IN THE MATTER OF THE APPLICATION OF	*	BEFORE THE
VILLAGE CARE, INC.	*	COUNTY BOARD OF APPEALS
NW/COR OF MT WILSON LANE AND IRON HORSE LANE FOR SPECIAL	*	OF
EXCEPTION, SPECIAL HEARING AND DEVELOPMENT PLAN	*	BALTIMORE COUNTY
3RD ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT (PDM File No. III-377)	* *	CASE NO. CBA-97-100 and CASE NO. 96-248-SPHX

* * * * * * * * *

ORDER OF DISMISSAL

This matter having come before this Board on appeal dated January 6, 1997 from a decision of the Zoning Commissioner /Hearing Officer in which the requested special exception was denied and the special hearing and development plan dismissed as moot;

WHEREAS, the Board has been reviewing its docket with reference to inactive cases with the intent to dismiss and close as many of these cases as possible; and

WHEREAS, the subject matter has been held on the Board's docket since April 2, 1997, and no further action has occurred since that date;

IT IS THEREFORE ORDERED this 28th day of October, 2002 by the County Board of Appeals of Baltimore County that the above-referenced appeal in Case No. CBA-97-100 and Case No. 96-248-SPHX be and the same is hereby **DISMISSED FOR LACK OF PROSECUTION**.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Charles L. Marks, Chairman

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

October 28, 2002

Howard L. Alderman, Jr., Esquire
LEVIN & GANN, P.A.
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, MD 21204-4525

RE: *In the Matter of: Village Care, Inc.*
Case No. CBA-97-100 /Case No. 96-284-SPHX
Order of Dismissal

Dear Mr. Alderman:

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

Very truly yours,

Kathleen C. Bianco /tts

Kathleen C. Bianco
Administrator

Enclosure

c: John Tastet
J. Carroll Holzer, Esquire
C. William Clark, Esquire
Richard Rynd
Mr. and Mrs. Milo Hekler
People's Counsel for Baltimore County
Pat Keller, Director /PDM
Lawrence E. Schmidt /Zoning Commissioner
Donald T. Rascoe, Project Manager /PDM
Arnold Jablon, Director /PDM

Printed with Soybean Ink
on Recycled Paper

IN RE: DEVELOPMENT PLAN AND PETITIONS FOR SPECIAL EXCEPTION AND SPECIAL HEARING - NWC MOUNT WILSON LANE AND IRON HORSE LANE 3rd Election District 2nd Councilmanic District Village Care Inc. Developer/Petitioner	BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY Case Nos. III-377 and 96-284-SPHX

PETITION ON APPEAL

Village Care, Inc., Developer/Petitioner, by Julius W. Lichter and Levin & Gann, P.A., it attorneys, pursuant to Baltimore County Code, §26-209(a)(1) and Baltimore County Zoning Regulations, §500.10, hereby files this Petition in Support of the Notice of Appeal from the decision of the Zoning Commissioner/Hearing Officer entered in the captioned case on January 6, 1997.

1. The Zoning Commissioner/Hearing Officer erred in finding that the proposed outfall is unsuitable where the Developer/Petitioner proposes to manage the storm water discharge in excess of the minimum requirements for the quantity and the quality of storm water discharged.

2. The Hearing Officer/Zoning Commissioner erred in denying the Development Plan on the basis of the proposed storm water outfall where the Developer/Petitioner submitted four alternatives, where all four alternatives were supported by preliminary hydrology computations and where at least three of the alternatives were capable of being constructed and suitable to manage the storm water to a suitable outfall.

3. The Zoning Commissioner/Hearing Officer erred in finding

that the proposed outfall would have adverse effects at the proposed location which are greater than the effects at any other location where the evidence before the Zoning Commissioner/Hearing Officer established that the proposed outfall would, at minimum, have no impact on existing conditions at the proposed location and would improve existing storm water conditions at the proposed location.

4. The Zoning Commissioner/Hearing Officer erroneously concluded that the Development Plan failed to comply with Baltimore County code, §26-203(d)(12) which requires the submission of a preliminary forest conservation plan in accordance with Baltimore County Code §14-408.

5. The Zoning Commissioner/Hearing Officer erred in denying approval of the development plan on the basis of factors which properly should have been the subject of conditions for approval of the Development Plan.

6. The failure of the Zoning Commissioner/Hearing Officer to consider the eight statutory requirements of a petition for special exception resulted in an arbitrary, capricious and illegal denial of the Petition for Special Exception.

7. The Zoning Commissioner/Hearing Officer erred in concluding that the Office of Planning's compatibility recommendation was improper and in failing to decide whether the proposed nursing home is compatible with the neighborhood.

8. The Zoning Commissioner/Hearing Officer erred in determining that the Petition for Special Hearing and request for

modification of standards were moot.

For these and for such other and further reasons as may be presented to the Board of Appeals, the Developer/Petitioner respectfully requests that:

(a) the December 5, 1996 decision of the Zoning Commissioner/Hearing Officer denying the Development Plan, Petition for Special Exception and Petition for Special Hearing be reversed; and

(b) the Board approve the Developer/Petitioner's Development Plan, Petition for Special Exception and Petition for Special Hearing as submitted to the Zoning Commissioner/Hearing Officer and as shown in the record of this case.

Respectfully submitted,

Julius W. Lichter
Levin & Gann, P.A.
305 W. Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of January, 1997, that a copy of the aforegoing Petition on Appeal was hand delivered to Lawrence E. Schmidt, Zoning Commissioner/Hearing Officer, Old Courthouse, 400 Washington Avenue, Towson, Maryland and that copies of the aforegoing Petition on Appeal were mailed via first class mail, postage pre-paid to C. William Clark, Esquire, Nolan, Plumhoff & Williams, 502 Washington Avenue, Towson, Maryland 21204 and to J. Carroll Holzer, Esquire, 305 Washington Avenue, Suite 502, Towson, Maryland 21204.

Julius W. Lichter, Esquire

IN RE:DEV. PLAN HEARING & PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION, NWC Mt. Wilson & Iron Horse Lanes 3rd Election District 2nd Councilmanic District Legal Owner: John W. Tastet Applicant: Village Care, Inc. Developer/Petitioner	*	BEFORE THE HEARING OFFICER/ ZONING COMMISSIONER OF BALTIMORE COUNTY Case Nos.III-377 & 96-284-SPHX

* * * * * * * * * * *

RULING ON MOTION TO RECONSIDER AND REVISE

By written opinion and Order issued December 5, 1996, the Petition for Special Hearing, Petition for Special Exception and requested approval of a development plan offered in the above captioned matter were denied. On December 10, 1996, the Petitioner/Developer filed a Motion to Reconsider and Revise requesting that the Hearing Officer/Zoning Commissioner reconsider his opinion and approve the Petitions and plan; or, in the alternative, revise the opinion and Order to reflect that the denial of the development plan rendered the Petition for Special Exception moot. A response to this Motion was timely filed by Cobblestone Homeowners Association, Inc., Pikesville Farms Community Association, Inc., and individuals in the community.

Section 26-206.1 of the Baltimore County Code allows a Petitioner/Developer to combine hearings when seeking development plan and zoning approval. This section does not mandate that a combined hearing be held; rather, permits a Petitioner to seek a decision on all necessary requests and approvals through one hearing. The Petitioner/Developer elected to proceed under this section and requested adjudication of the merits of both the plan and Petitions.

The opinion and Order issued on December 5, 1996 is self explanatory and fully sets forth the issues presented and my analysis of same. Denial of the development plan was based upon the Developer's failure to verify suitable outfall for the storm water management system and and because of its failure to submit a forest conservation plan. The Petition for Special

Exception was denied, in part, because it was determined that the Petitioner's storm water management plan (including the proposed outfall for same) failed to meet the requirements of Section 502.1 of the BCZR. Specifically, the system, as proposed, would cause a detrimental impact to the health, safety and general welfare of the locale.

The opinion rendered was based on the cumulative testimony and evidence offered. The record will disclose that both expert and lay testimony was offered in opposition to the Petitions and plan.

I am appreciative of the impact of my decision, particularly in view of the application of Section 500.12 of the BCZR. Nonetheless, I decline to revise or reverse my Order. The Petitioner/Developer availed itself of the opportunities permitted under Section 26-206.1 of the Code. Throughout the course of the hearing, and until the opinion was issued, the applicant requested a decision on both the plan and Petitions. The "storm water management issue" was fatal to any approval of the project both from the development plan and special exception aspects. The failure to provide appropriate storm water management renders approval of the Petition for Special Exception inappropriate just as it warrants denial of the development plan.

The Motion to Reconsider and Revise must, therefore, be denied.

THEREFORE, IT IS ORDERED by the Hearing Officer/Zoning Commissioner of Baltimore County this 2nd day of January 1997, that a request for approval of the development plan and the Petitions for Special Hearing and Special Exception, issued in my Order dated December 5, 1996, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the remainder of the Hearing Officer/Zoning Commissioner's opinion and Order issued on December 5, 1996, be and is hereby ratified and affirmed.

Any appeal from this decision must be taken in accordance with the applicable provisions of law.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

January 2, 1997

Julius W. Lichter, Esquire
Levin and Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Ruling on Motion to Reconsider and Revise
Case No. III-377 and 96-284-SPHX
Property: Mt. Wilson and Iron Horse Lanes
Legal Owner: John W. Tastet
Village Care, Inc., Applicant/Petitioner

Dear Mr. Lichter:

Enclosed please find a copy of my Ruling on Motion rendered in the above captioned matter. The Motion has been denied.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Ruling to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
encl.
c: C. William Clark, Esquire
J. Carroll Holzer, Esquire

Printed with Soybean Ink

IN RE: DEVELOPMENT PLAN HEARING AND PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE HEARING OFFICER/
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
NWC Mt. Wilson & Iron Horse Lanes	*	
3rd Election District		
2nd Councilmanic District	*	Case Nos. III-377 and 96-284-SPHX
VILLAGE CARE, INC.		

* * * * * * * * * * * * *

OPPOSITION TO MOTION
TO RECONSIDER AND REVISE

Cobblestone Homeowners' Association, Inc., Charles Levine, and Albert Kleemen, by C. William Clark, and Nolan, Plumhoff & Williams, its attorneys, files this Opposition to Motion to Reconsider and Revise, and for reasons states as follows:

1. The Zoning Commissioner sitting as the Hearing Officer correctly found based on substantial evidence placed before him that the Development Plan, as proposed, did not demonstrate the verification of suitable outfall for storm drainage, and that the requirements of Section 502.1 of the Baltimore County Zoning Regulations were not met.

2. The substantial evidence produced at the hearing did not consist of evidence offered solely by lay witnesses or Petitions of Objection amounting to unsupported dislike or fear of the project, but rather consisted of detailed evidence offered both by experts recognized in their fields, and also the articulated objections of the residents in the neighborhood.

3. The denial of the Petition for Special Exception did not become moot once the Hearing Officer denied the Development

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

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COMMISSIONER

Plan since both these matters were heard in a combined hearing as requested by the Developer.

4. A question only becomes moot if, at the time it is before the Court, there is no longer an existing controversy between the parties, so that there is no longer any effective remedy which the Court can provide. Howard County Human Rights Commission v. Great Oaks Apartments, 315 Md. 218, 554 A 2d 348, 349 (1989); Attorney General v. A. A. County School Bus, 286 Md. 324, 327, 407 A.2d 749 (1979). Clearly there was at the time that this matter came on for a hearing an existing controversy between the parties, and there were effective remedies which the Court could provide.

5. By its Motion to Reconsider and Revise, the Developer desires to avoid the provisions of Baltimore County Zoning Regulations Section 500.12, which prohibits the Zoning Commissioner from accepting for filing any other Petition for Special Exception with respect to the same property, or any part of that property until at least 18 months have passed from the date of the final order relating to the previous petition. Of course, the Developer does not argue in its Motion for any reason as to why Section 500.12 of the Baltimore County Zoning Regulations ought not apply to it, nor does it advise the Zoning Commissioner or Hearing Officer the import of what revising the Opinion would be. The Opinion ought not be revised since it was at the Developer's request that a combined hearing be held and, as stated above, there was clearly a controversy in existence at the time the hearings began.

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

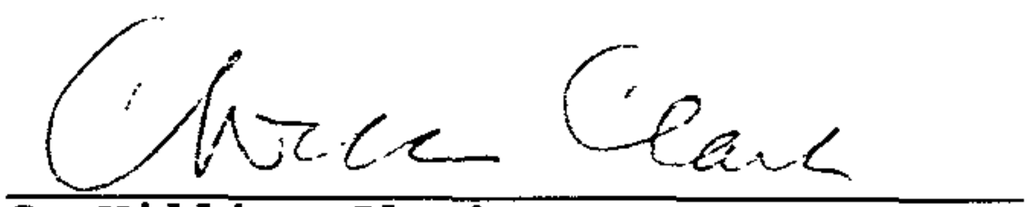
Furthermore, the mootness doctrine would not operate to make a matter moot simply because one controversy was resolved in one particular way, while two controversies were pending during the hearing.

6. The Zoning Commissioner's denial of the Petition for Special Exception was appropriate and should remain unrevised.

WHEREFORE, upon the foregoing reasons, and upon the record before the Zoning Commissioner and Hearing Officer, the Protestants hereby respectfully request that:

A. That the Motion to Reconsider and Revise be denied;

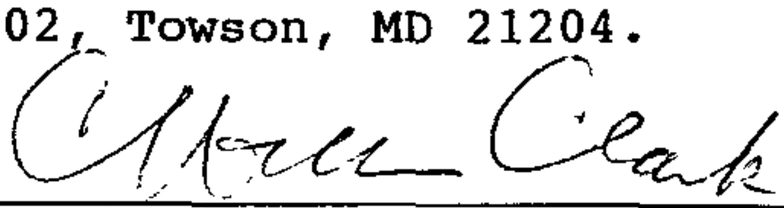
B. For such further relief as the nature of their cause may require.



C. William Clark
Nolan, Plumhoff & Williams, Chtd.
Suite 700, 502 Washington Avenue
Towson, MD 21204
410/823-7800

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of December, 1996, a copy of the aforegoing Opposition to Motion to Reconsider and Revise was mailed, postage prepaid, to Julius W. Lichter, Esquire, Levin & Gann, P.A., 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204; and to J. Carroll Holzer, Esquire, 305 Washington Avenue, Suite 502, Towson, MD 21204.



C. William Clark

IN RE: DEVELOPMENT PLAN HEARING AND PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE HEARING OFFICER/
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
NWC Mt. Wilson & Iron Horse Lanes	*	
3rd Election District		
2nd Councilmanic District	*	Case Nos.: III-377 & 96-284-SPHX
VILLAGE CARE, INC.	*	

* * * * * * * * * * * * *

MOTION TO RECONSIDER AND REVISE

Village Care, Inc. ("Developer/Petitioner"), by Julius W. Lichter and Levin & Gann, P.A., its attorneys, hereby moves that the Zoning Commissioner reconsider whether the proposed outfall is suitable and that the Opinion and Order of the Zoning Commissioner for Baltimore County denying the Petition for Special Exception be revised to render the Petition for Special Exception moot in light of the denial of the Development Plan. The grounds for the Motion are as follows:

1. The Zoning Commissioner ("Commissioner") correctly found at page 14 of his Opinion and Order ("Order") that the proposed collection and management of the storm water on site is appropriate and proper. On page 13 of the Order, the Commissioner also found that the proposed storm water management facility will hold the water that falls onto the site and slowly disburse the water "so as not to cause off site flooding."

2. Uncontradicted testimony also revealed that the Developer/Petitioner has proposed to manage the storm water in

excess of the standards established by the Department of Environmental Protection and Resource Management ("DEPRM"). The record will indicate substantial testimony that the storm water will be over managed in such a manner that the storm water will disburse at a slower rate which will, at minimum, result in no adverse impact on the existing conditions and which may improve existing conditions by improving both the quality and quantity of storm water which is disbursed from the site.

3. The Commissioner relied extensively on the testimony of experts whose principal stands to avoid significant economic expense if the proposed improvements to the existing outfall structure are not constructed and chose to ignore substantial testimony and detailed computations on behalf of the Developer/Petitioner which provide assurance that the proposed outfall is feasible, practical and suitable.

4. The Commissioner relied extensively on the testimony of lay witnesses whose testimony is completely contrary to the testimony of the Developer/Petitioner's witnesses and the County experts. To the extent that the Commissioner relied on lay witness testimony, the Maryland Court of Special Appeals has held that the Commissioner's Order cannot stand:

> Zoning is not a plebiscite and therefore testimony in opposition restricted solely to lay witnesses, petitions of objection to the proposal by residents, and testimony amounting to unsupported dislike and fear of (a) project. . . amounted to no evidence at all." Entzian v. P.G. Co., 32 Md.App. 256, 262-63 (1970), citing Rockville Fuel v. Board of Appeals, 257 Md. 183 (1970). (Emphasis added.)

5. The Petition for Special Exception approval of a nursing

home arose in conjunction with the Development Plan and could not be approved, developed or constructed without approval of the roads, utilities, landscaping and other features included within the Development Plan.

6. A question becomes moot when there is no longer a controversy and when there is no longer an effective remedy that may be provided. Howard County Human Rights Commission v. Great Oaks Apartments, 315 Md. 218, 554 A.2d 348, 349 (1989).

7. The denial of the Development Plan rendered the Petition for Special Exception as well as the Petition for Special Hearing moot. The Commissioner determined in his application of the governing law that the purported failure of the Development Plan to include a preliminary forest conservation plan rendered the Development Plan unapprovable. (Order at page 21).

8. Denial of the Development Plan made the Developer/Petitioner unable to proceed with development or construction of the nursing home such that no effective relief was available to the Petitioner pursuant to the Petition for Special Exception.

9. The Commissioner's denial of the Development Plan alone rendered the Petition for Special Exception moot.

WHEREFORE, based upon all of the reasons and established law described above, and upon the record before the Commissioner, the Developer/Petitioner hereby respectfully requests that:

A. The Commissioner reconsider his Opinion and Order of December 5, 1996 and find that the proposed storm water management

outfall which provides greater management and quality benefits than the requirements of the Department of Environmental Protection and Resource Management is a suitable outfall; and

B. The Commissioner revise his Opinion and Order to reflect that the denial of the Development Plan rendered the Petition for Special Exception moot; and

C. For such further relief as the nature of this case may require.

Julius W. Lichter
Levin & Gann, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of December, 1996, a copy of the aforegoing Motion to Reconsider and Revise was mailed postage prepaid, first class mail to C. William Clark, Nolan, Plumhoff & Williams, 502 Washington Avenue, Towson, Maryland 21204; and to J. Carroll Holzer, 305 Washington Avenue, Suite 502, Towson, Maryland 21204.

Julius W. Lichter, Esquire

BALTIMORE OFFICE
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2 HOPKINS PLAZA
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BALTIMORE, MARYLAND 21201
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A PROFESSIONAL ASSOCIATION
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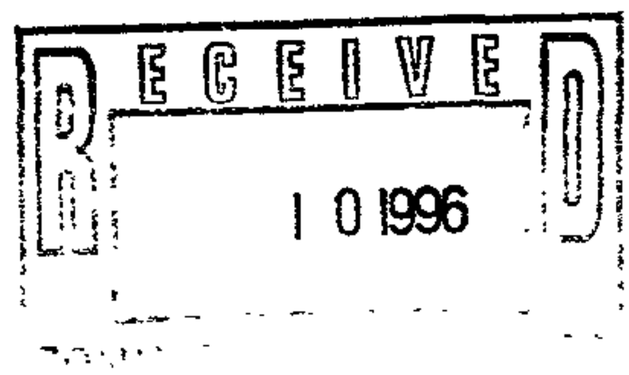
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

JULIUS W. LICHTER

December 10, 1996



Hand Delivered

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

RE: Case Nos.: III-377 & 96-284-SPHX
Village Care, Inc.

Dear Mr. Schmidt:

Enclosed herewith, please find the Developer/Petitioner's Motion to Reconsider and Revise the Zoning Commissioner's Opinion and Order dated December 5, 1996.

Very truly yours,

Julius W. Lichter

JWL/rdp
Enclosure
cc: C. William Clark, Esquire
J. Carroll Holzer, Esquire

IN RE:DEV. PLAN HEARING & PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION, NWC Mt. Wilson & Iron Horse Lanes 3rd Election District 2nd Councilmanic District Legal Owner: John W. Tastet Applicant: Village Care, Inc. Developer/Petitioner	*	BEFORE THE HEARING OFFICER/ ZONING COMMISSIONER OF BALTIMORE COUNTY Case Nos.III-377 & 96-284-SPHX

* * * * * * * * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER & PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION

The above captioned matter comes before the Zoning Commissioner/Hearing Officer, as a combined hearing, on separate requests for approval, pursuant to Section 26-206.1 of the Baltimore County Code. Within the zoning case, (case No. 96-284-SPHX) a Petition for Special Exception has been filed seeking approval of a nursing home with associated parking and a storm water management facility. A Petition for Special Hearing was also filed, seeking a waiver of public works standards to allow a 24 ft. pavement on a 40 ft. right of way for a proposed public street, to be known as Renata Court, and a waiver of the requirement that sidewalks be provided along that portion of the tract boundary adjacent to Iron Horse Lane. It is to be noted that the requested waiver of sidewalks was withdrawn in open hearing. Additionally, the Petitioner/Developer seeks approval of a development plan pursuant to Article V (Development Regulations) of Title 26 of the Baltimore County Code, specifically Section 26-206 thereof. (Case No. III-377) A red lined development plan (Developer's Exhibit 1A) accompanied by a landscape plan and landscape detail (respectively Developer's Exhibits 1B and 1C), clearly depicts the proposed zoning relief and proposed development. The subject Petitions and development plan are all submitted for approval by John W. Tastet, property owner, and Village Care, Inc., Developer.

The procedural history of this case is quite lengthy. Initially, a concept plan of the proposed development was submitted to Baltimore County on July 24, 1995. Thereafter, a Community Input Meeting was conducted on September 19, 1995 at the Fort Garrison Elementary School. Later, on October 23, 1995, an amended concept plan was submitted. A second requisite Community Input Meeting was conducted on November 27, 1995. Following this meeting, the Developer/Petitioner submitted a development plan on February 22, 1996 and the requisite Hearing Officer's hearing was convened on May 23, 1996. At that hearing, an objection to the development plan was made by counsel for some of the Protestants who appeared. Essentially, that objection was that the development plan improperly showed a portion of the storm water management pond proposed for the site to be located within an R.T.A. buffer. I sustained counsel's objection for reasons fully set forth in a written opinion issued on May 29, 1996. I further ordered that the matter be remanded for re-submission of a corrected development plan.

In accordance with that Order, an amended development plan was submitted on September 11, 1996. Subsequent to the submission of that plan, the matter was scheduled for another Hearing Officer's hearing. The hearing was convened on September 26, 1996 and entailed in excess of 5 days of testimony over the next six weeks. At the conclusion of the presentation of testimony, counsel waived oral argument and requested an opportunity to submit memoranda. Memoranda were timely filed, as agreed, by all parties on November 22, 1996 and this opinion follows.

Participating at the hearings and appearing on behalf of Village Care, Inc. was Richard Rynd, President of that corporation. The Developer was represented by Julius W. Lichter, Esquire, and Levin and Gann, P.A. A substantial volume of testimony was offered on behalf of the Developer as were a number of exhibits. As that testimony and those exhibits bear on the issues presented, same will be recounted hereinafter.

Among those who testified in support of the plan was Mr. Rynd and a number of expert witnesses, including Richard Matz, the Engineer who prepared the plan, Wes Guckert, a Traffic Engineer, William Monk, a Land Planner, Sally Molina, a Landscape Architect, Jack Hollick, an Architect, Louis Huber, a Consultant/expert in the fields of Health Care/Nursing Care Facilities, and Ben Brockway, an Environmental Planner.

Appearing in opposition to the request was C.William Clark, Esquire, of Nolan, Plumhoff and Williams, P.A., on behalf of the Cobblestone Homeowners Association, Charles Levine and Albert Kleeman. Messrs. Levine and Kleeman reside within Cobblestone, a new residential community which is located across Iron Horse Lane from the subject site. Also participating at the hearing was J. Carroll Holzer, Esquire, of Holzer and Lee, Attorneys-At-Law, on behalf of the Pikesville Farms Community Association and several property owners who reside therein. The Pikesville Farms Community is located across Mt. Wilson Lane from the subject site.

A number of residents of the locale appeared and participated at the hearing. Expert testimony was also offered by the Protestants, chiefly through David S. Thaler, an Engineer/Planner, Ernest Shepp, a Storm Water Management expert and Norman Gerber, a Land Planner.

The record will also disclose the participation and testimony offered by numerous representatives from the County agencies which reviewed the plan, including Mitch Kellman, Robert Bowling, and John Lewis of Permits and Development Management (PDM), Carol McEvoy and Tim Dugan from the Office of Planning (OP), and Robert T. Wood, Valarie Klein and R. Bruce Seeley from the Department of Environmental Protection and Resource Management (DEPRM). Don Roscoe, the Project Manager from PDM, did his usual fine job in assisting this project through the process.

A brief description of the subject property and proposed development is in order. The property is approximately 10.65 acres in area, split zoned

D.R.3.5 and B.L. The predominant zone is D.R.3.5, encompassing approximately 8.01 acres. The B.L. portion of the property contains 2.64 acres. The property is rectangular in shape, and is located on the northwest corner of the intersection of Mt. Wilson Lane and Iron Horse Lane in Owings Mills. Mt. Wilson Lane intersects Reisterstown Road, not far from the site. Reisterstown Road is a major north/south corridor in Baltimore County and its intersection with Mt. Wilson Lane is not far to the north of the Baltimore Beltway (I-695).

As shown on the plan, the Developer proposes construction of a 150 bed nursing home facility and a 12 single family dwelling community on the subject site. The site has generally been divided into two sections to accommodate the proposed development, one to the north and one to the south. The south section will contain the nursing home building, a large macadam parking area for same, and a storm water management facility. Vehicular access to the parking lot which serves the nursing home is from Iron Horse Lane. The residential community is proposed for the northern portion of the property. Specifically, 11 single family lots will be developed adjacent to an interior road to be constructed and known as Renata Court. This road will terminate in a cul-de-sac within the property and vehicular access to the Court is from Iron Horse Lane. In addition to 11 new single family dwelling lots, an existing dwelling will remain. This dwelling is known as the Balmuckety Mansion and is a grand Mansion which was constructed earlier this century. The Mansion has been placed on the preliminary landmarks list by the Landmarks Preservation Commission of Baltimore County as a historic landmark.

The Developer/Petitioner seeks special exception and special hearing relief to permit the nursing home component of the development. Additionally, a request for modification of standards is sought, pursuant to the requirements of the Comprehensive Manual of Development Policies (CMDP)

(Residential Standards, page 29). This modification is requested to allow the nursing home building to be 299.5 ft. in dimension, in lieu of the 200 ft. allowed. In addition to this relief, development plan approval is sought from the Hearing Officer, pursuant to Section 26-206 of the Baltimore County Code.

APPLICABLE STANDARDS OF REVIEW

The nursing home will be located in both the D.R.3.5 and B.L. portions of the property. A nursing home (formerly known in the BCZR as a "convalescent home") is permitted in a D.R. zone by special exception pursuant to Section 1B01.1.C(5) of the BCZR. A nursing home is permitted by right in a B.L. zone, pursuant to Section 230.2.

The law of special exceptions in Baltimore County is well settled. In order for a special exception use to be granted, the Petitioner must satisfy the requirements of Section 502.1 of the BCZR. That section states:

"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 LAW OF SPECIAL EXCEPTIONS

In essence, the BCZR classify the permissibility of land uses in a given zone in one of three categories. That is, for each zone, uses are either; (1) permitted by right; (2) prohibited, or; (3) permitted by special exception. Those uses permitted by right are automatically allowed, notwithstanding any potential adverse impact caused by same on the neighboring locale. No matter how adverse the possible impact, a property owner may utilize its land for uses permitted by right; assuming, of course, compliance with all public laws, building codes, etc. Other uses are not permitted under any circumstances. Thus, even a land use which impacts its neighborhood favorably may not be allowed. Special exception uses constitute, in effect, the middle ground. Special exception uses are permissible only after a public hearing during which the property owner must demonstrate that the use satisfies the statutory criteria identified above.

Moreover, the BCZR are written in the inclusive. Any use other than those permitted by the zoning ordinance and being carried on as of right or by special exception is prohibited. See Kowalski v. Lamar, 25 Md. App. 493 (1975). Thus, the proposed use must be particularly identified in the regulations. Nursing homes are specifically defined used in Section 101 of the BCZR.

Recently, the Court of Special Appeals in Cromwell v. Ward, 102 Md. App. 691 (1995) observed the distinction between special exceptions and variances. Although that case came to the Court on a Petition for Variance, the Court discussed the nature of special exceptions. Quoting with approval from an Alabama case (Lundquist v. Board of Adjustment, 490, So. 2nd., 16 (1986), the Court stated that "{T}hus a special exception is not truly an exception to the zoning regulations at all". Cromwell, pg. 702. In

Cromwell, the Court emphasized that special exceptions are an appropriate part of the overall land zoning scheme and that special exception uses are neither "special" or "exceptional".

Other jurisdictions label special exception uses "conditional uses". This descriptive term of the concept is far more accurate. Indeed special exception uses are conditionally permitted, assuming that the criteria set forth in Section 502.1 of the BCZR are satisfied.

The seminal case in Maryland on special exceptions is Schultz v. Pritts, 291, Md. 1 (1981). Although this opinion is now 15 years old, its holding remains the leading authority in Maryland. In Schultz, the Court repeated the often stated principal that " {A} special exception use is part of the comprehensive zoning plan sharing the presumption that as such, it is in the interest of the general welfare and, therefore, valid" page 11. See also Rockville Fuel and Feed Company, Inc., v. Board of Appeals of the City of Gaithersburg, 257 Md. 183, (1970).

In Peoples Counsel v. Mangione, 85 Md. App. 738 (1991), a case from Baltimore County in which the Zoning Commissioner participated while a member of the County Board of Appeals, the Court of Special Appeals repeated the principal set forth in Schultz, infra, citing Creswell v. Baltimore Aviation Services, Inc., 257, Md. 712 (1970). In Mangione, infra, pg. 748, the Court observed that a special exception ". . . is a use which has been legislatively predetermined to be conditionally compatible with the uses permitted as of right in a particular zone, the condition being that a zoning body must, in each case, decide under specific statutory standards whether the presumptive compatibility exists". Thus, in the instant case, the Baltimore County Council (the legislature) has determined that a nursing home (an identified special exception use) is conditionally compatible with uses permitted as of right, provided that this Zoning Commissioner (the

zoning body) decides that the specified statutory standards (Sec. 502.1 of the BCZR) are satisfied.

It is clear from these cases that it is the unique nature of the impact caused by the proposed special exception use which must be evaluated. In Schultz, the Court cited several cases and concluded; "These cases establish that a special exception use has an adverse effect and must be denied when it is determined from the facts and circumstances that a grant of the requested special exception use would result in an adverse effect upon adjoining and surrounding properties unique and different from the adverse effect that would, otherwise, result from the development of such special exception use located anywhere within the zone." (emphasis added) pg. 15. Thus, the key in evaluating the impact is to determine if its effect is unique and different at the subject locale. Several cases vividly illustrate this point.

In Anderson v. Sawyer, 23 Md. App. 612 (1974), another Baltimore County case, the Court of Special Appeals considered a proposed special exception petition for a funeral home. Opposing neighbors objected to the special exception, in part, due to the inherent depressing and disturbing psychological effect of a funeral home. Quite obviously, funeral homes are not places of joy and happiness. Rather they are places of sadness and reflection catering to individuals who have suffered the loss of a loved one. Although it must obviously be conceded that a funeral home is inherently a depressing place, such impact standing alone is not sufficient to warrant denial of special exception. As the Court of Special Appeals noted in Anderson, the depressing psychological impact of the proposed funeral home was no different at the proposed location than elsewhere in the zone. Thus, although there might be some inherent adverse effect, the Court of Special Appeals affirmed the granting of the special exception in that there

was no evidence that the adverse impact was unique or different in that locale.

A contrary result, wherein the special exception was denied, was reached in Mangione, infra. The same standard, however, was applied. As noted above, this Zoning Commissioner participated in that case while a member of the Board of Appeals and authored the Board's opinion. That opinion was affirmed by the Circuit Court and on appeal by the Court of Special Appeals.

The salient facts in that case related to the Petitioner's proposed construction of a nursing home in Towson. It was determined that the use would clearly generate adverse impacts, including traffic, storm water runoff, etc. Although these impacts were not in and of themselves sufficient to warrant a denial, a denial was warranted because of the unique effect of those factors on the subject locale. The Board and Courts on appeal noted that the traffic which would be generated would overload the small interior community road system which had been designed to accommodate residential traffic in the neighborhood. Moreover, the project would exacerbate an already difficult storm water runoff situation and constitute the deepest commercial/office intrusion into the residential community.

Both Anderson and Mangione were cited in Mossberg v. Montgomery County, 107 Md. App. 1 (1995). This most recent case reiterated the prior holdings in stating "Moreover, 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 in a particular location would be greater than the adverse effects ordinarily associated with a particular use that is to be considered by the agency." (pg.5) Clearly then, the responsibility of the Zoning Commissioner is to

determine whether the impacts of the proposed use, as quantified in Section 502.1 create any unique or different impact here.

