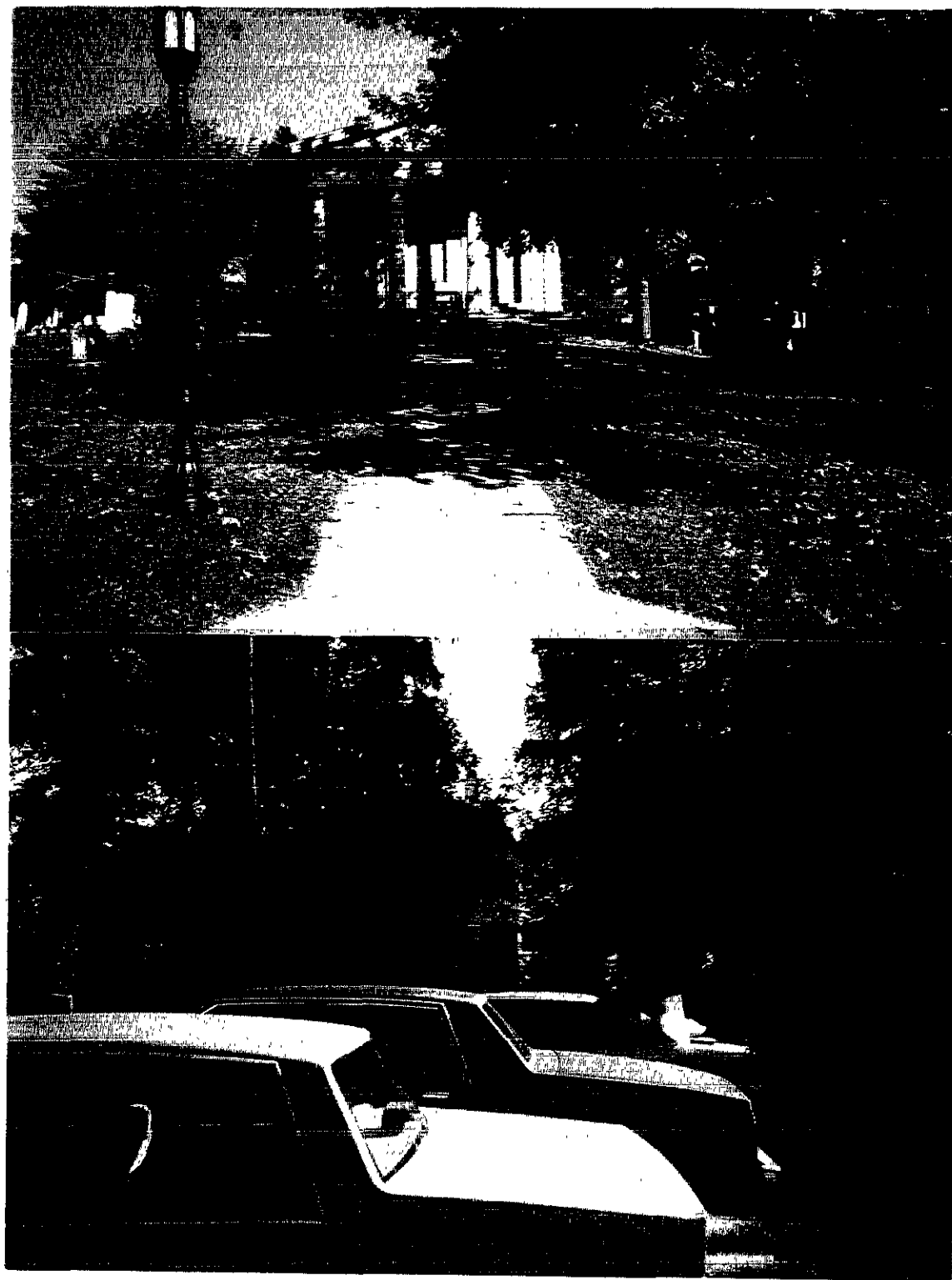


















APPEAL

Petitions for Special Hearing, Special Exception and Variances
S/S Stone Chapel Road, 310' E of the c/l of Reisterstown Road
11 and 17 Stone Chapel Road
3rd Election District - 2nd Councilmanic District
Rocky Gorge at Grey Rock L.P.,
Rocky Gorge Communities, Inc., - Petitioners
Case No. 96-118 SPHXA

- ✓ Petitions for Special Hearing, Special Exception and Variances
- ✓ Description of Property
- ✓ Certificate of Posting
- ✓ Certificate of Publication
- ✓ Entry of Appearance of People's Counsel
- ✓ Zoning Plans Advisory Committee Comments
- ✓ Petitioner(s) and Citizen(s) Sign-In Sheets

Petitioner's Exhibits: ✓ 1 - Plat to accompany Petition for Special Exception, Special Hearing, and Variances
✓ 1A - Highlighted Plan and Plat to Accompany Petition for Zoning Hearing
✓ 2 - Spring House Colored Xerographic Copy
✓ 3 - Colored Xerographic Copy of Arden Court
4 - Nothing Marked as Exhibit No. 4 in the File
5 - Nothing Marked as Exhibit No. 5 in the File
6 - Highlighted Tree and Shrubbery Plan for Zoning Hearing
✓ 7 - Plan for Zoning Hearing
8 - Nothing Marked as Exhibit No. 8 in the File
✓ 9 - Section A and D Plan
✓ 10 - Section E and F Plan
✓ 11 - Site Constraints Map

- ✓ Zoning Commissioner's Exhibits: 1 - Issues to be addressed in Zoning Item No. 116
- ✓ 52 Photographs Not Marked as Exhibits
- ✓ Memorandum of Law in Support of Motion for Reconsideration Submitted by Benjamin Bronstein
- ✓ Seven Miscellaneous Letters (1-24-96 LR. From BRONSTEIN - REQUESTING RECONSIDERATION HEARING) ✓ E

✓ Zoning Commissioner's Order dated March 6, 1996, Petition for Special Exception in accordance with Petitioner's Exhibit 1, GRANTED; Petition for Variance, GRANTED; Motion for Reconsideration of the Opinion and Order issued on January 24, 1996 to strike Restriction No. 3, GRANTED.

✓ Notice of Appeal received on April 8, 1996 from Stewart J. Greenebaum on behalf of the Woodholme Medical Office Building Limited Partnership.

c: Benjamin Bronstein, Esquire, Evans, George and Bronstein, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204
Mr. Christopher Dormant, Rocky Gorge at Grey Rock L.P., Rocky Gorge Communities, Inc., P.O. Box 32545, Baltimore, MD 21208
Mr. Cartan B. Kraft, Gilman Schools, Inc., 5407 Roland Avenue, Baltimore, MD 21210
Mr. Fred Thompson, LPJ, Inc., 16 W. 25th Street, Baltimore, MD 21218
Ms. Lillian N. Berger, President, Grey Rock Flats Condominium, Inc., 2 Cornelius Court, Baltimore, MD 21208
Marc C. Lipchin, Esquire, Grey Rock Villas Condominium Association, 201 John Eager Court, Baltimore, MD 21208
* Mr. Stewart J. Greenebaum, President, Woodholme Medical Building Limited Partnership, Suite 410, Woodholme Center, 1829 Reisterstown Road, Baltimore, MD 21208
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

Interested Party:
George E. Weber, Jr.
Trustee Chairman
Stone Chapel United Meth. Church
18 Stone Chapel Road
Pikesville, MD 21208

General Notes

1. Owner/Developer: Rockledge at Grey Rock Limited Partnership
 700 Bay View
 Baltimore, MD 21208
 (410) 585-5219

Tax Account No: 21-0001711

Deed Reference: B370726

2. Site Data

Autograph

Net Acres: 48.5 Ac. ± Local
 Gross Acres: 61.8 Ac. ± (including 13.3 of Reisterstown Road R. 1)

Current Zoning: Residential

Net (10): 28 Ac. ± (100% Phase 1)
 24.1 Ac. ± (100% Phase 2)
 13.3 Ac. ± (100% Phase 3)
 45.4 Ac. ± Total Net (10)

Gross (10): 51.8 Ac. ± (100% Phase 1)
 46.0 Ac. ± (100% Phase 2)
 13.3 Ac. ± (100% Phase 3)
 111.1 Ac. ± Total Gross (10)

Net and Gross (10): 2.98 Ac. ±

Commercial

Net and Gross (10): 0.91 Ac. ± (100% Phase 1)
 1.51 Ac. ± (100% Phase 2)
 0.56 Ac. ± (100% Phase 3)

2.98 Ac. of 10.5 Acres converted to 100% Phase 1

Utility (10): 5.16 Ac. ± (100% Phase 1)
 2.98 Ac. ± (100% Phase 2)
 18.36 Ac. ± (100% Phase 3)
 Total: 26.50 Ac. ±



- LEGEND
- WETLANDS
 - NRC BUFFER (incl. 75' STREAM & 25' WETLAND & FLOODPLAIN BUFFER)
 - STREET LIGHT
 - VEGETATION TO REMAIN
 - VEGETATION TO BE REMOVED
 - LOCAL OPEN SPACE
 - R.T.A. BUFFER
 - FIRE HYDRANTS
 - PROPOSED FOOT PATH

relate to the Condominium Associations. Those restrictions, although requested by both parties, are not appropriate in this instance and shall not be required as a condition precedent to the zoning relief granted herein.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16 day of March, 1996 that the Petition for Special Hearing to approve an amendment to the tract boundary and final development plan for Grey Rock, Phase III, only, and the Gilman School Property, to reflect the proposed improvements, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception for an assisted living facility on the subject site, and to modify or waive the Residential Transition Area (RTA) requirements, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 413.E of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a double-faced sign of 144 sq.ft. total (72 sq.ft. per side) in lieu of the maximum permitted single-faced sign of 15 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Motion for Reconsideration to strike Restriction No. 3 of the Order issued January 24, 1996, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petitioner shall provide vehicular access to the site from Reisterstown Road as shown on the site plan.

However, the design and construction of that access shall be approved by the SHA and must meet all of their standards and criteria. Furthermore, if the Petitioners can acquire and/or remove the wall and trees which block the sight distance from the north, the access point may allow turning movements both north and south. However, if those off-site acquisitions and adjustments cannot be made, the access point shall be right turn in/out, only. The design and traffic control devices utilized in assuring and directing traffic flow shall be left to the best judgment of the SHA.

IT IS FURTHER ORDERED that the Petitioners shall comply with the terms and conditions of the four items contained within Zoning Commissioner's Exhibit 1 (attached hereto and made a part hereof).

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued January 24, 1996 shall remain in full force and effect.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Benjamin Bronstein, Esquire, Evans, George & Bronstein
29 W. Susquehanna Avenue, Suite 205, Towson, Md. 21204

Mr. Christopher Dormant, Rocky Gorge at Grey Rock L.P.,
Rocky Gorge Communities, Inc., P.O. Box 32545, Baltimore, Md. 21208

Mr. Cartan B. Kraft, Gilman Schools, Inc.
5407 Roland Avenue, Baltimore, Md. 21210

Mr. Fred Thompson, LPJ, Inc., 16 W. 25th Street, Baltimore, Md. 21218

Ms. Lillian N. Berger, President, Grey Rock Flats Condominium, Inc.
2 Cornelian Court, Baltimore, Md. 21208

Marc J. Lipchin, Esquire, Grey Rock Villas Condominium Association,
201 John Eager Court, Baltimore, Md. 21208

People's Counsel; Case File

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION AND VARIANCES * ZONING COMMISSIONER
S/S Stone Chapel Road, 310' E * OF
of the c/1 of Reisterstown Road * OF
(11 and 17 Stone Chapel Road) * OF
3rd Election District * BALTIMORE COUNTY
2nd Councilmanic District *
Rocky Gorge at Grey Rock, L.P., *
Rocky Gorge Communities, Inc. *
Petitioners * CASE NO.: 96-118-SPHXA
* * * * *

ORDER

Upon consideration of the Petitioner's Motion for Reconsideration filed in this proceeding and testimony having been heard, it is this 23 day of February, 1996,

ORDERED by the Zoning Commissioner of Baltimore County that the Findings of Fact and Conclusions of Law, together with the Order dated January 24, 1996 be and are hereby rescinded.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

ORDER RECEIVED FOR FILING
Date 2/23/96
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204
Benjamin Bronstein
Evans, George and Bronstein
29 West Susquehanna Avenue, Suite 205
Towson, Maryland 21204

February 26, 1996

(410) 887-4386

RE: MOTION FOR RECONSIDERATION
PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
Rocky Gorge at Grey Rock/Rocky Gorge Communities, Inc. - Petitioners
Case No. 96-118-SPHXA

Dear Mr. Bronstein:

Enclosed please find my Order rescinding the Findings of Fact and Conclusions of Law previously issued in the above-captioned matter on January 24, 1996. I have entered this Order in response to your filing a Motion for Reconsideration on which a hearing was held February 9, 1996.

You have advised that Peter Max Zimmerman with the Office of People's Counsel has stated that the Motion for Reconsideration may not stay my original Order and the appeal time frame attached thereto. You expressed a concern that if an amended Order was not issued within thirty (30) days of January 24, 1996, that your right to file an appeal could be prejudiced.

Although I disagree with the assertion made by People's Counsel, I want the opportunity to fully consider the testimony and evidence offered at the hearing on your Motion for Reconsideration on February 9, 1996. It is my intention to issue an Order addressing all issues raised in this case. Any dissatisfied party would thereafter have a period of thirty (30) days within which to file an appeal to the County Board of Appeals.

Should you have any further questions on the subject, please feel free to contact me.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Christopher Dormant, Rocky Gorge at Grey Rock L.P.
Mr. Cartan B. Kraft, Gilman Schools, Inc.
Marc J. Lipchin, Esquire, Grey Rock Villas Condominium Association,
Mr. Fred Thompson, LPJ, Inc., 16 W. 25th Street, Baltimore, Md. 21218
Ms. Lillian N. Berger, President, Grey Rock Flats Condominium, Inc.
People's Counsel; Case File

MJC/mjs:02.09.96

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION AND VARIANCES * ZONING COMMISSIONER
S/S Stone Chapel Road, 310' E * OF
of the c/1 of Reisterstown Road * OF
(11 and 17 Stone Chapel Road) * OF
3rd Election District * BALTIMORE COUNTY
2nd Councilmanic District *
Rocky Gorge at Grey Rock, L.P., *
Rocky Gorge Communities, Inc. *
Petitioners * CASE NO.: 96-118-SPHXA
* * * * *

MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR RECONSIDERATION

Rocky Gorge at Grey Rock, L.P., and Rocky Gorge Communities, Inc. by Benjamin Bronstein and Evans, George and Bronstein, its attorneys, files this Memorandum of Law in Support of Motion for Reconsideration filed in the above captioned matter.

I
THE PROPOSED ASSISTED LIVING FACILITY WILL NOT HAVE AN "ADVERSE IMPACT" WITHIN THE MEANING OF SCHULTZ V. PRITTS.

At issue in this case is a proposed assisted living facility located on Reisterstown Road slightly north of its intersection with Mount Wilson Lane, in Baltimore County, Maryland. A concern has been raised regarding whether the proposed use will have an "adverse impact" so as to justify imposition of a draconian restriction -- denial of access on Reisterstown Road (which the property in question abuts), requiring access through Grey Rock Road (which is, as a practical matter, impossible because the neighborhood associations refuse to grant access, and to do so would require massive regrading of the site which would, in turn, necessitate substantial revision to the site plan). The

alternative suggestion for access through Stone Chapel Road is not feasible because of site distance and off-site rights of way problems. The potential traffic impact, if any, of the proposed use on Reisterstown Road does not rise to the level of an "adverse impact" as that term is defined in Maryland law.

The seminal case in addressing the issue of whether a special exception should be granted is Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981). In Schultz, the Court of Appeals set forth the applicable standards for judicial review of the grant or denial of a special exception use as follows:

...The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any facts or circumstances negating the presumption. The duties given the Board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan.

Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption

of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one of the Board to decide. But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal. (Citations omitted.) These standards dictate that if a requested special exception use is properly determined to have an adverse effect upon neighboring properties in the general area, it must be denied. (emphasis in original) 291 Md. at 11-12, 432 A.2d at 1325.

The Court of Appeals established the following guidelines with respect to the nature and degree of adverse effect which would justify denial of a requested special exception:

Thus, these cases establish that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.

291 Md. at 15, 432 A.2d at 1327.

In People's Counsel for Baltimore County v. Mangione, 85 Md. App. 738, 584 A.2d 1318 (1981), the Court of Special Appeals reaffirmed the necessary findings of "adverse impact" required to warrant a denial of a special exception, declaring:

Specifically, we shall review facts and circumstances upon which the Board [of Appeals] could have found that the special exception use and location proposed would cause an adverse effect upon adjoining and surrounding properties, unique and different in kind or degree, than that inherently associated with such use regardless of its

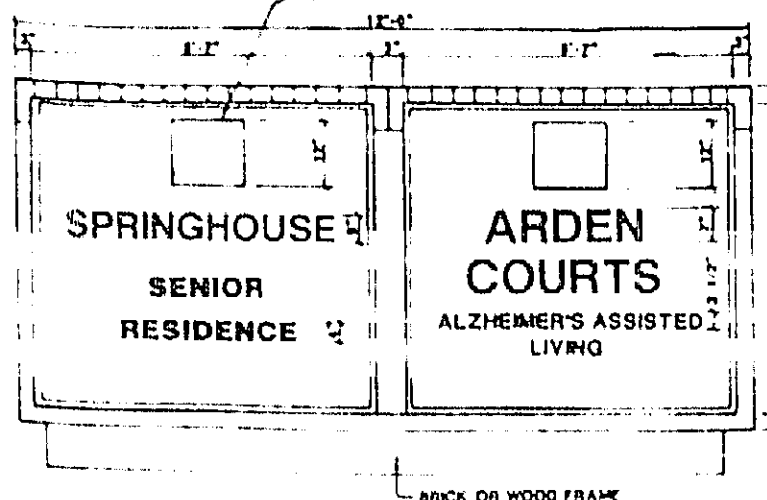
location within the zone [citation omitted]. In addition, 'if the evidence makes the issue of harm fairly debatable, the matter is one for the Board's decision and should not be second guessed by the appellate court'.

584 A.2d at _____. (emphasis supplied)

The Court of Special Appeals in Mangione went on to find that the following evidence made the Board's decision fairly debatable so as to justify denial of a special exception:

1. the building was uncharacteristically large, in both height and width, than the surrounding properties;
2. the proposed nursing home would sit on a hill, on dominant terrain, blocking light and air from the adjacent residential properties;
3. vehicular access was only through narrow, winding streets in a residential subdivision;
4. the size of the building and its large parking area would dominate the surrounding residential community and would exacerbate storm water run off problems and traffic circulation on surrounding narrow, winding residential streets;
5. the proposed use would generate odors from the central kitchen and dumpster.

In the present case, there is no testimony to support a finding that the proposed assisted living facility would create an adverse impact on surrounding properties within the scope of Mangione. The impact, if any, on traffic on Reisterstown Road does not constitute the type of "adverse impact" on surrounding properties as required under the doctrine enunciated in Schultz v. Pritts. Mangione is, therefore, distinguishable from the present case, and does not support the imposition of the draconian access restriction in the original order in this case.