CONSIDERATION OF THE DEVELOPMENT PLAN

Unlike special exceptions, the standard of review of the development plan by the Hearing Officer does not enjoy a rich history of examination by the higher courts. The current development review process in Baltimore County is quite new and came into being in 1992. There have been few cases before the Hearing Officer which have been appealed to the Board of Appeals and fewer still which have been appealed further to the Circuit Court for Baltimore County or Courts of Appeal in Annapolis.

However, one case involving the development process which has made its way to the jurists on Rowe Boulevard is Monkton Preservation Association v. Gaylord Brooks, 107 Md. App. 573 (1996). In commenting on the development process, the Court of Special Appeals did recognize that the hearing before the Hearing Officer is indeed the end of "Phase 1" of the development review process rather than an end all/be all of development review. The Court noted that "The development process is indeed an 'ongoing process', and the Hearing Officer's affirmation of the plan is just the first step." Monkton Preservation, supra, page 585.

Similar holdings have come from the Circuit Court. In the matter of the review of the Loch Raven Congregation of Jehovah's Witnesses (Case No. 03-C-95-7040), the Circuit Court for Baltimore County commented that "Clearly, the Code does not require that a detailed plan be presented before the Hearing Officer." These cases collectively, as well as the language employed in the development regulations, are persuasive that the Hearing Officer's hearing and development plan review leading up to that hearing is the first step of the process. That is, the Hearing Officer must review a plan to determine whether a proposed project is in compliance with the development regulations. Further detailed plans will follow and there will

be further reviews. In fact, Section 26-206(1) of the Code requires that further plans must be consistent with the development plan. This language suggests that detailed plans will be submitted further on in the process.

Notwithstanding the evolutionary nature of the process, however, the development plan must contain a certain degree of detail. A plan must be specific enough to enable the Hearing Officer to make a reasonably informed decision. Also, section 26-203 of the Code defines those elements which must appear on a development plan. That section contains a lengthy list of items. Thus, although the plan not need be fully engineered, it must be prepared in a manner so as to comply with Section 26-203 and permit the Hearing Officer to make an intelligent decision as to the propriety of the proposed development.

In my judgment, this issue represents, in a nutshell, the greatest divergence of opinion between the parties here. The Developer and his consultants, for their part, have seemingly adopted a "trust us, it will be worked out" approach. The Developer contends that many of the issues raised as objectionable by the Protestants will be resolved later. Such items include the potential outfall for storm water, preservation of trees on site, and the traffic generated by the use. All are handled by the Developer with the promise that compliance with the regulations is possible and that the precise means of compliance will be identified later.

For their part, the Protestants disagree. They believe that the plan is incomplete and insufficient in these areas and not sufficiently detailed to persuade them or, more importantly, the Hearing Officer, that the plan is in compliance with all development regulations. As discussed within the Protestant's memorandum submitted by counsel, the Protestants seek assurance that the solutions proposed by the Developer to their concerns are practical and possible; whereas the Petitioner avers that mere assurance that the plan is technically feasible is sufficient.

STORM WATER MANAGEMENT

In my judgment, the most significant issue raised by the Protestants relates to the storm water management plan for the proposed development. This issue bears on the validity of both the Petition for Special Exception and the Development Plan. As to the Petition for Special Exception, among the criteria required to be evaluated are the items listed in Section 502.1(e). This section mandates that the Zoning Commissioner consider whether the proposed use would "interfere with adequate provisions for schools, parks, water, sewage, transportation or other public requirements, conveniences, or improvements." (emphasis added) Moreover, the catch all portion of Section 502.1; namely, 502.1.a, requires an evaluation of the impacts of the proposed special exception use on the overall health, safety or general welfare of the locale. Surely these two sections mandate that the issue of storm water management must be considered in evaluating a Petition for Special Exception.

The issue also bears on the development plan approval. Section 26-203 of the Code describes, in detail, those items which must appear on the development plan. In Section 26-203(d)(10), it is provided that the plan shall contain, "storm water management areas supported by preliminary hydrology computations, and proposed existing storm drainage systems and verification of suitable outfall." Moreover, in discussing the Hearing Officer's responsibilities, the development regulations provide in Section 26-206(b) that the Hearing Officer shall grant approval, after evaluation, of a plan which complies with ". . . these development regulations and applicable policies, rules and regulations . . . ." (emphasis added) Thus, the storm water management issue identified in Section 26-203(d)(10) is a mandated part of the development plan and consideration thereof by the Hearing Officer is required.

A significant volume of testimony was offered by the Developer, the Protestants and representatives of the reviewing County agencies regarding this issue. I will not endeavor herein to summarize all of that testimony which is contained within the record of the case. However, suffice it to say that the proposed development, with 11 new single family houses, a large nursing home building, a supporting macadam parking area, and new driveways and streets will cause there to be created large areas of impervious surface on the site which are not presently there. As noted above, the site at present, is largely unimproved, but for the Mansion.

Recognizing that storm water management is necessary, the Developer has proposed a storm water management system. As shown on the development plan (Developer's Exhibit No. 1A), the storm water management plan centers around the proposed construction of a storm water management pond in the southeast corner of the site. The pond will be located immediately next to the intersection of Mt. Wilson Lane and Iron Horse Lane. The topography of the site mandates that location in that the property generally falls in a southeasterly direction.

Essentially, the rainwater which falls and drains onto the site will be collected through a series of inlets and piped to the storm water management pond. There, it will be held and slowly disbursed, so as not to cause off site flooding.

There was significant testimony from the Protestants regarding the present situation in the area. A video tape was presented which shows conditions during storms. This tape, plus uncontradicted testimony of residents in the locale, was persuasive that the vicinity is prone to flooding at the present time. Thus, the Developer must pay particular attention to this issue, to ensure that an already difficult situation is not aggravated.

Once the storm water is collected within the storm water management pond, same must be disbursed to a suitable outfall. Verification of the existence of a suitable outfall is specifically required under the development plan regulations. The term "suitable outfall" is undefined in the development regulations. Moreover, an examination of Article 14 of the Baltimore County Code, which regulates environmental protection and resource management, shows no definition of the term within Section 14-152, which defines terms used in the storm water management regulations.

The BCZR requires that a reader consult Webster's Third New International Dictionary of the English Language, Unabridged when a term used within the BCZR is undefined. Such an approach is appropriate here, notwithstanding that phrase "suitable outfall" is not found within the zoning regulations but the development regulations. The word "suitable" is defined, as something "appropriate from the viewpoint of propriety, convenience or fitness." Webster's also defines the term as "having the necessary qualifications". The word "outfall" is defined as "the vent of a drain or sewer" or "the lower end of a water course or body of water where it drops away into a larger body". Using these definitions, as well as the commonly accepted definition of the term as employed in the development regulations, it is clear that the Developer must show that the water which leaves the storm water management pond must be discharged into a channel, conduit or body of water capable of receiving this flow, without detriment to downstream properties. Thus, proof that there will be no adverse impact on adjacent properties not only is required under the development regulations, but under the special exception test.

I am persuaded that the Developer's proposed collection and management of the storm water on site is altogether appropriate and proper. The Baltimore County's Department of Environmental Protection and Resource Management (DEPRM) has required "over management" of the storm water which

is received by this site and the plans for the collection and retainage of same are satisfactory. It is the ultimate destination of this water, the "outfall", which is called into question. More particularly, is there a suitable place for this storm water to be directed and discharged?

The development plan shows four alternatives for the proposed outfall. All call for the water to be collected at the above described storm water management pond and piped down Mt. Wilson Lane into an existing stream. This stream presently generates from the north and the Cobblestone development, then runs under Mt. Wilson Lane through a 24" culvert and continues its flow through the residential community known as Pikesville Farms. On the south side of Mt. Wilson Lane, the culvert discharges into a stream which initially crosses the property owned by Milo and Otelia Hekler.

The Developer proposes four alternatives for its proposed outfall. Alternative No. 1 is to pipe the water directly into the 24" culvert. Alternative No. 2 requires a connection into potential improvements to the culvert presently under consideration. It is clear that a 24" culvert presently under Mt. Wilson Lane is insufficient for present conditions. The Cobblestone development immediately to the north has aggravated this situation. Testimony was offered that the developers of Cobblestone, through their engineer, D.S. Thaler and Associates, are proposing improvements to the existing culvert. The County is requiring 50% of the cost for these improvements to be paid by the Cobblestone developers, plus the providing of related engineering work to design the upgrade. Alternative No. 2 by the Village Care Developer suggests a tie-in to that upgrade when completed. Alternatives Nos. 3 and 4 are similar. No. 3 mandates a direct connection into the stream on the Hekler property which will require an easement from Mr. Hekler for the pipe to cross his property. Alternative No. 4 is nearly identical to No. 3 except would require Baltimore County to acquire and utilize an expanded right of way for Mt. Wilson Lane. This expanded right

of way would then house the pipe from the storm water management pond and allow discharge of same into the stream.

Testimony offered from the Developer's consultants was that any of the four (4) alternatives described above are technically feasible. Here the Developer adopts the "trust me" approach discussed hereinabove. The Developer contends that any of the four alternatives can work, from an engineering standpoint, and that such assurance is all that is necessary in order for this Hearing Officer to approve the plan.

The Protestants' testimony, largely through Ernest Shepp, an engineer with D.S. Thaler, was that none of the four (4) alternatives are practical. As to alternative No. 1, Mr. Shepp noted that the 24" culvert is already over capacity and that it cannot accept any additional water. This conclusion was buttressed by testimony from nearby residents and acknowledged by the Developer. As to alternative No. 2, Mr. Shepp noted that the design of his company's work on behalf of Cobblestone was not finalized and even when completed there is no assurance that those plans will be realized and construction will occur. Alternative No. 3 was rejected in view of Mr. Hekler's unequivocal testimony that he will not grant an easement and allow access for the pipe to cross his property to discharge the water. Alternative No. 4 was similarly rejected because the County has not moved to acquire any right of way or rights, the uncertainty associated with the County's plans, and the County's ultimate ability to acquire the right of way.

Testimony was also received from Robert Wood, on behalf of DEPRM. Perhaps it is best to describe Mr. Wood's testimony by saying that the record of this case will show that it speaks for itself. Quite frankly, this Hearing officer was troubled by his opinions largely because of the inconsistencies in his statements made during his examination and cross examination. Moreover, the contradictions from DEPRM were not limited to Mr. Wood's testimony, but are also contained within its development plan com-

ments. In his initial development comments, authored on September 9, 1996 (Protestants' Exhibit No. 7), Mr. Wood opines that all site runoff must be conveyed to a suitable outfall and that the proposed connection to the existing 24" pipe is "unsuitable". Without explanation, the development plan comments issued by Mr. Wood two weeks later on September 20, 1996 removed this objection.

In any event, it is my judgment that the Developer's engineers have failed to comply with the specific requirements of Section 26-203-(d)(10) of the Code and, additionally, have failed to meet the burden on this issue as to the special exception. As to the development plan requirement, it is clear that the development regulations require verification of suitable outfall. Quite frankly, suitable outfall has not been verified in this case. The Developer's "trust us", " we will later work out the details" scatter shot approach is inappropriate and unacceptable.

I recognize that the Hearing Officer's approval is but the conclusion of Phase 1 of the development process; that additional plans need be submitted and that significant engineering remains to be done. However, it must be recognized that Phase 1 of the process is the public's only real opportunity for input and the only time when a plan is evaluated through the public hearing process. Thus, the Hearing Officer, and to a lesser extent the public, must have a reasonable assurance that the Developer's plans are workable. The plan before me does not provide such assurance. The competent experts' opinion was that alternative No. 1 is not practical. Moreover, it does not take an expert to conclude that a 24" pipe already over capacity should not receive additional water. I agree with Mr. Wood's initial opinion that the 24" existing culvert is unsuitable and see no reason to alter this initial conclusion. As to alternative No. 2, D.S. Thaler's engineering work has not been completed, much less is there any guarantee when and how proposed improvements to the culvert will be accom-

The cardinal rule of statutory construction is to ascertain and carry out the intent of the legislature. Stapleford v. Hyatt, 330 Md. 388 (1993). To do so, one must consider the language of an enactment and give that language its natural and ordinary meaning. Harford County v. University, 318 Md. 525 (1990). When there is no ambiguity or obscurity in the language of the statute, there is no need to look elsewhere to ascertain the intent of the legislative body. Montgomery County v. Buckman, 333 Md. 516 (1994).

In ordinary usage, the use of the word "shall" connotes a command, meaning that such action must be taken. Wyatt v. Johnson 103 Md. App. 250 (1994). Although on occasions the word can be construed as merely permissive or directory, "shall" is most often inconsistent with the exercise of discretion.

As shown above, "shall" is used twice (Sections 26-203 and 14-408 of the Code) in describing what must be included with the plan. These sections mandate that a preliminary forest conservation plan be submitted. To me, it seems evident that the Council intended that this twice listed requirement be followed.

I find nothing in the regulations which allows an exception or waiver of this requirement. Even if it can be waived, no formal waiver was requested or obtained here. Undoubtedly, the requirement was adopted by the County Council to allow DEPRM to make a knowing and intelligent assessment of conditions on site, what steps should be taken to comply with the Forest Conservation Act, etc. There was conflicting testimony offered on this issue. Although my site visits to the property convinced me that there is no large area of quality forest on site, there are clearly a number of mature trees which may be worth saving. Testimony about the value of these trees was offered by the Protestants, through Wolfgang Oehme, a well known Landscape Architect and Calvin Biukema, an Arborist and Registered Profes-

sional Forester. These witnesses testified that these trees should be preserved.

Particularly with this testimony, coupled with the clear intent of the Council, it is, in my judgment, incumbent on the Developer to submit a preliminary forest conservation plan. Failure to follow this requirement renders the plan unapprovable.

Some question may be raised as to the identity of the party responsible for compliance with the regulations. Clearly, DEPRM erred in not insisting on a preliminary forest conservation plan. That agency's failure to insist upon the submission of a plan, within its development plan comment dated 9/11/96, constitutes a breach of its responsibilities. It is to be noted that DEPRM required a preliminary forest conservation plan within its initial concept plan comment.

The ultimate responsibility for compliance falls on the Developer. The Developer is charged with the responsibility of knowing the development regulations and submitting a development plan in compliance therewith. Baltimore County and its agencies do not act as quality control for the Developer, its consultants and/or plans. The regulations provide, in two places, that a preliminary forest conservation plan must be submitted with the development plan. When such a forest conservation plan is not so submitted, this Hearing Officer cannot grant approval of the plan in that same clearly fails to comply ". . . with these development regulations and applicable policies, rules and regulations promulgated pursuant to Section 2-416, et seq, of the Code, . . ." (See Section 26-206(b). For this reason, approval of the development plan cannot be given.

FAILURE TO AMEND THE FINAL DEVELOPMENT PLAN OF COBBLESTONE

An issue which generated significant testimony related to the Final Development Plan (hereinafter, "FDP") for the abutting residential community known as Cobblestone and the alleged failure of Village Care, Inc. to amend

same. The Protestants offered testimony about this issue through David S. Thaler, the engineer who prepared the Cobblestone FDP, and Norman Gerber, a Land Planner and former Director of the Baltimore County Office of Planning. Additionally, a number of individual residents of Cobblestone also testified about representations made to them at the time of their purchase of homes in that community. On behalf of the Developer, the most valuable testimony on this issue came from Mitch Kellman of the Office of Permits and Development Management (PDM).

The facts leading to this issue are not in dispute. The BCZR, specifically, Section 1B01.3.A., et seq., requires that an FDP be filed for each development with the Office of Permits and Development Management. This regulation was enacted so as to provide for the disclosure of development plans to perspective residents and to protect those who have made decisions based on those plans from inappropriate changes therein and, also, to provide for review of residential development plans to determine whether they comply with the BCZR and the development regulations. (See 1B01.3.A.1(a) & (b). In this case, Mr. Thaler was the engineer who shepherded the Cobblestone development. The FDP for that project was filed by his office. At the time the Cobblestone FDP was submitted, (Protestant's Exhibit No. 12) the owners/developers of the Cobblestone property owned a small strip (shown on the FDP as parcel A) located on the west side of Iron Horse Lane. At that time, that parcel fell within the metes and bounds description of the Cobblestone property and was identified as part and parcel of the Cobblestone development on the FDP.

Additionally, the Office of Planning, in a not so sly effort to manage development in the area, required that a note be added to the Cobblestone FDP reflecting its request that any access drive to the Tastet property be closed at such a time as the commercial portion of that property was devel-

oped, for commercial use. Mr. Thaler testified that he added this note specifically at the direction of the Office of Planning.

The addition of this note is manifestly improper. There is no legal basis upon which the Office of Planning can rely to support its attempt to control or guide development on the Tastet property during the approval phase of the Cobblestone project. Not only is the Office of Planning without legal justification for its attempt, but its attempt is simply inappropriate. The addition of such a note is misleading to the public and potential purchasers of Cobblestone. The Office of Planning should not have required the addition of such a note by Mr. Thaler and, in my judgment, the note is void ab initio.

Subsequent to the filing of the FDP for Cobblestone, Mr. Tastet and the developers of Cobblestone reached an agreement as to a land swap. The Cobblestone developers needed some additional land owned by Mr. Tastet immediately adjacent to the proposed intersection of Iron Horse Lane and Mt. Wilson Lane. This small acreage was required so as to complete the intersection in the manner satisfactory to the Bureau of Traffic Engineering. In order to acquire this acreage, the Developers of Cobblestone exchanged parcel A to Mr. Tastet. Thus, at the present time, parcel A is owned by Mr. Tastet and represents the eastern sliver of the proposed Village Care development. In that the development plan under consideration provides for the installation of roads and utilities across parcel A, to the nursing home and residences, the Protestants claim that the FDP for Cobblestone must be amended.

The Protestants' analysis of this issue, as set forth during the testimony of Messrs. Thaler and Gerber and recounted within their memorandum is essentially accurate from both a factual and legal standpoint. Clearly, parcel A is part of the Cobblestone FDP and the use of that parcel under the proposed development is different from what was previously shown. There

unmistakably should be an amendment to the Cobblestone FDP. However, I believe that the Protestants err when they insist that the proposed development plan and zoning Petitions cannot be granted without such an amendment. Could the present owner of parcel A or developer of the property amend the Cobblestone FDP? The answer is no doubt "yes". Should the plan be denied if they fail to do so? The answer, clearly, is "no".

In reaching this conclusion, I rely upon a principal too often ignored in interpreting statutes and regulations; namely, common sense. As noted above, the cardinal rule of statutory construction is to ascertain and carry out the intent of the legislature. In this situation, I cannot accept the Protestants' proposition that it is the responsibility of Mr. Tastet, or Village Care, Inc., to amend their neighbors' FDP. Cobblestone is not, as yet, a built out development, and is still being constructed and marketed. A fair reading of the language in Section 1B01.3.A is persuasive that it should be the Cobblestone developer's responsibility to amend their own FDP, rather than an adjacent tract owner. Although a blindly obedient reading of the precise words of the regulations might compel a different conclusion, it seems apparent that the County Council did not intend such a consequence. The Developers of Cobblestone were equal parties to the land swap, which was done for legitimate and valid purposes. To use the effect of that swap as a shield to frustrate the development on the Tastet property is illogical and contrary to the spirit of the regulation and intent of the legislature. I will not follow such a path.

LOCATION OF STORM WATER MANAGEMENT FACILITY WITHIN THE R.T.A.

The Protestants also object to the location of the storm water management pond, claiming that same is in violation of the Residential Transition Area (RTA) requirements found within Section 1B01.1.B of the BCZR. The Protestants note that the RTA is defined as a 100 ft. area, including any public road or public right of way, extending from a D.R. zone tract bounda-

ry into the site to be developed. (See 1B01.1.B.1.a(1). Moreover, the purpose of the RTA is to assure that similar housing types are built adjacent to one another or that adequate buffers and screenings are provided between similar housing types. (See 1B01.1.B.1.a(2) Relying on these sections, as well as Section 1B01.1.B.1.e(5), the Protestants claim that the location of the storm water management pond is violative of the RTA requirements. Specifically, the Protestants claim that the BCZR prohibits parking lots or structures within the RTA, claiming that same require a 50 ft. buffer and 75 ft. setback. The Protestants contend that the storm water management pond is a structure.

The Petitioners disagree. They contend that the storm water management pond is not a structure and that there is no violation of the RTA requirements.

The parties have briefed the issue fully and their arguments will not be repeated herein. I have considered this issue and reviewed again the testimony offered, the relevant portion of the BCZR and the definition of the word "structure" in Webster's. That source has been consulted in that the word is not defined within the BCZR within Section 101.

After all is considered and evaluated, I must conclude that the proposed storm water management pond is not a structure, at least so far as the word is intended to be interpreted in Section 1B01.1.B.1.e(5). Mr. Lewis' testimony, from the office of Permits and Development Management (PDM), was particularly persuasive in this regard. He stated that his agency's long standing procedure was to treat storm water management ponds as landscape devices and not as structures. It is also of note, in my judgment, that 1B01.1.B.1.e(5) references structures, either as principal or accessory uses, whether permitted by right, special exception or pursuant to Section 409.8.B. A review of the uses permitted by right or special exception, as

well as the parking regulations contained in Section 409.8.B, is persuasive that the types of uses generally described are above ground improvements.

Arguably, almost anything not in its natural state could be considered a structure. I refuse to go that far and adopt the Protestants' arguments. Berms and trenches, even children's sand castles, are not, in my judgment, structures. Neither is the storm water management pond proposed here, at least, in the context of the RTA requirements.

COMPATIBILITY

The Protestants also take issue with the compatibility recommendation offered in this case from the Office of Planning, pursuant to Section 26-282(2) of the Baltimore County Code. A compatibility recommendation is required due to the length of the nursing home building.

That recommendation was submitted (Developer's Exhibit No. 10) and testimony was offered from Carol McEvoy, the Project Planner assigned to this proposal by the Office of Planning. The recommendation and Ms. McEvoy's testimony fully explained the Office of Planning's approach in formulating its conclusions.

The Protestants object to the approach employed by the Office of Planning. I, likewise, share their concern. The requirements of the compatibility recommendation are fully detailed in Section 26-282(b) of the Code. The recommendation must consider the proposed project in connection with its impact on the neighborhood. Section 282(c) specifically defines "neighborhood". That definition indicates that the term is deemed to mean land uses adjacent to and extending from the proposed site to a definable boundary, such as a primary collector or arterial road, a significant change in character or land use or a major natural feature.

Ms. McEvoy candidly testified that her agency did not adopt this definition when formulating its report. Rather, she admitted that she considered the impact of the proposal only on those land uses immediately abutting the

perimeter of the Tastet property. Although understandable, this approach is not what the Code requires. When the Council, through the Code, directs the Office of Planning to prepare its recommendation in context with the existing neighborhood, and then goes so far as to define that neighborhood, the Office of Planning is remiss in not following that directive. The validity of the compatibility report is, thus, questionable.

In a broader sense of the word, the issue of compatibility is also presented within the Petition for Special Exception. As Zoning Commissioner, I must determine whether the proposed use would be detrimental to the health, safety or general welfare of the locale or, otherwise stated, incompatible with the neighborhood. In this sense, it is my judgment that a nursing home use at this site is not inherently incompatible. I do not view this as a Mangione, supra, type case, notwithstanding the fact that the proposed use is identical. This is not an instance of a large nursing home building being placed in the midst of a long established, exclusively residential neighborhood. Under the neighborhood definition contained within the Code, a reasonable assumption of that area would include, to the east, to Reisterstown Road, and to the west, to the Ner Israel Rabbinical College. That geographic area, it is clear, contains a number of institutional type uses, similar in character to the proposed nursing home. The Sol Levinson Funeral Home is located within that neighborhood. A large area of recreational open space/potential school site sits immediately next to the Tastet property, and the aforementioned college is not far away. Clearly, a nursing home use is compatible with those type uses.

In that I feel compelled to deny the Petition for Special Exception and development plan for reasons related to the storm water management facility and lack of forest conservation plan as aforesaid, I need not conclusively decide this issue. The Zoning Commissioner has the authority to condition and restrict special exception approvals. (Sec. 502.2) In accordance with

that, I would modify the proposal, by perhaps reducing the size of the structure.

The Office of Planning's compatibility recommendation is improper, because it failed to premise its conclusions upon the definition of neighborhood. Nonetheless, many of the remarks therein are valid. The Developer has obviously undertaken to design a quality building with amenities to reduce its impact on the immediately surrounding properties. These efforts are applauded and are appropriate. A nursing home type use is not out of character. My restriction, were it required to be implemented, in the event of approval of the plan, would be to reduce the scale and massing of the building. Although the use is proper, the size of the structure, indeed, is overwhelming, particularly when compared to the residences immediately abutting.

MIXED USED ON ONE PROPERTY/ACCESS FOR HEAVIER USES THROUGH LIGHTER ZONES

The Protestants, particularly the Cobblestone community, object to the proposed means of access to both the residential community and nursing home. As shown on the development plan, the proposed residences will be accessed by a road (Renata Court) and the nursing home by a driveway leading to the macadam parking area. Both Renata Court and the driveway access Iron Horse Lane.

The Protestants contend that the access is improper. They note the unusual split zoning of the property which is, as described heretofore, both B.L. and D.R.3.5. In that a portion of the nursing home is located in that part of the site zoned B.L., and the access crosses the lands zoned D.R.3.5, the Protestants contend that the project violates the provisions of the Zoning Commissioner's Policy Manual, Sections 102.2 and 102.6. I disagree. Section 102.2 specifically allows the provisions therein to be interpreted at the discretion of the Zoning Commissioner. Section 102.6 specifically

permits access for heavier uses through light zones when, " . . . the land in issue is subject to other restrictions which prevents a residential use."

The proposed means of access here is entirely appropriate. To require access to the uses proposed on site from Mt. Wilson Lane and the "neck" of the portion of the tract zoned B.L. is illogical. The Protestants' suggestion, in this respect, is without regard to self evident traffic engineering principals. It is apparent to me that any access to the site should be from Iron Horse Lane. Sight distance, topography and similar factors are controlling in this regard. Thus, for these reasons, I find the existence of mitigating factors which justify a deviation from strict adherence from the provisions in Sections 102.2 and 102.6 of the Policy Manual.

The Protestants also cite Leinback Construction Co. v. Mayor and City Council of Baltimore, 257 Md. 635, (1970) in support for their position. The Court's holding in Leinback is not applicable here. The facts of that case are entirely different. That case arose when a property owner acquired adjacent properties in a domino fashion with the design to utilize an adjoining residential tract to support his business. That is clearly not the case here. Moreover, the Court's interpretation was of a Baltimore City Zoning Ordinance, the text of which is significantly different than that contained within the above cited Policy Manual sections. For these reasons, Leinback, infra, is not controlling.

LANDSCAPING

The Protestants also object to the landscaping proposed for the site. The landscaping is more particularly shown on Developer's Exhibits 1B and 1C. As set out in their memorandum, the Protestants specifically object to the landscaping proposed around the perimeter of the storm water management pond. The Protestants argue that the landscaping is insufficient, pursuant to the requirements of the Landscape Manual.

As the Protestants also point out, regulations regarding required landscaping around the pond are inconsistent. The State, through the Soil Conservation Service, prohibits certain heavy vegetation in close proximity to the storm water management pond embankment. The rationale behind this policy is to discourage the roots of trees and other heavy vegetation from infiltrating and weakening an earthen embankment. Baltimore County's Landscaping Manual requires what is known as a Class A screen for storm water management ponds with slopes equal to what is proposed in this case.

In my judgment, this is not an issue which warrants a denial of the development plan or the Petition for Special Exception. Given the competing statutory guidelines, the Developer's proposed screen is appropriate. Moreover, if the development plan were to be approved and special exception granted, the Zoning Commissioner/Hearing Officer could require supplemental landscaping to enhance what is shown on the Developer's plan. Specific comments as to what may be appropriate in this regard is unnecessary in view of the denial of the plan and Petition.

REQUIREMENTS FOR BUSINESS PARKING IN A RESIDENTIAL AREA

As with the landscaping around the storm water management pond discussed hereinabove, the Protestants also take issue with landscaping around the parking lot for the nursing home, as well as a claim that a use permit is required. Although this issue is identified by the Protestants, it needs no resolution by the Hearing Officer/Zoning Commissioner in view of the denial of the plan and special exception. I will comment, however, that the parking arrangement proposed generally appears acceptable and appropriately laid out. Additional landscaping could be ordered to buffer this use from adjacent residential communities.

CONCLUSION

The issues specifically identified and discussed above constitute the gravamen of this case. These issues were the subject of argument within the

proposal. Perhaps, this is an indictment of the development process at large in Baltimore County. Whatever the case, the process is what it is. In my judgment, it works. It was enacted to provide for the implementation of an orderly development review process, ensuring citizen participation and providing the development community with a structured time line and a definitive set of standards for development. The County did not do itself proud in this case, often failing to follow the clear directives of the regulations. However, the ultimate burden is clearly on the Developer. The standards are clear. The Developer, in this case, is hard pressed to complain when it, without adequate explanation, failed to comply with an unmistakably clear requirement of the process (i.e., submission of a preliminary forest conservation plan) and provided no realistic and practical solution to a known storm water management outfall problem.

Although the community was unreasonable in some respects (e.g., claiming that the odors from the facility's kitchen would be obnoxious), I do not view their position with the scorn voiced by the Developer. In certain respects, particularly the storm water management outfall issue, the community was rightly concerned. In that instance, there is an existing problem and the residents were reasonable in their need for assurance that the proposal would not aggravate present conditions. Such assurance was not given.

For all of these reasons, the development plan (Developer's Exhibit 1A) must be denied. Likewise, the Petition for Special Exception shall be denied and the Petition for Special Hearing and request for modification dismissed as moot.

Pursuant to the development regulations of Baltimore County, as contained within Subtitle 26 of the Baltimore County Code, the advertising of the property and the public hearing thereon, I will deny the development plan consistent with the comments set forth above and shall so order.

Protestants' memorandum and were likewise addressed in the Developer's memorandum. There were other issues raised, owing to the complexity of this case. For example, both parties presented evidence and argument on subjects such as traffic, the potential overcrowding of the site by the use, the emanation of odors from the property and other areas of concern which arise from the list of criteria set forth in Section 502.1. A resolution of these issues is unnecessary, in that the Petition for Special Exception and Development Plan will be disapproved based upon the aforeoing. Likewise, the Petition for Special Hearing and request for modification of standards is rendered moot by the ruling set forth above.

This is a difficult case. Significant consideration was given by this Hearing Officer to a possible remand of the plan, again, to the Development Plan Conference stage, to allow the Developer to cure the deficiencies cited above. Specifically, a remand would allow the Developer to prepare and submit a forest conservation plan and, perhaps, correct the storm water management outfall issue. In my judgment, the lack of suitable outfall was the single biggest downfall in the Developer's case.

In the end, however, an Order for Remand was rejected. The procedural history, as outlined above, is significant. The Concept Plan was initially filed on July 24, 1995 and refiled on October 23, 1995. Two Community Input Meetings were conducted, as well as Development Plan Conferences and the initial proceeding before this Hearing Officer in May of 1996. These proceedings should surely have alerted the Developer to the fact that the surrounding community was geared to oppose its plans. The Developer should have taken the appropriate steps to assure that its plan was in compliance with the regulations, rather than arguing that deficiencies therein would be addressed and resolved during Phase 2.

The Developer's memorandum bitterly complains about the opposition of the Protestants, their motives and their tireless efforts to defeat this

THEREFORE, IT IS ORDERED by the Hearing Officer/Zoning Commissioner of Baltimore County this 5th day of December 1996, that the development plan submitted in the within case as Developer's Exhibit No. 1A, be and is hereby DENIED in accordance with the terms and conditions more fully set forth hereinabove; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Exception for approval of a nursing home with associated parking and a storm water management facility, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing and the request for modification of standards, be and is hereby DISMISSED AS MOOT.

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

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
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December 5, 1996

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Suite 105, 305 W. Chesapeake Avenue
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Towson, Maryland 21204

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Nolan, Plumhoff and Williams
Court Towers, Suite 700
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Case Nos. III-377 and 96-284-SPHX
Development Plan Hearing and Petitions for Special Hearing & Exception
Legal Owner: John Tastet & Village Care, Inc., Applicant/Petitioner

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Hearing Officer's Opinion and Development Plan Order and Petitions for Special Hearing and Special Exception have been denied.

In the event the decision rendered is unfavorable to any party, please be advised that they may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please contact our Appeals Clerk at the Office of Permits & Development Management (PDM), tel No. 887-3353.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.
c: Mr. John Tastet, 15 Iron Horse Lane, Baltimore, Md. 21208
c: Mr. Richard Rynd, 8570 Leisure Hill Drive, Baltimore, Md. 21208
c: Mr. Albert Kleeman, 301 Chalk Hill Drive, Baltimore, Md. 21208
c: Mr. Charles Levine, 12 Stone Gate Court, Baltimore, Md. 21208
c: Mr. and Mrs. Milo Hekler 25 Mt. Wilson Lane, Baltimore, Md. 21208
c: Mr. William Monk, 222 Bosley Aenue, Towson, Md. 21204
cc: Mr. Don Rascoe, Project Manager, Office of PDM
cc: Other Reviewing County Agencies

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IN RE: PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING Mt. Wilson Lane at Iron Horse Lane 3rd Election District 3rd Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Village Care Petitioner	*	Case No. 96-284-SPHX

* * * * * * * * * * * * * * *

RECEIVED
22 1996
ZONING COMMISSIONER

MEMORANDUM OF PROTESTANTS',
COBBLESTONE HOMEOWNERS ASSOCIATION, INC.,
CHARLES LEVINE, AND ALBERT KLEEMAN

Cobblestone Homeowners Association, Charles Levine, and Albert Kleeman, Protestants, by C. William Clark and Nolan, Plumhoff & Williams, Chartered, their attorneys, file this Memorandum in Support of Protestants' positions, and in summation of the evidence in the above-captioned case.

Pursuant to Section 26-206.1 of the Baltimore County Code, Rynd Associates, Inc. filed a Development Plan and a Petition for Special Exception for the proposed development of eleven single family residential lots and one 150-bed nursing home, which hearings were combined as permitted by Code. Protestants raised numerous issues, which will be argued below by addressing the applicable law, policy or procedure, and highlighting the evidence supporting the Protestants' positions.

With regard to the Development Plan approval, Section 26-206(b) of the Baltimore County Code permits the Hearing Officer to grant approval of a development plan that complies with the development regulations, and applicable policies, rules and regulations, provided that the final approval of the plan shall be subject to all appropriate standards, rules, regulations,

conditions, and safeguards set forth therein. Several of the issues raised by the Protestants consist of violations of the development regulations, the applicable policies of the Zoning Commissioner and of Baltimore County, and certain instances of violations of the Baltimore County Zoning Regulations.

As Protestants view the issues and evidence in this case, the evidence on several of the issues does not appear to be controverted, and upon the application of the law, one finds that the Development Plan, as proposed, does not meet the requirements imposed by Baltimore County. Those issues are as follows:

1. The Developer failed to file a petition requesting a special hearing to amend the Final Development Plan of the Hopkins property (Cobblestone).

2. The Development Plan, as proposed, shows a storm water management facility, a "structure" under the Baltimore County Zoning Regulations, improperly located within a Residential Transition Area prohibited by the Baltimore County Zoning Regulations.

3. The Developer did not file a preliminary forest conservation plan.

4. The Nursing Home Building, as proposed, does not meet the requirements of "compatibility" under Section 26-282.

5. The Development Plan, as proposed, violates the Zoning Commissioner's policy with regard to mixed uses on one property, and regarding access for heavier uses through lighter

zones that each use must meet the zoning requirements as if it was a separate parcel, and that access through a residential zone for a commercial/industrial use may be permitted if it is the sole access to the site.

6. The Development Plan, as proposed, fails to show the required buffering for business parking in a residential area.

7. The Development Plan, as proposed, fails to show compliance with the Landscape Manual with respect to the requirement of a Class A screening for a storm water management facility with slopes greater than a 4:1 ratio.

Issue No. 1 - Failure to Amend the Final Development Plan of Cobblestone.

Section 1B01.3A.7 provides that after final development plans have been approved, they may be amended only as provided below in the Baltimore County Zoning Regulations. Section 7(b) of that Section provides that upon the sale of an interest in a nearby property, plans may be amended through special exception procedures in the manner provided under Section 502 subject to the following provisions.

First, the amendment must be approved by the Planning Board. Second, the amendment must be in accord with the specific standards and requirements of that Article of the Baltimore County Zoning Regulations, and third, it must be determined in the course of the hearing procedure that the amendment would be consistent with the spirit and intent of the original plan and of this Article. It is uncontroverted from

the testimony through David Thaler, Bernard Robins, Charles Levine, Albert Kleeman, and Scott Savader, that the Third Amended Final Development Plan for the Hopkins property (Cobblestone) was approved, and that subsequent to that and prior to the filing of this Development Plan, lots were sold. Charles Levine purchased Lot 24 in the Cobblestone development, which is now known as 12 Stonegate Court, as shown on Developer's Exhibit 1-A. Albert Kleeman purchased Lot 118 in the Cobblestone development, which is now known as 301 Chalk Hill Drive, also as shown on Developer's Exhibit 1-A. Scott Savader purchased a lot on Glen Ellen Court. Mr. Robins is one of the trustees who hold title to the remaining unsold lots in the Cobblestone Development, and was a participant in the joint venture as a developer who developed Cobblestone. The trustees still own Lot 29, which is known as 2 Stonegate Court in the Cobblestone Development. Mr. Levine and Mr. Kleeman specifically testified that they had seen the Final Development Plan of the Hopkins property known as Cobblestone prior to their purchase of their respective lots. The Third Amended Final Development Plan, which was admitted as Protestants' Exhibit 12, shows the proposed Ironhorse Lane, as well as the proposed lots which ultimately Mr. Levine and Mr. Kleeman purchased, and the lot still retained by Mr. Robins as described above. On the west side of Ironhorse Lane, it shows the boundaries of the parcel as it then existed, including the property line in common with the Tastet property, which is now

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proposed for development by the Petitioner. The Protestants' Exhibit 12 shows only one access from the Tastet property to Ironhorse Lane, that consisting of what is described as the existing driveway, both on Protestants' Exhibit 12 and on Developer's Exhibit 1-A. Developer's Exhibit 1-A, however, also shows two other entrances from the Tastet property onto Ironhorse Lane; the proposed Renata Court, leading to the 11 individual family home residential lots, and the driveway leading to the proposed nursing home. Furthermore, the Final Development Plan of the Hopkins property, Protestants' Exhibit 12, bears the following note:

> Note: The Planning Department of Baltimore County has requested that the access drive to the Tastet property shown here be closed permanently at such time as the commercial portion of the property is developed for commercial use.

Mr. Thaler testified he placed that note on the Plan at the direction of the Planning Department. Messrs. Levine, Kleeman, and Robins all testified that they saw that note and understood it to mean that there would not be any access from the Tastet property to Ironhorse Lane, other than the one shown for residential use, and none for commercial use. All three gentlemen testified that their properties lie within 300 feet of the proposed access points to Ironhorse Lane, and that none of them received any notice of a proposed amendment of the Final Development Plan of the Hopkins property (Cobblestone). It is clear from the evidence that no such amendment was

proposed, nor approved by the Planning Board as required by the Code.

Additionally, Mr. Robins testified that in the later part of 1989 and the early part of 1990, it became necessary for the Developers of Cobblestone to obtain a certain portion of property at the intersection of Ironhorse Lane and Mt. Wilson Lane to convey to Baltimore County to complete the intersection of those two streets. In order to obtain that property, the Developers of Cobblestone transferred a parcel known as Parcel A to Mr. Tastet, as described in the Agreement for Exchange of Land. Protestants' Exhibit 13, and also in the Deed, Protestants' Exhibit 14, which contain a drawing by Mr. Thaler outlining the parcels traded.

In the Agreement for Exchange of Land, Protestants' Exhibit 13, Mr. Tastet and the Mt. Wilson Joint Venture agreed to restore, landscape, and maintain portions of the Tastet property and the acquired tract disturbed in connection with Mt. Wilson's construction activities on the Hopkins property, and furthermore agreed that any landscape and grading on the Tastet property shall not be disturbed except as may be expressly approved by Mt. Wilson. See Exhibit 13, Paragraph No. 6. Mr. Robins testified that neither he nor the Mt. Wilson Joint Venture has given any approval to disturb that landscaping, which includes the placing of street trees along the west side of Ironhorse Lane, which the Developer's Exhibit 1-A Plan shows will be removed. In paragraph 13 of said

Agreement, all the provisions of that Agreement survive the execution of the delivery of the deeds and are not to be merged therein. In order to make access on Ironhorse Lane for Renata Court and the entrance to the nursing home, the street, trees, and landscaping placed there by Mt. Wilson, in express agreement with John W. Tastet, the property owner, will have to be disturbed.

The uncontradicted evidence demonstrates that under Baltimore County Zoning Regulation 1B01.3A.7b(3) that owners' of lots abutting, lying directly across the street, and owner of a structure on such a lot and a homes association having members who own or reside on property lying wholly or within 300 feet of the lot in question. Paragraph 7(a) of that regulation (which is referred to in Paragraph 7(b)) provides that development plans may be amended by simple resubmission if there is no change with respect to any lot, structure or use, within 300 feet of a lot or structure which has been sold since the original plans were filed. Clearly, the proposed entrances on Ironhorse Lane are changes with respect to the lot and to the use within 300 feet of the lots sold to Messrs. Levine and Kleeman. Furthermore, the testimony of Norman Gerber, accepted as an expert on the Baltimore County Zoning Regulations and land use planning, and that of David Thaler, accepted as an expert in civil engineering, the Baltimore County Zoning Regulations, and land use planning, testified that in their opinion, under these circumstances, the Third Amended Final

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Development Plan of the Hopkins property (Cobblestone) needs to be amended pursuant to this Section of the Baltimore County Zoning Regulations. Finally, Mitch Kellman, an employee of the Office of Planning and Zoning-Zoning Administration and Development Management, testified, in his opinion, that if a proposed development plan showed access to a public street where none is shown on the prior final development plan, the prior plan would have to be amended.

Even if these proceedings were somehow construed to meet the procedural requirements of Section 1B01.3A7, and the hearing conducted in this matter were deemed to be the hearing required by that section of the regulations, Section 1B01.3A7(b)(4) provides as follows: "It must be determined in the course of the hearing procedure that the amendment would be consistent with the spirit and intent of the original plan and of this Article."

Mr. Robins testimony could not be clearer, and it was unrebutted, that his understanding, the understanding of the Developers of Cobblestone, and certainly by the agreements between Mt. Wilson Joint Venture and John W. Tastet, taken together with the note, which Mr. Thaler put on the Final Development Plan of the Hopkins property (Cobblestone) at the direction of the Office of Planning and Zoning regarding closing the access road to the Balmuckety Mansion from Ironhorse Lane, shows that the spirit and intent of the original plan consisted of a prohibition against access to from

the Tastet property onto Ironhorse Lane for any commercial venture. Obviously, the nursing home is a commercial venture. The Mt. Wilson Joint Venture took efforts in its agreements with Mr. Tastet to first retain a strip of land on the west side of Ironhorse Lane which it controlled and owned, which would prevent access from the Tastet property to Ironhorse Lane saving and accepting the existing driveway to the mansion house. Secondly, when it became necessary to trade that strip of land for a parcel to be dedicated to Baltimore County in order to complete the intersection of Ironhorse Lane and Mt. Wilson Lane, the Developers of Cobblestone extracted a promise and agreement that survived the execution of the deeds transferring the property, that the landscaping that it put in place along the west side of Ironhorse Lane would remain, and could not be disturbed unless they expressly agreed. Finally, one must remember that the purpose of these sections in the Baltimore County Zoning Regulations is described in Section 1B01.3A.1(a) as follows: "To provide for the disclosure of development plans to prospective residents and to protect those who have made decisions based on such plans from inappropriate changes therein...."

The testimony of Mr. Levine, Mr. Kleeman, and Mr. Savader, shows that they researched this area, reviewed the Final Development Plan of the Hopkins property (Cobblestone), were cognizant of the note placed on that Plan with respect to the closing of access to the Tastet property from Ironhorse Lane,

and bought their properties in the belief that if there were to be any commercial enterprise on the Tastet property, its point of access would not come through Ironhorse Lane, which abuts their properties.

Issue No. 2 - The Storm Water Management Facility is a Structure Not Permitted Within the Residential Transition Area.

By reviewing Developer's Exhibit 1-A, and the testimony of the various witnesses, one can see that the storm water management facility is placed within the distance of 100 feet extending from the DR zoned tract boundary into the site to be developed. Section 1B01.1B.1(a) defines and establishes the purposes of residential transition areas. The residential transition area is a 100 foot area, including any public road or public right-of-way, extending from a DR zoned tract boundary into the site to be developed. That 100 foot distance is drawn on Developer's Exhibit 1-A, although it is not labelled a residential transition area. That RTA is generated because the property is zoned DR3.5, and lies adjacent to land zoned DR3.5, which contains single family detached dwellings within 150 feet of the tract boundary. That 150 foot residential transition generation area is depicted on Developer's Exhibit 1-A. Additionally, Developer's Exhibit 1-A does not disclose a 50 foot buffer and 75 foot setback for the storm water management facility. Certainly, those facts are not contested or controverted.

Section 1B01.1B1(e)(5) requires that certain uses, namely, parking lots or "structures" either as a principal or accessory use, shall provide a 50 foot buffer and 75 foot setback. The Baltimore County Zoning Regulations do not define the word "structures." Section 101 of the Baltimore County Zoning Regulations provides that any word or term not defined in this Section shall have the ordinarily accepted definition as set forth in the most recent addition of Webster's Third New International Dictionary of the English Language, Unabridged. A copy of that definition was entered through the testimony of Norman Gerber, an expert in the Baltimore County Zoning Regulations. It is Protestants' Exhibit 23. That definition states that a "structure" is something made up of a number of parts that are held or put together in a particular way, or is something constructed.

The definition of structure found in the copy of Webster's, maintained by the Zoning Commissioner for Baltimore County, and attached hereto as an Exhibit, contains the following: "structure: ... 2a: something constructed or built ... <the dam is a massive -> <demolish any building, highway, road, railroad, excavation, or other ->...." The testimony of Ernest Sheppe, a civil engineer accepted as an expert in water resources engineering, testified that a storm water management facility consists of a dam which is made according to certain grading plans, and a control device which is constructed of steel or concrete, or a combination of both, and includes a

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pipe which is put through the earthen dam to a point of outfall. In his opinion, from an engineering standpoint, a storm water management facility is a "structure." Norman Gerber, an expert in the Baltimore County Zoning Regulations, likewise testified that in his opinion, under the definition from Webster's dictionary, and based on his knowledge of the Baltimore County Zoning Regulations, the storm water management facility is a structure. There is no evidence, opinion, or otherwise, based on the definition contained in Webster's Third New International Dictionary that the storm water management facility proposed by the Developer and as shown on Developer's Exhibit 1-A is anything other than a structure.

The purpose of an RTA can be found in Section 1B01.1B.1a.(2): "The purpose of an RTA is to assure that similar housing types are built adjacent to one another or that adequate buffers and screening are provided between dissimilar housing types." Certainly, the proposed nursing some and the single family homes of Cobblestone and Pikesville Farms are dissimilar. The nursing home requires a parking lot which the developer proposes to exceed 100 spaces, and also requires a very large storm water management pond. Both have been placed at the points nearest to the neighboring single family homes. Both will be extremely visible, particularly since no transition is provided, and the Developer tried to maneuver around the buffering and set back requirements so as to avoid them. Protestants believe that the intent of requiring

buffering and set backs for parking lots and structures within the RTA expects to avoid situations such as this one.

Issue No. 3 - No Preliminary Forest Conservation Plan.

Section 26-203(d)(12) requires that the plan shall contain the following development proposal information: A preliminary forest conservation plan in accordance with Section 14-408. Section 14-408(b)(1) requires that a preliminary forest conservation plan shall be submitted and reviewed with the development plan. Section 14-408(b)(2) requires that the plan contain a list of the net tract area, the area of forest conservation required, and the area of forest conservation the applicant proposes to provide, including both on-site and off-site areas, and the area of forest conservation required for which the Developer proposes to make a payment into the Baltimore County Forest Conservation Fund. The plan shall also include a clear graphic indication of the forest conservation provided on site, and include explanations of how the provisions of Section 14-407 of the Article have been met, including a proposed construction time table, the proposed limits of disturbance, the proposed stock pile areas, and incorporate a proposed three year forest establishment and maintenance agreement, and so forth. The testimony of Valarie Klein, an employee of the Department of Environmental Protection and Resource Management, clearly showed that such a plan had not been filed with the Development Plan. In fact, she admitted she made a mistake in allowing this Plan to

proceed without one. Furthermore, during the course of the presentation of the Developer's case, the testimony of Ben Brockway, an environmental planner with the experience in forest stand delineation and the preparation of preliminary forest conservation plans also admitted that he had not prepared a preliminary forest conservation plan for the subject site, nor submitted one with the Development Plan. The site constraints map, admitted as Developer's Exhibit No. 20, contains some information concerning the existence of forest on the site, but does not contain any of the additional information required by Section 14-408 of the Code. Additionally, counsel for the Developer tacitly admitted, following the testimony of Valarie Klein, that no such plan had been filed when he asked for permission to supplement the record following the close of testimony with such a plan. The Hearing Officer sustained Protestants' objection to such a proposal. Clearly, the uncontroverted evidence demonstrates that the Developer failed to meet this requirement of the Baltimore County Code.

Several of the Protestants' witnesses testified as to the large, old and beautiful trees, such as a white oak and white pine, on the property, including Wolfgang Oehme, a well-known landscape architect, and Calvin Biukema, a professional arborist and registered professional forester. The evidence reveals that many of those trees, some of which qualify as "specimen" trees, will be removed or their root systems

seriously threatened by the proposed development. The comments from the county agencies highlight the necessity and the value of saving those trees, if not to preserve the bucolic nature of this site and surroundings, then as necessary to break up the impact of the construction of a building of this size and mass in a residential neighborhood. Without the required preliminary forest conservation plan, one cannot assess the impact of this proposed development on the trees and forest and determine whether the forest conservation laws of Baltimore County are being observed.

Issue No. 4 - Compatibility.

Pursuant to Section 26-282 of the Baltimore County Code, the Director of Planning shall make compatibility recommendations to the Hearing Officers for (3) alternate site design dwellings as provided in the Comprehensive Manual of Development Policies. The testimony of Carol McEvoy of the Office of Planning and Zoning, and others, demonstrates that the proposed nursing home building is a non-residential principal building in a DR zone, which must meet the residential standards found on page 29 of the Comprehensive Design Manual. In that regard, the total building length shall not exceed 200 feet, unless a favorable recommendation is obtained from the Office of Planning and Zoning, which will allow it to be increased to a maximum length of 300 feet subject to certain guidelines. One of those guidelines

requires that buildings meet the compatibility requirements of Section 26-282.

Ms. McEvoy testified that the Developer submitted a compatibility study, which her Department reviewed, and offered an analysis in its comments to the Development Plan Conference which bears the date September 9, 1996, under the signature of Irvin McDaniel, Division Chief, which were admitted as Developer's Exhibit No. 10. Ms. McEvoy testified that in analyzing the proposed building, with respect to the requirements of Section 26-282, her Department kept in mind the edges of the site. She testified about the north edge, and the transition from single family lots to the proposed nursing home. She testified about the Iron Horse Lane edge, and the rise and grade in landscaping. She testified about the edge against the school property, and that the only thing that the Planning Department asked for there was a pedestrian lane, which the Developer ultimately provided. She then testified about the Mt. Wilson Lane edge, and observed that there was a 100 foot setback from the right-of-way. She testified that her Department wanted as much vegetation to be preserved as possible, and the grading revised so as to visually break up the view of the proposed nursing home with respect to its size or mass. She then testified that the Department was recommending approval of a modification of standards.

Section 26-282(b) lists eight requirements, seven of which used the word "neighborhood" in describing the compatibility

objective to be achieved. Section 26-282(c) defines "neighborhood" for the purpose of compatibility findings to be:

> ...the existing buildings and land uses adjacent to and extending from the proposed development to a definable boundary such as a primary collector or arterial road, a significant change in character or land use, or a major natural feature.

Ms. McEvoy's testimony did not include a definition of what the appropriate neighborhood is with respect to the proposed nursing home. She offered no testimony about conditions beyond the edges of the property as to the existing buildings and land uses carried to a definable boundary, such as a primary collector or arterial road, a significant change in character or land use, or a major natural feature.

The import of defining the relevant "neighborhood" can be found by examining the compatibility objectives listed in Section 26-282(b). Section (b)(1) requires a comparison of the arrangement and orientation of the proposed buildings and site improvements to those in the neighborhood. Section (b)(2) requires an analysis of the building and parking lot layouts to see if a reinforced existing building and street scape patterns in order to assure they have no adverse impact on the neighborhood. Section (b)(3) requires an analysis of the neighborhood road network and proposed sidewalks to see if the proposals are located to support the functional patterns of the neighborhood. Section (b)(4) requires a comparison of the open spaces of the proposed development to those open space patterns

of the neighborhood. Section (b)(6) requires comparison of the proposed landscape design to the neighborhood's landscape patterns to see if it reinforces functional qualities. Section (b)(7) requires with respect to signs and lighting and accessory structures that they support a uniform architectural theme and present a harmonious visual relationship with the surrounding neighborhood. Section (b)(8), clearly the most important one with respect to this proposed nursing home and the reason for the requested modification of standards, that the scale proportions, massing and detailing of the proposed buildings, are in proportion to those existing in the neighborhood. Without defining the neighborhood, one cannot ascertain which building, which uses, which streets, which parking lots, which landscaping uses, or which open spaces one is to compare the proposed development building to in order to see if it meets the compatibility objectives. A review of Developer's Exhibit 10, pp. 4 and 5, where the eight objectives of Section 26-282 are described, one can see that there is no comparison whatsoever to any buildings, site improvements, parking lots, street scape patterns, road networks, sidewalks, open spaces, landscape design and landscape patterns, exterior lights, sight lighting, and accessory structures, or the scale proportions, massing and detailing of any buildings, anywhere in the vicinity of the proposed development, much less within the "neighborhood" as required to be defined under Section 26-282(c). Certainly, the Office of Planning and Zoning did not

do what is required of it to be done in making a compatibility recommendation to the Hearing Officer under the provisions of the Baltimore County Code.

No doubt, the Developer will attempt to argue that the Office of Planning referred to and relied upon a letter from Colbert, Matz, and Rosenfeld, Inc., the civil engineers for the development project in a letter dated January 29, 1996 to the Office of Planning. The contents of that letter obviously fail to meet the requirements of Section 26-282, particularly Section 26-282(b), in that in reciting the eight compatibility objectives, it omits, with respect to the recitation of each one where it is required by the Code, the language of and the concept of comparing the proposed buildings, and uses, landscape and street scape designs, to those located in the neighborhood to see that they are patterned in a similar manner, have no adverse effect or impact upon, support the functional patterns of, reinforce the functional qualities of, and present a uniform architectural theme and harmonious visual relationship with, and are in proportion to those existing buildings, site improvements, parking lots, street scape designs, landscape features located in the neighborhood. Without a doubt, the Director of Planning's analysis, and the evidence offered by the Developer to show that the Director of Planning made a compatibility analysis in compliance with the Code, fall short of what is required. Additionally, Norman Gerber, an expert in development policies, zoning policies, and

land use management in Baltimore County testified that in his opinion the evidence presented by the Developer and the actions of the Planning Department, as described above, did not meet the requirements of the Code. That opinion went unrebutted. As the Hearing Officer observed at several points during the course of the testimony on this issue, the Planning Department's analysis of this only went to the edges of the property. To stop there totally defeats the purpose of having compatibility studies made since the objectives are to see that the proposed development is in keeping with what exists in the surrounding neighborhood.

Issue No. 5 - Mixed Uses on One Property/Access for Heavier Uses through Lighter Zones.

The Zoning Commissioner's Policy Manual, Section 102.2, provides that if there are several uses proposed the separate structures on one property, each use must meet the zoning requirements as if it were a separate parcel. Section 102.6 provides that with respect to residential zones, access for commercial or industrial use may be permitted if it is the sole access to the site. In order to meet that task, it must be the only possible access from a public street, the residential land in issue is too small, and/or the land in issue is subject to other restrictions which prevent a residential use.

A review of Developer's Exhibit 1-A, the testimony of Richard Matz, the engineer for the Developer, and that of David Thaler in explaining Protestants' Exhibit 21, shows that the

nursing home, as proposed sits partially in the BL zoned portion of the property and partially in the DR3.5 zoned portion of the property. Vehicular access to the nursing home comes by way of a private drive which is proposed to exit off of Ironhorse Lane through a DR3.5 portion of the property into the BL zoned portion of the property. The basic services of water supply and sewer service will come from a pipe that runs through those portions of the property and connects with pipes in the underneath center of Ironhorse Lane. With respect to Lots 5, 6, 7 and 8, vehicular access comes by way of Renata Court, which exits off of Ironhorse Lane, travels through a DR3.5 zone portion of the property into the BL portion of the property. Water and sewer for those lots additionally comes by way of pipes running through the DR zoned portion of the property to the BL portion of the property. Those facts are uncontroverted.

Norman Gerber and David Thaler each testified that in their respective opinions this proposal violates long standing administrative policies accepted and applied consistently in Baltimore County, that each use must meet the zoning requirements as if it were a separate parcel, and that access through a residential zone for a commercial or industrial use would only be permitted if it is the sole access to the site. Each testified that it was possible to obtain access from Mt. Wilson Lane particularly in the vicinity of the intersection of Division Street and Mt. Wilson Lane. Those opinions remain

unrebutted in this record and stem from well accepted zoning principles as enunciated in the case of Leimback Construction Company v. Mayor and City of Baltimore, 257 Md. 635. (1970)

Issue No. 6 - Failure to Comply with the Landscape Manual.

David Thaler testified, based on his familiarity with the Landscape Manual for Baltimore County, that a storm water management pond with slopes greater than a 4:1 ratio requires a Class A screen. Protestants' Exhibit 19, which contains an extract of the Landscape Manual, recites that requirement. Ms. Mollina, the Developer's Landscape Architect, testified that she believed that a Class A screen was required, but she did not propose it because of a conflict with the Soil Conservation Service, Maryland Code 378 (Protestants' Exhibit 20). Mr. Thaler testified that there is a conflict between Maryland Code 378 for ponds because it prohibits vegetation in close proximity to a storm water management embankment and outfall structures. The "no woody vegetation" provisions of Maryland 378 exclude trees and shrubs, and the Maryland Dam Safety Division, according to Mr. Thaler, requires ground cover to be moved periodically. The Landscape Manual states that a Class A screen shall provide a minimum five foot high, year-round, visual screen at maturity. The screening that was proposed by the Developer does not meet that requirement, and cannot meet the requirements because the ornamental grasses do not provide the screen required, cannot be mowed periodically as required by the Maryland Dam Safety Division. The testimony of Wolfgang

Oehme pointed out that fact. The difficulty with the proposed storm water management facility and its compliance with the required Class A screening again demonstrates the necessity of having buffers and having sufficient land in order to comply with the screening and buffering requirements. The top of the dam structure is proposed to be at an elevation equal to the second floor of the house at 101 Mt. Wilson Lane, nearly two stories higher than the street elevation at Ironhorse and Mt. Wilson. This clearly requires a screening to protect those residences, as well as the ones from Cobblestone, from having to view the storm water management pond. All of these requirements (i.e., the parking lot, the size of the building, and the storm water management pond) demonstrate that the proposed uses over crowd the land since if there were additional land there would be no difficulty in locating the vegetation which was to provide the screening so that it would not have to be placed on the dam of the bank. Screening could be provided, and grasses could be placed on the dam which could be mowed periodically with no threat to their livelihood.

Item 7 - Requirements for Business Parking in a Residential Area.

Section 409.8B of the Baltimore County Zoning Regulations regulates the use of business or industrial parking in residential zones. Clearly, the nursing home is a business, and it intends to place its off-street parking in property zoned DR3.5. The Zoning Commissioner may either deny or grant

a use permit conditioned upon his finding of no adverse impact on the character of the surrounding community and the anticipated proposed parking use. Under Section 1B01.1B.1.d(3) (found on page 1B-6A) defines any parking area permitted under Paragraph 409.8.B as a residential transition use. It requires the approval of a specific landscape plan for the buffer area which must meet the requirements of a Class A plan. Since this parking, as proposed, is business parking in a residential area, it must meet the requirements of Section 409.8.B and, therefore, it must also have a Class A screen. Plainly, the parking lot, as proposed, does not.

ISSUES WITH CONTESTED FACTS

Other issues Protestants raised produced evidence conflicting in nature which require the Hearing Officer/Zoning Commissioner to make findings of fact and conclusions of law. Protestants contend that these issues ought to be resolved in Protestants' favor as explained below.

1. Lack of Verification of Suitable Outfall.

Section 26-203(d)(10) requires that storm water management areas be supported by a preliminary hydrology computations and proposed and existing storm drainage systems show and have a verification of suitable outfall. As Developer's Exhibit 1-A shows, the Developer proposes four alternatives for the outfall of storm water and storm drainage. Each side produced much testimony concerning these issues. The issue first arose in comments from the Development Plans Review Division, which

flooding?, (yes)

noted with respect to storm drains and sediment control that down stream floating exists. That Department required 2-10-100 year storm water management. With respect to Developer's Exhibit 1-A, which is the redlined Development Plan, Robert Wood of DEPRM produced two sets of comments on this Plan. First, before the four alternatives were proposed, the comments required, of course, the verification of suitable outfall. Secondly, the comments observed that the 24 inch pipe underneath Mt. Wilson Lane was over capacity and, therefore, unacceptable. Thereafter, after the commencement of the hearing on this, but following a recess in the testimony, and after the Developer submitted a re-designed storm water management pond with new mathematical hydrology calculations, Mr. Wood, on September 19, 1996, issued new comments withdrawing the comment that the 24 inch pipe was unacceptable. Mr. Wood testified as part of the Developer's case that the four alternatives, in his opinion, showed the verification of suitable outfall, and that the ability to build the storm water drainage system as proposed, by way of obtaining easements or the permission of other land owners and the like, were issues to be addressed in what he termed "Phase 2" of the development process.

In the Protestants' case, Milo Heckler, a resident of the Pikesville Farms community, who lives on Mt. Wilson Lane, testified concerning the flooding he experiences and suffers on his property during rain storms. He testified that he would

not, under any conditions, or under any circumstances, grant an easement to the Developer in this case to place the storm water drainage pipe on his property to discharge below the end of the 24 inch pipe crossing under Mt. Wilson Lane, or to hook into that pipe on Mr. Heckler's property. Prior to that, Robert Bolling, of the Development Plans Review Division for Baltimore County, testified that Baltimore County, while it may have a road widening easement, only owns to the limit of the pavement of Mt. Wilson Lane on the southern side. In the rebuttal case, Mr. Bolling testified that if Baltimore County were to condemn the ten feet south of the pavement of Mt. Wilson Lane into Mr. Heckler's property it would have to demonstrate that it has a public necessity to take that ground. There is no money in the capital budget at the present time for such a condemnation proceeding. Protestants argue that the obtaining of property for the sole purposes of allowing a private property owner/developer to construct a storm water drainage pipe in order to obtain a suitable outfall for a proposed development does not constitute public necessity.

Ernest Sheppe, a civil engineer who specializes in water resource management, testified, based on his experience, knowledge of the Baltimore County development processes, and engineering principles, that none of the four alternatives show verification of suitable outfall. First, he testified that any engineering project must be able to be built in the field in order for it to be a viable project. Since the 24 inch pipe is

over capacity, it does not provide a suitable outfall. The remaining three options all require an easement, either through Mr. Heckler's property, or through a road widening easement, which Baltimore County does not have the present ability to exercise. Obviously, Mr. Heckler testified that he would not grant the easement required. Since none of these options show that at the present time, or in the foreseeable future, that they can be achieved, from an engineering standpoint, this storm drainage system, as proposed by the Developer, cannot, in Mr. Sheppe's opinion, be built. Secondly, based upon Mr. Sheppe's knowledge and experience with the development process of Baltimore County with respect to storm water management and storm drainage systems, and based on cases heard and decided by the Hearing Officer and Zoning Commissioner for Baltimore County, the Developer, at the time of the Development Plan Hearing, must demonstrate at least a letter of intent from an adjoining property owner if the proposed storm drainage system must pass through that property in order to reach its point of outfall. Mr. Sheppe referred to the case of the Jones' Property on West Joppa Road in Towson, decided by the Honorable Lawrence Schmidt, Zoning Commissioner. Furthermore, the Protestants produced a videotape described, in a narrative testimony by Buddy Burns, showing the flow of rain water and the flooding of Mt. Wilson Lane, both during the construction of the Cobblestone project, and after its completion. Needless to say, the flooding of the Pikesville Farm properties

constitute a serious problem, the type of which the requirements of verifying a suitable outfall at the Development Plan stage were designed to be analyzed so as not to compound the problem. Even though it appears that the Developer has over-managed the outfall at the property line where it will pass from the Tastet property into Mt. Wilson Lane, it is clear that the water will be concentrated and that the outfall at the point where it enters Mr. Heckler's property will provide an additional concentrated flow of water which will only add to the flooding problem.

During the course of the presentation of evidence in this matter on these issues, the Developer's counsel attempted to make the Developer of Cobblestone, and by inference the present homeowners and residents of Cobblestone, the culprits for the flooding on Mr. Heckler's property and the other properties in the Pikesville Farms area. Two important distinctions must be observed. First, as Mr. Sheppe testified, the major distinction between the Cobblestone development and the proposed Village Care development is that Cobblestone had an outfall within its property boundaries and, therefore, it was provided with and could demonstrate the verification of a suitable outfall without difficulty. The lower ground, in this case Mr. Heckler's property, must accept the water flowing from the higher ground. Secondly, whatever the Developers of the Cobblestone project have done, or not done, that does not justify or excuse, or relieve this Developer from the

requirement of verifying a suitable outfall. The Developer lists as an option using the possible re-designed culvert to be put under Mt. Wilson Lane. At most, the testimony reveals that the Developers of Cobblestone have agreed to provide the engineering for and pay for one-half of an improved culvert to replace the 24 inch culvert presently running under Mt. Wilson Lane. But, that is all that the evidence reveals that they are required to do. They are not required to construct and build it. The culvert that they may be engineering and agreeing to pay for, does not provide to this Developer a means to discharge the proposed storm drain outfall either into the redesigned culvert, or the culvert as it exists across Mr. Heckler's property. Plainly, if it cannot be built, it ought not be approved.