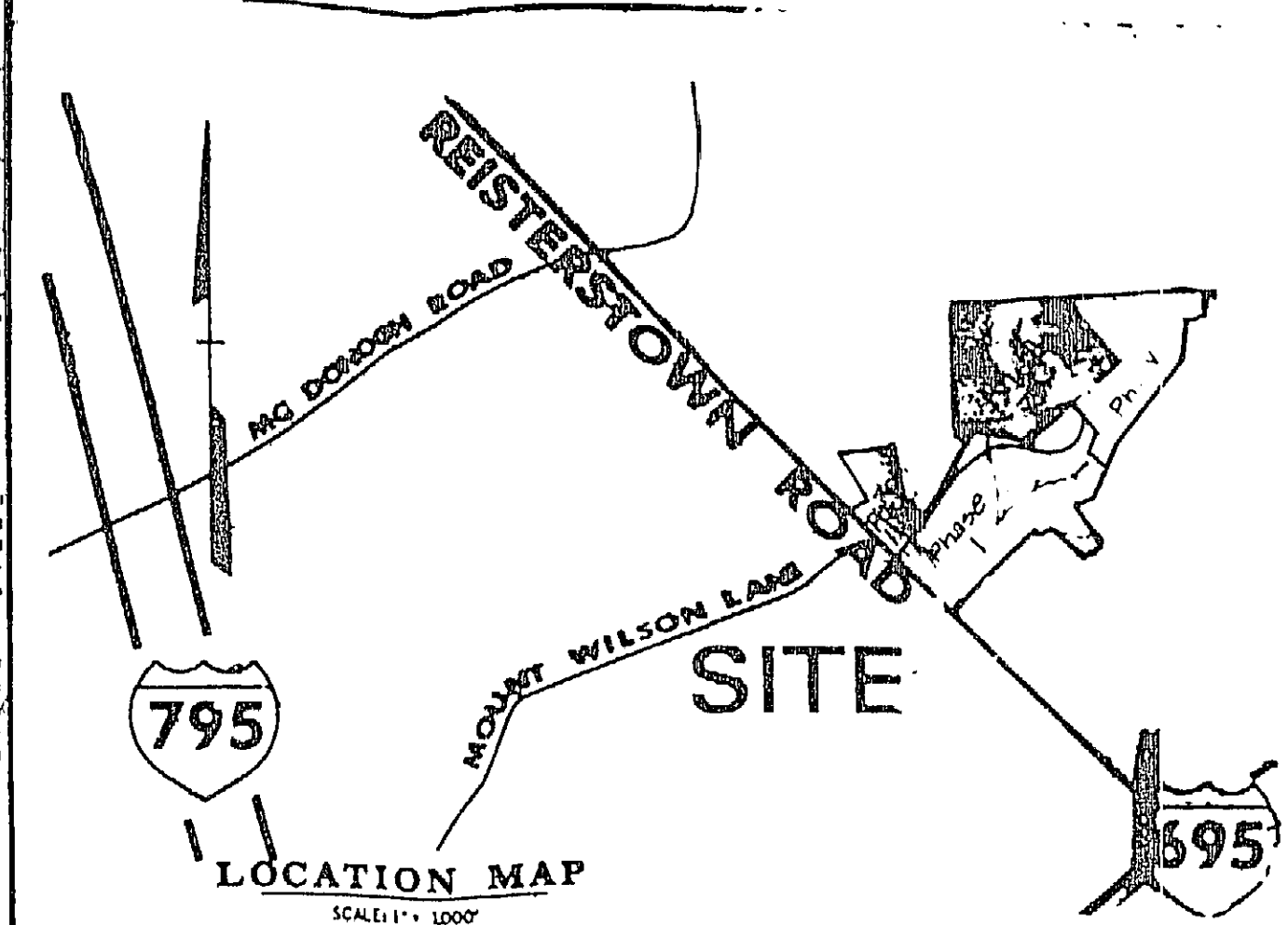


ZONING HISTORY

On 11/27/94, the following was heard with the following order being issued:

On 11/27/94, the following was heard with the following order being issued:

On 11/27/94, the following was heard with the following order being issued:



CASE NUMBER 94-291SPIN was heard with the following order being issued:

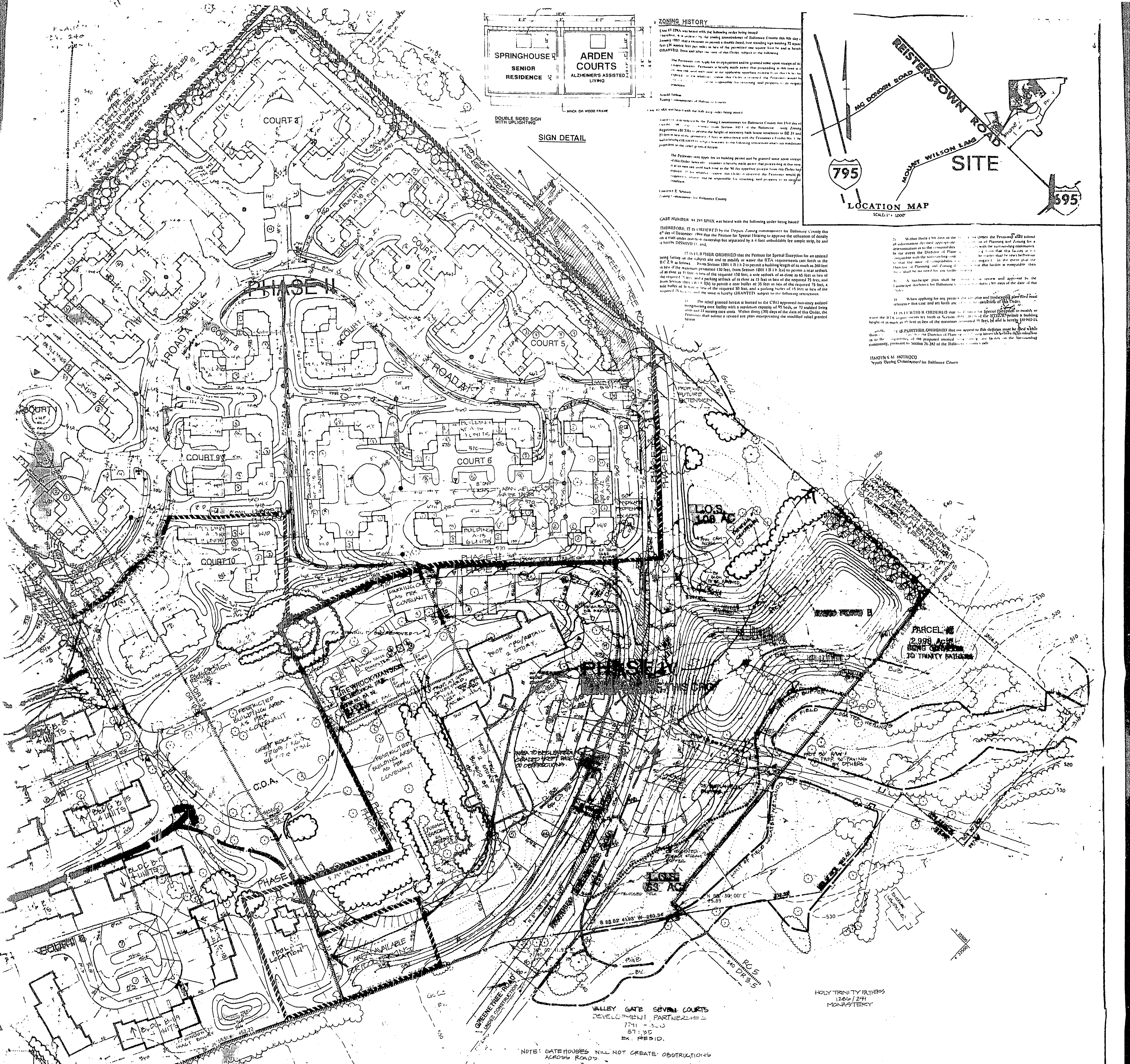
On 11/27/94, the following was heard with the following order being issued:

On 11/27/94, the following was heard with the following order being issued:

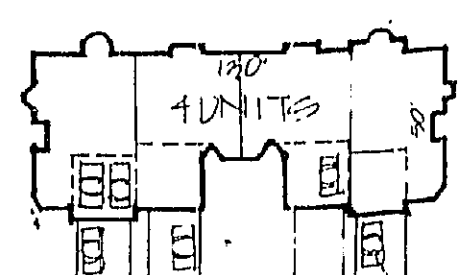
On 11/27/94, the following was heard with the following order being issued:

On 11/27/94, the following was heard with the following order being issued:

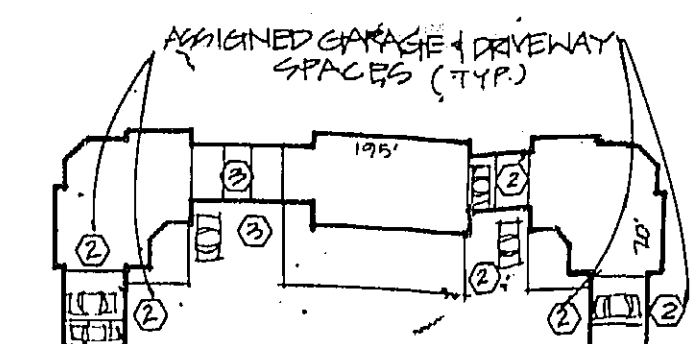
On 11/27/94, the following was heard with the following order being issued:



NOTE: GATEHOUSES WILL NOT CREATE OBSTRUCTIONS ACROSS ROADS. ANY MODEL UNIT WILL COMPLY WITH ZONING REGULATIONS.



TYP. BLDG. B TOWNHOUSES
SCALE: 1"=50'



TYP. BLDG. A VILLA FLATS
SCALE: 1"=50'

OWNERS:
ROCKY GORGE AT GREY ROCK L.P.
ROCKY GORGE COMMUNITIES, INC.,
GENERAL PARTNER
P.O. BOX 32545
BALTIMORE, MARYLAND 21208
and
GILMAN SCHOOL, INC.
5407 ROLAND AVENUE
BALTIMORE, MARYLAND 21210

ELECTION DISTRICT - 3
COUNTY COUNCIL DISTRICT - 3
ZONING MAP SHEET REFERENCE - NW 9F
MAXIMUM BUILDING HEIGHT:
ARDEN COURTS - 25'
SPRINGHOUSE - 40'
BUILDING USES: ASSISTED LIVING FACILITIES
SITE WILL BE SERVICED BY PUBLIC SEWER AND PUBLIC WATER

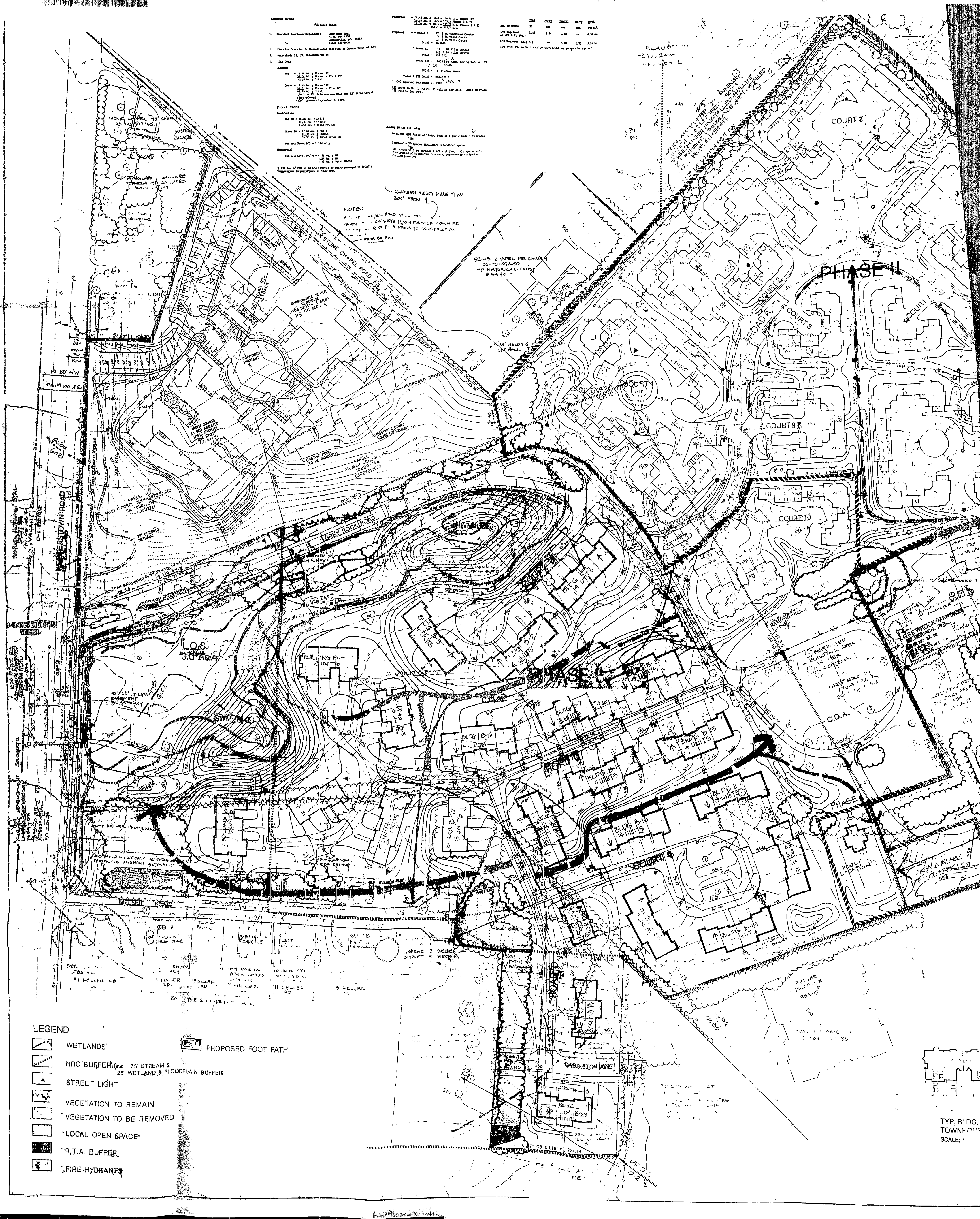
NOTE: THIS PLAT HAS BEEN REPRODUCED FROM THE INC. AMENDED CRO, ALTERNATE B, GREY ROCK PHASE III, ONLY. PLAN DATED JAN. 28, 1992 AND PREPARED BY DAFT MCCUNE WALKER, INC. CHANGES HAVE BEEN MADE TO THE PHASE III AND ADJACENT RESIDENTIAL PROPERTY (PART OF THE CRO) AND NOTES NO LAYOUT OR OTHER CHANGES HAVE BEEN MADE TO THIS PLAN.

PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCES
GREY ROCK, PHASE III ONLY
and
GILMAN SCHOOL PROPERTY
3rd ELECTION DISTRICT BALTIMORE CO., MD

1" = 50'
JOB NO. 1-95023
ISSUE DATE 9-5-95
SHEET 1 of 1

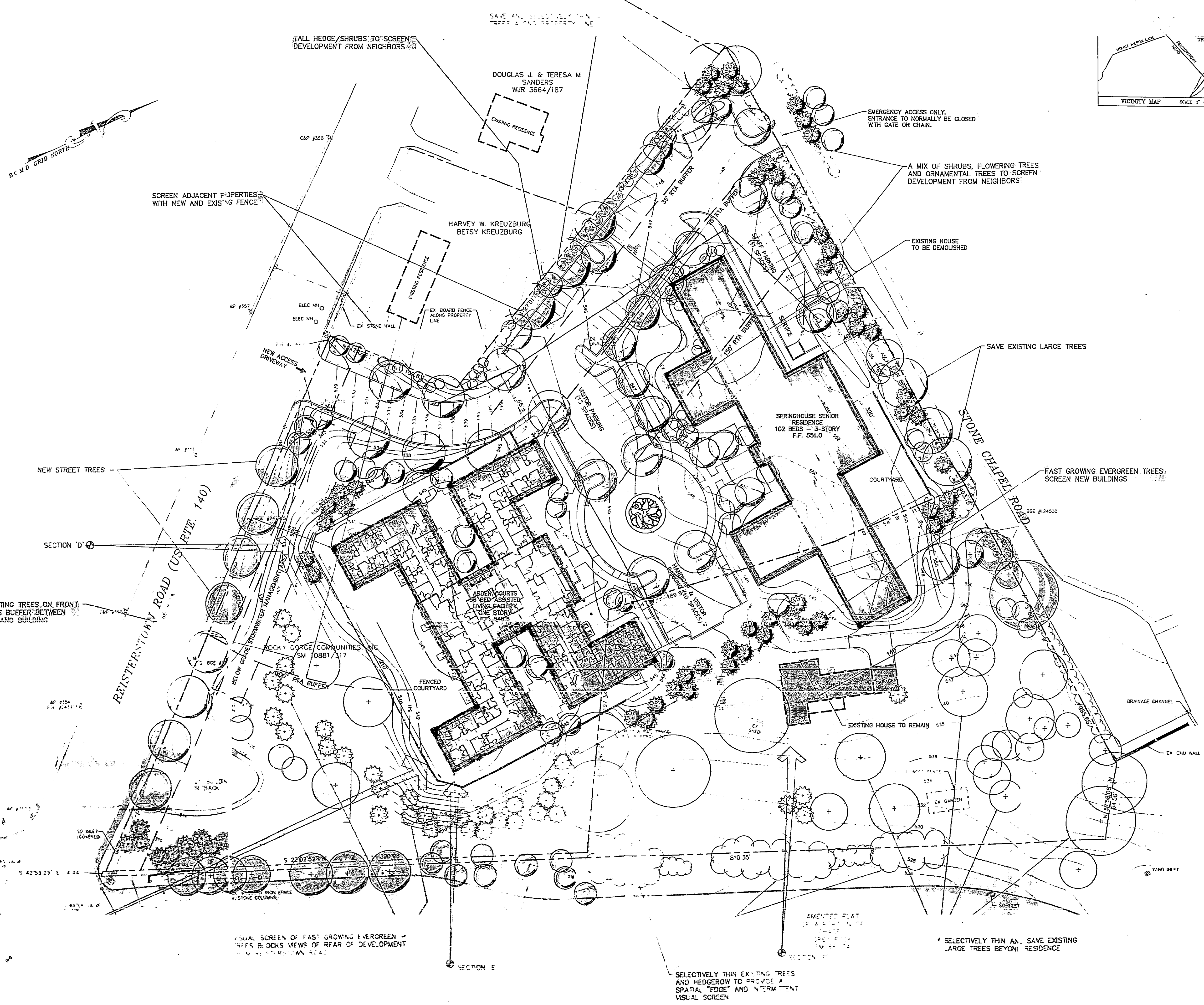
LPJ INC.
CONSULTING ENGINEERS
16 West 25th Street
Baltimore, Maryland 21218
(410) 366-7800

Item	Description	Quantity	Unit	Price	Total
1.	Gravel	100	YD	1.50	150.00
2.	Gravel	100	YD	1.50	150.00
3.	Gravel	100	YD	1.50	150.00
4.	Gravel	100	YD	1.50	150.00
5.	Gravel	100	YD	1.50	150.00
6.	Gravel	100	YD	1.50	150.00
7.	Gravel	100	YD	1.50	150.00
8.	Gravel	100	YD	1.50	150.00
9.	Gravel	100	YD	1.50	150.00
10.	Gravel	100	YD	1.50	150.00
11.	Gravel	100	YD	1.50	150.00
12.	Gravel	100	YD	1.50	150.00
13.	Gravel	100	YD	1.50	150.00
14.	Gravel	100	YD	1.50	150.00
15.	Gravel	100	YD	1.50	150.00
16.	Gravel	100	YD	1.50	150.00
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18.	Gravel	100	YD	1.50	150.00
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21.	Gravel	100	YD	1.50	150.00
22.	Gravel	100	YD	1.50	150.00
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24.	Gravel	100	YD	1.50	150.00
25.	Gravel	100	YD	1.50	150.00
26.	Gravel	100	YD	1.50	150.00
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33.	Gravel	100	YD	1.50	150.00
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86.	Gravel	100	YD	1.50	150.00
87.	Gravel	100	YD	1.50	150.00
88.	Gravel	100	YD	1.50	150.00
89.	Gravel	100	YD	1.50	150.00
90.	Gravel	100	YD	1.50	150.00
91.	Gravel	100	YD	1.50	150.00
92.	Gravel	100	YD	1.50	150.00
93.	Gravel	100	YD	1.50	150.00
94.	Gravel	100	YD	1.50	150.00
95.	Gravel	100	YD	1.50	150.00
96.	Gravel	100	YD	1.50	150.00
97.	Gravel	100	YD	1.50	150.00
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99.	Gravel	100	YD	1.50	150.00
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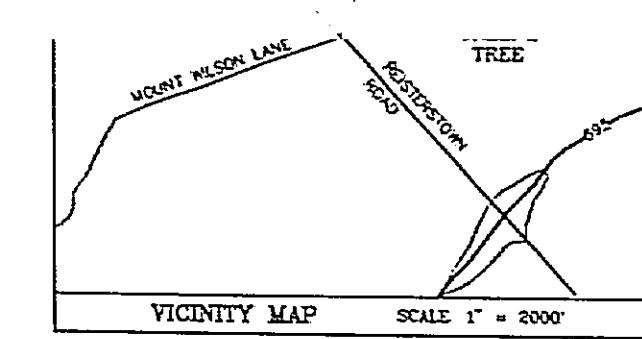


- LEGEND**
- WETLANDS
 - NRC BUFFER (100' 75' STREAM & 25' WETLAND & FLOODPLAIN BUFFER)
 - STREET LIGHT
 - VEGETATION TO REMAIN
 - VEGETATION TO BE REMOVED
 - LOCAL OPEN SPACE
 - B.T.A. BUFFER
 - FIRE HYDRANTS

TYP. BLDG. B.
TOWN OF RES.
SCALE: 1" = 100'



LPJ INC.
LAND PLANNING & ENGINEERS



REVISIONS	
NO.	DATE

MANOR CARE

*Plan for
Zoning Hearing*

PROJECT NO. 1-95017	
DRAWN	LC
DESIGNED	CG
DATE 1-21-95	

Plot No. 12

LPJ INC.
CONSULTING ENGINEERS

100 West 10th Street
Des Moines, Iowa 50319
515-281-1111
515-281-1112

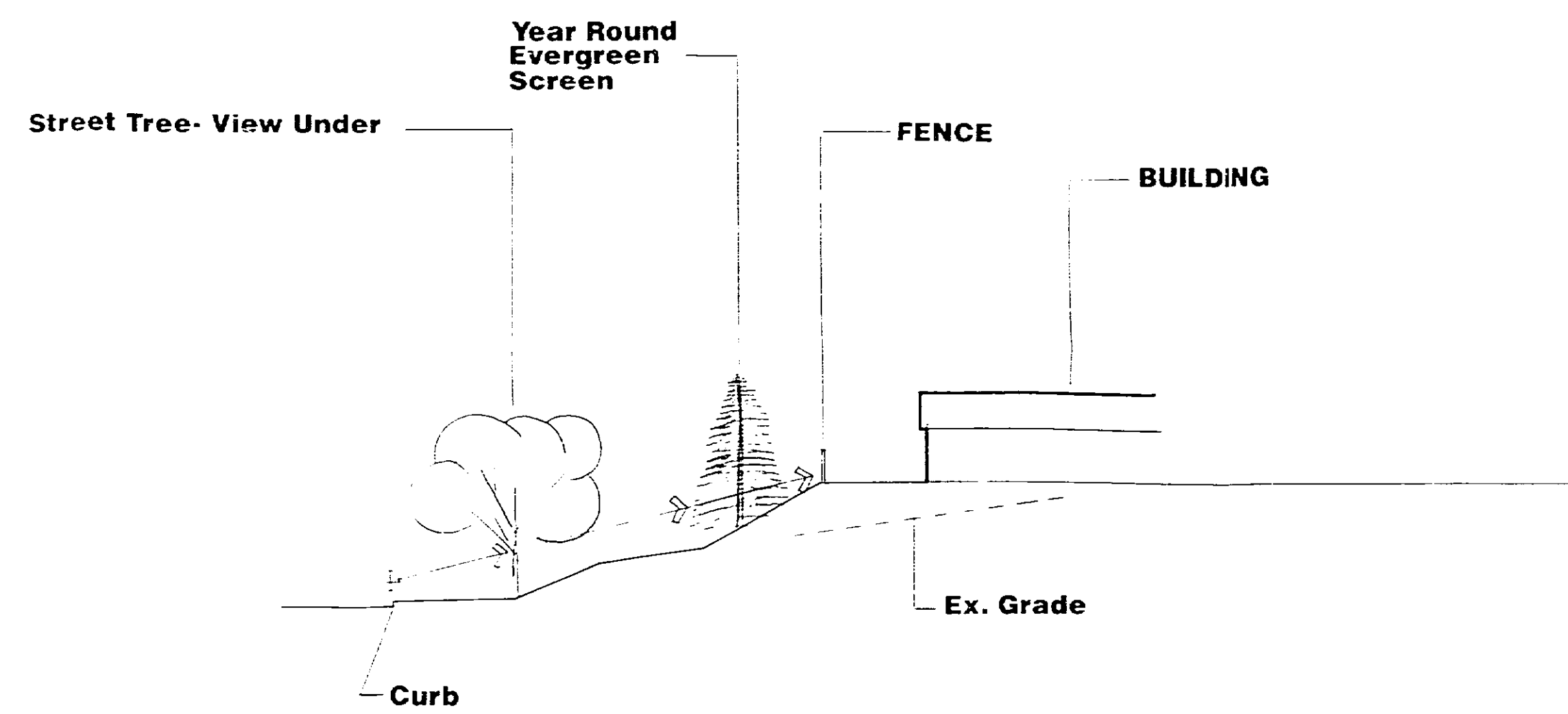
PROJECT NO.
DATE
DRAWN BY

NO.	DATE	REVISION

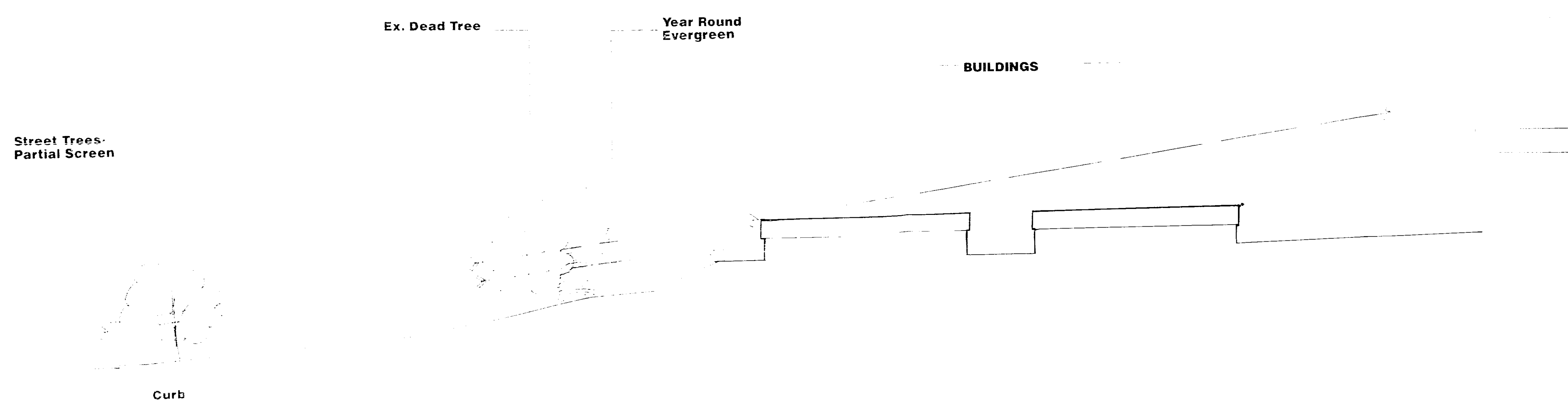
MANOR CARE

SECTIONS

C-3



SECTION 'D'



SECTION 'A' FROM REISTERSTOWN ROAD

WATER AND SANITARY SEWER COMMENTS: (Con't)

The Developer is responsible for any deficit to be incurred by the construction, under County contract and inspection, of public water main extension and/or public sanitary sewerage required to serve this property. He is responsible for the preparation and the cost of construction drawings and right-of-way plats required. He is further responsible for conveying any required right-of-way to Baltimore County at no cost to the County.

Permission to obtain a metered connection from the existing main may be obtained from the Department of Permits and Licenses.

Permission to connect to, or (to connect additional sanitary fixtures to) the existing public sanitary sewer may be obtained from the Department of Permits and Licenses.

The total Water and/or Sanitary Sewer System Connection Charge is determined, and payable, upon application for the Plumbing Permit. This Charge is in addition to the normal front foot assessment and permit charges.

Water mains outside of public rights-of-way serving a proposed site improvement are considered private and shall be the Developer's full responsibility for construction and maintenance.

Onsite private water mains with fire hydrants shall be metered at the public source. The size and design of the meters shall conform with Baltimore City Standards. Permission to obtain a metered connection may be obtained from the Department of Permits and Licenses.

Fire hydrant spacing and location are subject to review and approval by the Fire Protection Section of the Fire Department.

This property is subject to Water and/or Sewer System Connection Charges based on the size of water meters utilized in accordance with current County Policy.

The Developer shall contact the Bureau of Public Services on 887-3321 for information on obtaining water service where the meter required is 3" or less, or the Developers Engineering Division on 887-3751 for water service requiring meters 4" and larger.

Offsite right-of-way is required for the construction of the public sewer crossing of Grey Rock Road. The final plat and/or building permits will not be approved until the offsite right-of-way is acquired.

* * * * *

Both alternatives may be approved subject to compliance with all of the above comments and after the following are shown on the plans:

ALTERNATIVE 'A'

- * Stone Chapel Road improvements to Reisterstown Road

ALTERNATIVE 'B'

- * Stone Chapel Road improvements to Reisterstown Road
- * Revisions to proposed grading along east property line

Robert W. Bowling
Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:DAB:pab

cc: Paul Hudson
File

GREYRIII/TEXTCOMM2

PETITION PROBLEMS

#103 --- MJK

1. No telephone number for legal owner.

#104 --- MJK

1. Need attorney - incorporated.
2. Need printed name of person signing for legal owner.

#105 --- JCM

1. Need authorization for person signing for legal owner.
2. Zoning on variance petition says "BR-AS"; zoning on special exception and special hearing petition says "BL-AS"; folder says "BL-AS". Which is correct? Incorrect one needs to be corrected.

#106 --- JCM

1. Need authorization for person signing for legal owner.

#107 --- JCM

1. Need authorization for person signing for legal owner.

#109 --- JLL

1. No review information on bottom of petition form.

#110 --- JRA

1. No review information on bottom of petition form.

#112 --- JRF

1. No city, state, or zip code for legal owner.

#113 --- JJS

1. Legal owner did not sign back of petition form.
2. Notary section is invalid - no signature to notarize & no notary seal on the petition form. Also notary cannot notarize a signature of a relative (same last name - related?).

#116 --- JCM

1. Need typed name of person signing for Gilman School.
2. Need typed title of persons signing for both legal owners. Also authorization to sign for these owners.



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

April 9, 1996

Benjamin Bronstein, Esquire
Evans, George and Bronstein
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

RE: Petitions for Special Hearing,
Special Exception and Variances
S/S Stone Chapel Road, 310' E of the c/l of
Reisterstown Road, 11 and 17 Stone Chapel Road
3rd Election District
2nd Councilmanic District
Rocky Gorge at Grey Rock, Rocky Gorge Comm.,
Inc. - Petitioner
Case No. 96-118-SPHXA

Dear Mr. Bronstein:

Please be advised that an appeal of the above-referenced case was filed in this office on April 8, 1996 by Mr. Stewart J. Greenebaum on behalf of the Woodholm Medical Office Building Limited Partnership. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, "Board".

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,
Arnold Jablon
ARNOLD JABLON
Director
Department of Permits and
Development Management

Adj:nm

cc: Mr. Christopher Dormant
Mr. Cartan B. Kraft
Mr. Fred Thompson
Ms. Lillian N. Berger
Marc J. Lipchin, Esquire
People's Counsel

APPEAL

Petition for Special Hearing, Special Exception and Variances
S/S Stone Chapel Road, 310' E of the c/l of Reisterstown Road
11 and 17 Stone Chapel Road
3rd Election District
2nd Councilmanic District
Rocky Gorge at Grey Rock, L.P., et al. - Petitioners
Case No. 96-118-SPHXA

Petitions for Special Hearing, Special Exception and Variances

Reconsideration of Denial

Certificate of Hearing

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Petitioner(s) and Citizen(s) Sign-in Sheet

Petitioner's Exhibits: 1 - Plan to accompany Petition for Special Exception, Special Hearing, and Variances
2 - Highlighted Plan and Plan to accompany Petition for Zoning Hearing
3 - Spring House Colored Aerial Map
4 - Colored Aerial Map of Stone Chapel
5 - Nothing Marked as Exhibit No. 4 in the File
6 - Nothing Marked as Exhibit No. 5 in the File
7 - Highlighted Plan and Survey Map for Zoning Hearing
8 - Plan for Zoning Hearing
9 - Nothing Marked as Exhibit No. 8 in the File
10 - Section A and C Plan
11 - Section B and F Plan
12 - Site Construction Map

Zoning Commissioner's Exhibits: 1 - Issues to be addressed in Zoning Item No. 116

52 Photographs Set Marked as Exhibits

Memorandum of Law in Support of Motion for Reconsideration Submitted by Benjamin Bronstein

Seven Miscellaneous Letters

Zoning Commissioner's Order dated March 6, 1996, Petition for Special Exception in accordance with Petitioner's Exhibit 1, JABRON; Petition for Variance, GRANTED; Motion for Reconsideration of the Order and Order issued on January 24, 1996 to Motion Reconsideration No. 2, GRANTED.

Notice of appeal received on April 8, 1996 from Stewart J. Greenebaum on behalf of the Woodholm Medical Office Building Limited Partnership.

cc: Benjamin Bronstein, Esquire, Evans, George and Bronstein, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204
Mr. Christopher Dormant, Rocky Gorge at Grey Rock L.P., Rocky Gorge Communities, Inc., P.O. Box 21241, Baltimore, MD 21208
Mr. Cartan B. Kraft, Gilman Schools, Inc., 5407 Roland Avenue, Baltimore, MD 21210
Mr. Fred Thompson, L.P., Inc., 18 W. 35th Street, Baltimore, MD 21214
Ms. Lillian N. Berger, President, Grey Rock Plaza Condominium, Inc., 2 Cornelius Court, Baltimore, MD 21208
Marc C. Lipchin, Esquire, Grey Rock Villas Condominium Association, 201 John Eager Court, Baltimore, MD 21208
Mr. Stewart J. Greenebaum, President, Woodholm Medical Building Limited Partnership, Suite 410, Woodholm Center, 1839 Reisterstown Road, Baltimore, MD 21208
People's Counsel of Baltimore County, N.S. 2010

Request Notification: Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director of DCM

6/10/96 - Notice of Assignment for hearing scheduled for Tuesday,
September 19, 1996 at 10:00 a.m. sent to following:

Stewart J. Greenebaum, President
Woodholme Medical Bldg Ltd Ptnshp
Benjamin Bronstein, Esquire
Christopher Dormant /Rocky Gorge
Cartan B. Kraft /Gilman Schools, Inc.
Fred Thompson /LPJ, Inc.
Robert A. Hoffman, Esquire
George E. Weber, Jr. /Stone Chapel United Methodist Church
Lillian N. Berger, President /Grey Rock Plaza Condominium Assn.
Marc C. Lipchin, Esquire /Grey Rock Villas Condominium Assn.
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

7/10/96 - Dismissal of appeal filed by Appellant. Order of Dismissal to be issued by CBA.

Post-It Fax Note	7871	Box 21241	1
To: Ben Bronstein	From:	CBA	
CS: DCM	Re:	CBA	
Phone:	Phone:		
Fax: 336-3719	Fax: 887-3180		

RE: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
11 and 17 Stone Chapel Road (Grey Rock,
Phase III and Gilman School), S/S Stone
Chapel Road, 310' E of c/l of Reisterstown
Rd, 3rd Election Dist., 2nd Councilmanic
Rocky Gorge at Grey Rock, L.P., et al.
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-118-SPHXA

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 E. Demilio
CAROLE E. DEMILIO
Deputy People's Counsel
Room 17, Court House
400 Washington Avenue
Towson, MD 21204
(410) 387-3108

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esquire, Evans, George & Bronstein, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

IN RE: PETITION FOR SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCE
(11 and 17 Stone Chapel Road)
3rd Election District
2nd Councilmanic District
Rocky Gorge at Grey Rock L.P., et al. - Petitioners
Case No. 96-118-SPHXA

SUBMITTER

TO: Mr. Bob Small
Engineering Access Permits
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 106, County Office Building,

and to bring

on the 9th day of February, 1996, regarding the above captioned case, for the purpose of testifying at the request of Lawrence E. Schmidt, Zoning Commissioner for Baltimore County.