2. The Special Exception Should be Denied.

Section 502.1 of the Baltimore County Zoning Regulations establishes the criteria which must be met before any special exception may be granted. The following criteria are at issue in this case:

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. tend to overcrowd land and cause undue concentration of population;

d. interfere with adequate light and air;

e. be inconsistent with the purpose of the property's zoning classification, or in any other way inconsistent with the spirit and intent of these zoning regulations.

Regarding the traffic, while traffic engineers customarily calculate the average daily trips, and review intersections to see whether or not they are failing, even Wesley Guckert, the Developer's traffic engineer, conceded that the test of Section 502.1 is not limited to that analysis. Protestants contend that the language of the Zoning Regulation clearly contemplates situations where congestion arises due to the influx of automobiles at particular times due to shift changes, or the backups that may result from turning left from a secondary street onto a street such as Mt. Wilson Lane without the benefit of a traffic signal, or the difficulty that will arise during snow storms and the like because of the hill on Mt. Wilson which is difficult to traverse because of its grade, or the difficulty that one will encounter in making a left hand turn from Stonegate Court onto Ironhorse Lane due to cars exiting from the nursing home or attempting to enter into the nursing home, whether it be a shift change or otherwise, all of which constitute congestion in the roads and streets. Some of the problems with respect to traffic are worse here than anywhere else in the neighborhood because Mt. Wilson Lane is two lanes, narrow, and without shoulders. There are no sidewalks along Mt. Wilson Lane which poses a problem due to

the large number of rabbinical students and other members of the Jewish community who walk from the rabbinical college to and from Reisterstown Road following the dictates of their faith. Additionally, the large funeral home at the intersection of Reisterstown Road and Mt. Wilson Lane has caused traffic congestion which will exacerbate the problems emanating from the traffic generated by the proposed development due to the number of funeral processions and visitor's cars entering and leaving the funeral home lot. There is not another large funeral home such as that one in the vicinity. Protestants produced numerous witnesses who expressed their objections to this project based on traffic concerns.

Section 502.1(d) requires that the use not tend to overcrowd land and cause undue concentration of population. Norman Gerber, the Protestants expert in zoning, testified that in his opinion the proposed use does exactly that. The most telling and striking analysis comes from Mr. Gerber's testimony concerning the recognized land use tool of calculating the average loading of the property. Mr. Gerber testified that the Planning Office of Baltimore County for such purposes uses an average household size of 2.33 persons per household. The surrounding residential density is 3.5 dwellings per acre giving an average loading of the surrounding residential properties of Pikesville Farms and Cobblestone of 8.155 persons per acre. Within that neighborhood is the rabbinical college,

which is an institutional use and houses approximately 700 students and staff. It is located on 75 acres, which produces an average load of 9.34 persons per acre. The Village Care Nursing Home project is expected to have approximately 352 people on site during the day, comprised of 102 employees plus 150 patients, on 4.79 acres. That calculates to an average load of 73.48 persons per acre, nearly eight times the intensity of the use of the land when compared to the surrounding residential and rabbinical college uses. Mr. Gerber's testimony that this is an accepted land use and planning concept, that it is used in Baltimore County, and that when applied to the proposal in this case, produces the results as stated above, went unrebutted. The mere calculation of the average load of persons per acre only highlights the fact that with the number of people on that size parcel of ground, there will be much commotion, and an intense use of the parcel, which really reflects an undue concentration of population.

Section 502.1(f) requires that the proposed use not interfere with adequate light and air. The Protestants produced testimony from neighborhood residents as to their objections to and concerns over the fact that the prevailing breezes are from the west, and that the odors from the kitchen and trash removal will be scattered about a large portion of the Cobblestone and Pikesville Farms neighborhoods. Additionally, Mr. Levine testified that his view of the sun in the afternoon and at sunset will be blocked for a large portion

of the year by the size and the mass of the nursing home building because of its location to the west of his home.

All of these detrimental effects mentioned above, are heightened and have a greater impact at this location than elsewhere in the neighborhood according to the opinion of Mr. Gerber, because the proposed nursing home, and the ground surrounding it sits on the highest point of land in the vicinity between Reisterstown Road and Interstate 795. The Protestants elicited a great deal of testimony concerning that fact, including the 40 foot drop in grade from the top of Mt. Wilson Lane at Division Street, down to the intersection of Ironhorse Lane and Mt. Wilson Lane, the drop in elevation from 545 feet above sea level for the upper level of the nursing home to 508 feet where Stonegate Court intersects with Ironhorse Lane, the drop in elevation from the beginning of the top of the parking lot at 528 feet at the eastern most edge of the parking lot down to 508 feet approximately on Ironhorse Lane at the point of the intersection of the private drive for the nursing home and Ironhorse Lane directly behind Lot 28 in Cobblestone, which was the model home for that development. Protestants offered testimony through Mr. Levine regarding his concern that the lights from cars exiting down Renata Court at an elevation of 538 feet will shine into his upstairs bedroom windows and those of his neighbors whose homes are at 522 and 524 feet. In addition to the dramatic change in grade, which causes problems, all of the activities of the nursing home will

be more visible than anywhere else in the neighborhood because it sits on such a prominent point of ground. This case bears a great resemblance to the facts of the case of People's Counsel v. Mangione, 85 Md.App. 738, 584 A.2d 1318 (1991). In that case, the Zoning Commissioner denied the special exception for a nursing home, which was affirmed on appeal to the County Board of Appeals, and ultimately upheld by the Court of Special Appeals of Maryland. Among the factors cited in that case, included the interior residential location, the comparatively narrow feeder roads, the limited access to York Road, (which was a major arterial road), the fact that the proposed home would sit on the prominent or dominate terrain above the neighborhood, which would block out light from the west, and with the prevailing breezes from the west, would generate odors from the central kitchen as well as the dumpster. There was testimony concerning the effects of the development along the York Road corridor and the erosion created by the development and storm water runoff. There was testimony concerning the effects of the intrusion of the project into the residential neighborhood presently existing around that location. Given those facts and circumstances, the Court of Special Appeals believed that there was sufficient showing of particular adverse impact as required under the case of Schultz v. Pritz, 291 Md. 1, 432 A.2d 1319 (1981).

Protestants contend that under Section 502.1(g) the proposed use is inconsistent with the purposes of the property

zoning classification, and inconsistent with the spirit and intent of the Zoning Regulations. Mr. Gerber testified that the RTA buffer, landscaping standards, parking lot buffers, compatibility tests, and the necessity to amend the final development plan of Cobblestone are all zoning requirements which are not met by the proposal. Clearly, many of the development regulations were not met by the proposal. Mr. Gerber testified that the difficulty in meeting these requirements additionally showed that the proposal tends to overcrowd the land because if it did not, it would not have difficulty meeting the requirements of the Baltimore County Development Regulations and Baltimore County Zoning Regulations. All of these things show that the proposal is inconsistent with the spirit and intent of the Zoning Regulations.

Finally, Section 502.1(a) forbids the proposed use from being detrimental to the health, safety, or general welfare of the locality involved. Protestants raised additional concerns regarding the detrimental affect on the property values of their homes, the use of ambulances for emergency situations for individuals living in the home who needed to be taken to a hospital, concerns about delivery trucks driving through the residential neighborhood, concerns about the additional foot traffic from employees of the nursing home who would take public transportation to work, concerns about the fact that all of this activity, including creating ten additional residential

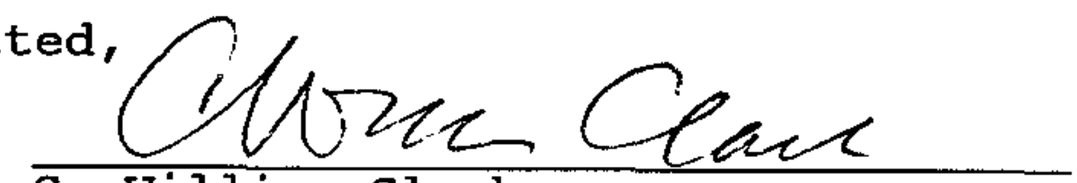
lots surrounding the historic Balmuckety Mansion, have a detrimental effect on the health, safety, and general welfare of the locality.

Despite the Planning Staff's support of this proposed special exception, the Planning Board after considering the proposal which involves a site with a building on the preliminary landmark list, the report from the Landmark Preservation Commission, and testimony from the parties, adopted a neutral position, neither recommending or disapproving the proposed special exception use. It did impose certain conditions on the developer if the project is approved. See Developer's Exhibit 9.

CONCLUSION

For all of the foregoing reasons, the Protestants submit that the Development Plan and the Petition for Special Exception should be denied.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of November, 1996, a copy of the Memorandum of Protestants', Cobblestone Homeowners Association, Inc., Charles Levine, and Albert

Kleeman, was mailed, postage prepaid, to: Julius W. Lichter, Esquire, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, Attorney for Developer, Rynd & Associates; and J. Carroll Holzer, Esquire, 305 Washington Avenue, Suite 502, Towson, MD 21204, Attorney for Pikesville Farms Community Association.

C. William Clark

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ZONING COMMISSIONER

VILLAGE CARE, INC.		BEFORE THE
TASTET PROPERTY MOUNT WILSON LANE AND IRON HORSE LANE	*	ZONING COMMISSIONER/ HEARING OFFICER
		OF
DEVELOPMENT PLAN HEARING AND PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION	* * *	Case Nos.: III-377 AND 96-284-SPHX

* * * * * * * * * * * * *

POST-HEARING MEMORANDUM IN SUPPORT OF VILLAGE CARE, INC.

DEVELOPMENT PLAN AND PETITION

Village Care, Inc., by Julius W. Lichter and Levin & Gann, P.A., its attorneys, hereby submits its Post-Hearing Memorandum in Support of the Development Plan, Special Hearing and Special Exception.

INTRODUCTION

Village Care, Inc. ("Village Care") is the contract purchaser of approximately 10.65 acres of land which is presently owned by Mr. John W. Tastet, Jr. The land is located at the northwest corner of Mt. Wilson Lane and Iron Horse Lane in Owings Mills (the "Subject Property"). Approximately 8.01 acres of the Subject Property are zoned D.R. 3.5, and approximately 2.64 acres are zoned BL. Village Care, Inc. (hereinafter referred to as "Developer" or "Petitioner") submitted a development plan which proposes the development of a one hundred fifty (150) bed nursing home on 4.79 acres, eleven (11) single family lots on 4.84 acres and the Mansion lot on 1.02 acres on the Subject Property (the "Plan"). Village Care has requested a special exception pursuant to § 502.1 of the Baltimore County Zoning Regulations ("BCZR") to permit the construction of a nursing home and appropriate parking in a residential zone. A request for modification of standards pursuant to the requirements of the Comprehensive Manual of

Development Policies ("CMDP"), Residential Standards, p. 29 has also been submitted to allow a building of two hundred ninety-nine and one-half feet (299.5') in lieu of two hundred feet (200'). The Petitioner filed for a special hearing for the approval of a waiver of the Public Works Standards for a twenty-four foot (24') pavement width on a forty-foot (40') right-of-way for a proposed public street, Almorso Lane and a waiver of sidewalks on Iron Horse Lane. At the outset of the hearing, Village Care withdrew its request for a waiver of sidewalks along Iron Horse Lane.

The Director of the Office of Planning (the "Director") and all other County agencies which are required to review and approve the Plan have recommended approval of the Plan and all of the requested relief.

The Pikesville Farms Homeowners Association, Inc., the Cobblestone Homeowners Association, Inc., Mr. Albert Kleeman, Mr. Charles A. Levine and several others (collectively referred to as "Protestants"), appeared in opposition to the development plan and the requested relief.

The Baltimore County Code, Title 26 Division 2, BCZR § 502.1, BCZR § 500.7 and CMDP, Residential Standards at 29 are the regulations pursuant to which the Developer/Petitioner seeks approval of the Development Plan, the Special Exception and the Waiver of Public Works Standards.

BACKGROUND

The process has been a long and arduous one, two Community Input Meetings were conducted, the Plan for the development of the Subject Property was changed in a number of ways to comply with government requirements and wishes. The Plan was also changed in a

number of ways in an attempt to address concerns of the neighbors. Village Care proposed nineteen (19) zero lot line single family houses on the north of the property and was persuaded to change to eleven (11) single family lots on the north side of the property. Village Care sought to obtain approval of access to the site from Iron Horse Lane or Mt. Wilson Lane. Village Care was persuaded by the desires of the Pikesville Farms neighbors and Baltimore County not to provide access from Mt. Wilson Lane for safety reasons and reasons which were brought out by the testimony.

Village Care in good faith adjusted and modified its Plan and moved forward. Certain neighbors continued to challenge Village Care by seeking to have the Mansion House which is in deplorable condition and the alleged gardens which are non-existent due to the passage of time, cost of maintenance and lack of interest of the family that built the house and planted the gardens to continue to live on and maintain the site declared historic landmarks. After the conduct of several meetings, the Landmarks Preservation Commission ("LPC") placed the Mansion House on the Preliminary Landmarks List and declined to place the former garden area on the Preliminary Landmarks List. The Planning Board thereafter met and made certain recommendations for preserving the plans and certain other material relating to the former gardens for placement as per their recommendation to the Hearing Officer.

Village Care received the recommendation and approval of every County agency inclusive of the wholehearted support of the Office of Planning ("OP") which recognized the significant sensitivity reflected in the Plan to preserve the Mansion House so that it may be more economically feasible to be maintained to allow for the uses itemized on the Plan. OP in its review and influence in the development of the Plan in comments and by testimony

wholeheartedly complemented Village Care in the attention paid to every detail of the site and most emphatically the architectural design of the nursing home structure and the site and landscaping treatments surrounding the facility.

Now, certain neighbors seek to frustrate the process, the ultimate development of the site and the construction of a much-needed care facility by engaging in a self-created game called "Gotcha!" This game has become popular in today's society. The point of the game is to ignore the merit of a proposal and its compliance with the established requirements to satisfy their NIMBY motivations forgetting that their houses destroyed and desecrated acres of the land area in which they live and ignoring the fact that their desire to live in the area is what caused the large landowner to abandon the property for profit inclusive of the abandonment of the Mansion House, the former gardens and the open space on which their houses are built.

The Protestants do not want a nursing home in their neighborhood and as one witness called the home, "a warehouse for old people." Put it somewhere else! What they want or do not want is not the issue before the Hearing Officer/Zoning Commissioner.

STATEMENT OF THE CASE

On September 26, 1996, the Hearing Officer convened the hearing which entailed several days of testimony over the course of six weeks. The Hearing Officer commenced the hearing by asking the Developer whether any outstanding issues remained. The Developer stated that no outstanding issues existed. Next the Hearing Officer inquired of Baltimore County's representatives whether any outstanding issues existed. Baltimore County's representatives stated that no outstanding issues existed. The Hearing Officer then asked the Protestants whether any outstanding issues existed. In response, the Protestants reported a litany of issues. The

Protestants' concerns are listed as follows:

1. After claiming that the Plan fails to verify a suitable outfall, the Protestants moved for dismissal. Following oral argument on the Protestants' motion, the Hearing Officer denied the motion.

2. The Protestants alleged that the location of the stormwater management pond violates the conditions within a Residential Transition Area ("RTA");

3. Protestants claim that the Developer's failure to amend the Cobblestone Final Development Plan is fatal to Village Care's Plan;

4. Protestants allege that the proposed landscaping of the stormwater management pond and parking area does not satisfy the requirements for Class A screening;

5. The Protestants suggest that the Plan does not contain a preliminary forest conservation plan in accordance with § 26-203(d)(12);

6. The Protestants claim that outstanding delinquent accounts on the Subject Property had not been paid as required by § 26-179;

7. Protestants claim that the Developer/Petitioner failed to request a public hearing for business parking in a residential area;

8. Protestants suggest that the proposed nursing home does not meet the modification of standards requirements;

9. The Protestants assert that the requested density is not warranted;

10. The Protestants claim that the Developer cannot cross residential property to access commercial property;

11. The Protestants allege that the proposed development adversely affects the

neighborhood;

12. The Protestants assert that valid restrictions exist which prohibit the proposed development; and

13. The Protestants claim that they were prejudiced by the County's failure to provide certain information within five days of the hearing on September 26, 1996.

Following the Protestants' recital, the Hearing Officer heard testimony and received evidence in response to the Protestants' concerns.

DISCUSSION OF ISSUES

The issues raised by the evidence before the Hearing Officer/Zoning Commissioner fall into four categories and are as follows:

1. Whether the Plan contains the necessary information for approval;
2. Whether the Developer requested the necessary relief;
3. Whether the Plan satisfies the requirements for granting a modification of standards; and
4. Whether the Plan satisfies the requirements for approval of a special exception.

I. THE PLAN CONTAINS THE NECESSARY INFORMATION FOR APPROVAL

The requirements and details necessary to establish a plan worthy of approval are substantial. After considerable refinements, the Plan was scrutinized by Baltimore County and all of its agencies and departments and found to be in compliance with the requirements and in many instances the Plan exceeds the requirements. Baltimore County approved the Plan and recommended its approval to the Hearing Officer/Zoning Commissioner without there being any open issues. The Protestants raised certain issues and those issues will be addressed in this Post

Hearing Memorandum.

A. Verification of a Suitable Outfall

The development regulations do not define the term "suitable outfall." However, expert testimony provided the Hearing Officer with two possible definitions. Mr. Wood of the Department of Environmental Protection and Resource Management ("DEPRM") defined "suitable outfall" as outfall that is technically possible; while Mr. Shepp testified that the outfall must be practically feasible to be considered suitable. A review of the development regulations suggests that both Mr. Wood and Mr. Shepp are correct. However, only Mr. Wood's definition applies to plans before the Hearing Officer; while Mr. Shepp's definition plans submitted by a developer after Hearing Officer approval. This Plan now before the Hearing Officer for approval must provide for a proposed outfall which is technically feasible.

That the outfall must be technically feasible finds support in § 26-203(d)(10) which requires that plans contain "stormwater management areas supported by preliminary hydrology computations, and proposed and existing storm drainage systems and verification of suitable outfall." (emphasis added.) Assuming that the Hearing Officer approves the Plan, § 14-156 requires the developer to submit for review and approval a stormwater management plan "[b]efore any grading or building permit is issued or any grading or building is conducted." Mr. Wood's definition of "suitable outfall" focuses on that information which is required for development plan approval by DEPRM under § 26-203(d)(10); while Mr. Shepp's definition pertains to a point in time when the final plans, inclusive of construction drawings, are submitted for review and approval.

Mr. Wood referred to the distinction between §§ 26-203(d)(10) and 14-156 as "Phase 1"

and "Phase 2" approvals. Mr. Wood stated repeatedly that all of the proposed alternatives provide verification of suitable outfall. Alternative 1 proposes to connect the outfall to an existing twenty-four inch (24") pipe which extends to a stream under Mt. Wilson Lane. In Mr. Wood's comments dated September 9, 1996 (Motion Exhibit 1), he stated that the outfall proposed by Alternative 1 was unsuitable at that time. Mr. Wood testified at length, however, that the note resulted from his learning of concerns regarding downstream flooding and erosion. Mr. Wood stated that he intended the note as a warning to the Developer that a problem may exist with the outfall. In response to Mr. Wood's concerns and requests for additional detailed information, the Developer submitted revised and more detailed computations which demonstrated to Mr. Wood that an unsuitable condition does not exist.

Mr. Wood's testimony with respect to Alternative 1 is especially important in light of the fact that the Developer has been required to over-manage stormwater. Unlike the developer of Cobblestone or Levinson Funeral Home, Baltimore County has imposed heightened management standards on Village Care to require "allowable peak discharge rates of 59%, 58% and 34% respectively" for the 2, 10 and 100 year storms as opposed to the standard discharge rates for the area. *See* Developer's Exhibit 11. Expert testimony regarding outfall suggested that the purpose of the stormwater management standards is to ensure that proposed development does not adversely affect existing conditions. In this case, the County has ensured that the proposed development will not adversely affect existing conditions, and may in fact improve existing conditions, by requiring that the Developer over-manage stormwater on the Subject Property.

In Alternative 2, the Developer has proposed connecting to improvements which are under consideration for the Cobblestone Development. Several witnesses stated that the developer of

Cobblestone must prepare plans to improve the culvert crossing and must pay one-half (½) of the cost of the improved culvert outfall. The testimony of Protestants' experts, however, suggests that the proposed improvements will never be constructed because Baltimore County has neither the funds nor the inclination to satisfy its obligations with respect to construction of the improvements. The Department of Public Works ("DPW"), through Mr. Bowling's testimony is more persuasive and authoritative than the Protestants' assertions. Mr. Bowling explicitly stated that the County will take that action which is necessary, including taking a right-of-way, to ensure construction of the improvements. In light of the County's knowledge of the flooding concerns and the opportunity to share the costs of alleviating the concerns, Mr. Bowling's testimony is persuasive. Mr. Bowling also testified that he knew of the four alternatives and stated his opinion that any of the alternatives would provide a suitable outfall.

Alternatives 3 and 4 are substantially the same in practice; the Developer proposes replacing the existing 24" pipe. Protestants argue that Alternatives 3 and 4 are not suitable because both would require that Mr. Heckler grant a right-of-way. Mr. Heckler testified that, with respect to Alternative 3, he is opposed to granting a right-of-way to the Developer. Assuming that Mr. Heckler remains opposed to granting the Developer a right-of-way, Alternative 3 may not be suitable without the public taking that Mr. Bowling asserts will be exercised.

However, Mr. Heckler has already provided the County with a right-of-way as shown on Mr. Heckler's minor subdivision plat which is recorded among the Land Records of Baltimore County at S.M. Liber 8023, folio 510 (Developer's Exhibit 8). When Mr. Heckler, who is the president of a home building company, subdivided his property, he provided to Baltimore County a highway widening easement. Notwithstanding Mr. Heckler's testimony that he did not create

the right-of-way, the minor subdivision plat clearly shows its existence. Additionally, the minor subdivision created two lots which have no independent access to Mt. Wilson Lane. In light of the County's interests in the highway widening right-of-way and in ensuring that property owners have access to County roads, Mr. Bowling's testimony that the County will take the right-of-way is dispositive of this issue.

The Developer has verified the existence of a suitable outfall. If the Zoning Commissioner approves the Plan, the County's involvement will continue as required by § 14-156 so that the Developer may investigate and the County may approve the most appropriate of the four alternatives. Phase 2 approvals will require that the selected alternative is "practically feasible." To obtain grading and building permits, the Code requires that the developer submit for approval a detailed stormwater management plan which is defined in § 14-156. Mr. Wood stated that his review of stormwater management plans includes a review of the documents which allow a developer access to the outfall. Unless DEPRM is satisfied during Phase 2 that the Developer has access to the outfall, development may not proceed. However, the Developer has satisfied his burden at this juncture in the development plan approval process and in view of the requirement that Village Care over-manage the stormwater emanating from the Subject Property, there will be less water emanating from this site because of the over-management after it is developed than is presently leaving the site.

Mr. Wood's testimony regarding that which is required during Phase 1 is consistent with the development regulations. § 26-206(1) states: "All subsequent detailed development plans such as the final . . . stormwater management plan shall be sealed and certified as being in accordance with the development plan." (emphasis added.). The Protestants urge the Hearing

Officer to adopt the position that, because the Developer did not provide Phase 2 information at this Phase 1 stage, the Plan should be denied. To adopt such a position, however, frustrates the entire development process as well as the spirit and intent of the development regulations.

The Developer has verified the existence of a suitable outfall. The Protestants' reliance on a superseded note is misplaced. Mr. Wood's additional comments and his testimony clearly establish that the Developer has verified a suitable outfall in accordance with DEPRM's evaluation of such plans at the development plan approval stage Phase 2. Additionally, Baltimore County required that the Developer over-manage the Subject Property so that the discharge rates for the Subject Property are more stringent than for other development within the area. While further analyses which are required under the Code will ensure that the Developer provides adequate stormwater management, the Developer has satisfied his burden with respect to the verification of suitable outfall which is required of developers at this phase of the development process.

B. Residential Transition Area

Both the BCZR and the testimony before the Hearing Officer prove that a stormwater management pond is not a "structure" within the meaning of the BCZR provisions regarding the conditions within an RTA. Section 1B01.1.B.1.a(1)-(2) define an RTA as a "100-foot area, including any public road or public right-of-way, extending from a D.R. zoned tract into the site to be developed" which is intended to "assure that similar housing types are built adjacent to one another or that adequate buffers and screening are provided between dissimilar housing types." In this case, Protestants stand alone in support of their contention that the proposed stormwater management pond and landscaping thereof violate § 1B01.1.B.1.e.(5). § 1B01.1.B.1.e(5) states

as follows:

> Parking lots or structures, either as principal or accessory use, whether permitted by right, special exception, or pursuant to 409.8.B, shall provide a 50-foot buffer and 75-foot setback, and a height not to exceed 35 feet within the 100-foot transition area. (emphasis added.)

The only manner by which Protestants support their naked contention is to suggest that the stormwater management pond constitutes a "structure" within the meaning of the BCZR.

The BCZR does not expressly define the word "structure." However, the words of § 1B01.1.B.1.e(5) themselves provide insight into the meaning. § 1B01.1.B.1.e(5) prohibits parking lots or other structures which exceed a height of 35 feet. This prohibition suggests that structures are located either at or above grade and that structures have the potential to obscure the views of persons offsite. Insight to the definition of "structure" may also be found in other provisions of the BCZR. Mr. Lewis, a well-respected planner with PDM, testified that § 102 defines the term "building" as "[a] structure enclosed within exterior walls or fire-walls for the shelter, support, or enclosure of persons, animals, or property of any kind." Additionally, in the petitions for special exception and variance of Joshua F. Cockey and Penn Advertising, Case No. 97-67-XA, the Zoning Commissioner recently relied on the statutory definition of "building" to determine that two "side by side, single-faced outdoor advertising signs" of 300 square feet each do not constitute structures within the meaning of § 1B01.1.B.1.e(5). Id. at 1. The Zoning Commissioner stated:

> It is manifest that the subject structure is not a building. The proposed signs and the structures which support same contain neither exterior walls or fire walls and are not for the shelter, support, or enclosure of persons, animals, or property. Moreover, the sign is certainly not a residence. Id. at 4.

Obviously stormwater management ponds are not buildings; nor do ponds contain exterior walls

or fire walls; nor do ponds shelter, support or enclose persons, animals or property and do not fall within the statutory meaning of "structure."

Administrative practice also demonstrates that stormwater management ponds are not structures. Mr. Lewis and PDM have consistently defined stormwater management ponds as landscaping elements. An interpretation of stormwater management ponds as landscaping elements is also consistent with the comments of E. Avery Harden, RLA, of PDM that "[t]he objective of the SWM facility planting is to treat the pond as if it were a meadow to be seen and not an eyesore to be hidden." Clearly the County agencies who review and approve development plans do not consider stormwater management ponds to be structures within the meaning of the BCZR. In light of §§ 1B01.1.B.1.e(5) and 102, the Zoning Commissioner's decision in Case No. 97-67-XA, and Baltimore County's administrative practices, stormwater management ponds are not structures within the meaning of the BCZR.

Notwithstanding the implicit statutory and explicit administrative definition, when a word is not defined within the BCZR, the BCZR requires that the definition found in the most recent edition of Webster's Third International Dictionary controls. Protestants slyly misrepresented to the Hearing Officer Mr. Webster's definition of "structure." Webster's definition does include that language which Protestants entered as Protestants' Exhibit 23. The cited language suggests that anything which is comprised of component parts is a structure. Under this reading of Webster's, argue the Protestants, the "dam,", pipes, seepage controls and, possibly, the blades of grass which form the stormwater management pond constitute a forbidden structure.

In offering the cited language, the Protestants apparently forgot to disclose that the language appears near the end of Webster's definition. Phrases which precede the cited language

include "the action of building", "the dam is a massive structure" and "edifice." To have the proposed stormwater management pond fall within their meaning of "structure," the Protestants suggested that the pond is actually a dam, another word which is not defined within the BCZR. In this regard, Mr. Lewis and Mr. Webster are again instructive. Mr. Lewis' testimony that a dam is a dam; while a pond is a pond under the zoning regulations complements the definition in Webster's. Webster's defines a dam as "a bank or mound of earth, or any wall or framework, raised to obstruct a current of water." Id. (emphasis added.). This definition comports with the BCZR's implication that structures are things of height. The proposed dry pond will be excavated below final grade, not raised above final grade. Additionally, the proposed pond will not obstruct a current of water. The pond will collect that water which naturally flows from the Subject Property, hold the water temporarily, and discharge the water at an acceptable rate. Once the water discharges, the pond will remain dry until the skies provide additional water.

With regard to the Protestants' concerns regarding the adequacy of the proposed landscaping of the pond and parking lot, Ms. Malena, a Registered Landscape Architect and Project Manager with Human & Rhode, Inc., stated that the proposed landscaping satisfies the Class A screening requirements. Protestants unsuccessfully attempted to persuade Ms. Malena that a Class A screening must contain woody planting material. Ms. Malena accurately noted that Class A screening requirements do not mandate woody planting material on stormwater management ponds. In fact, Section IX, E of the Baltimore County Landscape Manual contemplates the difficulties that the Protestants raised regarding the necessary distance between stormwater management ponds and woody plant materials. The Landscape Manual allows considerable flexibility to plant groundcovers such as the proposed ornamental grasses in order

to provide the necessary Class A screening.

The testimony of Mrs. McEvoy, OP's Project Manager with considerable experience in reviewing development plans, and Mr. William Monk, President of William Monk, Inc. and a recognized expert in land planning, also support a finding that the proposed landscaping satisfies the Class A screening requirements. Both testified extensively as to how the proposed landscaping complements the proposed development and to how the landscaping effectively screens neighboring property owners. According to Mr. Monk, Ms. Malena and Mrs. McEvoy, the proposed landscaping satisfies the Class A requirements and enhances the proposed development. Despite the Protestants' assertions, a stormwater management pond is defined as a landscaping element under the zoning regulations, not a prohibited structure. Additionally, the unequivocal testimony demonstrates that the Developer has proposed appropriate and approvable landscaping of the pond and the parking lot.

Despite the Protestants' assertions to the contrary, a stormwater management pond is not a structure within the meaning of the zoning regulations. Support for such an assertion may not be garnered from any source, including Webster's, the BCZR or administrative practice.

C. The Preliminary Forest Conservation Plan

Section 26-203(d)(12) requires that development plans "contain a preliminary forest conservation plan in accordance with section 14-408." (emphasis added.). In accordance with § 26-203(d)(12), the Plan notes that forest conservation requirements will be satisfied through offsite measures. Ms. Valarie Klein, a Natural Resources Specialist, testified on behalf of DEPRM that preliminary forest conservation plans are intended to give DEPRM a graphic representation of forested areas. Mr. Brockway testified that the Developer provided DEPRM

with a graphic representation of the forested areas in the form of a site constraints map which was approved for the formerly proposed Rambam development at this site. Mr. Ben Brockway, a principal with Biota, Inc. and an expert environmental planner, testified as an environmental planner with a state certification to prepare forest stand delineations that he prepared the site constraints map (Developer's Exhibit 20) which reveals three (3) small areas of low-value forest.

Mr. Brockway described the forested areas as follows: 1) the northeast portion of the property contains individual trees which are larger in size and which are surrounded by invasive species of little value; 2) the area which formerly contained the gardens is infested with relatively young, low-value invasive species; and 3) along the southern edge of the Subject Property, an area of low-value invasive species. Mr. Brockway noted the areas on Developer's Exhibit 1A in which the Developer seeks to retain a majority of the existing larger trees. Ms. Klein stated that, through an administrative oversight, a formal preliminary forest conservation plan was not required of the Developer. However, Ms. Klein stated her concurrence with the Developer's assessment of the areas based on her review of the map and her inspection of the Subject Property. The materials provided to DEPRM by the Developer enabled DEPRM to ensure the Developer's compliance with Baltimore County's forest requirements.

The County's forest requirements demand that developers provide sufficient measures to address the loss of forested areas. Developer's Exhibit 1A shows areas of larger trees that the Developer seeks to retain. To retain the trees, the Developer will fence the areas to protect the trees from construction activities. Additionally, the Developer plans to provide offsite afforestation in a specific location which location has been approved by DEPRM. Under § 14-407, a developer who cannot retain existing onsite forests "shall demonstrate <u>to the satisfaction</u>

of the department [of environmental protection and resource management]" that onsite retention is not possible and that afforestation or reforestation will occur in accordance with the Baltimore County Code (the "Code"). Ms. Klein stated that retention of the areas is neither possible nor appropriate considering the fact that the trees are "junk" and the areas are of minimal value. The Developer provided sufficient information which, in conjunction with inspections provided proved to DEPRM's satisfaction that the Developer complied with the forest regulations. Because the Developer has satisfied the statutory requirements, DEPRM approved of the Plan.

A finding that the Developer provided sufficient information under § 26-203(d)(12) is also supported by the fact that § 14-408 requires preliminary forest conservation plans to be submitted and reviewed pursuant to §§ 26-204 and 26-205. § 26-204 prohibits the County from accepting a plan for preliminary review "until the forest conservation requirements in sections 14-406 through 14-408 have been met." In this case, the County accepted and approved the site constraints map and the proposed afforestation at a specific offsite location. The reviewing agencies determined to their satisfaction that afforestation, in conjunction with the retention of a number of trees onsite, would redress the loss of the low-quality forested areas which contain abundant invasive species.