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: 1/3/96

LPJ INC.
CONSULTING ENGINEERS
15 West 20th Street
Hickory, Maryland 21072
(410) 441-1100
Fax: (410) 441-1101

- STRUCTURAL
- CIVIL
- SITE PLANNING

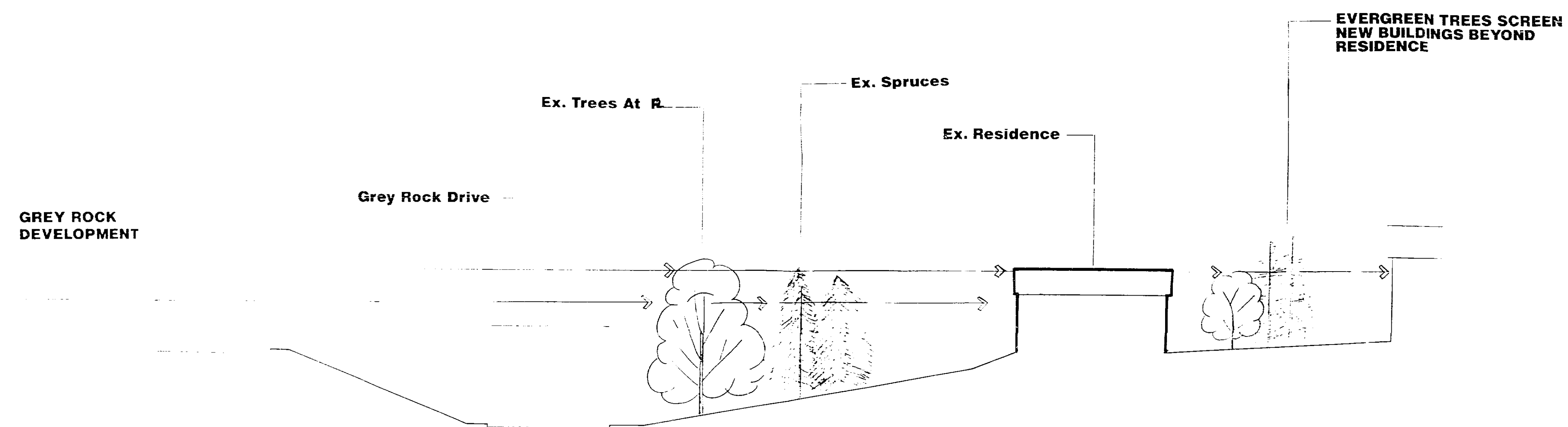
REVISIONS	
NO.	DESCRIPTION

MANOR CARE

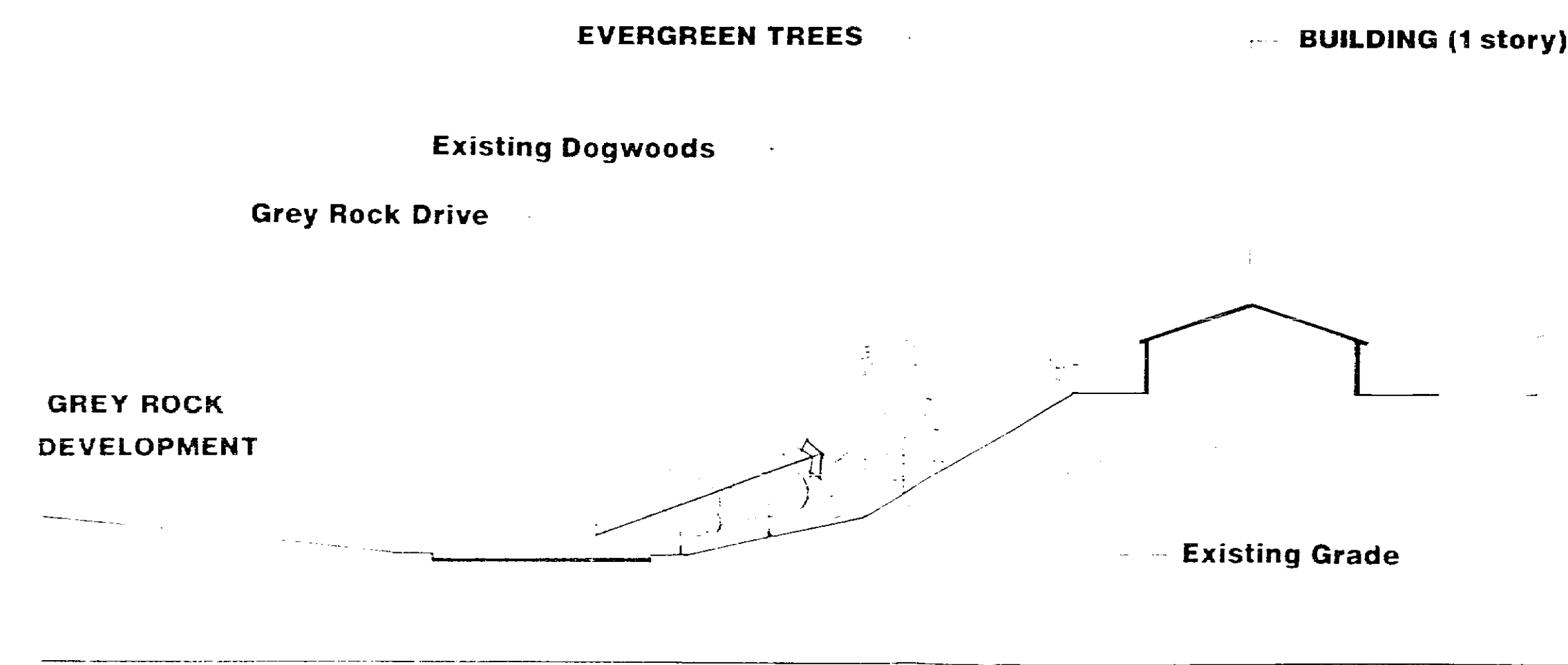
SECTIONS

1-9501
084
27
7-3-95

C-2



SECTION 'F' FROM GREY ROCK DEVELOPMENT



SECTION 'E' FROM GREY ROCK COURT

The present case is further distinguishable from the decision of the Court of Appeals in Board of County Commissioners for Cecil County v. Holbrook, 314 Md. 210, 550 A.2d 664 (1988). In Holbrook, a special exception to permanently locate a mobile home in a rural agricultural area was denied on the basis that it would substantially diminish adjacent property values.

The Court of Appeals recognized that the standard for determining whether to grant the special exception was whether the use would cause an adverse effect upon adjoining and surrounding properties, unique and different, in kind or degree, than that inherently associated with such use regardless of its location within the zone. The court went on to find that the denial of the special exception was justified and that it could be assumed that the presence of a mobile home on a small lot in close proximity to more expensive homes would have an adverse impact on the adjacent property values. The subject mobile home (which had already been placed on the property prior to the filing of a request for special exception) was in full view of a neighboring (much more expensive) residence, was located very close to the property line, and was therefore determined to have a debilitating effect on the neighboring property value which the mobile home would not have had had it been located in the woods or behind a hill where it would not have been readily visible.

In the instant case there is no testimony to support a finding that the proposed assisted living facility would, in any respect, have the sort of detrimental impact on neighboring property values

that the mobile home at issue in Holbrook was found to threaten. Holbrook, is, therefore, distinguishable from the present case and cannot support a denial of or the imposition of any draconian restrictions on, the grant of the special exception.

The present case is somewhat similar to that presented in Anderson v. Sawyer, 23 Md. App. 612, 329 A.2d 716 (1974), a case arising out of Baltimore County. In Anderson v. Sawyer, *supra*, a funeral home was permitted in a residential zone as a special exception. In addressing the issue of whether a special exception for a nursing home could be properly granted, the Court of Special Appeals recognized that:

The conditional use or special exception is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating the presumption. The duties given the board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan.

Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. . . . If he shows to the satisfaction of the board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden.

23 Md. App. at 617, 329 A.2d at 720.

The Court of Special Appeals went on to find that the unsupported conclusions of witnesses in the case before it that traffic congestion and depressed property values would result from the proposed funeral home were unsubstantiated by specific facts or studies, and were characterized by the court as "vague and generalized expressions of opinion which are lacking in probative value". The court concluded that:

By defining a funeral home as an appropriate use by way of special exception, the legislature of Baltimore County has, in essence, declared that such uses, if they satisfy the other specific requirements of the ordinance, do promote the health, safety and the general welfare of the community. As part of the comprehensive zoning plan this legislative declaration shares in a presumption of validity and correctness which the courts will honor.

The presumption that the general welfare is promoted by allowing funeral homes in a residential use district, notwithstanding their inherent depressing effects, cannot be overcome unless there are strong and substantial existing facts or circumstances showing that the particular raised proposed use has detrimental effects above and beyond the inherent ones ordinarily associated with such uses. . . .

23 Md. App. at 624-25, 329 A.2d at 724.

Anderson v. Sawyer, *supra*, then, supports the granting of a special exception in the instant case. There is an absence of any testimony in the record to support a finding that the "particularized proposed use has detrimental effects above and beyond the inherent ones ordinarily associated with such uses". In fact, the testimony establishes that the number of average daily trips generated by the proposed use is less than the number of

trips which would be generated by townhouses, a permitted use of right at this location. Although this factor is not absolutely determinative, it certainly establishes that the proposed use will not have an adverse impact (i.e., generating traffic) at this location in the zone so as to have an adverse impact on neighboring properties, which would have to occur in order to justify denial of the special exception or imposition of a draconian sanction under Schultz v. Pritts.

In Sharp v. Howard County Board of Appeals, 98 Md. App. 57, 632 A.2d 248 (1993), the Court of Special Appeals found that a proposed special exception for a private airplane field was properly granted. The court noted that in approving a special exception use, a finding of "no adverse effect" may be equated to a finding that the adverse effects found to exist were inherent and not atypical in the proposed use, regardless of where it is located. Thus, the approval of a special exception for private airplane field comported with the Schultz v. Pritts standard where the board's findings, that potential dangers at the site from airplane crashes was remote and that noise generated by the proposed operations did not rise to a level of adverse effects beyond those inherent in an air field located elsewhere in the same zoning district, was supported by substantial evidence.

The court pointed out that statistical evidence as to airplane crashes and noise measurements demonstrating that noise levels did not exceed state maximum levels, and lay testimony from neighbors that the noise did not inhibit their use and enjoyment of their

property, supported the decision to approve. Moreover, the presence of the following factors did not warrant a finding that the proposed use at the proposed location had adverse effects upon adjoining property unique and different from the adverse effects that would otherwise result if the use had been located anywhere else in the same zone:

1. presence of three schools in the vicinity of the air field;
2. evidence of ongoing residential development;
3. approval of 11 special exceptions within a 1-mile radius of the airfield.

The court noted that the board must consider whether the use contemplated at this location would have adverse effects other than those adverse effects that would be caused by the existence of the use (an airport) meeting applicable standards in the same zone. The localized impact must be unique and atypical.

In the present case, the testimony establishes that the access onto Reisterstown Road is acceptable to the State Highway Administration, and meets traffic standards. Under these circumstances, a conclusion that access onto Reisterstown Road constituted an "adverse effect" within the meaning of Schultz v. Pritts would be erroneous.

II

CONCLUSION

The theme running through the decisions of the appellate courts is that the adverse impact must affect surrounding or adjoining properties. This is true whether the court has been

considering a case in which a special exception has been denied (such as Mangione) or where a special exception has been granted (such as Sharp and Anderson v. Sawyer). In the original order in this case, the traffic impact is discussed at pages 10 - 13. The analysis of any adverse impact resulting from the proposed assisted living facility is discussed at pages 10 and 11. That discussion does not, however, focus on the adverse impact (if any) the proposed use will have on surrounding and adjoining properties. Rather, the discussion focuses on the difficulty of the "turning movement into the property". (page 11)

With focus on whether turning into the property at the proposed access is more or less difficult than were such access to occur off of Grey Rock Road, Stone Chapel Road or elsewhere, is not the type of "adverse impact" contemplated by the Court of Appeals in Schultz v. Pritts, and applied by the appellate courts in subsequent cases. In the present case, the difficulty, vel non, of access to the property vis-a-vis another access point is unrelated to the adverse impact (if any) that the proposed use will have on neighboring or adjoining properties.

In light of the governing principles of law, and the controlling authority of the appellate courts, the evidence before the Zoning Commissioner establishes that the proposed assisted living facility will not have an "adverse impact" on neighboring properties within the scope of Schultz v. Pritts. In particular, the evidence establishes that access onto Reisterstown Road, as proposed, is acceptable to the State Highway

Administration and meets traffic standards. Under these circumstances, it would be erroneous to either deny the special exception or to deny access to Reisterstown Road.

EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein
Benjamin Bronstein
205 Susquehanna Building
29 West Susquehanna Avenue
Towson, Maryland 21204
(410) 296-0200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of February, 1996, a copy of the foregoing Memorandum of Law was either mailed, postage pre-paid or hand delivered to People's Counsel for Baltimore County, Courthouse, 400 Washington Avenue, Towson, Maryland 21204; Marc J. Lipchin, Esquire, Tydings & Rosenberg, 100 East Pratt Street, Baltimore, Maryland 21202-1009, attorney for Grey Rock Villas Condominium Council, Inc.; Mr. Christopher Dormont, Rocky Gorge at Grey Rock, L.P., Rocky Gorge Communities, Inc., P.O. Box 32543, Baltimore, Maryland 21208; Mr. Cartan B. Kraft, Gilman Schools, Inc., 5407 Roland Avenue, Baltimore, Maryland 21210; and Ms. Lillian N. Berger, President, Grey Rock Flats Condominium, Inc., 2 Cornelius Court, Baltimore, Maryland 21208.

Benjamin Bronstein
Benjamin Bronstein

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION AND VARIANCES *
3/2 Stone Chapel Road, 310' E of * ZONING COMMISSIONER
the c/l of Reisterstown Road *
(11 and 17 Stone Chapel Road) * OF BALTIMORE COUNTY
3rd Election District *
2nd Councilmanic District * Case No. 96-118-SPEXA
Rocky Gorge at Grey Rock L.P., *
Rocky Gorge Communities, Inc., - Petitioners *
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variance for those properties known as 11 and 17 Stone Chapel Road, located in the vicinity of Mt. Wilson Lane and Reisterstown Road in Pikesville. The Petitions were filed by the co-owners of the property, Rocky Gorge at Grey Rock Limited Partnership, Rocky Gorge Communities, Inc., by Christopher Dormont, a General Partner, and Gilman Schools, Inc., through their attorney, Benjamin Bronstein, Esquire. The Petitioners request a special hearing to approve an amendment to the tract boundary and final development plan for Grey Rock, Phase III, only, and the Gilman School Property, to reflect the proposed improvements, pursuant to the requested special exception for an assisted living facility on the subject site, and to modify or waive the Residential Transition Area (RTA) requirements. In addition to the special hearing and special exception relief, the Petitioners seek variance relief from Section 413.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a double-faced sign of 144 sq.ft. total (72 sq.ft. per side) in lieu of the maximum permitted single-faced sign of 15 sq.ft. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

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Appearing at the hearing on behalf of the Petitioners were Benjamin Bronstein, Esquire, and Michael J. Chomei, Esquire, attorneys for the Petitioners, Tim Loftus and David Blanning, representatives of Manor Care, Inc., proprietor of the proposed assisted living facility, Fred Thompson, Professional Engineer with LPJ, Inc., Consulting Engineers, who prepared the site plan for this project, Bill Kirwin, Landscape Architect with WFK, Inc., and Wes Guckert, Traffic Engineering expert with The Traffic Group, Inc. Numerous individuals appeared as interested parties or Protestants, several of whom are residents from the surrounding communities. Included among those individuals were Robert A. Hoffman, Esquire, an attorney representing the Blaustein family which owns a significantly sized parcel adjacent to the north side of the subject property, Dorothy Langrehr and Bud Weber Chavis, Trustees for the Stone Chapel Church, which also abuts the subject site on the north side, immediately across Stone Chapel Road, and representatives from two affected community associations, including Lillian N. Berger, President of Grey Rock Flats Condominiums, Inc., a community of condominiums located to the south and west of the subject site, and Mark J. Lipchin, who appeared on behalf of the Grey Rock Villas Community Council, Inc.

An understanding of the proposed development of the subject parcel, as well as the development of the entire Grey Rock tract, is appropriate. The property which is the subject of this request is known as Phase III of Grey Rock, and is currently comprised of approximately 7 acres of land. The Phase III parcel is roughly triangular in shape and is located on the northwest side of the overall tract. Phase III abuts Reisterstown Road and the rear of several residential dwellings which front that roadway to the northwest. On the northeast side, the property

abuts Stone Chapel Road and the Stone Chapel Church property, and across Stone Chapel Road from the subject site is the Blaustein property. To the south, the subject property abuts Grey Rock Road and the balance of the Grey Rock development.

The entire Grey Rock tract encompasses slightly over 63 acres, and is primarily zoned D.R. 3.5 (approximately 37 acres), with some D.R. 10.5 (approximately 18 acres). There is also a small portion of the tract with business zoning (4.54 acres zoned B.M. and .91 acres zoned B.R.). As shown on the site plan marked as Petitioner's Exhibit 1 and the proposed landscape plan, identified as Petitioner's Exhibit 6, the Petitioners propose to develop Phase III with two large buildings to provide housing for the elderly. One of the buildings will be a single story structure which will provide 158 beds. This structure is known as the Arden Courts Building and will provide facilities for patients afflicted with Alzheimer's Disease. The second building is known as the Springhouse Senior Residents Building. This building will be three stories in height and will provide assisted living facilities for 102 elderly residents. In addition to these buildings, an existing house on the property will remain.

In addition to the proposed buildings as described above, the site will also be improved to provide vehicular access and parking. A circular driveway will be located immediately between the two buildings. Also, a number of employee and visitor parking spaces are provided on the plan. Proposed vehicular access to the site will be by way of a new driveway leading from Reisterstown Road. A significant amount of vegetation is also being retained and enhanced as shown on the landscape plan. The Petitioners propose extensive buffering of the proposed buildings from

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the existing residences to the north on Reisterstown Road, the Church property to the northeast, and the condominiums to the south and east.

In addition to the above discussion of the proposed use of the Phase III parcel, an understanding of the entire Grey Rock tract and its development is in order. As noted above, the entire tract consists of over 63 acres in area, predominantly zoned D.R. 3.5. The property has been developed in phases. Phases I and II having obtained the appropriate approvals, are largely built out. These two Phases comprise the majority of the tract and occupy the south, central and eastern portions of the property. The site plan indicates that 87 three-bedroom townhouse condominiums will ultimately be developed as Phase I. There will also be 3 three-bedroom villa condos and 5 two-bedroom villa condos in Phase I. Thus, Phase I has been planned to utilize 95 density units. Phase II shows approved development for 14 three-bedroom villa condos and 143 two-bedroom villa condos for a total of 157 density units. The 158 assisted living beds proposed for Phase III are calculated for density purposes at .25 density units per bed. Thus, 39.5 density units will be utilized in Phase III. The total number of density units utilized on the entire tract will be 292.5, below the 321.7 total units permitted.

The units which have been constructed in Phases I and II comprise the two different community associations identified earlier in this opinion. These associations represent the "Flats" and "Villas" which are private communities. It is of significant note that vehicular access to these two communities is by way of Grey Rock Road, a private road which leads to the interior of the tract from the signalized intersection of Reisterstown Road. A guard house also limits/restricts traffic from entering the communities and is located on Grey Rock Road.

The zoning/development approval history of this tract is also significant. This Commissioner has reviewed the County records containing the numerous County Review Group (CRG) plans and revisions. CRG approval for the project as a whole was granted on September 7, 1989. Since that time, there has been a myriad of submissions, amending and revising the original CRG plan. There has been a significant evolution of this project.