Furthermore, the County's role in the development process continues after approval of a plan by the Hearing Officer. § 14-409 requires that the Developer submit and DEPRM approve a final forest conservation plan which contains detailed information. § 14-418 provides that DEPRM is responsible for enforcing the provisions of Article XIV and that "any approval or permit issued by the county may be revoked or suspended" for a violation of the conditions of approved plans or for any violation of Article XIV. (emphasis added.) In light of these

provisions, the Hearing Officer can condition approval of the Plan as recommended by DEPRM's Development Plan Conference ("DPC") comments to require that "[o]ff-site Forest Conservation areas must be identified and a plan must be submitted, reviewed and approved prior to approval of the grading and sediment control plans for the site." In light of the Hearing Officer's power to condition approval of the Plan to ensure compliance with the development regulations, and in light of the sufficiency of the materials that the Developer provided to the satisfaction of DEPRM, the Hearing Officer should find that the Plan satisfies the provisions of § 26-203(d)(12).

D. Miscellaneous

1. Delinquent Accounts

The Protestants' failure to investigate their baseless and inflammatory claim that the property taxes for the Subject Property had not been paid is indicative of their approach to this case. The Protestants made a baseless and biting claim without fully investigating the veracity of the claim. The Developer introduced Developer's Exhibits 21 and 21B, the lien certificate sheets for the Subject Property which clearly show that the taxes have been paid in accordance with § 26-179.

2. Compliance with the five day rule

The Protestants raised questions concerning compliance with the 5 day rule for submission of County Comments to allow for sufficient notice to them. The conduct of the hearing with separated hearing dates provided sufficient and greater notice to the Protestants and their expert witnesses who also had been in constant contact with Baltimore County reviewing agencies and were aware of the County's comments in a timely fashion allowing for the Protestants' experts

to critique the Plan and to respond throughout the hearing.

3. Access

The Protestants' issue with regard to the inappropriateness of access via Iron Horse Lane to the nursing home lot is without any support or basis. The testimony of Mr. Guckert, President of the Traffic Group and a respected traffic expert, after a detailed site evaluation and study established that access to the site from Mt. Wilson Lane would be very dangerous in view of the poor site distance and topography.

Mr. Monk's testimony further supports Mr. Guckert's findings. Mr. Monk made personal investigations of the site on several occasions and noted the poor site distances and unfavorable topography for access via Mt. Wilson Lane. Finally, the testimony of a protestant, Mr. Burns, a resident of Pikesville Farms who lives on Mt. Wilson Lane also testified in an identical fashion to the inappropriateness of access to the site via Mt. Wilson Lane. Therefore, pursuant to the regulations, access via Iron Horse Lane is appropriate and should be approved as recommended by Baltimore County.

The Protestants' strained reading of § 102.6 does not support their contention that the proposed access through residential property to commercial property violates the zoning regulations. *§ 102.6 states that the proposed access is permitted. Specifically, § 102.6 states as* follows:

> No building permit shall be issued for any commercial, industrial or apartment development until the proposed plan for <u>vehicular access</u> thereto shall have been first approved by the Baltimore County Office of Planning and the Baltimore County Division of Engineering, Public Works. (emphasis added.)

§ 102.6 is silent with respect to providing water and sewer service to commercial property

through residential property. The County agencies that reviewed the Plan, however, did not find issue with the proposed service locations. Both OP and the Department of Public Works have endorsed and supported approval of the Plan as shown on Developer's Exhibit 1A, including the proposed access. The access provided is to the nursing home which is an acknowledged residential use. The only preconditions for approval by the Hearing Officer are the approvals which this Plan has received from the Office of Planning and the Department of Public Works.

Not finding any support in the zoning regulations, the Protestants turn to the Policy Manual for support of their contention that vehicular, water and sewer access is not permitted. With respect to accessing commercial property through residential, the Policy Manual states that access "may be permitted if it is the sole access to the site." Id at 1-42.2. The Protestants use of draft covenants which were never executed and correspondence between Mr. Tastet and former Councilman Ruppersberger (Protestants' Exhibits 24-29) to suggest that another access exists is not persuasive. The documents fail to show any valid restrictions on access to the Subject Property. Furthermore, Mr. Guckert, Mr. Monk and Mr. Burns testified that access from Mt. Wilson Lane is neither appropriate nor safe due to the site distance and topography constraints and therefore access via Iron Horse Lane is the sole access to the site as well.

With regard to the proposed water and sewer service, same are permitted under the zoning regulations and the Policy Manual. The Policy Manual cannot reach farther than the regulation for which it provides guidance. § 102.6 addresses only vehicular access, not utility access. Using the Policy Manual to dictate a policy in contradiction to the express provisions of the regulations strains reason, logic and the regulations to a breaking point. The zoning regulations permit the proposed vehicular access, and the Policy Manual provides guidance for approval of

the Plan.

The Protestants suggest that even if the zoning regulations do permit the proposed access, same is not permitted under the rule of Leimbach Construction Co. v. The Mayor and City Council of Baltimore, 257 Md. 635, 264 A.2d 109 (1970). In Leimbach, the petitioner requested approval for a commercial driveway through residential property in Baltimore City. The Board of Municipal and Zoning Appeals denied the request, finding that the zoning ordinance excluded the proposed business use from the residential zone. On appeal, the circuit court held that "the proposed use would be a commercial use of residentially-zoned land in violation of the Zoning Ordinance." 264 A.2d at 110 (emphasis added.). The Court of Appeals cited the zoning ordinance to affirm the lower court.

If the Baltimore County Zoning Regulations prohibited access to commercially zoned land through residentially zoned land, Leimbach might be instructive. However, because both the BCZR and the Policy Manual expressly authorize vehicular access to commercial property through residential property, the case is inapposite. Furthermore, water and sewer service is not addressed within § 102.6. The Protestants cite no authority to restrict the extension of water and sewer service through the D.R. 3.5 zone to secure service for the nursing home. The reviewing agencies considered both the vehicular and the utility access to the Subject Property. The agencies are presumed to know the zoning regulations and have wholeheartedly endorsed the Plan to the Hearing Officer for approval.

4. Density

The question of density regulations being applied to the nursing home lot was raised without any testimony in support thereof. The BCZR is clear that the density regulations are not

applicable to nursing homes as no density is assigned to nursing home beds.

5. Zoning Classification

The Protestants raised the issue of the Subject Property's zoning classification without offering any testimony, evidence or argument as to the significance of the classification. The Plan before the Hearing Officer proposes the improvements on property which is zoned D.R. 3.5 and BL. The County Council recently adopted a change in the zoning maps for that portion of the Subject Property which is presently zoned BL. When the change is enacted, ROA will replace the existing BL. The change is of no consequence to the Plan because all of the uses which are proposed for the Mansion House are permitted either as of right or by special exception in the ROA zone.

II. THE DEVELOPER REQUESTED THE NECESSARY RELIEF

A. Waivers

The Developer has requested a waiver of the local open space requirements and of the public works standard for a 24-foot paving section on a 40 foot right-of-way pursuant to § 26-172 (b)(1). Under § 26-172, the Hearing Officer may grant the requested waivers if the proposed development satisfies certain conditions.

First, § 26-172(a)(1) provides that waivers are appropriate if the size, scope and nature of the proposed development does not justify strict compliance with the regulations. In this case, the Developer has proposed a balanced development of the Subject Property which, in light of the discussion of the modification of standards request infra, does not justify strict compliance with the regulations. The nature of the proposed nursing home justifies a waiver of the open space requirements. Residents of the nursing home will utilize interior spaces, including enclosed

patios and rehabilitation facilities for both recreation and rehabilitation purposes. Furthermore, the paving will enhance the setting within which the Mansion House lies and provide a more pedestrian-friendly environment.

Additionally, the waivers are within the scope, purpose and intent of the regulations. Nursing homes are permitted by special exception in residential zones. The waivers would minimize the already insignificant effects of the proposed nursing home. Finally, the proposed development complies with county laws, ordinances and regulations. The County agencies which have reviewed the Plan support the requested waivers, noting that the waivers will enhance the Plan while minimizing the potential effects on the Mansion House and the neighboring uses.

B. Special Hearing

The Developer requested approval for non-residential parking in conjunction with the petition for special exception pursuant to its petition for Special Exception. Pursuant to BCZR § 409.8.B, the Hearing Officer may grant the requested relief if the Developer satisfied his burden under § 409.8.B.2. The testimony of Mr. Matz, a principal with Colbert, Matz, Rosenfelt, Inc and an expert site planner, Mr. Hollick, the Vice President of Nelson-Salabes, Inc. and an Architectural Designer, Mr. Monk, Mr. Huber, President of Housing and Health Services, Inc and accepted as an expert in health care and nursing home facilities, and Mr. Rynd, President of Village Care, Inc. and nursing home administrator, demonstrates compliance with the requirements of § 409.8.B.2. Furthermore, the Protestants did not challenge the parking per se.

Instead of challenging whether the proposed parking satisfies the conditions for approval, the Protestants challenged the appropriateness of not holding a special hearing on the proposed parking. Apparently the Protestants overlooked the Developer's request for special exception

approval of both the nursing home and the associated parking. Any person who thought that a special hearing was necessary to protect his/her interests easily could have petitioned for a special hearing. Instead of pursuing their statutory remedy, the Protestants seek the extreme remedy of denial even after the Developer provided the Protestants with enough notice of the proposed use that the Protestants could have requested a special hearing if they truly believed one to be necessary.

C. Amendment to Cobblestone Final Development Plan

To protect purchasers of real property which is subject to a final development plan ("FDP"), the zoning regulations require timely amendments to FDP's. § 1B01.2.A.1.a states the purpose of development plans as follows:

> To provide for the disclosure of development plans to prospective residents and to protect those who have made decisions based on such plans from inappropriate changes therein.

Mr. Tastet and Mr. Robbins exchanged small portions of land in 1990, and that is not contested. Now, however, the Protestants who have purchased lots in Cobblestone since the transfer of the property from Cobblestone to Mr. Tastet claim that Village Care is responsible for amending the Cobblestone FDP because the use of the Subject Property constitutes change in Cobblestone.

Mr. Robbins testified to his knowledge of Baltimore County's development and zoning regulations. Mr. Robbins stated that he knew that his FDP should be amended upon the exchange of land. Mr. Robbins stated that he has amended his FDP subsequent to the exchange. The Protestants' expert witnesses also stated that the FDP has been amended several times but that the exchange was never included in subsequent amendments. Mr. Robbins stated that he represented to property owners and to prospective property owners an FDP which does not reflect

the exchange. The Protestants' laywitnesses claim to have relied on Mr. Robbins' misrepresentation. Without exception, every expert who testified to this issue stated that the regulations require Mr. Robbins to amend his FDP following the exchange. Mr. Kellman provided the most persuasive testimony in this regard. Mr. Kellman, speaking on behalf of PDM, unequivocally stated that Mr. Robbins is responsible for amending the Cobblestone FDP and that the Village Care Plan should not be delayed by Mr. Robbins' failure to amend his plan. In addition to Mr. Kellman's testimony, the Developer introduced as Developer's Exhibits 34 and 35 which reiterate Mr. Kellman's testimony.

Notwithstanding Mr. Robbins' conduct or the zoning regulations' requirement that the Cobblestone be amended before now, Protestants demand that the Village Care remedy Mr. Robbins' oversights. The Protestants' demand cannot be met under the zoning regulations.

Village Care is not the developer of Cobblestone to be required to amend the Cobblestone FDP. Nor is Village Care a lot owner or otherwise an owner of property in Cobblestone. Neither Mr. Tastet nor Village Care is subject to the Cobblestone FDP such that they can or should be expected to amend the Cobblestone FDP. The developer of Cobblestone and the property owners therein have an adequate statutory remedy by which to amend the Cobblestone FDP and should pursue that remedy.

Even if Village Care could amend the Cobblestone FDP, to require Village Care to do so would constitute an abuse of discretion and would cause considerable uncertainty with respect to future development throughout Baltimore County. Neither the zoning regulations nor the development regulations contemplate that developers of land may be held responsible to amend the FDP's of neighboring developers. Furthermore, as is illustrated in this case, adjoining

property owners do not receive notice that their property may be subject to their neighbor's FDP. Because Village Care does not have standing to amend the Cobblestone FDP and because requiring Village Care to amend the Cobblestone FDP would violate the spirit and intent of Baltimore County's zoning and development regulations, the Hearing Officer should not require Village Care to amend the Cobblestone FDP.

III. THE PLAN SATISFIES THE REQUIREMENTS FOR APPROVAL OF A MODIFICATION OF STANDARDS.

The CMDP provides detailed guidelines which, if satisfied, permit the maximum length of a principal building in the D.R. zones to equal three hundred feet (300'). The CMDP states that the Director of OP (the "Director") must favorably recommend approval of a building length that exceeds two hundred feet (200'). CMDP, Residential Standards, p. 29. Additionally, the CMDP outlines five "guidelines" for approval of a request for a modification of the building length standards. In this case, the Director has recommended approval[1], and the Developer has satisfied the CMDP's guidelines. The guidelines are listed as follows:

A. The materials are specified.

Mr. Hollick, Mr. Monk and Mrs. McEvoy testified that the Developer has specified the materials of which the nursing home will be constructed. Initially, the Developer intended to use a brick of sand or brown color in the nursing home. In response to concerns regarding the color of the brick, the Developer proposes to use a red brick. *See* Developer's Exhibit 12. The red brick complements the red brick which was used in construction of the Mansion House and provides continuity between the two buildings. Additionally, Mr. Hollick testified to the

[1] See Developer's Exhibits 10 and 11 wherein the Director recommended approval.

proposed use of asphalt shingles; while both Mr. Hollick, Mr. Monk and Mrs. McEvoy testified regarding the window fenestration and entrance.

B. The building is segmented and architecturally varied to break up its massing.

Mr. Hollick, Mr. Monk and Mrs. McEvoy also testified regarding how the dormers, windows, porticos and exterior walls segment the building to minimize the potential massing effects. Mr. Hollick and Mr. Monk stated that the first floor of the nursing home is effectively buried within the lower portion of the Subject Property and thereby reduces the massing.

C. Landscaping is used to visually break up the massing of the facade.

Ms. Malena and Mr. Monk testified that a dense Class A screening will break up the massing of the facade. When planted, the proposed trees will range in height from between six (6) and fourteen (14) feet. Ms. Malena stated that within five (5) years of planting, the trees will range in height from fifteen (15) to twenty (20) feet. To illustrate the effect of her testimony, Ms. Malena prepared two renderings which graphically illustrate how the building will appear in five (5) years. Protestants' Exhibits 3 and 4. The renderings show how the landscaping screens and breaks up the massing of the facade.

D. The architectural details reflect regional residential elements.

Several witnesses, including Mr. Hollick, Mr. Monk, Mr. Huber and Mr. Rynd testified that nursing homes are residential in use and character. To reflect the residential character of the proposed nursing home, the first and second floors are limited respectively to twelve (12) and nine (9) feet in height. The eve will be approximately twenty feet (20') from the ground, and the total height of the building will be approximately thirty-five feet (35') as with residential dwellings. Additionally, the dormers, roofline and entrance reflect residential elements and are

notably residential in character as demonstrated by the testimony of Mr. Hollick and Mr. Monk.

E The building is compatible.

The fifth guideline for approval of a modification of standards states that "[b]uildings shall comply with Sections 26-203.(d).(20), 'The Development Plan, Additional Items to be Provided,' and 26-282, 'Compatibility' of the Development Regulations." (emphasis added.) § 26-203(d)(20) applies to proposed development within the critical area, and does not apply to the request for modification of standards at issue.

Initially, the scope of the compatibility recommendations must be understood. Unlike certain projects in which § 26-282 mandates a finding of compatibility for the entire development project, the CMDP clearly states that only the building must comply with § 26-282. Furthermore, upon the favorable recommendation of the Director and the satisfaction of the five (5) guidelines, a modification may be approved by the Hearing Officer. Unlike a variance to which the Protestants attempted to compare the modification, a modification of standards does not require a showing of uniqueness, undue hardship or practical difficulty. The scope of the compatibility recommendations is limited to an examination of whether the structure satisfies the five (5) guidelines. If the Director approves the modification and if the Hearing Officer determines that the Developer satisfied the criteria, the modification should be granted. The scope of compatibility recommendations which result from the residential standards provisions of the CMDP is substantially narrower than compatibility recommendations for entire development projects under § 26-282.

The threshold issue in analyzing whether the proposed building is compatible because of its length involves the question of whether the Director's recommendations comply with the

requirements of § 26-282. Specifically, the Protestants unabashedly claim that § 26-282 requires the Director to explicitly define within the recommendations the neighborhood with which the proposed building is compared. A simple reading of § 26-282, however, demonstrates the extent to which the Protestants misunderstand the Director's obligation.

§ 26-282 imposes no duty on either the Director or the Developer to define the neighborhood with which the proposed building is compared. Instead, § 26-282(c) clearly defines "neighborhood" so that all interested parties understand the extent of the geographical area with which a building will be compared. In defining the word "neighborhood," § 26-282(c) states as follows:

> Neighborhood means, for the purpose of a compatibility finding, the existing buildings and land uses adjacent to and extending from the proposed development to a definable boundary such as a primary collector or arterial road, a significant change in character or land use, or a major natural feature. (emphasis added.).

Without more than a simple reading of the statutory definition, the Protestants could have formed an accurate understanding of the neighborhood with which OP compared the building.

The Developer, however, provided OP and members of the public who, with due diligence reviewed OP's file on the Plan, with a site-specific definition of the neighborhood as part of Developer's compatibility report (Developer's Exhibit 33). The Developer's report defines the neighborhood as follows:

> the adjoining areas of the Cobblestone residential community and Mt. Wilson Lane from Reisterstown Road to its terminus at the North Oaks retirement community. The character of this neighborhood is a mixture of residential, institutional and commercial uses. Residential uses include the Z-lot single-family homes in Cobblestone, and the Pikesville Farms subdivision, including nine single-family homes along the south side of Mt. Wilson Lane. Commercial uses, which are near Reisterstown Road, include a funeral home (under construction), a multi-tenant commercial center, an electric power substation and a contracting business. Institutional uses include the County park and future school site adjoining the Village Care property, a religious educational institution and residences (Ner

Israel Rabbinical College), a vacant site which is part of the Woodholme Country Club, and the North Oaks retirement Community.

Mrs. McEvoy testified on direct that she reviewed the Developer's study in preparing OP's recommendations. Mr. Gerber, in testifying on behalf of the Protestants, stated that he had reviewed OP's file and the Developer's compatibility report contained therein. Mrs. McEvoy's testimony focused on the tract edges because both § 26-282 and the CMDP focus most intently on the relation between the proposed building and the area adjacent to it.

Mr. Monk described the neighborhood extending from the Subject Property and prepared several exhibits to illustrate the neighborhood. Mr. Monk prepared a 200' scale zoning map (Developer's Exhibit 13) which shows the area in which the nursing home is proposed. Mr. Monk also prepared Developer's Exhibit 14 which shows the existing and approved development in the area, including the Ner Israel Rabbinical College, the North Oaks retirement community, Baltimore County Recreational Facility (Future School Site), Woodholme County Club and Festival at Woodholme, Avalon and Cobblestone. In describing the area, Mr. Monk noted future access from Avalon to McDonogh Road as well as the existing access from Reisterstown Road on Mt. Wilson and Iron Horse Lanes. The existing conditions, site constraints and site development opportunities maps, Developers 15, 16 an 17 respectively, graphically depict Mr. Monk's testimony that the proposed location of the nursing home is the most appropriate location. Under these circumstances, the Protestants' concerns that "neighborhood" was not defined are at best suspect.

Protestants' concerns are especially dubious considering their use of Shirleybrook, Case No. 95-148A, for the proposition that the Director's failure to delineate the neighborhood is fatal to the recommendations. In Shirleybrook, the Director provided a one-sentence compatibility

recommendation which Mr. Gerber challenged for its failure to define "neighborhood." The failure to define "neighborhood" was not fatal to the recommendation. The Deputy Zoning Commissioner explicitly stated: "I do not require, nor do I believe, the regulations mandate that the Director provide any additional information to support his recommendation." Id. at 30-31. As the Deputy Zoning Commissioner noted, the omission of a specific delineation of the neighborhood should affect only the weight that the Hearing Officer gives to the recommendations.

In this case, the compatibility recommendations merit considerable weight. Throughout the compatibility recommendations, the Director explicitly noted the relation of the proposed building to the areas adjacent to the building. The Developer's expert witnesses also testified that the nursing home is compatible with the neighborhood. The Protestants, on the other hand and with good reason, carefully avoided directly challenging the substantive recommendations. In light of the Protestants' failure to raise any concerns other than their desperate attempt to discredit the source of the recommendations, the Developer obviously satisfied its burden to show that the building is compatible and the modification of standards is warranted.

Mrs. McEvoy, Mr. Monk and others of the Developer's witnesses testified at length that the building satisfies each of the eight compatibility objectives. Briefly, the eight (8) compatibility objectives as they relate to the Subject Property are as follows:

1. The arrangement and orientation of the proposed buildings and its site improvements are patterned in a similar manner to those in the neighborhood. As Mrs. McEvoy, Mr. Monk and Mr. Hollick testified, the nursing home is located on the lower portion of the site and provides an appropriate setting for the Mansion House. Additionally, the residential lots

complement both the nursing home and the neighboring residential communities. Specifically, Mr. Hollick noted that the residential dwelling lots constitute an effective transition between the Mansion House, the nursing home and the neighborhood.

2. The building and parking lot layouts reinforce existing building and streetscape patterns and assure that the placement of buildings and parking lots have no adverse impact on the neighborhood. As Ms. Malena and Mr. Monk noted, the proposed landscaping effectively screens the parking lot. Ms. McEvoy also noted that the proposed landscaping reduces the non-residential character of the nursing home. The proposed sign wall will serve as a focal point of the landscaping and will further minimize the non-residential appearance of the parking lot.

3. The proposed streets are connected with the existing neighborhood roads where possible, and the proposed sidewalks are located to support the functional patterns of the neighborhood. Mrs. McEvoy and Mr. Monk noted that the proposed sidewalks will help to reduce pedestrian traffic on the roads and support the functional patterns of the neighborhood. The Protestants' testimony that neighborhood residents walk past the Subject Property also suggests that the proposed sidewalks will benefit the neighborhood. Mr. Monk, Mr. Guckert and Mr. Burns noted that because of the constraints and for safety reasons, the proposed streets connect with the neighborhood roads at the only possible locations.

4. The open spaces reinforce the open space patterns of the neighborhood. As shown on the Plan and as stated by Mr. Monk and Mrs. McEvoy, the Developer has proposed a tree-lined access between the Subject Property and the school site which will provide access between both while complementing the adjoining residences. Mr. Huber, Mr. Hollick and Mr. Rynd all stated that the nursing home will not utilize substantial open space due to its nature. However,

the tree-lined access, dense landscaping and effective treatment of the stormwater management pond complement the neighborhood.

5. The Mansion House has been integrated into the site. Significant testimony from the County as well as the Developer's witnesses demonstrates that the Mansion House has been incorporated into the Plan while maintaining an appropriate setting. The Mansion House is located at an elevation higher than the nursing home to retain its historic place and dignity on the Subject Property. The Protestants would lead the Hearing Officer to believe that the Developer should be required to incorporate the former gardens into the Plan. Their contentions that the former gardens are a significant feature, however, ignore the LPC's and the Planning Board's determinations that a record preservation of the former gardens is appropriate.

6. The proposed landscape design complements the neighborhood's landscape patterns and reinforces its functional qualities. The Hearing Officer heard a considerable amount of testimony regarding the proposed landscaping plan. As noted supra, the Developer has proposed a dense planting which enhances the neighborhood while helping to reduce the potential for massing and reflect residential characteristics within the neighborhood.

7. The exterior signs, site lighting and accessory structures support a uniform architectural theme and present a harmonious visual relationship with the surrounding neighborhood. As noted, the proposed sign wall enhances both the Subject Property and the neighborhood. Similarly, the accessory structures have been carefully designed to complement the existing and proposed uses.

8. The scale, proportions, massing and detailing of the proposed buildings are in proportion to those existing in the neighborhood. Mrs. McEvoy complemented the proposed

brick treatment, landscaping and architectural treatments of the building. Mr. Monk and Mr. Hollick also stated that the proposed improvements reduce substantially potential massing effects.

IV. THE PLAN MEETS THE REQUIREMENTS FOR A GRANT OF SPECIAL EXCEPTION.

A. The Legal Standard for Approval of a Special Exception Request

The Baltimore County Zoning Regulations contain eight (8) criteria which must be satisfied before a special exception may be granted. BCZR § 502.1. The Court of Appeals of Maryland also has established with certainty the standard which applicants for special exception uses must meet.

In Schultz v. Pritts, the court stated the test as follows:

> We now hold 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. 1 at 22-23, 432 A.2d 1319 at 1331 (1981).

The unequivocal testimony of Petitioner's witnesses as well as the absence of Protestant testimony demonstrate that the proposed development at its proposed location will have no adverse impact on the area which are greater than at any other location in the zone.

B. The Criteria in BCZR § 502.1

Before the Zoning Commissioner grants a special exception, the Petitioner must show that the eight criteria within § 502.1 are met. The Petitioner has proven that proposed building satisfies the criteria. The criteria are as follows:

1. **The proposed nursing home is not detrimental to the health, safety or general welfare of the locality involved.**

Mr. Huber and Mr. Rynd testified that the State issues a limited number of CON's which reflect the State's assessment of a recognized need for nursing home facilities and the services which they provide in a particular area. In this case, Mr. Rynd amended the CON to reflect a change in location to that which is proposed, and the State approved the change, showing that the proposed nursing home is not detrimental to the health, safety or general welfare of the area. The County Council's designation of nursing homes as a special exception permitted use provides additional evidence of a "presumption that it is in the interest of the general welfare and is, therefore valid." People's Counsel for Baltimore County, et al. v. Mangione, et ux., 85 Md.App. 738, 584 A.2d 1318 at 1322 (1991). Instead of being detrimental to the health, safety and general welfare, the CON and the designation of nursing homes as special exceptions evidence that the proposed nursing home would benefit the health, safety and general welfare of the area.

Despite the State's assessed need for a nursing home in the particular area, the Protestants continued their myopic attack on the proposed development by lobbying the Zoning Commissioner to deny the proposed nursing home because the nursing home, as it will impact the former gardens, will in an some way affect the general welfare of the area. The Protestants had a full and fair opportunity to convince the LPC and the Planning Board of the former gardens' amorphous value. Their claims that the former gardens have historic value, however, have fallen on deaf ears at every urging.

The Protestants' persistent effort to convince the Zoning Commissioner that the proposed development should be denied because of its affects on the former gardens must fail. § 26-208(c) states that Planning Board decisions are "binding on the hearing officer and shall be incorporated as part of the hearing officer's final action on a plan." The Planning Board provided the Zoning

Commissioner with certain recommendations which require that the Petitioner, with the assistance of others, provide the Director with complete and accurate records of the gardens. The testimony of Mr. Tim Dugan shows that the County will assist the Petitioner. Similarly, if Protestants' concern for the gardens is as they represented it to be, the community may be of assistance to the record preservation of the gardens to which the Developer has agreed.

Protestants' reliance on the Hayfields case does not support their efforts to impose upon the Zoning Commissioner a course of action which would violate § 26-208(c). In Hayfields, Case No. VIII-661/96-347-SPHA, the dispute focused on the Planning Board's requirement that the developer retain a site around the historic structure. Id. at 15. The issue in Hayfields required the Zoning Commissioner to determine the extent of the site in light of the Planning Board's binding recommendations. The Protestants' suggestion that Hayfields is somehow controlling with respect to the development at issue is confusing when considering the Zoning Commissioner's determination in that case that the Planning Board recommendations are binding on the hearing officer.

The Protestants also proffered laywitnesses' testimony regarding the particular adverse effects that the proposed nursing home will have on the general welfare by way of the "loss" of the alleged gardens. Protestants' claims are baseless. Notwithstanding the gardens' present state of disrepair, the previous owners' failure to maintain the gardens or neighboring property owners' desires to "restore" the gardens, the owner of the Subject Property is not precluded from developing the former gardens, and such development would have no effect on the area. The former gardens are located on private property to which, without the owner's consent, neighboring property owners may not gain access. Nor are the former gardens visible to

neighboring property owners so that, even if the former gardens could be restored, neighboring property owners could not view them.

The proposed development will not have adverse effects due its impact on the former gardens. The LPC determined that the gardens do not merit the protection of the landmarks list. The Planning Board suggested an appropriate course of action to provide a comprehensive record of the gardens. Additionally, § 26-208(c) clearly states the effect of the Planning Board's decision on this proceeding so that the gardens may not be considered in evaluating the effects of the proposed development. The Petitioner satisfied his burden to show that the proposed nursing home will benefit, not adversely affect, the health, safety or general welfare by providing care in an area where the nursing home residents formally lived.

2. The proposed nursing home does not tend to create congestion.

Mr. Guckert and Mr. Monk testified at length that the proposed nursing home will not adversely affect existing levels of service on the roads which lead to and from the nursing home. Mr. Guckert stated that the proposed nursing home will not adversely affect existing levels of service on area roads. Mr. Monk described the approved extension of Iron Horse Lane to McDonogh Road and of Avalon Way. Additionally, Mr. Guckert stated that the approved road extensions will reduce any adverse effects by providing area residents and passersby with more convenient access to existing residential and commercial uses. Protestants' laywitnesses testified that the existing levels of service already seem congested. However, Mr. Guckert's testimony reveals that such unreasonable perceptions do not constitute the standard by which effects are measured.

Mr. Gerber suggested on Protestants' behalf that pedestrian traffic may lend to congested

conditions. Both the Plan and testimony demonstrate that approximately forty percent (40%) of employees will utilize public transportation. The Protestants appear to ignore that the use of public transportation will limit potential congestion. Additionally, the Petitioner withdrew the requested waiver of public works standards for sidewalks. The Petitioner proposes to install sidewalks on Iron Horse Lane which OP requested to reduce the potential for pedestrian traffic to congest the roads. There was not testimony produced to even suggest that traffic along Mt. Wilson Lane has been meaningfully escalated to create congestion.

3. The proposed nursing home does not create a hazard from fire, panic or other dangers.

The Protestants spent considerable time questioning the Petitioner's witnesses regarding the potential for emergencies at the nursing home. Without exception, the Petitioner's witnesses stated that the potential for emergencies to arise at the nursing home is likely to be lower than in the neighboring residential communities. Mr. Huber and Mr. Rynd detailed the cooperative manner in which nursing homes and ambulance services arrange to transport residents. Because residents of a nursing home are under the continual care of licensed health care providers, the nursing home is capable of addressing medical conditions in a quiet and professional manner which is in accord with the requirements for approval of a special exception.

4. The proposed nursing home does not overcrowd the land or cause an undue concentration of population.

The testimony of Mr. Monk, Mr. Huber and Mr. Hollick supports the conclusion that the proposed development does not overcrowd the Subject Property. Mr. Hollick detailed how the physical conditions of the Subject Property guided his design of the nursing home. Additionally,

Mr. Hollick and Mr. Huber described the rehabilitation and service facilities within the nursing home. Mr. Monk testified regarding the relation of the proposed development to the existing Mansion. Developer's exhibits 15 through 17 also show that the Subject Property comfortably supports the proposed improvements. Mrs. McEvoy, Mr. Matz, Mr. Hollick and Mr. Monk also testified that the Plan reflects a reduction of development on the Subject Property as approved to the development of nineteen (19) Z-lots.

The Subject Property's zoning also supports the proposed development. Protestants' inability to challenge the physical layout of the improvements on the Subject Property, occasioned Mr. Gerber to create an approach to overcrowding that is supported by neither the Baltimore County land use regulations nor any other cited source. Mr. Gerber's approach suggests an alleged "people loading" standard which he states measures overcrowding as a factor of the number of persons on a particular site in relation to the number of acres which comprise the site. Not only did Mr. Gerber fail to define this approach, he also failed to produce any professional authority for his untested and untestable standard. The purported standard entirely lacks any professional merit, and it completely ignores the nature of the proposed use.

The Protestants utilized Mr. Gerber's unsupported approach to fortify their unfounded proposition that the proposed density is not warranted. The Developer has proposed significantly fewer residential lots that are permitted under the zoning regulations. Additionally, the Protestants would have the Zoning Commissioner overlook that no density is associated with nursing homes under the zoning regulations.

Furthermore, unlike other residential users, residents of a nursing home typically do not utilize outdoor open space. Instead, as Mr. Huber, Mr. Hollick Mr. Monk and Mr. Rynd testified,

residents utilize interior facilities and open spaces. In this regard, overcrowding can best be considered in relation to the requested modification of standards for the proposed building's length. As noted supra, the modification of standards is both necessary and appropriate in this case. The Developer's use of architecture and landscaping to minimize the massing effects also minimize any possible appearance that the use overcrowds the land.

5. The proposed nursing home does not interfere with public improvements or conveniences.

The proposed nursing home does not interfere with adequate provisions for public conveniences or improvements. Mr. Gerber alluded to some nebulous and undefined link between public conveniences with the Protestants' allegations that the outfall is not suitable. As noted supra, however, the Petitioner has verified suitable outfall, and Baltimore County will remain involved in the development process to ensure that the outfall does not adversely affect public conveniences and improvements. The ultimate stormwater management will reduce peak outfall flows as compared to the present undeveloped outfall flows.