There is also a zoning history. In Case No. 87-229-A, then Zoning Commissioner Arnold Jablon granted a variance permitting a free-standing sign totaling 72 sq.ft. in lieu of the maximum permitted 1 sq.ft. This Zoning Commissioner in Case No. 92-98-A, approved a variance from Section 400.3 of the B.C.Z.R. to allow an accessory bath house to be 23 feet in height in lieu of the maximum permitted 15 feet. Neither of these cases bear on the issues presented in the instant case. However, a more relevant decision was issued by this office in Case No. 94-293-SPHX on December 6, 1994. At that time, Deputy Commissioner Timothy M. Kotroco, granted a Petition for Special Exception for an assisted living facility on the subject site, and also granted relief to modify or waive the RTA requirements. It is significant to note that the site plan submitted at that time called for the construction of one three-story building containing 144 beds. However, that plan was amended subsequent to the hearing to reduce the height of the building to two stories, and decrease the number of beds to 95. Deputy Commissioner Kotroco noted within his opinion that the CRG had approved the plan for 73 assisted living units and 22 nursing care units, for a combined 95 beds. It is also of note that the property at issue in that case was approximately 4.84 acres in area and did not contain the Gilman School property. Apparently, the Gilman School property was at one time owned by a Mr. and Mrs. Carey, who through Counsel,

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appeared as Protestants in Case 94-293-SPHX. The Carey property apparently was ultimately gifted to the Gilman School and is now under contract for sale to the developer of the subject property. Thus, the current Phase III plan proposes a significantly more dense development, in terms of the number of beds, on a larger property, owing to the addition of the Gilman tract.

Having recited the above history of both the property and development approvals of same, attention is next turned to the issues presented in this case, most prominently, the special exception at issue. Particularly, in view of the tenor and tone of the testimony offered, this Zoning Commissioner feels it incumbent to recite the current state and evolution of the law and special exceptions in Maryland, at least, as he understands them.

The seminal case relating to special exceptions in Maryland is Schultz v. Pritts, 291 Md.1 (1981). The opinion in that case was written by the late Judge Davidson and remains the most quoted and complete statement of the law of special exceptions in this state. Recently, Schultz was looked upon with favor by the Court of Special Appeals in Mossburg v. Montgomery County, 107 Md. App.1 (1995). Both of the Opinions in these cases recognize that land uses are grouped into three categories under the zoning ordinance. The first of these categories contains uses that are permitted by right in a given zone. The second category identifies those uses prohibited in the zone. The third category contains special exceptions (also known as conditional uses). In describing conditional uses, the use of the words "special" and "exception" is somewhat misleading in that the uses identified in this third category are neither special nor exceptional. They are permitted uses, and as Judge Davidson stated, "Part of the comprehensive zoning plan sharing the presumption that, as such, it

(the use) is in the interest of the general welfare, and therefore, valid." Schultz, infra, Pg. 1325. Stated another way, in Mossburg, special exception uses are "...desirable and necessary in its (the local government's) zoning plan, provided certain standards are met." Pg. 8. Thus, special exceptions are presumptively proper, assuming they pass the scrutiny of the enumerated standards enacted by the legislature in regulating such uses. In Baltimore County, those standards are set forth in Section 502.1 of the B.C.Z.R. as follows:

"Before any Special Exception may be granted, it must appear that the use for which the Special Exception is requested will not:

- Be detrimental to the health, safety, or general welfare of the locality involved;
- Tend to create congestion in roads, streets or alleys therein;
- Create a potential hazard from fire, panic or other dangers;
- Tend to overcrowd land and cause undue concentration of population;
- Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
- Interfere with adequate light and air;
- Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these zoning regulations; nor
- Be inconsistent with the impermeable surface and vegetative retention provisions of these zoning regulations."

The application of these standards also bears discussion, particularly in view of the testimony offered in this case. Much of the testimony offered on behalf of the Petitioners was that the proposed use is significantly more preferable than other options for development on this tract. Testimony offered revealed that the parcel could be developed with additional residential units, similar in character to the "Flats" and "Villas"

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developed in Phases I and II. It was urged that such a residential development would create a significantly greater impact on the surrounding community (including the existing condominiums in Phases I and II) than the proposed elderly housing facility. Testimony was presented to the effect that the elderly housing facility can be expected to generate significantly less traffic than residences. The elderly residents will not own vehicles, thus the only traffic generated will be by employees/staff, visitors, and deliveries. I concur that the traffic impact of the proposed elderly housing facility will be significantly less than what could be expected if residences are built.

Indeed, in overall character, elderly housing facilities must generally be considered "quiet" land uses. Although the buildings attributable to such uses can be large, the activity therein produces little noise, pollution, traffic, or other impacts associated with land development.

It is for this reason that it is difficult for this Zoning Commissioner to understand the opposition to this project, particularly from the residents in Phases I and II. Apparently, they unrealistically believe that denying approval of this project will mean that the Phase III and Gilman School parcels will remain undeveloped. This viewpoint is shortsighted and surely wrong. Particularly with ongoing development in the area at large, this parcel is ripe for development; it is merely a question of what will ultimately occupy this property.

Returning to a discussion of the law of special exceptions, although a comparison of the proposed use versus uses permitted by right is one method of determining the propriety of the project, it is the wrong method of review under law. One need only to review Judge Davidson's

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discussion of Gow v. Atlantic Richfield Company, 27 Md. App. 410 (1976). In Gow, the Court of Special Appeals reversed a Board of Appeals decision denying requested special exception relief on the grounds of potential traffic congestion. The Court of Special Appeals concluded that the special exception should be granted and compared potential traffic problems that might arise under the requested special exception use and those which might arise under a permitted use. The Court held that when "the potential volume of traffic under the requested use would appear to be no greater than that which would arise from permitted uses" the requested special exception use must be granted. Gow, Pages 417-418. The Gow Court considered the special exception use by comparing the impacts of same to the impacts of a permitted use. As Judge Davidson stated, such an analysis is improper and cannot be legally sustained. Thus, in the instant case, a comparison of the impacts of the proposed elderly housing facility with those impacts of a permitted use (e.g., residential) is improper.

The proper test is to apply the standards of Section 502.1 of the B.C.Z.R. as they relate to the impacts of the use on the surrounding locale. As noted in Schultz, and ratified in Mossburg, all land uses, including special exception uses, carry with them some impact on surrounding locales. The County Council was clearly aware of the fact that the uses it delineated as permissible by special exception in a given zone would carry some impact. As noted in Mossburg, "...it is not whether a use permitted by way of a special exception will have adverse effects (adverse effects are implied in the first instance by making such uses conditional uses or special exceptions rather than permitted uses), it is whether the adverse effects at a particular location would be greater than the adverse

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effects ordinarily associated with a particular use that is to be considered." Pgs. 8-9. Thus, it is not whether the proposed elderly housing facility would generate adverse effects on this locale, as it is assumed that it surely will. It is whether those inherent effects result in a unique detriment to the vicinity which is at issue.

In considering the proposed impacts, as codified in Sections 502.1(a) through (h) of the B.C.Z.R., it is found that the proposed special exception passes muster in all but one area. I find that the proposed use will not create a potential of fire, panic, or other dangers; will not overcrowd land; will not interfere with the infrastructure or adequate light and air; is consistent with the property's zoning classification and spirit and intent of the B.C.Z.R.; and is consistent with the impermeable surface and vegetative retention provisions of the B.C.Z.R. In my judgment, the only consideration is whether the proposed use "tends to create congestion in roads, streets, or alleys", an impact which must be studied in accordance with Section 502.1(b) of the B.C.Z.R.

Several factors are troubling here. First, as confirmed during my site visit, the proposed means of access from Reisterstown Road is difficult. As noted by several witnesses during the hearing, and confirmed both by observation in the field and by the Zoning Plans Advisory Committee (ZAC) comments from the State Highway Administration (SHA), Reisterstown Road carries a heavy traffic volume. Access to this street is arduous, particularly during peak hours of commute. The topography of the road is also difficult. In a northerly direction, the road rises from the intersection of Grey Rock Road to a crest north of the property. This makes movement onto Reisterstown Road from the properties abutting thereto often perilous.

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Additional site constraints cause further complications. This property rises rapidly from its border on Reisterstown Road to the west. Apparently, the proposed access from Reisterstown Road will meet SHA grade requirements; however, it is clear that the turning movement into the property will be difficult. Moreover, widening of Reisterstown Road is not feasible because of inherent site constraints.

For all of these reasons, it is clear that the traffic impacts of the proposed special exception are worse here than could be expected elsewhere in the zone. Although the proposed use is better, from a traffic generation standpoint, than many other uses, including some permitted by right, the traffic impacts of this use are worse here than elsewhere because of the particular constraints associated with providing access directly from Reisterstown Road.

The short answer to this dilemma is to provide vehicular access elsewhere, as suggested by the SHA. This is more appropriate as it will resolve the potential dangerous condition which would result if vehicular access to the property is directly from Reisterstown Road. The best alternative would be to provide vehicular access from Grey Rock Road. Grey Rock Road's intersection with Reisterstown Road is signalized and thus, controlled. This would allow visitors and employees to the proposed use the safest most practical means of access. Moreover, access from Grey Rock Road is proper in view of the scheme of development of this entire site. As described above, the Grey Rock tract has been built in phases. Originally, this was all one tract and has been considered as one tract for density purposes. With this history as a single tract, and an approved CRG plan for the entire property, is it not appropriate to utilize

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a single road to provide access to all development on this site? The obvious answer to this question is "yes".

For reasons unknown to this Zoning Commissioner, apparently the owners of Phase III do not now have the option to tie in to Grey Rock Road. I understand that Grey Rock Road is a private road; however, it was shortsighted of the then owners of the Phase III parcel to not retain the privilege to access this road. Phase III has been identified as part of this parcel since the original CRG approval in September 1989. Moreover, in my judgment, the condominium associations which now exercise authority over the private road, are foolish for not allowing access to the Phase III property from Grey Rock Road. A denial of the subject Petition will surely result in a less compatible form of development. Moreover, since the SHA cannot prohibit access to a state road which is otherwise landlocked, such other development will add only more cars entering Reisterstown Road at a less desirable location. Development permitted as of right need not undergo the special exception scrutiny which I must exercise here.

When questioned about these alternative means of access at the hearing, Mr. Thompson, on behalf of the Petitioners, opined that an access onto Grey Rock Road was not possible, owing to engineering considerations. He cited the topography of the land while opining that construction of an access road from Grey Rock Road was not feasible. Although, the topography of the land presents an obstacle, it may not be insurmountable. A review of the CRG file discloses a number of revisions and alternative plans which were submitted to that body for consideration. Among the plans submitted to that body, was the Second Amended CRG, Alternative A for Grey Rock, Phase III, dated April 20, 1992. That plan, drafted by Daft-McCune-Walker, Inc., shows an access from Grey Rock Road into the

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Phase III property. Although CRG plans are, by nature, schematic or conceptual, apparently the engineers at Daft-McCune-Walker, Inc., were persuaded that vehicular access from Grey Rock Road to the subject parcel was feasible.

Other alternatives could provide access from Stone Chapel Road located to the north. Utilization of this road would eliminate a new curb cut onto Reisterstown Road. Although the Church members no doubt do not prefer this approach, the road could be upgraded, the intersection straightened, and other improvements made to the mutual benefit of all of the users of this road.

A final alternative may be to provide access from the Blaustein property to the north. Apparently, this property is under consideration for development and will feature a road parallel to Reisterstown Road. Access in this fashion may be a practical solution.

Based upon all of these considerations, I will grant the Petition for Special Exception to allow the proposed elderly housing facility with one significant modification. I will require the Petitioners to find another means of access to the property, other than by direct curb cut onto Reisterstown Road. In order to facilitate the decision regarding the location of such alternative, I will also extend the authority granted under this special exception to the maximum period of five (5) years as set forth in Section 502.3 of the B.C.Z.R. Other than this restriction, I decline to incorporate other limitations or conditions on the approval of this use. Obviously, the plan must comply with the County's landscape requirements and appropriate buffering and screening will be required; however, the other items exacted by the community associations to enlist their non-opposition will not be incorporated as conditions/restrictions

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to the relief granted herein. Section 502.2 of the B.C.Z.R. allows the Zoning Commissioner to incorporate restrictions "for the protection of neighboring properties." The agreements between the parties do not provide for the protection of the neighborhood from my perspective, but are more of the nature of consideration in a contract between them. The agreements provide beneficial improvements for the community's sake in exchange for an agreement of non-opposition to the Petitions.

The special hearing to amend the tract boundary and final development plan shall also be granted, subject to the same restriction of providing access in a different manner. Likewise, the Petition for Variance shall be approved. In this regard, I find, as fact, that the Petitioners have satisfied the standards of Section 307.1 of the B.C.Z.R. and the case law relating to variance relief.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of January, 1996 that the Petition for Special Hearing to approve an amendment to the tract boundary and final development plan for Grey Rock, Phase III, only, and the Gilman School Property, to reflect the proposed improvements, in accordance with Petitioner's Exhibit 1 and subject to the modification set forth herein, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception for an assisted living facility on the subject site, and to modify or waive the Residential Transition Area (RTA) requirements, in accordance with

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Petitioner's Exhibit 1 and subject to the modification set forth herein, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
- 3) The Petitioner shall submit, for approval by the State Highway Administration and Baltimore County, an amended site plan providing a means of alternative vehicular access to the property as set forth herein.
- 4) The Petitioner shall have a period of up to five (5) years from the date of the final order approving these Petitions to utilize the proposed special exception use.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 413.E of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a double-faced sign of 144 sq.ft. total (72 sq.ft. per side) in lieu of the maximum permitted single-faced sign of 15 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

LES:bjs

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Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 23, 1996

Benjamin Bronstein, Esquire
Evans, George & Bronstein
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCES
S/S Stone Chapel Road, 310' E of the c/l of Reisterstown Road
(11 and 17 Stone Chapel Road)
3rd Election District - 2nd Councilmanic District
Rocky Gorge at Grey Rock L.P., Rocky Gorge Comm., Inc. - Petitioners
Case No. 96-118-SPHXA

Dear Mr. Bronstein:

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

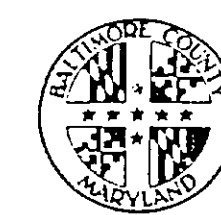
In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3331.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Christopher Dormont, Rocky Gorge at Grey Rock L.P.,
Rocky Gorge Communities, Inc., P.O. Box 32545, Baltimore, Md. 21208
Mr. Cartan B. Kraft, Gilman Schools, Inc.,
5407 Roland Avenue, Baltimore, Md. 21210
Mr. Fred Thompson, LPS, Inc., 16 W. 25th Street, Baltimore, Md. 21218
Mr. Lillian N. Berger, President, Grey Rock Flats Condominium, Inc.,
2 Cornelius Court, Baltimore, Md. 21208
Marc J. Lipchin, Esquire, Grey Rock Villas Condominium Association,
201 John Eager Court, Baltimore, Md. 21208
People's Counsel; Case File



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 31, 1996

Mr. Bob Small
Engineering Access Permits
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
Rocky Gorge at Grey Rock/Rocky Gorge Communities, Inc. - Petitioners
Case No. 96-118-SPHXA

Dear Mr. Small:

Enclosed please find a copy of my decision in the above-captioned matter concerning the Grey Rock assisted living facility. As you will note, I granted the Petition for Special Exception, but required the Petitioners provide another means of access to the site from the proposed new curb cut on Reisterstown Road. Not unexpectedly, the Petitioners have filed a Motion for Reconsideration. I strongly suspect that they will request that I reconsider that restriction and claim that vehicular access cannot be provided any other way. It is interesting to note that I have also received a request for reconsideration from one of the affected Condominium Associations.

In any event, I have agreed to schedule a public hearing on the Motion for Friday, February 9, 1996 at 9:00 AM in Room 106 of the County Office Building. It would be appreciated if you would appear at that time. Although I do not know who will testify, I may wish to call you as an expert witness to present the State Highway Administration's position on the Reisterstown Road access issue. I have also enclosed a subpoena to formalize my request for your appearance at this hearing. Please let me know whether or not you will be able to attend, and if there is anyone in your office who should appear in lieu of, or in addition to, you.

Thank you for your consideration in this matter.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Case File

Sophia advised the date that
Carl permitted Ben Brewster to ~~see~~
and to amend the F.D.P. to the
Brewster for ~~Carl~~ Spec. Having him
report requiring a revision for the Sophia,
file was given to Lerner private processing.

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

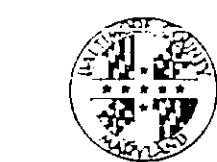
For newspaper advertising:

Item No.: 104
Petitioner: Rocky Gorge L.P.
Location: 11 & 17 Stone Chapel Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Ben Bronstein, Esq.
ADDRESS: 29 W. Susquehanna Ave. Suite 205
Towson, Md. 21204
PHONE NUMBER: 296-0200

AJ:gsa
(Revised 04/09/93)



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

June 10, 1996

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 96-118-SPHXA ROCKY GORGE AT GREY ROCK, L.P.; AND Rocky Gorge Communities, Inc. -Petitioners
S/S Stone Chapel Road, 310' E of c/l of Reisterstown Road, 11 and 17 Stone Chapel Road
3rd Election District
2nd Councilmanic District

SPH -To amend tract boundary and Final Development Plan; SE -Assisted Living Facility; and VAR -sign

3/06/96 -Z.C.'s Order in which Petition for Special Hearing, GRANTED; Petition for Special Exception in accordance with Petitioner's Exhibit 1, GRANTED; Petition for Variance, GRANTED; Motion for Reconsideration of Opinion and Order issued 1/24/96 to strike Restriction No. 3, GRANTED, pursuant to conditions.

ASSIGNED FOR: THURSDAY, SEPTEMBER 19, 1996 at 10:00 a.m.

cc: Stewart J. Greenebaum, President Appellant /Protestant
Woodholme Medical Bldg Ltd Ptnshp

Benjamin Bronstein, Esquire Counsel for Petitioner
Christopher Dormont /Rocky Gorge Petitioner
Cartan B. Kraft /Gilman Schools, Inc. Petitioner
Fred Thompson LPJ, Inc.

Robert A. Hoffman, Esquire Stone Chapel United Methodist Church
George E. Weber, Jr. Grey Rock Flats Condominium Assn.
Lillian N. Berger, President Grey Rock Villas Condominium Assn.
Marc C. Lipchin, Esquire

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Administrative Assistant

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on Recycled Paper

TO: PUTNEY PUBLISHING COMPANY
October 5, 1995 Issue - Jeffersonian

Please forward billing to:

Benjamin Bronstein, Esq.
29 W. Susquehanna Avenue #205
Towson MD 21204
296-0200

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 as follows:

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: 96-118-SPHXA (Item 116)
11 and 17 Stone Chapel Road
Grey Rock, Phase III and Gilman School
S/S Stone Chapel Road, 310' +/- E of c/l Reisterstown Road
3rd Election District - 2nd Councilmanic
Legal Owners: Rocky Gorge at Grey Rock, et al
HEARING: TUESDAY, OCTOBER 31, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing to amend the tract boundary and to amend the final development plan.
Special Exception for an assisted living facility and to modify or waive RTA restriction.
Variance to permit a double-face sign of 142 square feet (72 sq. ft. each side) in lieu of the permitted 15 square feet.

LAURENCE 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.



Baltimore County Department of Permits and Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 25, 1995

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: 96-118-SPHXA (Item 116)
11 and 17 Stone Chapel Road
Grey Rock, Phase III and Gilman School
S/S Stone Chapel Road, 310' +/- E of c/l Reisterstown Road
3rd Election District - 2nd Councilmanic
Legal Owners: Rocky Gorge at Grey Rock, et al
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Special Exception for an assisted living facility and to modify or waive RTA restriction.
Variance to permit a double-face sign of 142 square feet (72 sq. ft. each side) in lieu of the permitted 15 square feet.

Arnold Jablon
Arnold Jablon
Director

cc: Rocky Gorge at Grey Rock L.P.
LPJ, Inc.
Gilman Schools, Inc.
Benjamin Bronstein, Esq.

NOTES: (1) ZONING SIGN AND 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.

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Baltimore County Department of Permits and Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 24, 1995

Benjamin Bronstein, Esquire
Evans, George & Bronstein
29 W. Susquehanna Ave., Suite 205
Towson, Maryland 21204

RE: Item No.: 116
Case No.: 96-118-SPHXA
Petitioner: Rocky Gorge at
Grey Rock L.P.
Rocky Gorge Comm., Inc.

Dear Mr. Bronstein:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 11, 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 (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)

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 9/18/95

DATE: 9/25/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s: 103
104
107
108
109
110
111
112
113
114
115
116

LS:sp

LETTYZ/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM
FROM: Pat Keller, Director, OP
SUBJECT: 11 & 17 Stone Chapel Road

DATE: September 27, 1995

INFORMATION:

Item Number: 116
Petitioner: Rocky Gorge at Grey Rock L.P.
Property Size: _____
Zoning: DR-3.5
Requested Action: Variance, Special Hearing and Special Exception
Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff supports the applicant's request as the proposed use of the property is consistent with the goals of the Reisterstown Road Corridor Study.

Prepared by: *Jeffrey M. Long*

Division Chief: *Carol L. Kinn*

PK/JL

Baltimore County Government Fire Department



701 East Joppa Road, Suite 101
Towson, MD 21206-5530

(410) 887-1500

DATE: 9/27/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP 116

RE: Property Owner: ROCKY GORGE AT GREY ROCK L.P. ROCKY GORGE COMMUNITIES, INC. GENERAL PARTNER / 11 & 17 STONE CHAPEL RD. LOCATION: S/S STONE CHAPEL RD., 310' +/- E OF C/L REISTERSTOWN RD. RD. 11 & 17 STONE CHAPEL RD. GREY ROCK L.P. ROCKY GORGE COMMUNITIES, INC.

Item No.: 116 Zoning Agenda: SPECIAL HEARING AND SPECIAL EXCEPTION

Re: Item:

Pursuant to your request, the referenced property has been reviewed by this Bureau and the comments below are applicable and should be corrected or incorporated into the final plans for the proposed project.
The site shall be used to comply with all applicable provisions of the Fire Prevention Code prior to its location, construction, occupancy, or use.
The buildings and all structures shall comply with the Fire Protection Association Standard No. 101 (Life Safety Code), 1993 edition prior to occupancy.

RECEIVED
SEP 21 1995
ZADM

REVISOR: LT. ROBERT A. SAUERWALD
Fire Marshal Office, PHONE 887-4661, 887-1105

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BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

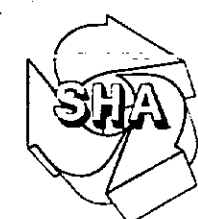
TO: Arnold Jablon, Director DATE: Sept. 25, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief *RWB/DA-*
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for September 25, 1995
Item No. 116

The Development Plans Review Division has reviewed the subject zoning item. See Subdivision Review Comments from the Developers Engineering Division for Grey Rock Phase III. Alternate B, dated 2-25-92 and Supplemental Highway Comments, dated 5-1-92.

RWB:sw



Maryland Department of Transportation
State Highway Administration

David I. Winstead
Secretary
Hal Kassoff
Administrator

September 28, 1995

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Baltimore County
MD 140
Rocky Gorge at Grey Rock
#11 and #17 Stone Chapel Way
Grey Rock, Phase III
& Gilman School
Special Hearing, Special
Exception, and Variance request
Item #116 (JCM)
Mile Post 2.73

Dear Ms. Watson:

This letter is in response to your request for our review of the plan for the referenced item.

In our review of a previous special hearing and special exception request and in a letter dated February 23, 1994, to Ms. Charlotte Minton formerly of Baltimore County's Office of Zoning, we indicated the proposed access from the site onto MD 140 is not acceptable to the State Highway Administration (SHA). Due to the proposed nursing facility's proximity to Stone Chapel Way and the existing MD 140/Grey Rock Road signalized intersection, and in keeping with the SHA policy to minimize access onto State roadways, all access to this development should be from either Stone Chapel Way or Grey Rock Road as a condition of plan approval.

Our review of the current plan reveals the addition of two (2) entrances onto Stone Chapel Way along with additional improvements to that roadway which is acceptable to the SHA.

However, the proposed 35' entrance onto MD 140 indicated on the plan is still not acceptable to the SHA as we had previously indicated in our February 23rd letter.

My telephone number is 410-333-1350 (Fax# 333-1041)
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

Ms. Joyce Watson
Page Two
September 28, 1995

In addition to our policy of limiting access onto State roadways whenever possible, the proposed 10% grade within the entrance onto MD 140 does not meet SHA standards and specifications for access onto a State roadway.

We have no objection to approval of the referenced item subject to the aforementioned comments.

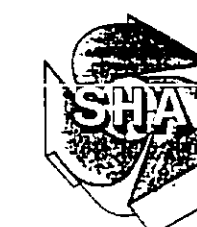
Should you have any questions, please contact Bob Small at 410-333-1350. Thank you for the opportunity to review this plan.

Very truly yours,

Ronald Burns
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

cc: Mr. Darrell Wiles w/att.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

February 20, 1992

Mr. Robert Covahey, Chief
Bureau of Public Services
County Office Building
Towson, Maryland 21204

Re: Baltimore County
Grey Rock
N/S Reisterstown Road
MD 140
opposite Mt. Wilson Lane

Dear Mr. Covahey:

We have reviewed the submittal for Grey Rock and offer the following.

Upon the development of Phase III, we will require the following:

- Construction of concrete curb and gutter along the entire frontage of the property north of Grey Rock Road at a distance of 31' from the centerline of Reisterstown Road.
- A complete hydraulic analysis will be required to be reviewed and approved prior to issuance of any building permits.

If you have any questions, please contact Larry Brocato at 333-1350.

Very truly yours,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

LB/es

cc: Daft-McCune-Walker, Incorporated
Mr. Joe Maranto

My telephone number is 301-333-1350 (Fax# 333-1041)
Teleypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 865-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS DATE: 02/25/92

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Division

PROJECT NAME: GREY ROCK PHASE III, ALTERNATIVE A & ALTERNATIVE B
PROJECT NO: 92007
LOCATION: Grey Rock Road at Stone Chapel Road
DISTRICT: 303

The CRG Plan for the subject site dated January 28, 1992, with latest revisions dated February 20, 1992, has been reviewed by the Developers Engineering Division and our comments are as follows:

ALTERNATIVE 'A' COMMENTS

GENERAL COMMENTS:

All private contracts for construction of storm drains and roads intended for public title and maintenance must be let under a contract form, proposal and attachments adopted by the Baltimore County Department of Public Works. The Developer has the option of placing the storm drains under a public contract.

The State Department of the Environment Construction Permits for each private utility (water and sanitary sewer) having a projected flow greater than 5,000 gallons per day average daily flow will be obtained through the Baltimore County Department of Public Works. A processing fee of \$100.00 per each utility will be required at the time of application.

The proposed private utilities and roads shall be drawn on County Standard Linens and shall follow County Standards for size, materials and construction details, and shall be submitted to the Bureau of Public Services for review and approval.

All construction drawings and construction for public use shall conform with Baltimore County Department of Public Works Design Standards and Standard Specifications and Details for Construction.

The responsibilities of the Developer involving public improvements shall include the Inspection Fees, Burden and Fringe Costs incurred. Currently these charges are 3 times payroll for Metropolitan District Projects and 2 times payroll for the Capital Improvement Fund.

The Developer is responsible for the full cost of all highway and storm drain construction.

Grey Rock III
Project #92007
Page 2
February 25, 1992

GENERAL COMMENTS: (Con't)

A Public Works Agreement must be executed by the owner and Baltimore County for the required public improvements, after which a Building Permit may be approved.

In accordance with Bill No. 18-90, Section 26-276, dredging, filling or construction in any wetland is prohibited.

Any manmade embankment over 10 feet vertically shall be designed and/or approved by a soils engineer. The following note is to be placed on the sediment control plans and grading plans before approval will be given:

"All manmade embankments have been designed and/or certified for stability by a soils engineer."

The Developer shall be responsible for damages to the County's facilities, such as water meters, manholes, curbs and gutters and inlets within his subdivision. Occupancy Permits will be withheld until such damages have been corrected.

Where construction contracts do not cover an entire Public Works Agreement, an additional Public Works Agreement fee will be collected. This fee will be the difference in cost between the fee/unit as covered in the Public Works Agreement and the fee/unit cost for the number of lots/units covered by the proposed contract. This additional fee will be collected at the time of contract for all partial contracts.

The Developer's engineer shall furnish along with the quantity estimates, the total number of units covered by the Public Works Agreement and the number of units served by the proposed contract.

Offsite rights-of-way are necessary for roads, storm drains or other utilities. The Developer is hereby advised that the final plat and/or building permits will not be approved until the offsite right-of-way is acquired. The County reserves the right to make the necessary contacts for acquisition of rights-of-way.

The storm drain outfall appears to traverse adverse property and will require the acquisition of the necessary easements and/or rights-of-way prior to further processing of this project.

The Developer's Engineer shall investigate the need and obtain the necessary permits for the facilities serving this site that may require a "Corps of Engineer's Permit", a "Water Resources Permit", a "Water Quality Certification", and any other Federal or State Permits. These facilities cannot be sent to contract until such permits have been received.

The Developer shall not allow any cable television cables to be installed in this subdivision without the required County permits being obtained. Baltimore County will not assume any rights-of-way, easements, or maintenance of any public improvements, where such cables have been installed without a permit until the cables are satisfactorily located.

Grey Rock III
Project #92007
Page 3
February 25, 1992

GENERAL COMMENTS: (Con't)

When an Irrevocable Letter of Credit is posted as security and, if the County's ability to draw on or otherwise call a Letter of Credit is negatively impacted for any reason (bank default, receivership, etc.), it shall be the sole responsibility of the developer to obtain a replacement Letter of Credit under the same terms and conditions.

The Developer shall be responsible for having all proposed street names in any new development approved by the Street Name and Address Section of the Reception and Processing Division of the Bureau of Public Services prior to his engineer placing these names on the final record plat and/or construction drawings. All street name changes made after plat recordation must also be approved by the Street Name and Address Section and the construction drawings revised accordingly. The method for changing street names after a plat has been recorded will vary by project, and guidance will be provided by the Street Name and Address Section.

HIGHWAY COMMENTS:

Stone Chapel Road is an existing road which shall ultimately be improved as a 30-foot street cross-section on a 50-foot right-of-way.

The Developer's responsibilities along the existing road frontage of the subdivision shall be as follows:

- The submission of detailed construction drawings to extend a minimum distance of 200 feet beyond the limits of the subdivision or as may be required to establish line and grade.
- The submission of full cross-sections is deemed necessary for design and/or construction purposes. The sections are to be taken at 25-foot intervals and are to be shown on standard cross-section paper at 1" = 5' horizontal to 1" = 5' vertical scale.
- The preparation of the right-of-way plat for, and the dedication of any widening and slope easements at no cost to the County.
- The preparation of the right-of-way plats for any offsite road rights-of-way required to make the necessary improvements. Baltimore County will attempt to acquire the right-of-way at the Developer's expense.
- The grading of the widening and the existing road to the established grade. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.
- The relocation of any utilities or poles as required by the road improvements.

Grey Rock III
Project #92007
Page 4
February 25, 1992

HIGHWAY COMMENTS: (Con't)

- The construction of combination curb and gutter in its ultimate location and a maximum of 28.5 feet of paving adjacent thereto along the frontage of the property. The paving thickness shall conform with Baltimore County Standards.

Stone Chapel Road shall be improved to a minimum 24-foot paving section along the Stone Chapel Methodist Church property from Reisterstown Road to the north. These improvements shall be limited to curb and gutter, paving, street lights, sidewalk, and drainage facilities.

Reisterstown Road (MD Rte #140) is a State road. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

It shall be the responsibility of the Developer's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The Developer shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

The entrance locations are subject to approval by the Bureau of Traffic Engineering.

Entrances shall be a minimum of 24 feet and a maximum of 35 feet wide, shall have 10-foot minimum radii curb returns, shall be located a minimum of 15 feet from any property line, and shall be constructed in accordance with Baltimore County Standards (Details R-32, 1977 Edition), as the Developer's total responsibility.

In accordance with Bill No. 32-72, street lights are required in all subdivisions. The Developer will be responsible for the full costs of installation of the cable, poles and fixtures. The County will assume the cost of the power after installation.

"No Parking" signs shall be posted prohibiting parallel parking on 24-foot width streets and within the turnaround area.

Ramps shall be provided for physically handicapped persons at all street intersections.

Sidewalks are required adjacent to the public roads serving this site, including State roads as applicable. The walks shall be 4 feet wide and shall be installed to conform with Baltimore County Standards, which places the back edge of the sidewalk 2 feet off the property line, or the adjacent unencumbered area.

The Developer shall be responsible for construction stake-out of all highway improvements required in connection with this site and all stake-outs shall be in accordance with Baltimore County Standards.

HIGHWAY COMMENTS: (Con't)

It shall be the Developer's responsibility to have his engineer set property line control stakes on the points of curvature and points of tangency and on adjacent rights-of-way along proposed roads to be used as control for the stake-out of utilities.

The private roads, if allowed, shall be designed and constructed to the Department of Public Works' Standards and Specifications. The roads shall be inspected and certified to the Bureau of Public Services by the developer's engineer.

Security must be posted prior to the issuance of a building permit to insure completion of any private improvement. Upon satisfactory completion of the private improvements and certification by a Professional Engineer that said improvements have been constructed in accordance with County standards and specifications, the security will be refunded.

STORM DRAINS AND SEDIMENT CONTROL COMMENTS:

Storm drainage improvements to Stone Chapel Road appear necessary.

2-10-100 year storm water management is required.

Storm drain drawing 92-0011 and 92-0012 must be revised to accurately reflect proposed drainage patterns for Phase III.

The Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Developer's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - and the deeding in fee of said rights-of-way to the County. Preparation of all construction, rights-of-way and easement drawings, engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

The Developer must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Developer.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm water management drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

STORM DRAINS AND SEDIMENT CONTROL COMMENTS: (Con't)

In accordance with Baltimore County Council Grading, Sediment Control and Forest Management Ordinance (Bill No. 33-88), a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit. A sediment control plan is required. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

The Developer shall be responsible to stabilize the sidewalk areas and supporting slopes on all road rights-of-way following completion of the initial grading of the boxed-out subgrade. The stabilization shall be accomplished within the nearest period of optimum seeding as established in the Baltimore County Sediment Control Manual. Minimum acceptable stabilization measures will be as specified in the Baltimore County Sediment Control Manual under "Critical Area Stabilization (With Semi-Permanent Seedings)".

Failure by the Developer to accomplish the stabilization as aforementioned will result in the termination of all processing phases of this development.

Temporary construction easements of adequate width are necessary adjacent to all offsite rights-of-way or easements where utility construction is planned. They should be indicated on the right-of-way plats and construction drawings.

Building/Occupancy Permits shall be withheld until offsite right-of-way and utility construction as required has been cleared and the contract for the utilities has been awarded.

The Developer shall provide a minimum 10-foot drainage and utility easement along all bordering property lines which are not adjacent to County rights-of-way or storm drain reservations.

WATER AND SANITARY SEWER COMMENTS:

Public sanitary sewer must be extended to the upstream property line of Phase III to serve the Grand property and the Krenzburg, Sanders and Stone Chapel Methodist Church properties.

A preliminary print of this property has been referred to the Baltimore City Water Division for review and comment in regard to adequacy of water pressure in this development. If Baltimore City has any comment, it will be forwarded.

The Developer is responsible for any deficit to be incurred by the construction, under County contract and inspection, of public water main extension and/or public sanitary sewerage required to serve this property. He is responsible for the preparation and the cost of construction drawings and right-of-way plats required. He is further responsible for conveying any required right-of-way to Baltimore County at no cost to the County.

Permission to obtain a metered connection from the existing main may be obtained from the Department of Permits and Licenses.

WATER AND SANITARY SEWER COMMENTS: (Con't)

Permission to connect to, or (to connect additional sanitary fixtures to) the existing public sanitary sewer may be obtained from the Department of Permits and Licenses.

The total Water and/or Sanitary Sewer System Connection Charge is determined, and payable, upon application for the Plumbing Permit. This charge is in addition to the normal front foot assessment and permit charges.

Water mains outside of public rights-of-way serving a proposed site improvement are considered private and shall be the Developer's full responsibility for construction and maintenance.

Onsite private water mains with fire hydrants shall be metered at the public source. The size and design of the meters shall conform with Baltimore City Standards. Permission to obtain a metered connection may be obtained from the Department of Permits and Licenses.

Fire hydrant spacing and location are subject to review and approval by the Fire Protection Section of the Fire Department.

This property is subject to Water and/or Sewer System Connection Charges based on the size of water meters utilized in accordance with current County Policy.

The Developer shall contact the Bureau of Public Services on 867-3321 for information on obtaining water service where the meter required is 3" or less, or the Developers Engineering Division on 867-3751 for water service requiring meters 4" and larger.

Offsite right-of-way is required for the construction of the public sewer crossing of Grey Rock Road. The final plat and/or building permits will not be approved until the offsite right-of-way is acquired.

ALTERNATIVE 'B' COMMENTS:

GENERAL COMMENTS:

All private contracts for construction of storm drains and roads intended for public title and maintenance must be let under a contract form, proposal and attachments adopted by the Baltimore County Department of Public Works. The Developer has the option of placing the storm drains under a public contract.

The State Department of the Environment Construction Permits for each private utility (water and sanitary sewer) having a projected flow greater than 5,000 gallons per day average daily flow will be obtained through the Baltimore County Department of Public Works. A processing fee of \$100.00 per each utility will be required at the time of application.

GENERAL COMMENTS: (Con't)

The proposed private utilities and roads shall be drawn on County Standard Linens and shall follow County Standards for size, materials and construction details, and shall be submitted to the Bureau of Public Services for review and approval.

All construction drawings and construction for public use shall conform with Baltimore County Department of Public Works Design Standards and Standard Specifications and Details for Construction.

The responsibilities of the Developer involving public improvements shall include the Inspection Fees, Burden and Fringe Costs Incurred. Currently these charges are 3 times payroll for Metropolitan District Projects and 2 times payroll for the Capital Improvement Fund.

The Developer is responsible for the full cost of all highway and storm drain construction.

A Public Works Agreement must be executed by the owner and Baltimore County for the required public improvements, after which a Building Permit may be approved.

In accordance with Bill No. 18-90, Section 26-276, dredging, filling or construction in any wetland is prohibited.