6. The nursing home does not interfere with adequate light and air.

The Protestants attempted to convince the Hearing Officer that, despite evidence to the contrary as shown on the Plan, the proposed nursing home will dominate the landscape and will impose adverse effects on neighboring property owners which are different than would occur elsewhere in the area. The Plan clearly shows the elevations of the nursing home in relation to the surrounding area. An examination of the elevations shows that the nursing home will lie approximately ten feet (10') lower than the existing Mansion and will not, therefore, dominate the landscape. The testimony of Mr. Hollick and Mr. Monk shows that the nursing home lies

at an elevation such that it will not adversely affect neighboring property owners' light and air.

In addition to their unfounded fears regarding the building, the Protestants attempted to demonstrate that odors which may waft from the proposed nursing home would adversely affect their senses. Mr. Rynd testified that property owners who neighbor existing nursing homes have never voiced concerns regarding odors from cooking or garbage dumpsters. Mr. Huber also testified that the food waste which is generated onsite is disposed of onsite and that the garbage dumpsters are used principally for paper waste. Thus, the potential for odors from cooking and the garbage dumpsters is minimal. Mr. Gerber testified that he studied the windrows in Baltimore County. Mr. Gerber stated that windrows are extensive analyses of wind direction in a particular area. Mr. Gerber stated that his studies of windrows resulted in his determination that winds pass through Baltimore County from the north/northwest to the south/southeast. Regardless of the location of the proposed nursing home within Baltimore County, winds from the north/northwest will waft the smells from the nursing home's kitchen to property owners who are located south/southeast of the nursing homes, and the proposed nursing home at this proposed location will not have any greater effects with regard to odors at this location than with any other location in the County. Mr. Gerber's investigation did not reveal the substantive difference in elevation between the first floor of the Mansion House and the nursing home.

The proposed Plan satisfies the statutory requirements for approval of a special exception. Having failed to demonstrate that the Plan is violative of § 502.1, the Protestants relied on Mangione to suggest that the nursing home at issue should be denied. In Mangione, the zoning commissioner denied a special exception request for a nursing home to be located "inside a single-family detached home area of Lutherville." 584 A.2d at 1320. In denying the request, the

zoning commissioner "cited the interior residential location, the comparatively narrow feeder roads, and the limited access to York Road." Id. In upholding the zoning commissioner's decision on de novo review, the Board of Appeals found that the proposed nursing home would "overwhelm and dominate the surrounding landscape. . . . [T]he proposal represents the deepest intrusion into the residential community." Id. Ultimately, the Court of Special Appeals upheld the zoning commissioner's decision. The Physical sites are substantially different in that the Subject Property is located in a multi-use area including commercial uses, the Rabbinical College, the Recreational Facilities, garage condominiums, retirement community and a future school site. The nursing home site will not overwhelm or dominate the surrounding landscape.

Unlike Mangione, the circumstances surrounding the proposal at issue do not lend to a finding that the use has adverse affects which warrant denial. In the present petition, the Zoning Commissioner received no meaningful testimony that the proposed nursing home would have an unusual adverse impact as compared with other residential areas. Furthermore, extensive testimony from Mr. Monk, Mrs. McEvoy, Mr. Rynd, and Mr. Huber reveals that the proposed nursing home is consistent with the purposes, spirit and intent of the zoning regulations. The Protestants failed to adduce any probative evidence of the harm or disturbance in light or traffic which the zoning commissioner found in Mangione. In fact, Mr. Monk, Mr. Hollick, Mrs. McEvoy and Mr. Guckert each testified that the proposed nursing home will not adversely affect the area. All of the evidence in this case and the weight of authoritative testimony clearly demonstrate that the proposed nursing home satisfies the requirements for approval such that a denial of the petition would be arbitrary, capricious and illegal.

The Court of Appeals has clearly stated the test which must be applied to the special

exception request at issue. The County Council has determined that a nursing home is a permitted use within the proposed zone as long as the Developer satisfies the criteria in § 502.1. The Developer presented significant and convincing testimony which demonstrates that the proposed nursing home satisfies both the judicial and the statutory criteria for approval. In applying the Court's test to the Petition at issue, the testimony and evidence clearly show that this proposed nursing home at this proposed location will not have any adverse effects than it would at any other location in the zone, and the Protestants produced no testimony or evidence to support an assertion that such would be the case. The Protestants raised unsubstantiated fears that a warehouse for the dying might be located in their backyards. Their caustic attack failed at every turn to demonstrate that the proposed nursing home at the proposed location will have any adverse effects beyond those inherent in the proposed use at any location. Because the Plan satisfies the requirements for approval, the Zoning Commissioner should approve the requested special exception.

7. The proposed nursing home is not inconsistent with the property's zoning classification or with the spirit and intent of these zoning regulations.

Nursing homes are established in the BCZR as permitted uses in residential zones. This nursing home is to be located in a multi-faceted area and neighborhood and compliments the viability of the area and is consistent with the property's zoning classification and is appropriate in the spirit and intent of the zoning regulations. As noted herein, the Protestants' claim that locating the proposed stormwater management within an RTA is inconsistent with the zoning regulations completely lacks merit. Clearly the proposed stormwater management pond is not inconsistent with the zoning regulations as it is associated with a permissible use.

Furthermore, the Protestants argue that the proposed access to the site is inconsistent with the zoning regulations. As noted previously, both the Developer's and the Protestants' witnesses acknowledged that the proposed accesses are the only safe entrances to the existing public road.

8. The proposed nursing home is not inconsistent with the impermeable surface and vegetative retention provisions of those zoning regulations.

All of the evidence and testimony reflected that the nursing home meets this standard in accordance with the regulations.

V. CONCLUSION.

Village Care, Inc. respectfully submits that the Development Plan; the Special Exception for the nursing home, parking and stormwater management in the residential zone associated with the nursing home; the request for a modification of standards for a building length of 299.5'; and the Special Hearing for a waiver to permit a 24' paving width on a 40' right-of-way merit the approval of the Hearing Officer/Zoning Commissioner.

Baltimore County and its reviewing and approval departments and agencies have meticulously and carefully considered this Plan and have recommended approval through their testimony and comments which are part of the record in this case.

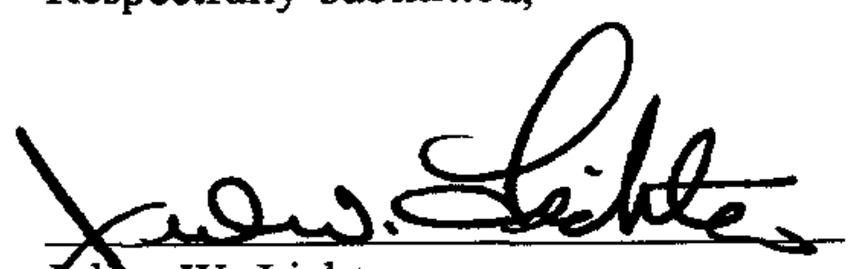
The Developer's efforts, which commenced even before the State of Maryland issued the CON, have resulted in the Plan presently before the Hearing Officer/Zoning Commissioner. The Plan evolved from the cooperative efforts of the Developer, the County and the neighbors. The neighbors recommended changes to the Plan while fighting the Plan at every level of the development process. In good faith, the Developer incorporated certain of the neighbors' requests and worked with Baltimore County to propose a sensitive, necessary and impressive nursing

facility and a method by which the Mansion House may be maintained together with single family lots larger than the lots in the adjacent Cobblestone Development.

The Protestants suggest that the nursing home could be smaller by simply chopping off a portion of the building. The Protestant's flippant and short-sighted suggestion overlooks the fact that removing a portion of the building removes the availability of necessary facilities for more than fifty (50) people and eliminates the ability to provide state-of-the-art care for persons in need of such services. The Protestants have challenged the proposed development at every stage and failed at every stage to halt the development process. The Plan represents several years of study, preparation and effort which has resulted in a plan that abundantly satisfies the requirements for approval.

For these reasons and the reasons stated herein, Village Care, Inc. respectfully request that the Hearing Officer/Zoning Commissioner approves the development plan, modification of standards, special hearing and special exception petitions.

Respectfully submitted,



Julius W. Lichter

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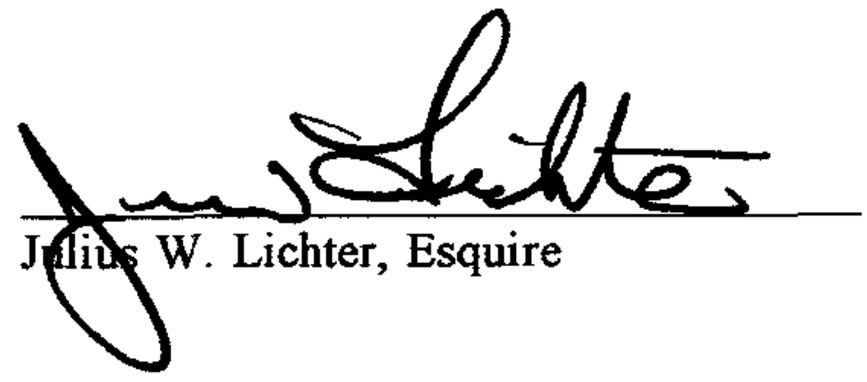
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

CERTIFICATE OF SERVICE

I hereby certify on this 22nd day of November, 1996, that a copy of the foregoing Post-Hearing Memorandum In Support of Village Care, Inc., Development Plan and Petition was mailed, first-class postage pre-paid, to C. William Clark, Nolan, Plumhoff & Williams, 502 Washington Avenue, Towson, Maryland 21204; and J. Carroll Holzer, 305 Washington Avenue, Suite 502, Towson, Maryland 21204.



Julius W. Lichter, Esquire

IN RE:DEV. PLAN HEARING & PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION, NWC Mt. Wilson & Iron Horse Lanes 3rd Election District 2nd Councilmanic District Legal Owner: John W. Tastest Applicant: Village Care, Inc. Developer/Petitioner	* * * * * *	BEFORE THE HEARING OFFICER/ ZONING COMMISSIONER OF BALTIMORE COUNTY Case Nos. III-377 & 96-284-SPHX

* * * * * * * * * * *

HEARING OFFICER/ZONING COMMISSIONER'S RULING ON MOTION

The above captioned matter comes before the Zoning Commissioner/Hearing Officer, as a combined hearing, pursuant to Section 26-206.1 of the Baltimore County Code. Approval is requested of the development plan for the project known as the Village Care facility, located on property adjacent to Mt. Wilson Lane and Iron Horse Lane in Pikesville. Zoning relief is also requested through a Petition for Special Exception and Petition for Special Hearing. The requested Special Hearing seeks approval of a waiver of public works standards for a 24 ft. pavement on a 40 ft. right of way for a proposed public street, to be known as Almarso Lane. Moreover, the Petition submitted requested a waiver of sidewalks along Iron Horse Lane, although such request was withdrawn at the hearing. The Petition for Special Exception requests approval of a nursing home with associated parking and a storm water management facility. The subject relief and development plan are more particularly shown on that drawing marked as Developer's Exhibit No. 1, the development plan and plan to accompany the Petitions for Special Exception and Special Hearing.

The public hearing convened for the purpose of considering the development plan and zoning relief was well attended by numerous representatives of the Developer, Protestants from the surrounding community and County representatives. Representing the Petitioner/Developer was Julius Lichter, Esquire. Representing the Cobblestone Homeowners Association and Charles

Levine was C. William Clark, Esquire. J. Carroll Holzer, Esquire represented the Pikesville Farms Community Association and several adjacent property owners.

At the onset of the hearing, Mr. Lichter withdrew that portion of the Petition for Special Hearing requesting a waiver of sidewalks, as set forth above. Moreover, a preliminary Motion was made by Mr. Clark as to the proposed storm water pond management facility. Specifically, he noted that the plan shows that a portion of the pond is located within the 50 ft. R.T.A. buffer area which is generated across the tract's southern property line. He argued that Section 1B01.1.B.e.3 of the BCZR mandate that storm water management ponds cannot be located in the R.T.A. buffer. Moreover, he argued that no request for variance from this regulation had been made.

Thereafter, testimony was received on this issue from Richard E. Matz, the Developer's professional engineer, and Robert T. Wood, from the Department of Environmental Protection and Resource Management (DEPRM). Mr. Wood's job responsibility, in this instance, was to review and approve the Developer's storm water management plan.

For reasons as fully set forth in open hearing, I hereby grant Mr. Clark's Motion to the extent that the plan cannot be favorably considered by the Hearing Officer at this time. Clearly, the storm water management pond facility is located within the R.T.A. buffer contrary to the regulations. In that no variance has been sought, the location of the pond is inherently impermissible. Moreover, Section 26-203.10 of the Code requires that storm water management areas be shown on the development plan. The fact that this plan shows the location of the storm water management area in an inherently illegal portion of the site renders the plan improper.

Under the circumstances, the Motion is hereby granted and the matter remanded for resubmission of a development plan. Specifically, the matter shall be remanded and the Developer required to resubmit an amended develop-

ment plan at a Development Plan Conference. Only after the development plan is resubmitted and same accepted by the County shall the Hearings Officer's hearing be rescheduled and reconvened.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

DATE: 5/29/96

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 28, 1996

Julius W. Lichter, Esquire
Levin and Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Ruling on Motion
Case No. III-377 and 96-284-SPHX
Village Care, Inc., Developer/Petitioner

Dear Mr. Lichter:

Enclosed please find a copy of my Ruling on Motion rendered in the above captioned matter. The Motion has been granted and the matter remanded to the Developer to resubmit an amended development plan.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
encl.
c: C. William Clark, Esquire, Nolan, Plumhoff and Williams, CHTD
Suite 700, Court Towers, 210 W. Pennsylvania Avenue, 21204

c: J. Carroll Holzer, Esquire, 305 Washington Avenue, Suite 502
Towson, Maryland 21204

Printed with Soybean Ink
on Recycled Paper

TO: PUTUXENT PUBLISHING COMPANY
February 22, 1996 Issue - Jeffersonian

Please foward billing to:

Julius W. Lichter, Esq.
Levin & Gann
305 W. Chesapeake Avenue
Towson MD 21204
321-00600

NOTICE OF HEARING

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

DEVELOPMENT PLAN HEARING
Project Name: Village Care Facility f/k/a Yeshivat Rambam Property
Project Number: III-377
Location: NW Corner Mt. Wilson and Iron Horse Lanes
Acres: 10.65
Developer: Village Care, Inc.
Proposal: 12 single family homes and 150 bed nursing home

and

CASE NUMBER: 96-284-SPHX (Item 297)
8900 Iron Horse Lane
15 Iron Horse Lane
NWC Mt. Wilson and Iron Horse Lane
3rd Election District - 2nd Councilmanic
Legal Owner: John W. Tastest
Contract Purchaser: Village Care, Inc.

Special Hearing to approve a waiver of public works standards for a 24-foot pavement on a 40-foot right-of way for a proposed public street, Almarso Lane, and a waiver of sidewalks along Iron Horse Lane. Special Exception for a nursing home with associated parking and stormwater management facility.

HEARING:
DAY ONE: THURSDAY, MARCH 14, 1996 at 9:00 a.m. in Room 106, County Office Building.
DAY TWO: FRIDAY, MARCH 15, 1996 at 9:00 a.m. in Room 106, County Office Building.

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.

Baltimore County
Department of Permits and
Development Management

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

February 15, 1996

NOTICE OF HEARING

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

DEVELOPMENT PLAN HEARING
Project Name: Village Care Facility f/k/a Yeshivat Rambam Property
Project Number: III-377
Location: NW Corner Mt. Wilson and Iron Horse Lanes
Acres: 10.65
Developer: Village Care, Inc.
Proposal: 12 single family homes and 150 bed nursing home

and

CASE NUMBER: 96-284-SPHX (Item 297)
8900 Iron Horse Lane
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Special Hearing to approve a waiver of public works standards for a 24-foot pavement on a 40-foot right-of way for a proposed public street, Almarso Lane, and a waiver of sidewalks along Iron Horse Lane. Special Exception for a nursing home with associated parking and stormwater management facility.

HEARING:
DAY ONE: THURSDAY, MARCH 14, 1996 at 9:00 a.m. in Room 106, County Office Building.
DAY TWO: FRIDAY, MARCH 15, 1996 at 9:00 a.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: John W. Tastet
Richard E. Matz
Village Care, Inc.
Julius W. Lichter, 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 CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink

297

Petition for Special Exception

96-284-SPHX

to the Zoning Commissioner of Baltimore County

for the property located at 8900 Iron Horse Lane

[redacted]

which is presently zoned B.L.,D.R.-3.5

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

A nursing home with associated parking and stormwater management facility.

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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Richard Rynd
Village Care, Inc.
(Type or Print Name)

X Richard Rynd Pres.
Signature

c/o Rynd Associates, Inc.
5A Gwynns Mill Court
Address

Owings Mills, MD 21117
City State Zipcode

Legal Owner(s):

John W. Tastet
(Type or Print Name)

John W. Tastet
Signature

(Type or Print Name)

Signature

4328 Ritchie Highway 636-0015
Address Phone No.

Baltimore, MD 21225
City State Zipcode

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

Richard E. Matz
Colbert Matz Rosenfelt, Inc.
Name

3723 Old Court Rd 653-3838
Address Phone No.

Baltimore MD 21208

Attorney for Petitioner:

Julius W. Lichter, Esq.
(Type or Print Name)

Julius Lichter
Signature

Levin & Gann
305 W. Chesapeake Ave. 321-0600
Address Phone No.

Towson, MD 21204
City State Zipcode

DROP-OFF
NO REVIEW
2/6/96 ACR

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

297

Petition for Special Hearing

96-284-SPHX

to the Zoning Commissioner of Baltimore County

for the property located at 8900 Iron Horse Lane/15 Iron Horse Lane

[redacted]

which is presently zoned D.R. 3.5 & B.L.

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

A WAIVER OF PUBLIC WORKS STANDARDS FOR A 24-FOOT PAVEMENT ON A 40-FOOT RIGHT-OF-WAY FOR A PROPOSED PUBLIC STREET, ALMARSO LANE, AND A WAIVER OF SIDEWALKS ALONG IRON HORSE LANE.

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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Richard Rynd
Village Care, Inc.
(Type or Print Name)

Signature

c/o Rynd Associates, Inc.
5A Gwynns Mill Court
Address

Owings Mills, MD 21117
City State Zipcode

Legal Owner(s):

John W. Tastet
(Type or Print Name)

Signature

(Type or Print Name)

Signature

4328 Ritchie Highway 636-0015
Address Phone No.

Baltimore MD 21225
City State Zipcode

Attorney for Petitioner:

Julius W. Lichter, Esq.
(Type or Print Name)

Signature

Levin & Gann
305 W. Chesapeake Ave. 321-0060
Address Phone No.

Towson, MD 21204
City State Zipcode

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

Richard E. Matz
Colbert Matz Rosenfelt, Inc.
Name

3723 Old Court Road 653-3838
Address Phone No.

Baltimore, MD 21208

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

DROP-OFF
NO REVIEW
2/6/96
UCR

Zoning Administration & Development Management

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

[redacted]

ZONING DESCRIPTION
VILLAGE CARE
3rd ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

96-284-SPHX

BEGINNING AT A POINT ON THE NORTHERN SIDE OF MOUNT WILSON LANE, 60 FEET WIDE, 800 FEET MORE OR LESS WEST OF THE CENTERLINE OF IRON HORSE LANE; THENCE LEAVING SAID RIGHT OF WAY OF MT. WILSON LANE AND RUNNING NORTH 19 DEGREES 14 MINUTES 04 SECONDS WEST 310.14 FEET; THENCE NORTH 69 DEGREES 22 MINUTES 19 SECONDS EAST 129.43 FEET; THENCE SOUTH 58 DEGREES 42 MINUTES 11 SECONDS EAST 10.73 FEET; THENCE NORTH 69 DEGREES 22 MINUTES 19 SECONDS EAST 204.05 FEET; THENCE NORTH 35 DEGREES 15 MINUTES 36 SECONDS EAST 62.92 FEET; THENCE NORTH 69 DEGREES 22 MINUTES 19 SECONDS EAST 242.21 FEET TO A POINT ON THE WESTERN SIDE OF IRON HORSE LANE, 60 FEET WIDE; THENCE BINDING ALONG SAID IRON HORSE LANE BY A CURVE TO THE LEFT HAVING A RADIUS OF 770.00 FEET AND A LENGTH OF 146.68 FEET; THENCE SOUTH 47 DEGREES 17 MINUTES 10 SECONDS EAST 105.09 FEET; THENCE BY A CURVE TO THE RIGHT HAVING A RADIUS OF 330.76 FEET AND A LENGTH OF 89.80 FEET; THENCE SOUTH 20 DEGREES 31 MINUTES 21 SECONDS WEST 31.53 FEET TO A POINT ON THE AFOREMENTIONED NORTHERN SIDE OF MOUNT WILSON LANE; THENCE BINDING ALONG SAID MOUNT WILSON LANE SOUTH 69 DEGREES 22 MINUTES 19 SECONDS WEST 647.14 FEET; THENCE SOUTH 70 DEGREES 29 MINUTES 49 SECONDS WEST 102.97 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.13 ACRES OF LAND, MORE OR LESS.

I:\JOBS\910531.DES, 14

STATE OF MARYLAND
RICHARD EARL MATZ
NO. 15203
REGISTERED
PROFESSIONAL ENGINEER

1/17/96

297

3723 Old Court Road, Suite 206 Baltimore, Maryland 21208
Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

MICROFILMED

CERTIFICATE OF POSTING

RE: Case No.: 96-284-SPHX

Petitioner/Developer: _____

_____

Date of Hearing/Closing: 01/31/97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

~~Attention: Ms. Gwendolyn Stephens~~

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at NWC Mt. Wilson & Iron Horse Lanes

The sign(s) were posted on January 14, 1997
(Month, Day, Year)

Sincerely,

Lavette J. Bannerman
(Signature of Sign Poster and Date)

Lavette J. Bannerman
(Printed Name)

111 W. Chesapeake Ave.
(Address)

Towson, MD 21204
(City, State, Zip Code)

410-887-3351
(Telephone Number)

9/96
cert.doc

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 03-377

Towson, Maryland

District 3rd **Date of Posting** 10/27/95

Posted for: Community Development Hearing

Petitioner: Village Cars Facility

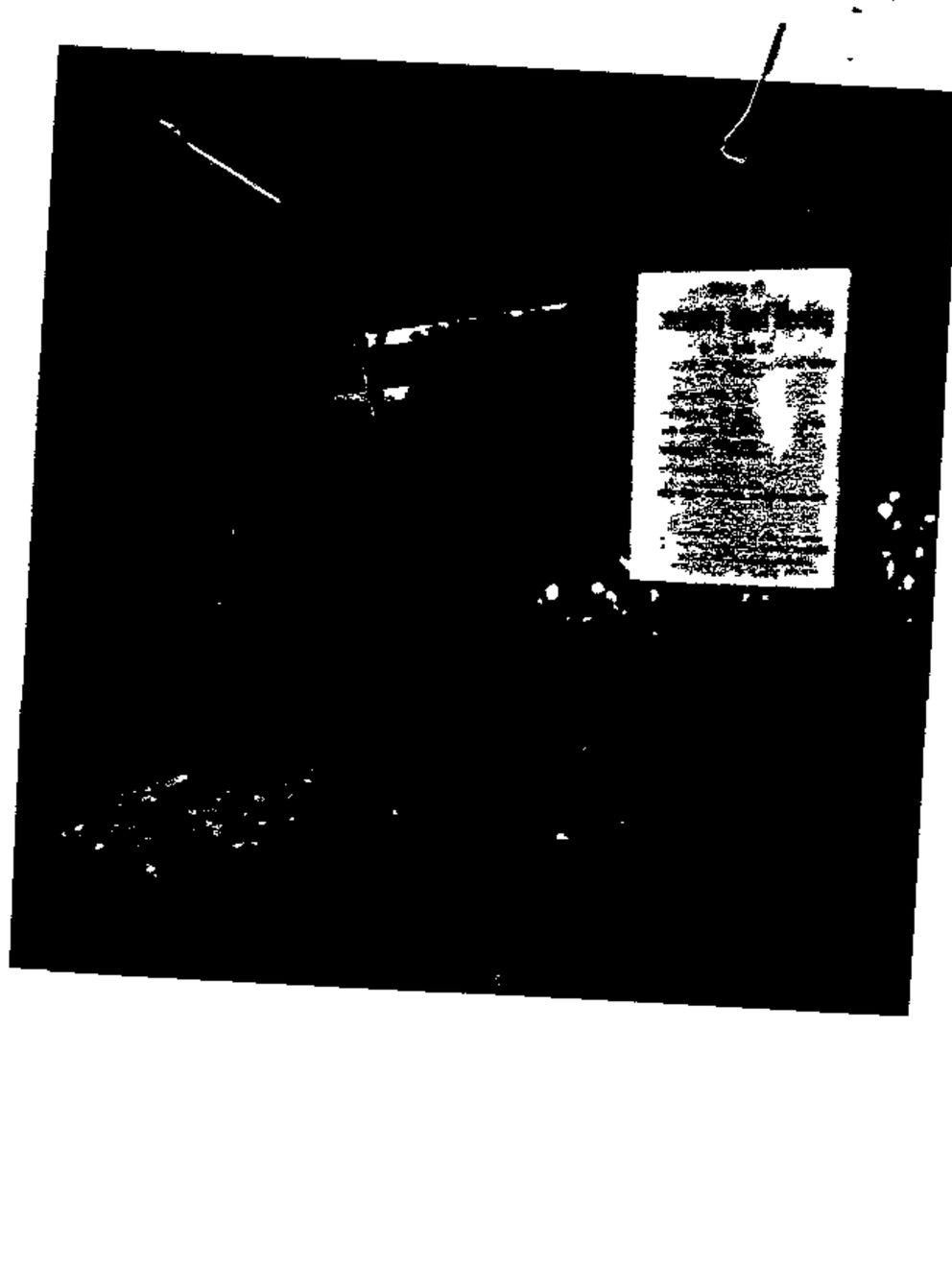
Location of property: NW Cor. MTWilson & Iron Horse Lane

Location of Signs: Facing roadway on property regarding Hearing

Remarks:

Posted by **Date of return:** 11/3/95

Number of Signs:



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 93-377

Towson, Maryland

District 3rd

Date of Posting 8/25/95

Posted for: Community Development Hearing

Petitioner: Village Care Facility

Location of property: Mt. Wilson Lane & Fron Horse Lane, NW Cor

Location of Signs: Facing roadway - (Mt. Wilson Lane) on property regarding hearing

Remarks:

Posted by M. Healey
Signature

Date of return: 9/1/95

Number of Signs: 2

III-377
96-284-SPHX

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 3rd

Date of Posting 2/2/96

Posted for: Development Plan Hearing - + Special Hearing

Petitioner: Village Care Facility, Inc

Location of property: NW/Cor Mt. Wilson Road + Iron Horse Lane

Location of Signs: Facing roadway on property being zoned

Remarks:

Posted by [signature] Date of return: 2/9/96
Signature

Number of Signs: 2

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

III-377

96-284-SPHX

District 3rd

Date of Posting 4/19/96

Posted for: Development Mon Hearing & Special Hearing

Petitioner: Village Care Facility

Location of property: NW Cor. Mt Wilson Lane & Iron Horse Lane

Location of Signs: Facing roadway on property being zoned

Remarks:

Posted by [signature] Date of return: 4/26/96

Signature

Number of Signs: 2

NOTICE OF HEARING

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

DEVELOPMENT PLAN HEARING
Project Name:
Village Care Facility f/k/a Yeshivat Rambam Property
Project Number: III-377
Location:
NW Corner Mt. Wilson and Iron Horse Lanes
Acres: 10.65
Developer: Village Care, Inc.

Proposal:
12 single family homes and
150 bed nursing home
and
Case: #96-284-SPHX
(Item 297)
8900 Iron Horse Lane
15 Iron Horse Lane
NWC Mt. Wilson and Iron Horse Lane
3rd Election District
2nd Councilmanic
Legal Owner(s):
John W. Tastest
Contract Purchaser:
Village Care, Inc.

Special Hearing: to approve a waiver of public works standards for a 24-foot pavement on a 40-foot right-of-way for a proposed public street, Almarso Lane, and a waiver of sidewalks along Iron Horse Lane. **Special Exception:** for a nursing home with associated parking and stormwater management facility.

HEARING:
DAY ONE: Thursday, March 14, 1996 at 9:00 a.m. in Rm. 106, County Office Building.
DAY TWO: Friday, March 15, 1996 at 9:00 a.m. in Rm. 106, County Office Building.

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.

2/290 Feb. 22 c32991

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/22, 1996

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 2/22, 1996.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

[redacted]

To: SOPHIE

From: ANNA

[redacted]

96-284-SPHX

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

No. 097279

DATE 1-24-96 ACCOUNT R-001-6150

AMOUNT $ 40.00

RECEIVED FROM: Collins Mtg. Lowell, Inc.

FOR: Village Care 02 USWF

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

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

No. 023734

DATE 1/9/97 ACCOUNT R 001-6150

AMOUNT $ 710.00

RECEIVED FROM: JULIUS W. LICHTER, ESQ. LEWIN & GRIM

APPEAL FEE - VILLAGE CARE DEVELOPMENT PLAN

FOR: SPECIAL HEARING, SPECIAL EXCEPTION III-377 96-284SPHX

01A00040.501A/CHRC $710.00
BA C010:55AM01-10-97

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County
Department of Permits and
Development Management

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

March 26, 1996

NOTICE OF REASSIGNMENT

DEVELOPMENT PLAN HEARING
Project Name: Village Care Facility f/k/a Yeshivat Rambam Property
Project Number: III-377
Location: NW Corner Mt. Wilson and Iron Horse Lanes
Acres: 10.65
Developer: Village Care, Inc.
Proposal: 12 single family homes and 150 bed nursing home

and

CASE NUMBER: 96-284-SPHX (Item 297)
8900 Iron Horse Lane
15 Iron Horse Lane
NWC Mt. Wilson and Iron Horse Lane
3rd Election District - 2nd Councilmanic
Legal Owner: John W. Tastest
Contract Purchaser: Village Care, Inc.

Special Hearing to approve a waiver of public works standards for a 24-foot pavement on a 40-foot right-of way for a proposed public street, Almarso Lane, and a waiver of sidewalks along Iron Horse Lane. Special Exception for a nursing home with associated parking and stormwater management facility.

HEARING:
THURSDAY, MAY 2, 1996 at 9:00 a.m. in Room 118, Old Courthouse.
FRIDAY, MAY 3, 1996 at 9:00 a.m. in Room 106, County Office Building.

ARNOLD JABLON
DIRECTOR

cc: John W. Tastet
Village Care, Inc.
Julius W. Licther, Esq.
Richard E. Matz*

*Enclosed please find stickers containing these new hearing dates to be placed on the zoning signs.

Printed with Soybean Ink

County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

January 14, 1997

NOTICE OF ASSIGNMENT

CASE #: CBA-97-100

IN MATTER THE OF: VILLAGE CARE, INC. /PDM III-377
NW/cor Mt Wilson Lane and Iron Horse Lane
3rd Election District; 3rd Councilmanic

AND

CASE #: 96-284-SPHX

IN THE MATTER OF: VILLAGE CARE, INC. (John Tastet - Property Owner)-Petition for Special Exception for nursing home; Petition for Special Hearing /modification of standards.

(Development Plan DENIED; SE DENIED; SPH Dismissed.

ASSIGNED FOR: **Friday, January 31, 1997 at 10:00 a.m.**

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

PP'd to 4/10/97, w/ of Counsel for Developer Ltr 1/21/97.

cc: Counsel for Developer /Appellant: Julius W. Lichter, Esquire
Property Owner : John Tastet
Richard Matz /Colbert, Matz & Rosenfelt
Mr. William Monk

Counsel for Protestants : J. Carroll Holzer, Esquire
(Pikesville Farms Community Assn., et al)

Counsel for Protestants : C. William Clark, Esquire
(Cobblestone Homeowners Assn. and
Charles Levine /Protestant
and Albert Kleeman /Protestant

Richard Rynd
Mr. and Mrs. Milo Hekler

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Donald T. Rascoe, Project Manager /PDM

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

Printed with Soybean Ink
on Recycled Paper

County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue January 27, 1997

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: CBA-97-100 **IN MATTER THE OF:** VILLAGE CARE, INC. /PDM III-377
NW/cor Mt Wilson Lane and Iron Horse Lane
3rd Election District; 3rd Councilmanic **AND**

CASE #: 96-284-SPHX **IN THE MATTER OF:** VILLAGE CARE, INC. (John Tastet - Property Owner)-Petition for Special Exception for nursing home; Petition for Special Hearing /modification of standards.