Any manmade embankment over 10 feet vertically shall be designed and/or approved by a soils engineer. The following note is to be placed on the sediment control plans and grading plans before approval will be given:

"All manmade embankments have been designed and/or certified for stability by a soils engineer."

The Developer shall be responsible for damages to the County's facilities, such as water meters, manholes, curbs and gutters and inlets within his subdivision. Occupancy Permits will be withheld until such damages have been corrected.

Where construction contracts do not cover an entire Public Works Agreement, an additional Public Works Agreement fee will be collected. This fee will be the difference in cost between the fee/unit as covered in the Public Works Agreement and the fee/unit cost for the number of lots/units covered by the proposed contract. This additional fee will be collected at the time of contract for all partial contracts.

The Developer's engineer shall furnish along with the quantity estimates, the total number of units covered by the Public Works Agreement and the number of units served by the proposed contract.

The contours on the plan reveal rather excessive grading. The Developer's engineer is cautioned not to exceed the maximum set by Baltimore County Standards. Benchmark requirements shall be in accordance with Section 41.02, Item 3 of the 1983 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

GENERAL COMMENTS: (Con't)

Offsite rights-of-way are necessary for roads, storm drains or other utilities. The Developer is hereby advised that the final plat and/or building permits will not be approved until the offsite right-of-way is acquired. The County reserves the right to make the necessary contacts for acquisition of rights-of-way.

The storm drain outfall appears to traverse adverse property and will require the acquisition of the necessary easements and/or rights-of-way prior to further processing of this project.

The Developer's Engineer shall investigate the need and obtain the necessary permits for the facilities serving this site that may require a "Corps of Engineer's Permit", a "Water Resources Permit", a "Water Quality Certification", and any other Federal or State Permits. These facilities cannot be sent to contract until such permits have been received.

The Developer shall not allow any cable television cables to be installed in this subdivision without the required County permits being obtained. Baltimore County will not assume any rights-of-way, easements, or maintenance of any public improvements, where such cables have been installed without a permit until the cables are satisfactorily located.

When an Irrevocable Letter of Credit is posted as security and, if the County's ability to draw on or otherwise call a Letter of Credit is negatively impacted for any reason (bank default, receivership, etc.), it shall be the sole responsibility of the developer to obtain a replacement Letter of Credit under the same terms and conditions.

HIGHWAY COMMENTS:

Stone Chapel Road is an existing road which shall ultimately be improved as a 30-foot street cross-section on a 50-foot right-of-way.

The Developer's responsibilities along the existing road frontage of the subdivision shall be as follows:

- The submission of detailed construction drawings to extend a minimum distance of 200 feet beyond the limits of the subdivision or as may be required to establish line and grade.
- The submission of full cross-sections is deemed necessary for design and/or construction purposes. The sections are to be taken at 25-foot intervals and are to be shown on standard cross-section paper at 1" = 5' horizontal to 1" = 5' vertical scale.
- The preparation of the right-of-way plat for, and the dedication of any widening and slope easements at no cost to the County.

HIGHWAY COMMENTS: (Con't)

- The preparation of the right-of-way plat for any offsite road right-of-way required to make the necessary improvements. Baltimore County will attempt to acquire the right-of-way at the Developer's expense.
- The grading of the widening and the existing road to the established grade. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.
- The relocation of any utilities or poles as required by the road improvements.
- The construction of combination curb and gutter in its ultimate location and a maximum of 20.5 feet of paving adjacent thereto along the frontage of the property. The paving thickness shall conform with Baltimore County Standards.

Stone Chapel Road shall be improved to a minimum 24-foot paving section along the Stone Chapel Methodist Church property from Reisterstown Road to the northwest property line of Phase III. These improvements consist of but may not necessarily be limited to curb and gutter, paving, street lights, sidewalk and drainage facilities.

Reisterstown Road (MD Rte 140) is a State road. All improvements, intersections, entrances, drainage requirements and construction affecting a State road right-of-way are subject to the Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

It shall be the responsibility of the Developer's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The Developer shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

The entrance locations are subject to approval by the Bureau of Traffic Engineering.

Entrances shall be a minimum of 24 feet and a maximum of 35 feet wide, shall have 10-foot minimum radii curb returns, shall be located a minimum of 15 feet from any property line, and shall be constructed in accordance with Baltimore County Standards (Details R-32, 1977 Edition), as the Developer's total responsibility.

In accordance with Bill No. 32-72, street lights are required in all subdivisions. The Developer will be responsible for the full costs of installation of the cable, poles and fixtures. The County will assume the cost of the power after installation.

HIGHWAY COMMENTS: (Con't)

"No Parking" signs shall be posted prohibiting parallel parking on 24-foot width streets and within the turnaround area.

Ramps shall be provided for physically handicapped persons at all street intersections.

Sidewalks are required adjacent to the public roads serving this site, including State roads as applicable. The walks shall be 5 feet wide and shall be installed to conform with Baltimore County Standards, which places the back edge of the sidewalk 2 feet off the property line, or the adjacent unnumbered area.

The Developer shall be responsible for construction stake-out of all highway improvements required in connection with this site and all stake-outs shall be in accordance with Baltimore County Standards.

It shall be the Developer's responsibility to have his engineer set property line control stakes on the points of curvature and points of tangency and on adjacent rights-of-way along proposed roads to be used as control for the stake-out of utilities.

STORM DRAINS AND SEDIMENT CONTROL COMMENTS:

Storm drainage improvements to Stone Chapel Road appear necessary.

2-10-100 year storm water management is required.

Storm drain drawing 92-0011 and 92-0012 must be revised to accurately reflect proposed drainage patterns for Phase III.

The proposed grading along the east property line of Phase III appears to create drainage problems on the offsite Grand property. A swale or drainage system on Phase III property to control surface water drainage is necessary to prevent damage to adjacent property.

The Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Developer's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - and the deeding in fee of said rights-of-way to the County. Preparation of all construction, rights-of-way and easement drawings, engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

The Developer must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Developer.

STORM DRAINS AND SEDIMENT CONTROL COMMENTS: (Con't)

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm water management drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

In accordance with Baltimore County Council Grading, Sediment Control and Forest Management Ordinance (Bill No. 33-88), a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit. A sediment control plan is required. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

The Developer shall be responsible to stabilize the sidewalk areas and supporting slopes on all road rights-of-way following completion of the initial grading of the boxed-out subgrade. The stabilization shall be accomplished within the nearest period of optimum seeding as established in the Baltimore County Sediment Control Manual. Minimum acceptable stabilization measures will be as specified in the Baltimore County Sediment Control Manual under "Critical Area Stabilization (With Semi-Permanent Seedings)".

Failure by the Developer to accomplish the stabilization as aforementioned will result in the termination of all processing phases of this development.

Temporary construction easements of adequate width are necessary adjacent to all offsite rights-of-way or easements where utility construction is planned. They should be indicated on the right-of-way plats and construction drawings.

Building/Occupancy Permits shall be withheld until offsite right-of-way and utility construction as required has been cleared and the contract for the utilities has been awarded.

WATER AND SANITARY SEWER COMMENTS:

Public sanitary sewer must be extended to the upstream property line of Phase III to serve the Grand property and the Krenzburg, Sanders, and Stone Chapel Methodist Church properties.

A preliminary print of this property has been referred to the Baltimore City Water Division for review and comment in regard to adequacy of water pressure in this development. If Baltimore City has any comment, it will be forwarded.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
DATE: February 10, 1997
Permits & Development Management

FROM: Charlotte E. Radcliffe,
County Board of Appeals

SUBJECT: Closed Files: Case Nos.
95-366-A /Carroll Coleman, et ux (12th; 7th)
96-24-A /Thomas Kreiner, Jr., et ux (15th; 5th)
96-31-SPH /Stephen Seymour (3rd; 2nd)
96-40-A /Joseph C. Nowakowski (15th; 7th)
96-63-A /Joseph E. Neet, et ux (13th; 1st)
96-118-SPHXA /Rocky Gorge at Grey Rock, L.P. and
Rocky Gorge Communities, Inc., G.P. (3rd; 2nd)
96-120-SPHA /Richmond American Homes and
Ruby Holzapfel, et al (2nd; 2nd)
CBA-95-178 /Steinberg Property (DRC #07315M)
CBA-96-113 /Samuel Owings House (Permit #B240689)

As no further appeals have been taken regarding the subject cases, we are hereby closing the files and returning same to you herewith.

Attachments (Case File Nos. 95-366-A; 96-24-A; 96-31-SPH; 96-40-A; 96-63-A; 96-118-SPHXA; 96-120-SPHA; CBA-95-178; CBA-96-113)

OCT-18-96 01:41:04 100 EAST PRATT STREET BALTIMORE, MARYLAND 21202
Post-It transmittal memo 7571 4 of pages 1

TO: Mr. Bronstein
FROM: Mr. Bronstein
SUBJECT: Zoning Review
Dated: 29-3-97
Page: 887-2824

HAND DELIVERED

Arnold Jablon, Director
Department of Planning
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Manor Care at Grey Rock

Dear Mr. Jablon:

On the 6th day of March, 1996, the Zoning Commissioner, Lawrence E. Schmidt entered an order in case no. 95-118-SPHXA approving a special exception for an assisted living facility at the above entitled site. A copy of Commissioner Schmidt's decision is enclosed for your convenience, together with a red line copy of the special exception plan and the CGU plan.

The Springhouse building shown on the enclosed plans contains 105 units rather than the original 102 units. Unfortunately, there was an error in calculating the correct units in that some of the units have two beds rather than one bed. The change of three additional units will not be less than the total permitted density nor does it change the footprint of the building.

Please confirm that the proposed changes meet with the spirit and intent of the Baltimore County Zoning Regulations and Development Regulations. Upon confirmation, the site engineer will submit the revised Special Exception and CGU plans. I have enclosed my check in the amount of \$50.00 for costs.

Thank you for your kind and prompt attention to this matter.

Very truly yours,
GEORGE AND BRONSTEIN
Benjamin Bronstein

October 18, 1996
3rd Election District

Dear Mr. Bronstein:

Please be advised that this office can make decisions or interpretations on modifications to site plans or exhibits approved within specific zoning hearings; however, we cannot approve a modification that will increase the amount of density approved within a zoning hearing and order. This adjustment or increase in density must be approved by the Zoning Commissioner. It is suggested that you send Commissioner Schmidt a copy of your letter with a copy of my response. If you have further questions, please contact me at 887-3391.

Very truly yours,
Mitchell J. Kellman
Planner II
Zoning Review

MJK:rye



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 31, 1996

Benjamin Bronstein
Evans, George and Bronstein
29 West Susquehanna Avenue, Suite 205
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
Rocky Gorge at Grey Rock/Rocky Gorge Communities, Inc. - Petitioners
Case No. 96-118-SPHXA

Dear Mr. Bronstein:

I am in receipt of your letter dated January 24, 1996 in which you have requested a hearing in reconsideration of my opinion in the above-captioned matter issued on January 24, 1996. I have also received correspondence in support of your request from Marc J. Lipchin, Esquire, who represents the Grey Rock Villas Condominium Association.

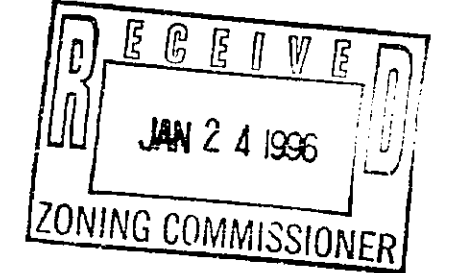
In view of the above, I have scheduled this matter for a public hearing to entertain your Motion for Reconsideration on Friday, February 9, 1996 at 9:00 AM in Room 106 of the County Office Building. This letter will constitute a stay of further proceedings in this matter, including the timeframe in which an appeal must run. Thus, in a similar manner as provided in the Maryland Rules, I will issue a written Order on your request for reconsideration and the timeframe from which an appeal will run will commence on the date of that Order.

Should you have any questions on the subject, please feel free to contact me.

Very truly yours,
Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

LES:bjb

cc: Mr. Christopher Dormont, Rocky Gorge at Grey Rock L.P.,
Rocky Gorge Communities, Inc., P.O. Box 32545, Baltimore, Md. 21208
Mr. Cartan B. Kraft, Gilman Schools, Inc.,
5407 Roland Avenue, Baltimore, Md. 21210
Marc J. Lipchin, Esquire, Grey Rock Villas Condominium Association,
201 John Eager Court, Baltimore, Md. 21208
Mr. Fred Thompson, LPJ, Inc., 15 W. 25th Street, Baltimore, Md. 21219
Ms. Lillian N. Berger, President, Grey Rock Flats Condominium, Inc.,
2 Cornelius Court, Baltimore, Md. 21208
People's Counsel; Case File



LAW OFFICES
EVANS, GEORGE AND BRONSTEIN
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719

CONSTANCE K. PUTZEL
OF COUNSEL

January 24, 1996

The Honorable Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
Courthouse
400 Washington Avenue
Suite 112
Towson, Maryland 21204

RE: Petitions for Special Hearing, Special Exception and Variance
S/S Stone Chapel Road, 310' E of the c/1 of Reisterstown Road
(11 and 17 Stone Chapel Road)
3rd Election District - 2nd Councilmanic District
Rocky Gorge at Grey Rock, L.P., Rocky Gorge Communities, Inc. - Petitioners
Case No.: 96-118 SPHXA

Dear Commissioner Schmidt:

I would appreciate your promptly setting in the above entitled case for a hearing in reconsideration of your opinion dated January 24, 1996.

Thank you for your kind consideration.

Very truly yours,
EVANS, GEORGE AND BRONSTEIN
Benjamin Bronstein

BB/mlg

cc: Mr. Christopher Dormont, Rocky Gorge at Grey Rock, L.P.
Mr. Cartan B. Kraft, Gilman Schools, Inc.
Mr. Fred Thompson, LPJ, Inc.
Ms. Lillian N. Berger, President, Grey Rock Flats Condo., Inc.
Marc J. Lipchin, Esquire, Grey Rock Villas Condominium Assoc.
People's Counsel

01:43-96 01:45PM TYDINGS & ROSENBERG P01

ATTORNEYS AT LAW
TYDINGS & ROSENBERG LLP

100 EAST PRATT STREET
BALTIMORE
MARYLAND
21202

310/752-9700
FAX 410/727-5460

FACSIMILE COVER SHEET
(DNR 6500)

TO: Com. Lawrence E. Schmidt FROM: Marc J. Lipchin, Esq.
FAX NUMBER: 887-3468 DATE/TIME: 01/29/96
RE: Grey Rock Villas NUMBER OF PAGES: 2
Condominium Council (including this page)

MESSAGE:

Transmission of my letter to you of today. Hard copy will follow.

TRANSMITTED BY: Carol Campbell 410/752-9554

PLEASE CALL (410) 752-9700 IMMEDIATELY IF ANY PAGES ARE MISSING
IMPORTANT NOTICE TO READER

The information transmitted with this cover sheet is intended only for the personal use of the recipient(s) named above. The information may be an attorney-client communication, or attorney work product, and as such constitutes PRIVILEGED AND CONFIDENTIAL information. If you are not a designated recipient or an employee or agent responsible for delivering the message to a designated recipient, you are hereby notified that you have received this communication in error and that any use, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message by mail to the above address.

For Office Use Only TDX: CLIENT/MATTER: 887-3468 - 887-3468

01:49-96 01:45PM TYDINGS & ROSENBERG P02

ATTORNEYS AT LAW
TYDINGS & ROSENBERG LLP

100 EAST PRATT STREET
BALTIMORE MARYLAND 21202
410/752-9700
FAX 410/727-5460

WABINGHAM DC OFFICE
410/262-8142
FAX 410/262-9140

MARC J. LIPCHIN
410/752-9721

VIA FAX 887-3468 and Mail

January 29, 1996

Commissioner Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCES
S/S Stone Chapel Road, 310' E of the c/1 of Reisterstown Road
(11 and 17 Stone Chapel Road)
3rd Election District - 2nd Councilmanic District
Rocky Gorge at Grey Rock L.P., Rocky Gorge Comm., Inc. -
Petitioners - Case No. 96-118-SPHXA

Dear Commissioner Schmidt:

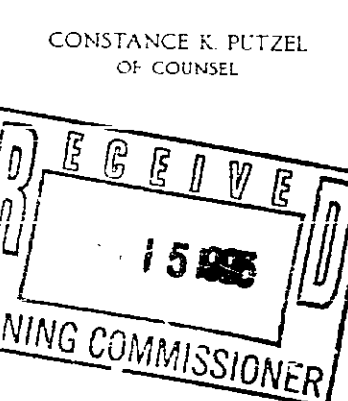
The Grey Rock Villas Condominium Council, Inc., supports the request for reconsideration set forth in Mr. Bronstein's letter of January 24, 1996, to you.

Very truly yours,
Marc J. Lipchin

cc: Benjamin Bronstein, Esquire

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719



December 15, 1995

HAND DELIVERED

Lawrence E. Schmidt, Zoning Commissioner
Baltimore County
Court House
Towson, Maryland 21204

RE: Case No: 96-118-SPHXA
Petition for Special Hearing,
Special Exception, and Variance
Rocky Gorge at Grey Rock, LP

Dear Mr. Schmidt:

I have enclosed a copy of a Letter of Agreement dated December 12, 1995 for your consideration in the above entitled case.

Thank you for your kind attention to this matter.

Very truly yours,
EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein

JB:meh

enc.

cc: via facsimile - 410-727-5460
Mark J. Lipchin

LAW OFFICES
GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719

CONSTANCE K. PUTZEL
OF COUNSEL

October 22, 1996

The Honorable Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Manor Care at Grey Rock
Case No.: 96-118-SPHXA

Dear Commissioner Schmidt:

I have enclosed the following:

1. Copy of your Opinion dated March 6, 1996 filed in case no.: 96-118-SPHXA;
2. Redline copy dated October 7, 1996 of the Plat to Accompany Petition for Special Exception, Special Hearing and Variances, prepared by LPJ, Inc., filed in the above entitled case;
3. Fourth Amended CRG Plan dated October 7, 1996, prepared by Gower Thompson, Inc.; and
4. Copy of my letter dated October 8, 1996 to Arnold Jablon, with a reply dated October 18, 1996 from Mitchell J. Kellman of the Zoning Office relating to the above entitled project.

Unfortunately, there was an error in calculating the correct number of units. Several units have two beds rather than one bed in the Springhouse building. The new calculation adds three additional assisted living units which is less than the total permitted density. The configuration of the building remains the same. The parking has been reconfigured as shown on the plans.

The number of units was not an issue at the time of the zoning hearing. It is my belief that the amendments to the plan meet the intent of your order as well as the spirit and intent of the Zoning Regulations.

The Honorable Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
October 22, 1996
Page 2

I appreciate your kind attention and consideration in permitting an amendment to the zoning plan.

Very truly yours,

GEORGE AND BRONSTEIN

George and Bronstein
Benjamin Bronstein

BB/mlg
Enclosures



Grey Rock Flats Condominium, Inc.

October 18, 1995

Zoning Commissioner Lawrence Schmidt
Deputy Commissioner Tim Kotroco
Baltimore County Court House
Towson, Maryland 21204

Re: Case #96-118-Sphxa (Item 116)
11 and 17 Stone Chapel Road
Legal Owners: Rocky Gorge at Grey Rock, et al.

Dear Commissioner Schmidt & Deputy Commissioner Kotroco,

The Grey Rock Flats Condominium Association oppose the proposal by Manor Care to establish an assisted living facility on Reisterstown Road, Pikesville, adjacent to Grey Rock Road.

The Association opposes the proposed facility because it would create a dangerous traffic situation in the immediate area. Reisterstown Road is now heavily travelled between Grey Rock Road and McDonough Road. The Manor Care facility would require an entrance on Reisterstown Road. However, any entrance created between Grey Rock Road and Stone Chapel Road would present a traffic hazard, especially for vehicles traveling south along Reisterstown Road and turning left into the proposed facility. There is no turning lane in this area, and the roadway is not wide enough to create one. Vehicles traveling north would have to stop or slow down immediately after crossing the traffic signal at Mt. Wilson/Grey Rock Road.

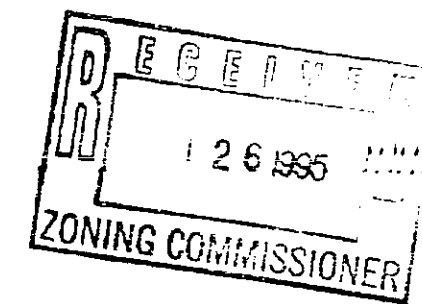
If an entrance were allowed, a no left turn sign at the entrance would not solve the problem, and probably would increase the danger. A no left turn sign would, (1) probably be ignored, and (2) would encourage vehicles traveling south to make a U-turn at Mt. Wilson/Grey Rock Road or turn into the road and re-exit.

For these reasons, the Grey Rock Flats Condominium Association urges that the proposal to establish a Manor Care facility on Reisterstown Road adjacent to Grey Rock Road be rejected.

Sincerely yours,

Lillian Berger
Lillian Berger, President
Grey Rock Flats Condominium, Inc.

cc: Kevin Kamenetz
Paula Hollinger



Manor Care, Inc.

10750 Chambers Road, Silver Spring, Maryland 20903-1417
(301) 481-2600

January 29, 1996

VIA Fax (410) 296-3719

Benjamin Bronstein, Esquire
Evans, George, and Bronstein
Susquehanna Building, Suite 205
29 West Susquehanna Avenue
Towson, MD 21204

Re: Proposed Development - Pikesville, MD

Dear Ben:

In accordance with our conversation, the proposed Springhouse Assisted Living facility will cost approximately Ten Million Dollars (\$10,000,000.00) to develop. We will employ approximately 47 people to operate the facility.

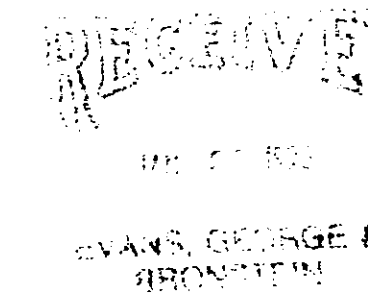
Our Arden Courts Assisted Living facility (on the same site) will require approximately 4.3 Million Dollars (\$4,300,000.00) to develop. This facility will employ approximately 40 people.

Ben, as you know, Manor Care is a Maryland-based company with a strong presence in the state. We look forward to our continued development projects in Maryland and Baltimore County.

Sincerely,

David B. Lanning
David B. Lanning
Director, Development

/s/k



G:\WORD\DAVE\LETTERS\BRONSTEIN 196
1/29/96

SUITE 410
WOODHOLME CENTER
1809 REISTERSTOWN ROAD
BALTIMORE, MARYLAND 21208
(410) 484-8400
FAX (410) 484-1943

April 8, 1996

Mr. Arnold Jablon
Director of Permits and Development Management
County Office Building
Towson, Maryland

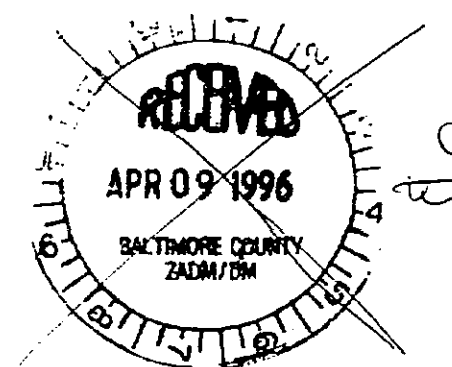
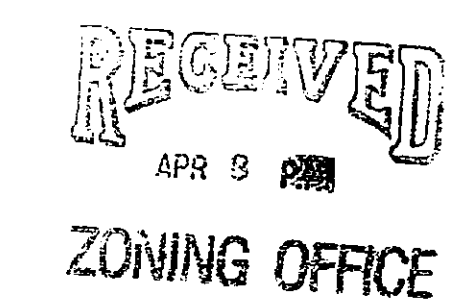
Dear Mr. Jablon:

On behalf of the Woodholme Medical Office Building Limited Partnership please note an appeal to the Board of Appeals on the decision of the Zoning Commission in Case No. 96-118 (Re: Rocky Gorge at Grey Rock L.P.). My check for costs is also enclosed.

Very truly yours,

Stewart J. Greenebaum
WOODHOLME MEDICAL OFFICE, INC.
Stewart J. Greenebaum, PRES. General Partner
Woodholme Medical Building
Limited Partnership

SJG:nd
Enclosure



The Stone Chapel

18 Stone Chapel Rd.
Pikesville, Maryland 21208



United Methodist Church, established 1794
"Building Faith, The World of Us"

May 13, 1996

Re: Case # 96-118-SPHXA

Sirs:

Stone Chapel United Methodist Church is very interested in what happens in its' neighborhood. Therefore, we would like to be notified of the hearing date of case # 96-118-SPHXA. We are also asking that we are apprised of any action taken on your part pertaining to case # 96-118-SPHXA. Please send any correspondence regarding this matter to:

Mr. George E. Weber, Jr.
18 Castleton Avenue
Pikesville, Maryland 21208

Sincerely,
George E. Weber, Jr.
George E. Weber, Jr.

Trustee Chairman, Stone Chapel United Methodist Church



STATE HIGHWAY ADMINISTRATION
Engineering Access Permits Division

DATE: 2-5-96 PROJECT: MANOR CARE
ROCKY GORGE AT GREY ROCK - PHASE III

DATE COMPLETED ACTION DUE: 2-5-96
TO: MR. LAWRY SCHMIDT FROM: BOB SMALL - SHA
HEARING OFFICE - BALTO CO.

ACTION:

- | | |
|--|--|
| ☐ DISCUSS WITH ME | ☐ FOR YOUR COMMENTS |
| ☐ FOR YOUR SIGNATURE | ☐ FOR YOUR APPROVAL |
| ☐ FOR YOUR INFORMATION | ☐ NOTE AND FILE/RETURN |
| ☐ TAKE APPROPRIATE ACTION | ☐ REPLY DIRECT AND SEND ME A COPY |
| ☒ AS YOU REQUESTED | ☐ OTHER: |

REMARKS:

MATERIAL TRANSMITTED:

Copies: (1) ENTRANCE DESIGN COMMENT LETTER

cc:

SHA 61.6 (8/90)



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

January 31, 1996

Ms. Cindy Gower
L.P.J. Incorporated
Consulting Engineers
16 West 25th Street
Baltimore, Maryland 21218

RE: Baltimore County
MD 140 (east side)
Manor Care
Rocky Gorge at Grey Rock
Phase III
Entrance design approval
comments
Mile Post 2.73

Dear Ms. Gower:

This letter is in follow-up to recent discussions with this office regarding the plans submitted by you on December 18, 1995.

As was indicated to you, the revised landing grade of the access that was proposed onto MD 140 effectively addressed our previous concerns, and would have been acceptable to the State Highway Administration (SHA).

However, it is our understanding the Hearing Officer for Baltimore County recently approved the proposed development, with the condition that no access be allowed onto MD 140.

As you may recall, SHA's original position was that access to the property be restricted to Stone Chapel Way or Grey Rock Road, therefore, we support the Hearing Officers decision.

Should you have any questions, please contact Bob Small at 410-545-5581.

Very truly yours,

David A. Ramsey
David A. Ramsey, Chief
Engineering Access Permits
Division

My telephone number is 410-545-5600 (Fax# 333-1041)

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

Ms. Cindy Gower
Page Two
January 31, 1996

BS/es

cc: Mr. Donald Rascoe
Mr. Darrell Wiles

Gray Rock Villas Condominium Council, Inc.
c/o Marc J. Lipchin, Esquire
Tydings & Rosenberg
100 E. Pratt Street, 26th Floor
Baltimore, Maryland 21202

The purpose of this letter is to confirm and memorialize our agreement of October 31, 1995, concerning the proposed Manor Care assisted living facility on Reisterstown Road north of the Gray Rock development.

In consideration of the Grey Rock Villas Condominium Council, Inc. (the "Villas Association"), having not opposed the zoning changes requested by the undersigned at the zoning hearing held on October 31, 1995, the undersigned, Rocky Gorge at Grey Rock, L.P. ("RG"), did agree, and does hereby confirm its agreement, to the following:

1. He has submitted a detailed proposed fence plan to the residents of the Gray Rock community.
2. The fence shall enclose the entire Gray Rock residential community with chain link. A card or remote operated gate on Green Tree Road. Additionally, a card or remote operated exit gate will be installed at the monumental exit presently on Reisterstown Road.
3. The fence shall be tubular steel or, in the alternative, chain link vinyl clad in black or green. It is agreed that the tubular steel fence shall be utilized in all areas that are wooded and that chain link shall be utilized in wooded areas only. If the Villas Association agrees (in writing), chain link fencing may be used in non-wooded areas provided the fence is appropriately signed. The fence shall be installed in accordance with the specifications established by the applicable Baltimore County zoning laws and regulations. Any fence which is between the Gray Rock and Manor care properties shall also be shrubbed to meet such class A screen

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4. The fence construction plan shall be finalized by the parties within thirty (30) days after the zoning commissioner's order, and construction of the fence shall be phased in and completed in a manner consistent with the development of the Grey Rock residential community. It is agreed that the parties shall complete within one (1) year from the date of such order unless a later date is approved in writing by the Villas Association and the Grey Rock Plats Condominium Council, Inc. (the "Plats Association"). However, the Villas Plats Association and the Grey Rock Plats Condominium Council, Inc. shall complete the installation of the fence within the one (1) year period so that installation of the fence will be coordinated with development of the Grey Rock residential community; provided, however, that in no event will the time for completion of the fence extend beyond eighteen (18) months from the date of the zoning commissioner's order.

5. At the time the sale by RG to Manor Care is consummated, an appropriate escrow will be established by RG to assure there are sufficient funds available to complete RG's fencing obligations hereunder. In the event RG does not timely complete its obligations hereunder, Manor Care, in its discretion, may: (a) complete these obligations (provided it does so promptly); and (b) seek recovery for its purposes of (a) and (b) and have the recovered funds paid to the Villas and Plaza Associations in lieu of either NG or Manor Care completing the fencing required hereunder.

5. RG agrees to cause the applicable Deeds of Denaturation and/or Declarations affecting the entire Gray Rock development to be amended to provide for covenants requiring any developer of all or any portion of the Gray Rock residential community to install fencing in accordance with the provisions of this letter. Such amendments shall be subject to the reasonable approval of the Village and Plats Associations, and shall be completed and recorded within thirty (30) days of the sending of the letter. If, through no fault of Manor Care, RG fails to timely effect any such amendment, then Manor Care shall not be liable for such failure by RG.

7. Manor Care shall request and urge the State Highway Administration to permit full access into and out of its proposed access road on its site, and shall diligently pursue such access. The access road between Manor Care site and the site of the Gray Rock residential community as possible, and, in any event, not closer to the Gray Rock residential community than shown on the present proposed development plat. RG may not grant to Manor Care or any other person or entity any right to use all or any portion

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of Grey Rock Road without the express written consent of the Villas and Flats Associations. Any sign which Manor Care proposes to erect on or with respect to its property and/or the facility thereon shall be located at least two hundred (200) feet north of Grey Rock Road.

8. The parties mutually request that the terms and provisions of this letter be included in the zoning commissioner's order, and agree that a copy of the final fence plan shall be filed in the zoning commissioner's file.

9. In the event that the petitions for special exaction, variance and special hearing which were considered on October 31, 1995, are not approved, then this agreement shall be null and void; provided, however, that if, notwithstanding the denial of any such approval, Manor Care proceeds with the development of its site, then this agreement shall be deemed to be in full force and effect.

ROCKY GORGE AT GREY ROCK, L.F.

BY: MUCKY GORGE COMMUNITIES, INC.,
General Partner

BY: Chris Dwyer ^{JB}
President

The undersigned, Gray Rock Villas Condominium Council, Inc., in consideration of RG's agreement set forth above, joins herein for the purpose of agreeing to the foregoing and confirming that it does not oppose the zoning changes requested by Rocky Gorge at Gray Rock, L.P., at the zoning hearing held on October 31, 1985.

GREY ROCK VILLAS CONDOMINIUM
COUNCIL, INC.

By: Marc J. Lipchin
Marc J. Lipchin, President

The undersigned, Gray Rock Flats Condominium Council, Inc., in consideration of RG's agreement set forth above, joins herein for

Grey Rock Villas Condominium Council, Inc
c/o Marc J. Lipchin, Esquire
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the purpose of agreeing to the foregoing and for the purpose of withdrawing its objection to the proposed zoning changes.

GRAY ROCK PLATS CONDOMINIUM
COUNCIL, INC.

By: Milton Aidus
~~William Morgan, President~~
Milton Aidus Vice President

Manor Care Corporation joins herein for the purpose of acknowledging and consenting to the foregoing.

MANOR CARE CORPORATION

By: Gen. Holtman
Vice President

FRANK THOMPSON 1077 COLUMBIA PK. S. 1677
FRED THOMPSON LPI 16W. 25TH ST 21218
David Lawrence 10750 Columbia Pl S 1677 Spring Mt 6000
MARK & CASTRO 1677 COLUMBIA PK. S. 1677 S 1677

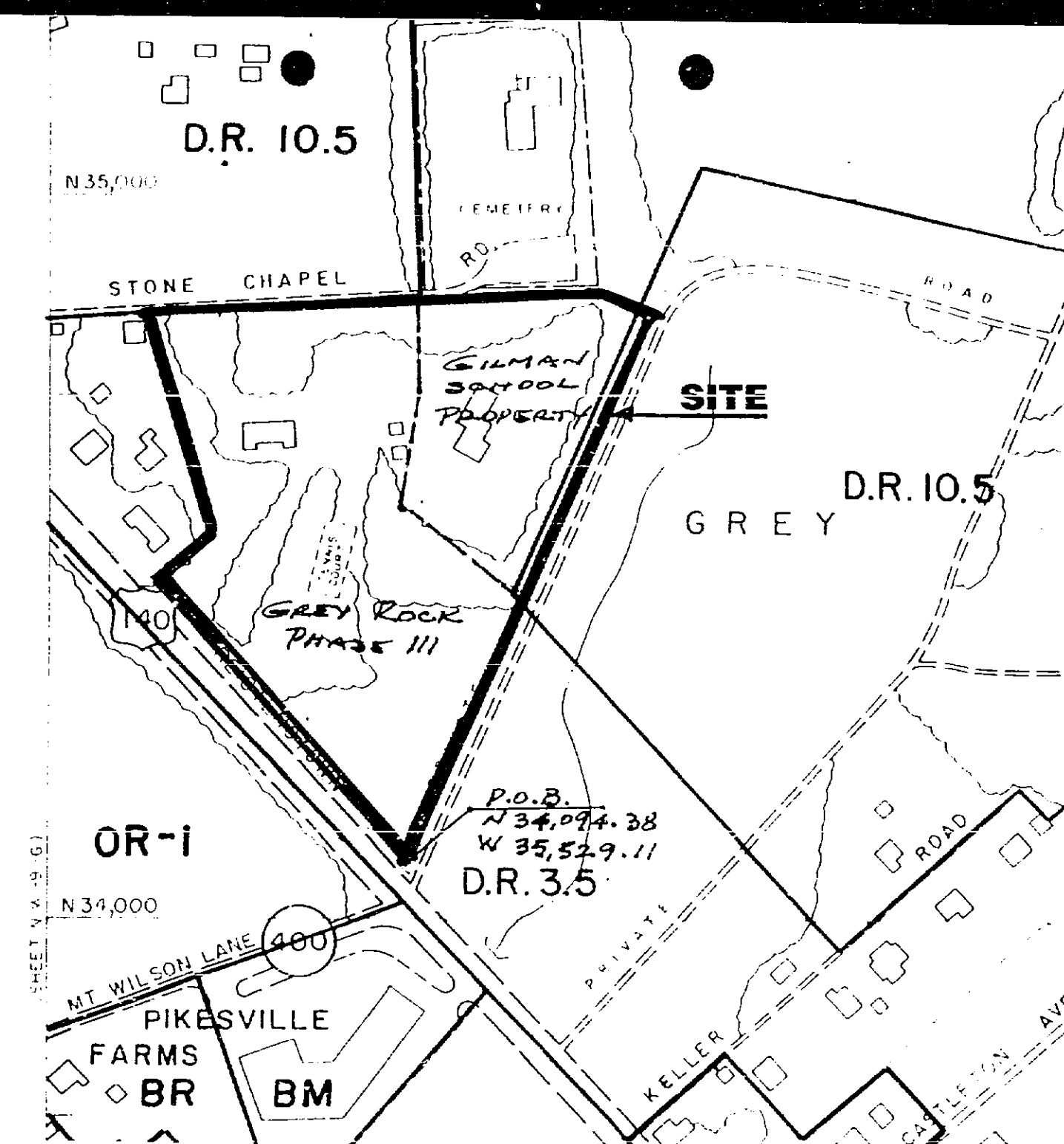
FRED THOMPSON
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[illegible]

Rob Heston

Rob Hoffman	210 Allegheny Ave 21204
BOB SMALL	707 N. CRUICKSHANK - S.H.A.
WILLIAM AIDUS	2 JOHN EAMES CT 21201
MARK LIEBERMAN	907 Green Park Rd 21208



76-778-SPAXA
ZONING MAP WITH LOCATION AND BOUNDARIES OF
GREY ROCK, PHASE III AND GILMAN SCHOOL PROPERTY

SCALE	LOCATION	SHEET
1" = 200'	PIKESVILLE	N W
DATE OF PHOTOGRAPHY	GREY ROCK	9-F
JANUARY 1966		

ISSUES TO BE ADDRESSED IN ZONING ITEM NO. 116
GREY ROCK, PHASE III

1. That a note would be placed on the plan indicating that the dwelling to remain on the property would be considered a part of the proposed assisted living facility and would not generate a residential transition area;
2. That a Class "A" landscape screen would be provided along Stone Chapel Road with the trees between 6 and 8 feet tall when planted;
3. That the emergency exit to Stone Chapel Road would be utilized by fire or police emergency vehicles only and would be a "break-away" type of entrance not open for any other types of traffic movements;
4. That the petitioner would not ask the State Highway Administration for the installation of a traffic signal at its proposed entrance.

20. Ex. No. 1