PP'd upon request only

(Development Plan DENIED; SE DENIED; SPH Dismissed.

which was scheduled for hearing on January 31, 1997 has been **POSTPONED** at the request of Counsel for Developer; and has been

REASSIGNED FOR: **THURSDAY, APRIL 10, 1997 at 10:00 a.m.**

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Counsel for Developer /Appellant: Julius W. Lichter, Esquire
Property Owner : John Tastet
Richard Matz /Colbert, Matz & Rosenfelt
Mr. William Monk

Counsel for Protestants : J. Carroll Holzer, Esquire
(Pikesville Farms Community Assn., et al)
Bonnie Buikema /Protestant

Counsel for Protestants : C. William Clark, Esquire
(Cobblestone Homeowners Assn. and
Charles Levine /Protestant
Albert Kleeman /Protestant

Richard Rynd
Mr. and Mrs. Milo Hekler
People's Counsel for Baltimore County
Pat Keller Arnold Jablon, Director /PDM
Lawrence E. Schmidt Virginia W. Barnhart, Co Atty
Donald T. Rascoe, Project Manager /PDM

Printed with Soybean Ink
on Recycled Paper

County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

April 2, 1997

SECOND NOTICE OF POSTPONEMENT

CASE #: CBA-97-100 — **IN MATTER THE OF:** VILLAGE CARE, INC. /PDM III-377
NW/cor Mt Wilson Lane and Iron Horse Lane
3rd Election District; 3rd Councilmanic **AND**

CASE #: 96-284-SPHX — **IN THE MATTER OF:** VILLAGE CARE, INC. (John Tastet - Property Owner)-Petition for Special Exception for nursing home; Petition for Special Hearing /modification of standards.
(Development Plan DENIED; SE DENIED; SPH Dismissed.

which was scheduled for hearing on April 10, 1997 has been **POSTPONED** at the request of Counsel for Developer; **TO BE RESET ONLY UPON REQUEST.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

---

cc: Counsel for Developer /Appellant: Julius W. Lichter, Esquire
Property Owner : John Tastet
Richard Matz /Colbert, Matz & Rosenfelt
Mr. William Monk

Counsel for Protestants : J. Carroll Holzer, Esquire
(Pikesville Farms Community Assn., et al)
Bonnie Buikema /Protestant

Counsel for Protestants : C. William Clark, Esquire
(Cobblestone Homeowners Assn. and
Charles Levine /Protestant
Albert Kleeman /Protestant

Richard Rynd
Mr. and Mrs. Milo Hekler
People's Counsel for Baltimore County
Pat Keller — Arnold Jablon, Director /PDM
Lawrence E. Schmidt — Virginia W. Barnhart, Co Atty
Donald T. Rascoe, Project Manager /PDM

Printed with Soybean Ink
on Recycled Paper

TIMEFRAME /COUNTY BOARD OF APPEALS -DEVELOPMENT PLAN APPEALS

Case #	CBA-97-100 /PDM III-377 VILLAGE CARE, INC. (Village Care, Inc. - Developer)
Date of Final Action by ZC	December 5, 1996
Window for * Hearing by CBA	January 19 - February 3, 1997
CBA Hearing Date	~~Postponed to 4-10-97 (req. of Developer)~~ ~~Scheduled for January 31, 1997~~
Continued Date for ** Conclusion of Hearing	----------
Date by which CBA *** Order to be Issued	_____
Order Issued by CBA	_____

Statistical only:

Date Appeal Filed from ZC Decision	January 6, 1997

Section 26-209(f):

* No less than 45 days and no more than 60 days after final action

** Any continuation shall be concluded within 30 days of first hearing date

*** Order of the Board shall be issued within 15 days following the conclusion of the Hearing

Baltimore County
Department of Permits and
Development Management

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

March 7, 1996

Julius W. Lichter, Esquire
Levin and Gann
305 W. Chesapeake Ave.
Towson, MD 21204

RE: Item No.: 297
Case No.: 96-284-SPHX
Petitioner: J. W. Tastet

Dear Mr. Lichter:

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 February 6, 1996.

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)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM **DATE:** February 22, 1996

FROM: Arnold F. "Pat" Keller, III, Director, PO

SUBJECT: Village Care

INFORMATION:

Item Number: 297

Petitioner: Tastet Property

Property Size:

Zoning: DR-3.5 & BL

Requested Action: Special Hearing and Special Exception

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The attached report dated February 22, 1996 reflects the position of this office.

Prepared by: Jeffrey W. Long

Division Chief: Carl Ems

PK/JL

B A L T I M O R E C O U N T Y, M A R Y L A N D

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

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

February 28, 1996

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #297 - Village Care
8900 Iron Horse Lane
Zoning Advisory Committee Meeting of February 20, 1996

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

Development of this property must comply with the Forest Conservation Regulations Sections 14-401 through 14-422 of the Baltimore County Code).

JLP:VK:sp

VILLAGEC/DEPRM/TXTSBP

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: Feb. 26, 1996
Zoning Administration and Development Management

FROM Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for February 26, 1996
Item No. 297

The Development Plans Review Division has reviewed the subject zoning item. A decision on this project will be made at the Hearing Officer's Hearing on March 14 and 15, 1996.

Regardless of how the waiver request for Almarso Lane is resolved, the far edge of the sidewalk should be placed 10 feet off the face of curb. Create a sidewalk easement if necessary for the portion of sidewalk outside the right-of-way. This will permit placement of street trees between the sidewalk and curb.

RWB:sw

MICROFILM

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 02/20/96

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

RE: Property Owner: JOHN W. TASTET (VILLAGE CARE, INC.)

Location: NW/S MT. WILSON LA., CORNER SW/S IRON HORES LA.,
W OF REISTERSTOWN RD.(8900 IRON HORSE LA./15 IRON HORSE LA.)

Item No.: 297 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
FEB 22 1996
PDM

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

cc: File

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on Recycled Paper

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

2-16-96

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

RE: Baltimore County
Item No. 297 (WCR)

Dear Ms. Watson:

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

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

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

DEVELOPMENT PLAN CONFERENCE

TO: Arnold Jablon, Director - Department of Permits & Development Management

FROM: Arnold F. (Pat) Keller, III, Director - Office of Planning

DATE: February 22, 1995

PROJECT NAME: Village Care Facility

PROJECT NUMBER: III-377

PROJECT PLANNER: Carol McEvoy

GENERAL INFORMATION:

Applicant Name: Mr. John W. Tastet, Jr.
4328 Ritchie Highway
Baltimore MD 21225

Location: NW corner Mt Wilson and Iron Horse Lanes

Councilmanic District: 2nd

Growth Management Area: Urban Center - Owings Mills

Zoning: DR 3.5 and BL

Acres: 10.65± acres

Surrounding Zoning and Land Use:

North:	D.R. 3.5	Z-lots
South:	D.R. 3.5	Single family house
East :	D.R. 3.5	Z-lots
West :	D.R. 1	Recreational

Project Proposal:

The applicant proposes 12 single-family dwellings and a 150 bed nursing home on 10.6± acres of land zoned DR 3.5 (8.0± acres) and BL(2.6± acres). The existing historic mansion (BA 682) will remain on proposed lot #11. An existing 2-story building, barn and pond will be removed. A Special Exception will be required to allow a nursing home in a DR zone. A Modification of Standards will be required to allow the building to exceed 200 feet in length. A waiver of local open space will be requested. Trees are scattered throughout the site with woods located at the southern border.

PROJECT NAME: Village Care Facility PROJECT NUMBER: III 377

Project History

In the Concept Plan submitted previously, the applicant proposed 19 single-family dwellings, including the historic Balmuckety Mansion and a 150 bed nursing home. The Plan proposed Zero Lot Line lots which are not a matter of right but are considered by the County and the Design Review Panel (DRP) as part of its plan review and approval process. The project was reviewed by the Design Review Panel on September 7, 1995. Subsequent to the DRP meeting, the Applicant withdrew the Z-Lot proposal and submitted the current proposal for single-family detached dwellings on conventional lots at reduced density. The current proposal does not require DRP review.

This site was the subject of an approved CRG on 9/10/92 for 4 single-family detached dwellings and 26 townhouses.

Other Anticipated Actions and Additional Review Items:

__X__	Special Exception	__X__	Referral to Planning Board	_____	PUD
_____	Variance	__X__	Compatibility	_____	Other
__X__	Waiver	_____	Scenic Route		
_____	RTA Modification	_____	Design Review Panel		

PARTIES TO BE NOTIFIED BY APPLICANT:
(Certified Mail Return Receipt Requested)

ALL ADJACENT PROPERTY OWNERS

Grey Rock Residents Comm
Lillian Berger, Chairman
2 Cornelius Ct
Baltimore MD 21208

The Club of McDonogh Township
William Wolf, Pres
8017 Valley Manor Rd
Owings Mills MD 21117

Valley Gate HOA
David Hirshfeld, Pres
3 Bellchase Ct
Baltimore MD 21208

Greentree HOA
Michael Simmons
10 Raisin Tree Circle
Baltimore MD 21208

McDonogh Field Assoc
Phyllis Brotman, Pres
8105 McDonogh Rd
Baltimore MD 21208

Lodge at McDonogh HOA
Bob McNally
8103 Greenspring Way
Owings Mills MD 21117

Courtyards at Greentree
c/o First American Management
3230 Bethany Ln - STE 1
Ellicott City MD 21042

Ner Israel Rabbinical College
Rabbi Newberger
400 Mt. Wilson Ln
Baltimore MD 21208

MICROFILMED

PROJECT NAME: Village Care Facility PROJECT NUMBER: III 377

MEETINGS:

Concept Plan Conference	07 / 17/ 95	Design Review Panel	09 / 07/ 96
Community Input Meeting	09 / 19/ 95	2nd Concept Plan Conference	10 / 23/ 95
2nd Community Input Meeting	11 / 27/ 95	Development Plan Conference	02 / 22/ 96
Planning Board	03 /07 / 96	Hearing Officer's Hearing	03 / 14/ 96

RECOMMENDATIONS

PLANNING BOARD REFERRAL
On February 8, 1996, the Landmarks Preservation Commission voted to place the "Balmuckety" Mansion (MHT BA682) on the Baltimore County Preliminary Landmarks List. By such action, the Village Care Development Plan became subject to Sec. 26-207(a)(3) of the BCC requiring that the Hearing Officer refer the plan to the Planning Board. The Plan will be placed on the March 7, 1996 Planning Board Agenda for presentation by the Planning Staff, the Developer, and a Community Representative, and brief comments from the public. The Plan will be placed on the March 21, 1996 Planning Board Agenda for final action. The Planning Board shall file its written decision with the Hearing Officer no later than 45 days after the date of referral to the Board [Sec. 26-208(b)(2) BCC]. The decision of the Planning Board is binding on the Hearing Officer and shall be incorporated as a part of the Hearing Officer's final action on a plan [Sec. 26-208(c) BCC].

Staff recommendations to the Planning Board will be presented in a separate memorandum.

ZONING REGULATIONS
Nursing homes are allowed in the DR zones by Special Exception. The building type for the nursing home is considered a non-residential principal building, thus it is a building type permitted in the DR 3.5 zone and does not require PUD approval. The building exceeds 200' in length, therefore a modification of standards will be required. The Residential Standards Section of the CMDP (page 26) lists the setback requirements for non-residential principal buildings in DR zones and the requirements for modification of building length. The modification to standards requires that the building be subject to Section 26-282 of the Development Regulations (Compatibility).

MODIFICATION OF STANDARDS AND COMPATIBILITY
Section 26-282 (2) of The Baltimore County Development Regulations requires the Director Of Planning to make compatibility recommendations to the Hearing Officer for a non-residential principal building requiring a modification to standards for building length. The Applicant has provided a compatibility report dated January 29, 1996, elevations, and cross-sections to demonstrate how this project is designed to achieve the compatibility objectives of the CMDP. The Office of Planning has reviewed the Development Plan, Landscape Plan, Compatibility Report, architectural elevations, and cross sections and offers the following Compatibility analysis.

Analysis

The 8 compatibility objectives of the Comprehensive Manual of Development Policy (CMDP) and Section 26-282(b) of the Baltimore County Code are listed below. The application to this plan follows the objective.

1. The arrangement and orientation of the proposed buildings and site improvements are patterned in a similar manner to those in the neighborhood.

   The nursing home is located on the site to allow for an estate like setting, providing ample space for landscaping on Mount Wilson Lane and Iron Horse Lane.

2. The building and parking lot layouts reinforce existing building and streetscape patterns and assure that the placement of buildings and parking lots have no adverse impact on the neighborhood.

   Screening of the parking can be improved by extending the landscape island across the entrance of the middle cartway from the entry driveway off Iron Horse Lane. A focal point composed of sign wall and landscaping would clarify circulation as well as reduce the massive appearance of the parking lot from the entrance. The "commercial" appearance of the parking lot can be reduced by this treatment.

3. The proposed streets are connected with the existing neighborhood road network wherever possible and the proposed sidewalks are located to support the functional patterns of the neighborhood.

   Sidewalks will be provided on Mount Wilson Lane. Sidewalk should also be constructed from proposed Almarso Lane to connect with Mount Wilson Lane sidewalk.

4. The open spaces of the proposed development reinforce the open space patterns of the neighborhood in form and siting and complement existing open space systems.

   The access to the park should be designed to show clear access and not appear as someone's lawn. Provide split rail fence on both sides of the access with two rows of trees.

5. Locally significant features of the site such as distinctive buildings or vistas are integrated into the site design.

   In addition to retaining the mansion, the site design incorporates the existing circular drive, front lawn and trees to maintain the setting. Cutting the nursing home into the grade maintains the visual prominence of the Mansion at a higher grade.

6. The proposed landscape design complements the neighborhood's landscape patterns and reinforces its functional qualities.

The landscape plan provides a major contribution to the Iron Horse Lane and Mount Wilson Lane landscape. The plan shows screening of the sides and rears of the proposed houses and the nursing home. Some modification of the plan is needed, however, to provide upper level screening by major trees in addition to evergreen buffers. A detailed landscape plan with blowups of the entrance and corner is needed with typical planting.

7. The exterior signs, site lighting and accessory structures support a uniform architectural theme and present a harmonious visual relationship with the surrounding neighborhood.

   Modification to the proposed signage is needed. Site structures such as sign walls and fences contribute to a positive image and identity to the institution and should be carefully designed incorporating building features and materials.

8. The scale, proportions, massing and detailing of the proposed buildings are in proportion to those existing in the neighborhood.

   The Office of Planning agrees with the applicant's analysis of this objective; however, the color of the brick on the nursing home appears to be a sand or brown color. The color shown provides too much contrast. The color of brick should be closer to the color of the mansion to provide continuity of the buildings on site; however, do not attempt to match the exact color and brick type.

<u>Recommendation</u>
The Office of Planning recommends to the Hearing Officer that the following CONDITIONS be met in order for the Development to meet the requirements for a Modification of Standards and the Compatibility Objectives of the CMDP and Baltimore County Development Regulations.

1. Extend the Landscape Island across the entrance of the middle cartway from the entry driveway off Iron Horse Lane to improve the screening of the parking lot.

2. Modify the sign design to provide a sign wall which incorporates architectural elements of the building and is integrated with landscaping.

3. Sidewalk should be constructed from proposed Almarso Lane to connect with Mount Wilson Lane sidewalk.

4. The access to the park should be designed to show clear access and not appear as someone's lawn. Provide split rain fence on both sides of the access with two rows of trees. An asphalt path should be provided.

5. Modify the Landscape plan to provide upper level screening by major trees in addition to the proposed evergreen buffers. Primary locations are: between lots 9 and 10, between lots 10 and 11, and between lot 10 an the nursing home.

6. A detailed landscape plan with blowups of the entrance and corner is needed with typical planting.

MICROFILMED

7. The color of the brick in the nursing home should be closer to the color of the mansion, but not an exact match of the brick color and type.

DEVELOPMENT PLAN
The Office of Planning has reviewed the Development Plan for conformance with the Concept Plan comments of October, 23, 1995 and recommends the Development Plan be APPROVED subject to the listings below and the compatibility conditions listed above.

1. Trees to be saved are highlighted on the Development Plan. Show the trees to be saved also on the Landscape Plan and reduce the building envelopes on lots 2, and 3 to accommodate the trees to be saved.

2. Tree credit should not be given until the Final Landscape Plan, when it is determined whether all the landscape plan elements have proven to be satisfactory.

WAIVER
The Office of Planning recommends the Waiver of Public Works Standard for a 24 foot pavement width on a 40 foot right-of-way be GRANTED. Revised grading from the Concept Plan is shown to retain the trees on the north side of the mansion. The Waiver to allow a narrower road width and right-of-way width will benefit the preservation of the setting of the historic mansion.

On Iron Horse Lane, sidewalk should be constructed from proposed Almarso Lane to connect with Mount Wilson Lane sidewalk.

SPECIAL EXCEPTION
The Office of Planning recommends that the Special Exception for a nursing home in a DR zone be GRANTED SUBJECT TO THE CONDITIONS LISTED ABOVE.

Division Chief _____

CMcE

RE: PETITION FOR SPECIAL HEARING PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
8900 Iron Horse Lane, 15 Iron Horse Lane, NWC Mt. Wilson and Iron Horse Lane	*	ZONING COMMISSIONER
3rd Election District, 2nd Councilmanic	*	OF BALTIMORE COUNTY
Legal Owner: John W. Tastet Contract Purchaser: Village Care, Inc. Petitioners	* *	CASE NO. 96-284-SPHX

* * * * * * * * * * * * *

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 27th day of February, 1996, a copy of the foregoing Entry of Appearance was mailed to Julius W. Lichter, Esquire, 305 W. Chesapeake Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

January 2, 1997

Mr. John Tastet
c/o Baltimore Valve and Fitting, Inc.
4328 Ritchie Highway
Baltimore, Maryland 21225-2797

RE: Village Care, Inc.

Dear Mr. Tastet:

Thank you for your letter of December 16, 1996. I do not consider your letter "out of order" and appreciate the reasons behind the fact that you are disturbed by my recent decision in this case.

I trust that you have reviewed the lengthy written decision which I issued. I can assure you that I took great care in crafting and writing that decision. I made multiple visits to the property and its environs and reviewed carefully the voluminous amounts of testimony and evidence which were presented.

Although a significant issue, the matter of storm water management was not the only issue upon which my decision was based. Moreover, I am obliged not only to consider existing conditions, but the impact of the proposed development on the neighborhood. I was persuaded that the Developer's proposed method of storm water management disposal was inappropriate for the reasons stated. I believe that my conclusion is supported by competent evidence. Although reasonable men may differ in their views of a given subject, I can assure you that my decision was made deliberately and with full regard to the conflicting testimony presented.

Lastly, I am appreciative of your comment that I should give the Developer an opportunity to address my concerns rather than denying the plan outright. As noted in my decision, I gave this possibility serious consideration and could have ordered a remand of the matter for further study at the development plan conference level. However, this matter has been pending for some time and was the subject of numerous pre-hearing officer meetings and evaluation. The community's objections and the County's requirements were known long before the hearing. I respectfully believe that the Developer should have endeavored to address and resolve these issues prior to my hearing. After all, my hearing represents the culmination of the Phase I approval stage of the process.

I trust that I have addressed your concerns.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

Printed with Soybean Ink

BALTIMORE VALVE & FITTING, INCORPORATED
4328 RITCHIE HIGHWAY
BALTIMORE, MD 21225-2797
TELEPHONE: 410-636-0015

RECEIVED
23 1996
ZONING COMMISSIONER

December 16, 1996

Lawerence E. Schmidt
County Commissioner
Suite 112, Courthouse
400 Washington Ave.
Towson, Maryland 21204

Dear Mr. Schmidt,

I don't know if I'm "out-of-order" in writing you a letter, or not, but I was so disturbed by your decision not to let the developer of Village Care answer your objections to the project that I thought I'd go ahead and write you anyway.

All the rain of last Wednesday, Thursday and Friday made me curious about the stream which runs through Pikesville Farms from the Helfrich house on Mt. Wison Lane to the Woodholme Golf course. I drove down Mt. Wilson Lane last Friday night, the 13th, about 10:00 p.m.. There was no flooding alone Mt. Wilson. On the next morning,, Saturday, after the rain had stopped about 9:00 a.m.. I again drove down Mt. Wilson, then down both Pikesville Road and Orchard Road, paying particular attention to the stream. (Note: Pikesville Road and Orchard Road are those streets which run parallel to the stream as it meanders down to the golf course). There was no flooding in any of the backyards alongside the stream which could be attributed to stream overflow. There was a puddle in one of the Orchard Road backyards but in was in a obvious low spot of the yard, about fifteen to twenty feet from the stream. The stream itself had flowing water in it but no where near overflowing. One might think that after two to three inches of rain during those three days, and all the argument put up by the Pikesville Farms people, that those backyards would have been flooded. They were not. It was zero flooding.

I think the Pikesville Farm residents over-reacted about the danger to themselves and their property. The Valley Village development would have been a wonderful use of the property and an asset to the community. Another benefit would have been the widening of Mt. Wilson Lane, which would have made everyone safer who travel that narrow roadway.

I don't know if your decision is absolutely final but if possible, I certainly would appreciate your giving the developer the opportunity to address your concerns for his plan, rather than canceling the plan outright.

Sincerely yours,

John Tastet
Balmuckety

Baltimore County
Department of Permits and
Development Management

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

February 22, 1996

96-284-SPH

Julius W. Lichter, Esquire
Levin & Gann
305 West Chesapeake Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #297)
8900 Iron Horse Lane/15 Iron Horse Lane
Legal Owner: John W. Tastet
Contract Purchaser: Village Care, Inc.
3rd Election District

Dear Mr. Lichter:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the $100.00 revision fee.

This drop-off petition was not received in a timely enough manner to coordinate review with the development plan comments. Though an informal review given prior to filing, indicates that it appears that general compliance with the Baltimore County Zoning Regulations (BCZR) is being met (except for the following comment). The staff cautions that the petitioner is responsible for the accuracy of all plans and zoning requests and plan agreement.

MICROFILMED

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on Recycled Paper

It appears that the proposed mansion sign is in non-compliance with Section 413.1 (BCZR), which only permits a 1 square foot sign for a residence. Remove this detail from all plans or request a zoning variance.

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

Very truly yours,

John L. Lewis
Planner II
Zoning Review

JLL:scj

Enclosure (receipt)

c: Zoning Commissioner

Baltimore County Government
Department of Permits and
Development Management

111 West Chesapeake Ave.
Towson, Md. 21204

(410) 887-3321

January 10, 1997

C. William Clark, Esq.
Nolan Plumhoff & Williams
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Appeal of Development Plan and Zoning
N/W cor Mt. Wilson La. & Iron Horse La.
Village Care, Inc.
District: 3 c 3
Village Care, Inc. - Applicant
File No.: III-377 and 96-284 SPHX

Dear Mr. Clark:

Please be advised that an appeal of the above-referenced case was filed in this office on January 6, 1997 by Julius W. Lichter, Esq. on behalf of Village Care, Inc. 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 (410) 887-3180.

Sincerely,

Arnold Jablon
Director

AJ:ckr

c: Julius W. Lichter, Esq.
J. Carroll Holzer, Esq.
Richard Matz, Colbert Matz Rosenfelt, Inc.
John Tastet
Richard Rynd
Mr. Albert Kleeman
Mr. Charles Levine
Mr. and Mrs. Milo Hekler
Mr. William Monk
People's Counsel

APPEAL

Development Plan, Special Exception and Special Hearing Denial
NW/ corner of Mount Wilson Lane and Iron Horse Lane
Village Care, Inc.
Village Care, Inc. - Developer
3rd Election District - 3rd Councilmanic District
File Nos. III-377 and 96-284-SPHX
CBA-97-100 & 96-284-SPHX

Concept Plan
- Site Constraints and Site Proposal plans dated June 30, 1995
- County agency comments for Concept Plan Conference dated July 24, 1995
- Tax Clearance

Community Input Meeting (CIM) dated September 19, 1995
- CIM Minutes
- CIM Attendance Record (3)

Concept Plan
- Site Constraints and two Site Proposal plans dated October 5, 1995
- County agency comments for Concept Plan Conference dated October 23, 1995
- Tax Clearance

Community Input Meeting (CIM) dated November 27, 1995
- CIM Minutes
- CIM Attendance Record (5)

Zoning Petition Request
- Petition for Special Hearing for waiver of Public Works standards
- Petition for Special Exception for a nursing home with associated parking and stormwater management facility
- Metes and bounds description
- Certificate of publication
- Zoning Plans Advisory Committee comments
- Entry of Appearance by C. William Clark, Esq. on behalf of Cobblestone Homeowners Assoc., et al.
- Letter from John L. Lewis to Julius W. Lichter, Esq., dated February 22, 1996
- Subpoenas (31)
- 1" = 200" scale zoning map with site indicated
- Site Plan to accompany petitions

Development Plan
- Development plan dated January 29, 1996
- Development Plan Checklist dated January 30, 1996
- County agency comments for Development Plan Conference of February 22, 1996

Subpoenas for Hearing Officer's Hearing of May 23, 1996

Hearing Officer's Hearing Sign-In sheets for May 23, 1996 (2)

Developer's Exhibits
none

√/EE

Protestants' Exhibits
1 - Development Plan Issues
2 - Soil Conservation Service - 'Pond'

Zoning Commissioner's Ruling on Motion dated May 29, 1996 (Remanded to Developer)

Development Plan
Development plan dated July 22, 1996
County agency comments for Development Plan Conference of September 11, 1996

Certificate of posting (4)

Hearing Officer's Hearing Sign-In sheets (10)

Developer's Exhibits
1 - 35 - See attached list

Protestants' Exhibits
1 - 37 - See attached list

Miscellaneous correspondence and documents (28)

Post Hearing Memorandum in Support of Village Care, Inc. by Julius W. Lichter, Esq., dated November 22, 1996 (original)

Memorandum of Protestants, Cobblestone Homeowners Association, Inc., Charles Levine and Albert Kleeman by C. William Clark, Esq., dated November 22, 1996 (original)

Zoning Commissioner's Order dated December 5, 1996 (Special Exception Denied, Special Hearing and Development Plan Dismissed as Moot)

Letter from John Tastet to Lawrence E. Schmidt dated December 16, 1996 and response dated January 2, 1997

Motion to Reconsider and Revise by Julius W. Lichter, Esq. dated December 10, 1996

Opposition to Motion to Reconsider and Revise by C. William Clark, Esq., dated December 16, 1996

Letter from J. Carroll Holzer, Esq. to Lawrence E. Schmidt dated December 13, 1996

Ruling on Motion to Reconsider and Revise dated January 2, 1997

Notice of Appeal received January 6, 1997 from Julius W. Lichter, Esq., on behalf of Village Care, Inc.

Petition on Appeal dated January 6, 1997 from Julius W. Lichter, Esq.

NOTIFICATION LIST

*Julius W. Lichter, Esq., Levin & Gann, P. A., 305 Chesapeake Avenue, Towson, MD 21204
C. William Clark, Esq., Nolan, Plumhoff & Williams, 210 W. Pennsylvania Avenue, Suite 700, Towson, MD 21204-5340
J. Carroll Holzer, Esq., Holzer & Lee, 305 Washington Avenue, Suite 502, Towson, MD 21204
Richard Matz, Colbert, Matz & Rosenfelt, 3723 Old Court Road, Baltimore, MD 21208
Mr. John Tastet, 15 Iron Horse Lane, Baltimore, MD 21208
Mr. Richard Rynd, 8570 Leisure Hill Drive, Baltimore, MD 21208
Mr. Albert Kleeman, 301 Chalk Hill Drive, Baltimore, MD 21208
Mr. Charles Levine, 12 Stone Gate Court, Baltimore, MD 21208
Mr. and Mrs. Milo Hekler, 25 Mt. Wilson Lane, Baltimore, MD 21208
Mr. William Monk, 222 Bosley Avenue, Towson, MD 21204

Arnold F. Keller, III, Director, Office of Planning
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director, Department of Permits and Development Management
Donald T. Rascoe, Project Manager

Case No. CBA-97-100 Development Plan -Nursing Home Facility and 12 single-family dwellings

Case No. 96-284-SPHX SE -To permit nursing home component of the Development; SPH -Modification of standards

12/05/96 -Hearing Officer DENIED the Special Exception; DENIED the Development Plan; and Dismissed as MOOT the Special Hearing request.

1/06/97 -Petition on Appeal filed by J. Lichter, Counsel for Developer /Appellant.

1/14/97 -Notice of Assignment sent to parties; matter scheduled for hearing on Friday, January 31, 1997 at 10:00 a.m. Notice sent to:

Julius W. Lichter, Esquire
John Tastet
Richard Matz /Colbert, Matz & Rosenfelt
William Monk
J. Carroll Holzer, Esquire
C. William Clark, Esquire
Charles Levine /Protestant
Albert Kleeman /Protestant
Richard Rynd
Mr. and Mrs. Milo Hekler
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Donald T. Rascoe, Project Manager /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

1/21/97 -Letter from J. Lichter, Counsel for Developer -- conflict with scheduled date of 1/31/97 /client will be out of town; requests postponement.

1/24/97 -Upon telephone conversation with B. Clark and C. Holzer, will reschedule to March 6, 1997; notice to be sent upon confirmation of availability of Mr. Lichter, his client, etc.

1/27/97 -T/C from John Porter, J. Lichter's office -- March 6th will not work; Mr. Lichter's client will be out of country until after 3/20/97.

- Advised Mr. Porter that we will still grant PP from 1/31/97 date, and will therefore reschedule to a date in April inasmuch as the March 6th date was not viable for Developer. Telephoned both Mr. Clark and Mr. Holzer to advise that 3/06/97 would not work and that an April date would be assigned and notices sent this date.

1/27/97 -Notice of PP and Reassignment sent to parties (added Bonnie Buikema to be copied under Pikesville Farms Comm Assn per t/c); matter rescheduled to Thursday, 4/10/97 at 10:00 a.m.

3/31/97 -Request for postponement filed by J. Lichter on behalf of Developer; confirmed by telephone consent of counsel for protestants (C. Holzer and B. Clark). To be rescheduled for hearing only upon request; holding.

4/02/97 - Second Notice of Postponement sent to parties; reset on request.

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

November 12, 1996

Julius W. Lichter, Esquire
Levin and Gann
Suite 105, 305 W. Chesapeake Avenue
Towson, Maryland 21204

J. Carroll Holzer, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204

C. William Clark, Esquire
Nolan, Plumhoff and Williams
Court Towers, Suite 700
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Case Nos. III-377 and 96-284-SPHX
Development Plan Hearing and Petitions for Special Hearing & Exception
Village Care, Inc., Applicant/Petitioner

Gentlemen:

Kindly find enclosed an Exhibit List which I have prepared for the above case.

Please advise with any additions or corrections.

Thank you for your cooperation in this regard.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

VILLAGE CARE DEVELOPMENT PLAN AND SPECIAL HEARING AND EXCEPTION
Case Nos. III-377 and 96-284-SPHX
EXHIBIT LIST AND DEVELOPER'S EXHIBITS

Exhibit 1 - Development Plan (last revision date 3/27/96 offered at Hearing Officer's hearing on May 23, 1996)

Exhibit 1A - Red Line Development Plan

Exhbibit 1B - Red Line Landscape Plan

Exhibit 1C - Red Line Landscape Details

Exhibit 2 - Photographs of subject property

Exhibit 3 - East Bldg. elevation drawing

Exhibit 4 - West Bldg. " "

Exhibit 5 - North " " "

Exhibit 6 - South " " "

Exhibit 7 - Nursing Home floor plan

Exhibit 8 - Minor Subdivision Plat for Heckler property

Exhibit 9 - Office of Planning, Development Plan comments dated 4/19/96 with attachements

Exhibit 10 - Office of Planning, Dev. Plan comments dated 9/11/96

Exhibit 11 - Office of Planning, Dev. Plan comments dated 2/22/96

Exhibit 12 - Brick sample

Exhibit 13 - 200 scale zoning map

Exhibit 14 - Existing and proposed development as approved by Baltimore County plat

Exhibit 15 - Existing conditions plat

Exhibit 16 - Site constraints plat

Exhibit 17 - Site opportunities plat

Exhibit 18 - Photographs of site from Iron Horse Lane

Exhibit 19 - Photographs of site from Mt. Wilson Lane

Exhibit 20 - Site constraints map - concept plan

Exhibit 21 - Lien certificate sheet 374893

Exhibit 21B - Lien certificate sheet 374749

Exhibit 22 - Application for employment

Exhibit 23 - Petitions in support of proposal

Exhibit 24 - Deed for Heckler property - Liber 8023, pg. 507

Exhibit 25 - Deed for Heckler property - Liber 8023 - page 510

Exhibits 26 thru 31 - Skipped

Exhibit 32 - Certificate of Need Supporting documentation

Exhibit 33 - Colbert, Matz, Rosenfelt, Inc., compatibility study dated 1/29/96

Exhibit 34 - Matz letter to Arnold Jablon - June 5, 1996

Exhibit 35 - Mitchell J. Kellman letter to Matz dated 7/17/96

****

PROTESTANTS'S EXHIBITS

Motion Exhibit 1 - Development Plan Conference comments, Robert T. Wood, Jr., Sept. 9, 1996

Exhibit 1A - Development Plan Conference comments, Robert T. Wood, 9/20/96 (Storm Water Managment)

Exhibit 1B - Development Plan Conference comments, Robert W. Wood, 9/20/96 (Grading, erosion and sediment control)

Exhibit 2 - Skipped

Exhibit 3 - Perspective view of proposal from Iron Horse Lane - View 1

Exhibit 4- Perspective view from Mt. Wilson Lane of View 2

Exhibit 5 - Landscape rendering

Exhibit 6 - Certificate of Need Excerpts

Exhibit 7 - Dev. Plan Conf. comments, Robert T. Wood, Jr., 9/9/96 (storm water management - same as Motion Exhibit 1)

Exhibit 8 - (identification only) Md. Historical Trust Estate, historic sites inventory form - Balmuckety Gardens

Exhibit 9 - (identification only) Md. Historical Trust Estate, historic sites inventory form - Balmuckety Mansion

Exhibit 10 - (identification only) book of photographs of property

Exhibit 11 - CRG plan by D.S. Thaler - Hopkins property (Cobblestone)

Exhibit 12 - Final Development Plan - Cobblestone

Exhibit 13 - Agreement for exchange of land Nov. 30, 1989

Exhibit 14 - Deed evidencing land swap - Liber 8612 - pg. 703, 8/29/90

Exhibit 15 - Approved Cobblestone CRG plan (Hopkins property)

Exhibit 16 - Section 1B01.3. et sec. BZCR

Exhibit 17 - Page 1B-21 - Zoning Comm. Policy Manual

Exhibit 18 - Storm Water Management Manual Extract - page 49

Exhibit 19 - Landscape Manual Extract - page 6

Exhibit 20 - COMAR regulations - Soil Conservation Service Standards and Specifications

Exhibit 21 - Dev. Plan indicating FDP for Cobblestone (Thaler testimony)

Exhibit 22 - Oct. 21, 1996 letter from Cobblestone Homeowners' Assn, Inc.

Exhibit 23 - Webster's definition of "structure"

Exhibit 24 - John Tastet letter of Aprl 8, 1988

Exhibit 25 - John Tastet letter of Oct. 9, 1988

Exhibit 26 - Unexecuted Declaration

Exhibit 27 - List of Issues (1988 Comprehensive zoning map)

Exhibit 28 - P. David Fields' memorndum April 2, 1992

Exhibit 29 - P. David Fields' memorandum April 20, 1992

Exhibit 30 - Video

Exhibit 31A thru 31G - photographs

Exhibit 32 - (identification only) Resume - Mr. Edward Shull

Exhibit 33 - (identification only) proffer of testimony of Bonnie Buikema

Exhibit 34 - Resolution of Pikesville Farms Comm. Assn.

Exhibit 35 - Opposition Petition

Exhibit 36 - Site constraints map

Exhibit 37 - Preliminary storm water management design (from DEPRM file)

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 27, 1996

Julius W. Lichter, Esquire
Levin and Gann
Suite 105, 305 W. Chesapeake Avenue
Towson, Maryland 21204

J. Carroll Holzer, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204

C. William Clark, Esquire
Nolan, Plumhoff and Williams
Court Towers, Suite 700
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Case Nos. III-377 and 96-284-SPHX
Development Plan Hearing and Petitions for Special Hearing & Exception
Village Care, Inc., Applicant/Petitioner

Gentlemen:

This is to confirm that the Hearing Officer's hearing for the above captioned matter will be reconvened on Thursday, October 10, 1996 at 9:00 A.M., and Friday, October 11, 1996 at 1:00 P.M. The hearing will continue in Room 118 of the Old Court House.

Please do not hesitate to contact me should you have any questions in this regard.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

Baltimore County
Department of Permits and
Development Management

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

May 24, 1996

Mr. Richard Teitel
15 Stags Leap Court
Baltimore, MD 21208

RE: Village Care Nursing Facility
File No. III-377

Dear Mr. Teitel:

Thank you for taking the time to write to the Honorable C.A. Dutch Ruppersberger, County Executive, regarding a development proposal for the construction of the Village Care Nursing Facility. As the director of the Department of Permits and Development Management for the county, the executive has requested that I provide you with the most current information on this matter.

Should the developer decide to proceed with a plan for the construction of this project, one of the mandatory requirements of the development process is a Community Input Meeting (CIM). This CIM will provide the initial opportunity for the community to participate and express concern about the concept plan. Following the CIM, a more detailed development plan is subject to the approval of an independent hearing officer. It is the hearing officer, acting as an independent officer of the county, who has the sole authority to grant development plan approval of the project.

When the development plan is officially filed with Baltimore County, a public hearing will be scheduled; at that time, the community will have an opportunity to present more formal comment. The hearing officer may approve the plan if it is found that certain conditions are met, including a finding that the project is in conformance with the goals, objectives, and recommendations contained in the Master Plan.

Neither the executive nor the legislative branch of government may interfere with a process which is adopted by law to culminate in a quasi-judicial forum. The law clearly establishes the parameters for the county executive to ensure review and recommendations of county agencies to the hearing officer. It is the hearing officer, acting as an independent officer of the county, who has the sole authority to grant development plan approval of the project.

Please understand that Baltimore County cannot prevent the developer from proceeding, at his own risk, through the development process. All proposed development will be reviewed within the confines required by law; however, it will also

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on Recycled Paper

Baltimore County Government
Department of Permits and
Development Management

111 West Chesapeake Ave.
Towson, Md. 21204

(410) 887-3321

March 25, 1996

Mr. Raymond R. Burns
Pikesville Farms Community Organization
115A Mt. Wilson Lane
Pikesville, MD 21208-1106

RE: Village Care Facility
PDM Number III-377

Dear Mr. Burns:

This letter is in response to your correspondence dated February 19, 1996, which I received on this date.

The purpose of the minutes of a Community Input Meeting (CIM) is to record, as accurately as possible, the questions that are asked and the responses given, both by developers and the community residents in attendance.

In a meeting of this type it is difficult, if not impossible, to record in a 100 per cent accurate manner, what was said by all parties. Many times people talk at the same time and only some comments can be heard. The minutes reflect the best effort of the note taker to capture what is said. If you wish to submit your record of the meeting, I will be happy to place it in the file.

You suggest I should not record certain information made by attendees until they have established a foundation for asking the question or making the statement. This is what might happen in a court of law, but a CIM is not a court of law and those rules of procedure do not apply. The CIM is supposed to be an exchange of information between the developer and persons in attendance. It is not the responsibility of the note taker to determine the validity of what is said by any party. Our job is to record what was said. If someone wishes to challenge a statement made by any party, they may do so before the Hearing Officer at a later date.

You stated in your letter that I did not take a vote as to who was opposed to the project and who was in favor. At this stage of the development process, that information is inconsequential. The purpose of the CIM is to give people an opportunity to learn first hand about the project. I presume most people will want to learn the facts about a project before they decide if they are for it or against it. Once they have made that decision, they can make their case before the Hearing Officer.

Final consideration of a plan is done by the Hearing Officer at a public hearing. The Hearing Officer is the only person who can approve the plan, disapprove the plan or approve it with certain conditions. I suggest you make plans to attend the Hearing Officer's Hearing. It is there, and only there, that your testimony will have effect. The Hearing Officer, based on your testimony and that of the developer, must then decide if the project is being proposed in compliance with Baltimore County regulations.

I will add your letter to the file and if you wish to bring it up at the hearing you may do so. The original sign-up sheets are also a part of the file forwarded to the Hearing Officer.

If , following the hearing, you are aggrieved by the decision, you can file an appeal before the Baltimore County Board of Appeals.

Sincerely,

Donald T. Rascoe

Donald T. Rascoe
Development Manager

DTR:aw
c: File
bc:Adele A. Kass

Baltimore County
Department of Permits and
Development Management

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

May 24, 1996

Mr. Richard Teitel
15 Stags Leap Court
Baltimore, MD 21208

RE: Village Care Nursing Facility
File No. III-377

Dear Mr. Teitel:

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Should the developer decide to proceed with a plan for the construction of this project, one of the mandatory requirements of the development process is a Community Input Meeting (CIM). This CIM will provide the initial opportunity for the community to participate and express concern about the concept plan. Following the CIM, a more detailed development plan is subject to the approval of an independent hearing officer. It is the hearing officer, acting as an independent officer of the county, who has the sole authority to grant development plan approval of the project.

When the development plan is officially filed with Baltimore County, a public hearing will be scheduled; at that time, the community will have an opportunity to present more formal comment. The hearing officer may approve the plan if it is found that certain conditions are met, including a finding that the project is in conformance with the goals, objectives, and recommendations contained in the Master Plan.

Neither the executive nor the legislative branch of government may interfere with a process which is adopted by law to culminate in a quasi-judicial forum. The law clearly establishes the parameters for the county executive to ensure review and recommendations of county agencies to the hearing officer. It is the hearing officer, acting as an independent officer of the county, who has the sole authority to grant development plan approval of the project.

Please understand that Baltimore County cannot prevent the developer from proceeding, at his own risk, through the development process. All proposed development will be reviewed within the confines required by law; however, it will also

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be scrutinized with an emphasis toward the issues and concerns raised by the community. With this in mind, I can assure you that, once the developer initiates the development process, the plans will receive a complete and thorough review by the hearing officer based on testimony and evidence presented to him.

Once again, thank you for taking an interest in this project. A copy of your letter will be forwarded to the hearing officer so that he may consider these issues in his final decision.

Sincerely,

Arnold Jablon
Director

AJ:CKR
c: Hon. C.A. Dutch Ruppersberger, III
Lawrence E. Schmidt, Zoning Commissioner

May 12, 2003

Memo to: Kathy Bianco,

From: Carl Richards

We are sending you the original file 96-284-SPHX relative to the upcoming Board of Appeals hearing. J. Carroll Holzer has issued a Subpoena if you require testimony in person, please contact this office..

Carl Richards

cr/yr

cr/yr

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: December 9, 2002

TO: Arnold Jablon, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	*PDM FILE NUMBER*	NAME	LOCATION
90-492-SPHA	***90-492-SPHA***	Chesapeake Equity Org., Inc.	Black Pine Farm
02-255-XA	***02-255-XA***	Port East LLC Kenneth C. Jones	4515 North Point Blvd
90-540-A	***90-540-A***	100 Church Lane Partnership	100 Church Lane
96-284-SPHX with CBA-97-100	***96-284-SPHX*** ***III-377***	Village Care, Inc. John W. Tastet – LO	Mt. Wilson Lane and Iron Horse Lane

Attachment: SUBJECT FILE(S) ATTACHED

IN THE MATTER OF	*	BEFORE THE
Woodholme Reserve	*	COUNTY BOARD OF APPEALS
NW/Cor. Iron Horse Lane, Mt. Wilson Lane	*	BALTIMORE COUNTY
	*	PDM # III-377 & 03-331-A
Iron Horse Properties, LLC Developer	*	

* * * * * * * * * * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on May 15, 2003 at 2:00 p.m. at Room 48, located at Basement, Old Courthouse, 400 Washington Ave., Towson and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Custodian of the File
Permits and Development Management
County Office Bldg.
(Please bring all files, plats, documents, correspondence, etc. in Case Numbers III-377 & 96-284-SPHX

Name: J. Carroll Holzer
Firm: Holzer & Lee
Address: 508 Fairmount Ave., Towson, 21286 **410-825-6961**

The witness named above is hereby ordered to so appear before the County Board of Appeals and bring any and all files and documents referenced in above cases. The Board requests the Sheriff to issue the summons set forth herein.

Kathleen C. Bianco
County Board of Appeals of
Baltimore County

Cost: $

Summoned: _____, 2003

Not Served: _____, 2003

Sheriff of Baltimore County
C:\Subpoenas\cba sub

RECEIVED

BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF	*	BEFORE THE
Woodholme Reserve	*	COUNTY BOARD OF APPEALS
NW/Cor. Iron Horse Lane, Mt. Wilson Lane	*	BALTIMORE COUNTY
	*	PDM # III-377 & 03-331-A
Iron Horse Properties, LLC Developer	*	

* * * * * * * * * * * * *

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Witness: Custodian of the File
Permits and Development Management
County Office Bldg.
(Please bring all files, plats, documents, correspondence, etc. in Case Numbers III-377 & 96-284-SPHX

Name: J. Carroll Holzer
Firm: Holzer & Lee
Address: 508 Fairmount Ave., Towson, 21286 **410-825-6961**

The witness named above is hereby ordered to so appear before the County Board of Appeals and bring any and all files and documents referenced in above cases. The Board requests the Sheriff to issue the summons set forth herein.

Kathleen C. Bianco
County Board of Appeals of
Baltimore County

Cost: $

Summoned: _____, 2003

Not Served: _____, 2003

Sheriff of Baltimore County
C:\Subpoenas\cba.sub

RECEIVED
MAY 12 2003
BALTIMORE COUNTY
BOARD OF APPEALS

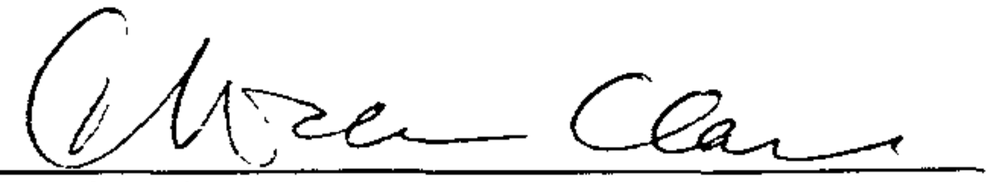
IN RE: PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING Mt. Wilson Lane at Iron Horse Lane 3rd Election District 3rd Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Village Care Petitioner	* *	Case No.: 96-284-SPHX

* * * * * * * * * *

SUBPOENA

TO: Arnold F. (Pat) Keller, or his designee
Director of Planning and Zoning
for Baltimore County, Maryland
Courthouse
Towson, Maryland 21204

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 106 and to bring your CRG file III-377 and the 1988 Comprehensive Zoning Map & Log of Issues file for the property of John W. Tastet, Jr., Mt. Wilson Lane at Iron Horse Lane, Reistertown, Baltimore County, Maryland on the 23rd and 24th days of May, at 9:00 a.m. regarding the above captioned case, for the purpose of testifying at the request of Protestant, Cobblestone Homeowner Association, Inc.



C. William Clark
NOLAN, PLUMHOFF & WILLIAMS, CHTD
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204
(410) 823-7800

Attorney for Protestants

IN RE: PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING Mt. Wilson Lane at Iron Horse Lane 3rd Election District 3rd Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Village Care Petitioner	*	Case No.: 96-284-SPHX

* * * * * * * * * *

SUBPOENA

TO: Custodian of Records
DS Thaler & Associates, Inc.
7115 Ambassadore Road
Baltimore, Maryland 21244

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 106 and to bring your file for the Final Development Plan Cobblestone on the 23rd and 24th days of May at 9:00 a.m., regarding the above captioned case, for the purpose of testifying at the request of Protestant, Cobblestone Homeowner Association, Inc.

C. William Clark
NOLAN, PLUMHOFF & WILLIAMS, CHTD
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204
(410) 823-7800

Attorney for Protestants

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: 5/15/96
0715D

IN RE: PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING Mt. Wilson Lane at Iron Horse Lane 3rd Election District 3rd Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Village Care Petitioner	*	Case No.: 96-284-SPHX

* * * * * * * * * *

SUBPOENA

TO: David S. Thaler
DS Thaler & Associates, Inc.
7115 Ambassadore Road
Baltimore, Maryland 21244

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 106 and to bring your file for the Final Development Plan Cobblestone on the 23rd and 24th days of May 1996 at 9:00 a.m., regarding the above captioned case, for the purpose of testifying at the request of Protestant, Cobblestone Homeowner Association, Inc.

C. William Clark
NOLAN, PLUMHOFF & WILLIAMS, CHTD
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204
(410) 823-7800

Attorney for Protestants

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: 5/15/96

0715D

IN RE: PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING Mt. Wilson Lane at Iron Horse Lane 3rd Election District 3rd Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Village Care Petitioner	*	Case No.: 96-284-SPHX

* * * * * * * * * *

SUBPOENA

TO: Ruth Mascari, Chair
Baltimore County Landmark Preservation Committee
401 Bosley Avenue
Towson, Maryland 21204

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 106 and to bring your file for The Balmuckety Mansion and Gardens on the 23rd and 24th days of May 1996, at 9:00 a.m. regarding the above captioned case, for the purpose of testifying at the request of Protestant, Cobblestone Homeowner Association, Inc.

C. William Clark
NOLAN, PLUMHOFF & WILLIAMS, CHTD
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204
(410) 823-7800

Attorney for Protestants

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: 5/16/96

0715D

IN RE: PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING Mt. Wilson Lane at Iron Horse Lane 3rd Election District 3rd Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Village Care Petitioner	*	Case No.: 96-284-SPHX

* * * * * * * * * *

SUBPOENA

TO: Arnold Jablon, or his designee
Office of Zoning Administration
and Development Management
Baltimore County, Maryland
111 West Chesapeake Avenue
Towson, Maryland 21204

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 106 and to bring your file for CRG III-377 on the 23rd and 24th days of May 1996, at 9:00 a.m. regarding the above captioned case, for the purpose of testifying at the request of Protestant, Cobblestone Homeowner Association, Inc.

C. William Clark
NOLAN, PLUMHOFF & WILLIAMS, CHTD
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204
(410) 823-7800

Attorney for Protestants

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: 5/15/96

0715D

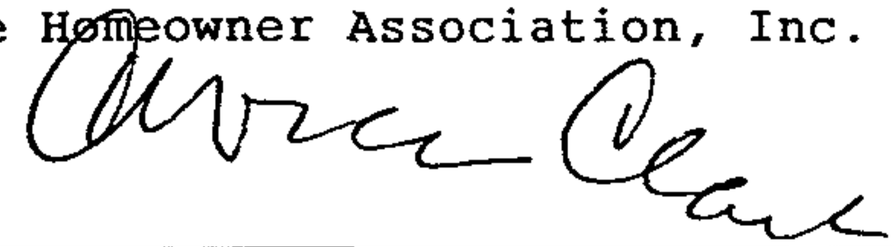
IN RE: PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING Mt. Wilson Lane at Iron Horse Lane 3rd Election District 3rd Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Village Care Petitioner	* *	Case No.: 96-284-SPHX

* * * * * * * * * *

SUBPOENA

TO: Arnold F. (Pat) Keller, or his designee
Director of Planning and Zoning
for Baltimore County, Maryland
Courthouse
Towson, Maryland 21204

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 106 and to bring your CRG file III-377 and the 1988 Comprehensive Zoning Map & Log of Issues file for the property of John W. Tastet, Jr., Mt. Wilson Lane at Iron Horse Lane, Reistertown, Baltimore County, Maryland on the 26th day of September, at 9:00 a.m. regarding the above captioned case, for the purpose of testifying at the request of Protestant, Cobblestone Homeowner Association, Inc.



C. William Clark
NOLAN, PLUMHOFF & WILLIAMS, CHTD
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204
(410) 823-7800

Attorney for Protestants

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: _____

0715D

MICROFILMED

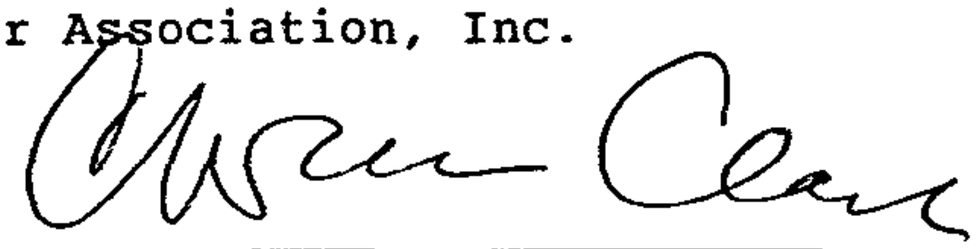
IN RE: PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING Mt. Wilson Lane at Iron Horse Lane 3rd Election District 3rd Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Village Care Petitioner	*	Case No.: 96-284-SPHX

* * * * * * * * * *

SUBPOENA

TO: John W. Tastet, Jr.
4378 Ritchie Highway
Baltimore, Maryland 21225

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 106 and to bring (1) copies of any and all Deeds, Declarations, Covenants and Agreements regarding the use of the real property which you own located at Mt. Wilson Lane and Iron Horse Lane in Baltimore County, Maryland; and (2) copies of any and all documents you have related to obtaining BL zoning on the subject site on the 26th day of September at 9:00 a.m. regarding the above captioned case, for the purpose of testifying at the request of Protestant, Cobblestone Homeowner Association, Inc.



C. William Clark
NOLAN, PLUMHOFF & WILLIAMS, CHTD
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204
(410) 823-7800

Attorney for Protestants

MICROFILMED

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: 9/17/96

0715D

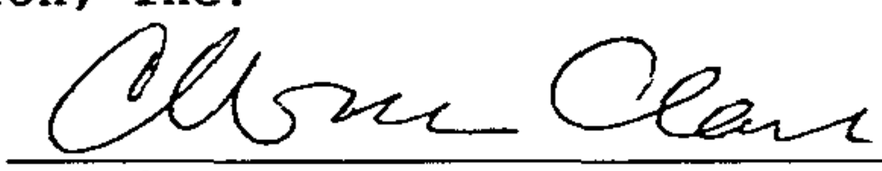
IN RE: PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING Mt. Wilson Lane at Iron Horse Lane 3rd Election District 3rd Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Village Care Petitioner	* *	Case No.: 96-284-SPHX

* * * * * * * * * *

SUBPOENA

TO: Ruth Mascari, Chair
Baltimore County Landmark Preservation Committee
401 Bosley Avenue
Towson, Maryland 21204

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 106 and to bring your file for The Balmuckety Mansion and Gardens on the 26th day of September, at 9:00 a.m. regarding the above captioned case, for the purpose of testifying at the request of Protestant, Cobblestone Homeowner Association, Inc.



C. William Clark
NOLAN, PLUMHOFF & WILLIAMS, CHTD
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204
(410) 823-7800

Attorney for Protestants

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: _____

0715D

IN RE:	Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,	*	BEFORE THE
		*	HEARING OFFICER
		*	FOR
	Applicant/Petitioner	*	BALTIMORE COUNTY
		*	CASES III-377 and
		*	96-284-SPHX

* * * * * * * * * * * * *

REQUEST FOR SUBPOENA DUCES TECUM

Pursuant to Section 26-206(e) of the Baltimore County Code, please issue a subpoena *duces tecum* for the following named witness and command her to appear at the Development Plan hearing on the above-referenced matter scheduled before the Hearing Officer for Baltimore County on **Friday, November 1, 1996 at 9:00 a.m**, in Room 118 of the Old Courthouse, Towson, Maryland 21204:

Mr. Tim Dugan
Baltimore County Ofice of Planning
County Courts Building
4th Floor - Room 406
401 West Bosley Avenue
Towson, Maryland 21204
(410) 887-3495

The witness should also be directed to bring with him to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE:	Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,	*	BEFORE THE
		*	HEARING OFFICER
		*	FOR
	Applicant/Petitioner	*	BALTIMORE COUNTY
		*	CASES III-377 and
		*	96-284-SPHX

* * * * * * * * * * * * *

REQUEST FOR SUBPOENA DUCES TECUM

Pursuant to Section 26-206(e) of the Baltimore County Code, please issue a subpoena *duces tecum* for the following named witness and command her to appear at the Development Plan hearing on the above-referenced matter scheduled before the Hearing Officer for Baltimore County on **Friday, November 1, 1996 at 9:00 a.m**, in Room 118 of the Old Courthouse, Towson, Maryland 21204:

Mr. Arnold Jablon, Director
Baltimore County Department of
Permits and Development Management
Or His Appointed Representative
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3533

The witness should also be directed to bring with him to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE:	Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,	*	BEFORE THE
		*	HEARING OFFICER
		*	FOR
	Applicant/Petitioner	*	BALTIMORE COUNTY
		*	CASES III-377 and
		*	96-284-SPHX

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REQUEST FOR SUBPOENA DUCES TECUM

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Mr. Arnold F. "Pat" Keller, III, Director
Baltimore County Ofice of Planning
Or His Appointed Representative
County Courts Building
4th Floor - Room 406
401 West Bosley Avenue
Towson, Maryland 21204
(410) 887-3215

The witness should also be directed to bring with him to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE:	Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,	*	BEFORE THE
		*	HEARING OFFICER
		*	FOR
	Applicant/Petitioner	*	BALTIMORE COUNTY
		*	CASES III-377 and
		*	96-284-SPHX

* * * * * * * * * * * * *

REQUEST FOR SUBPOENA DUCES TECUM

Pursuant to Section 26-206(e) of the Baltimore County Code, please issue a subpoena *duces tecum* for the following named witness and command him to appear at the Development Plan hearing on the above-referenced matter scheduled before the Hearing Officer for Baltimore County on **Friday, November 1, 1996 at 9:00 a.m.** in Room 118 of the Old Courthouse, Towson, Maryland 21204:

Mr. Mitchell Kellman
Baltimore County
Permits & Development Management
Zoning Review Division, Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3791

The witness should also be directed to bring with him to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE:	Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,	*	BEFORE THE
		*	HEARING OFFICER
		*	FOR
	Applicant/Petitioner	*	BALTIMORE COUNTY
		*	CASES III-377 and
		*	96-284-SPHX

* * * * * * * * * * * * *

REQUEST FOR SUBPOENA DUCES TECUM

Pursuant to Section 26-206(e) of the Baltimore County Code, please issue a subpoena *duces tecum* for the following named witness and command her to appear at the Development Plan hearing on the above-referenced matter scheduled before the Hearing Officer for Baltimore County on **Friday, November 1, 1996 at 9:00 a.m.** in Room 118 of the Old Courthouse, Towson, Maryland 21204:

Ms. Valarie Klein
Baltimore County Department Environmental
Protection and Resource Management
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3980

The witness should also be directed to bring with her to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Lawrence E. Schmidt
Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter

Julius W. Lichter
DEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE:	Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,	*	BEFORE THE
		*	HEARING OFFICER
		*	FOR
	Applicant/Petitioner	*	BALTIMORE COUNTY
		*	CASES III-377 and
		*	96-284-SPHX

* * * * * * * * * * * * *

REQUEST FOR SUBPOENA DUCES TECUM

Pursuant to Section 26-206(e) of the Baltimore County Code, please issue a subpoena *duces tecum* for the following named witness and command her to appear at the Development Plan hearing on the above-referenced matter scheduled before the Hearing Officer for Baltimore County on **Friday, November 1, 1996 at 9:00 a.m.**, in Room 118 of the Old Courthouse, Towson, Maryland 21204:

Mr. John Lewis
Baltimore County
Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3391

The witness should also be directed to bring with him to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE:	Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,	*	BEFORE THE
		*	HEARING OFFICER
		*	FOR
	Applicant/Petitioner	*	BALTIMORE COUNTY
		*	CASES III-377 and
		*	96-284-SPHX

* * * * * * * * * * * * *

REQUEST FOR SUBPOENA DUCES TECUM

Pursuant to Section 26-206(e) of the Baltimore County Code, please issue a subpoena *duces tecum* for the following named witness and command her to appear at the Development Plan hearing on the above-referenced matter scheduled before the Hearing Officer for Baltimore County on **Friday, November 1, 1996 at 9:00 a.m.**, in Room 118 of the Old Courthouse, Towson, Maryland 21204:

Mrs. Ruth Mascari
c/o Mr. John McGrain, Executive Secretary
Landmarks Preservation Commission
County Courts Building
4th Floor - Room 406
401 West Bosley Avenue
Towson, Maryland 21204
(410) 887-3495

The witness should also be directed to bring with her to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE:	Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,	*	BEFORE THE
		*	HEARING OFFICER
		*	FOR
	Applicant/Petitioner	*	BALTIMORE COUNTY
		*	CASES III-377 and
		*	96-284-SPHX

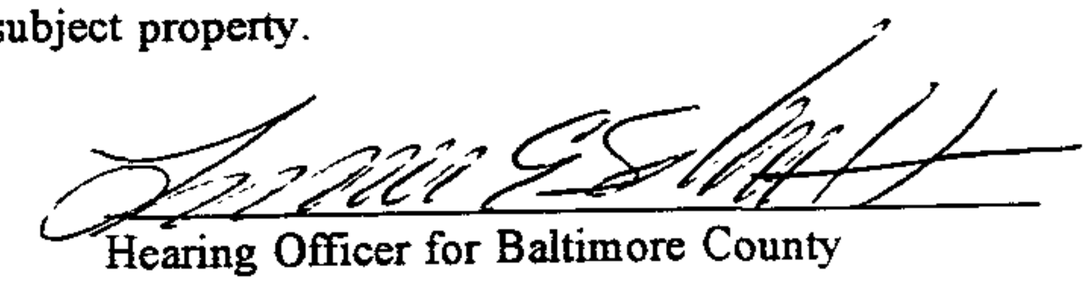
* * * * * * * * * * * * *

REQUEST FOR SUBPOENA DUCES TECUM

Pursuant to Section 26-206(e) of the Baltimore County Code, please issue a subpoena *duces tecum* for the following named witness and command her to appear at the Development Plan hearing on the above-referenced matter scheduled before the Hearing Officer for Baltimore County on **Friday, November, 1, 1996 at 9:00 a.m**, in Room 118 of the Old Courthouse, Towson, Maryland 21204:

Mrs. Ruth B. Mascari, Chairperson
Landmarks Preservation Commission
17210 Whiteley Road
Monkton, Maryland 21111

The witness should also be directed to bring with her to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.



Hearing Officer for Baltimore County

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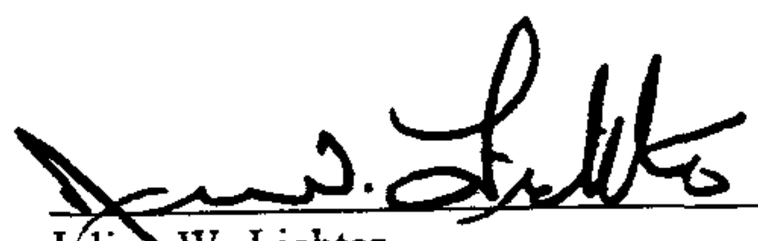

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

MICROFILMED

IN RE:	Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,	*	BEFORE THE
		*	HEARING OFFICER
		*	FOR
	Applicant/Petitioner	*	BALTIMORE COUNTY
		*	CASES III-377 and
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Mrs. Carol McEvoy
Baltimore County
Office of Planning
4th Floor - County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3211

The witness should also be directed to bring with her to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue.
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE:	Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,	*	BEFORE THE
		*	HEARING OFFICER
		*	FOR
	Applicant/Petitioner	*	BALTIMORE COUNTY
		*	CASES III-377 and
		*	96-284-SPHX

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Mr. John McGrain
Baltimore County
Office of Planning
4th Floor - County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3480

The witness should also be directed to bring with him to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE:	Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,	*	BEFORE THE
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	Applicant/Petitioner	*	BALTIMORE COUNTY
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Mr. Robert B. Seeley
Baltimore County Department Environmental
Protection and Resource Management
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3980

The witness should also be directed to bring with him to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

MICROFILMED

IN RE:	Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,	* BEFORE THE
		* HEARING OFFICER
		* FOR
	Applicant/Petitioner	* BALTIMORE COUNTY
		* CASES III-377 and
		* 96-284-SPHX

* * * * * * * * * * * * *

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Mr. Al Wirth
Baltimore County Department of
Environmental Protection & Resource Management
County Courts Building
4th Floor
401 West Bosley Avenue
Towson, Maryland 21204
(410) 887-3733

The witness should also be directed to bring with him to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE:	Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,	*	BEFORE THE
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		*	FOR
	Applicant/Petitioner	*	BALTIMORE COUNTY
		*	CASES III-377 and
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Mr. Robert Wood
Baltimore County
Department of Environmental Protection and
Resource Management
4th Floor - County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3768

The witness should also be directed to bring with him to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE:	Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,	*	BEFORE THE
		*	HEARING OFFICER
		*	FOR
	Applicant/Petitioner	*	BALTIMORE COUNTY
		*	CASES III-377 and
		*	96-284-SPHX

* * * * * * * * * * * * *

REQUEST FOR SUBPOENA DUCES TECUM

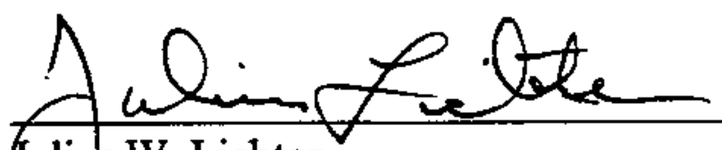
Pursuant to Section 26-206(e) of the Baltimore County Code, please issue a subpoena *duces tecum* for the following named witness and command him to appear at the Development Plan hearing on the above-referenced matter scheduled before the Hearing Officer for Baltimore County on **Monday, October 21, 1996 at 9:00 a.m.**, in Room 118 of the Old Courthouse, Towson, Maryland 21204:

Mr. Bob Bowling
Baltimore County
Department of Environmental Protection and
Resource Management
4th Floor - County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3768

The witness should also be directed to bring with him to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.



Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE:	Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,	*	BEFORE THE
		*	HEARING OFFICER
		*	FOR
	Applicant/Petitioner	*	BALTIMORE COUNTY
		*	CASES III-377 and
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Mr. Tim Dugan
Baltimore County Ofice of Planning
County Courts Building
4th Floor - Room 406
401 West Bosley Avenue
Towson, Maryland 21204
(410) 887-3495

The witness should also be directed to bring with her to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

_____
Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE:	Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,	*	BEFORE THE
		*	HEARING OFFICER
		*	FOR
	Applicant/Petitioner	*	BALTIMORE COUNTY
		*	CASES III-377 and
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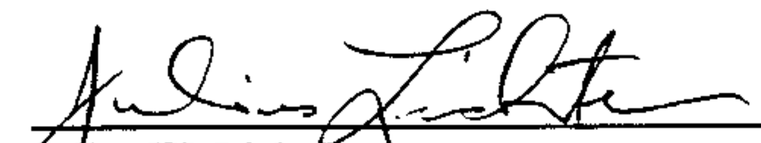
Mr. Arnold Jablon, Director
Baltimore County Department of
Permits and Development Management
Or His Appointed Representative
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-353

The witness should also be directed to bring with her to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.



Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE:	Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,	*	BEFORE THE
		*	HEARING OFFICER
		*	FOR
	Applicant/Petitioner	*	BALTIMORE COUNTY
		*	CASES III-377 and
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REQUEST FOR SUBPOENA DUCES TECUM

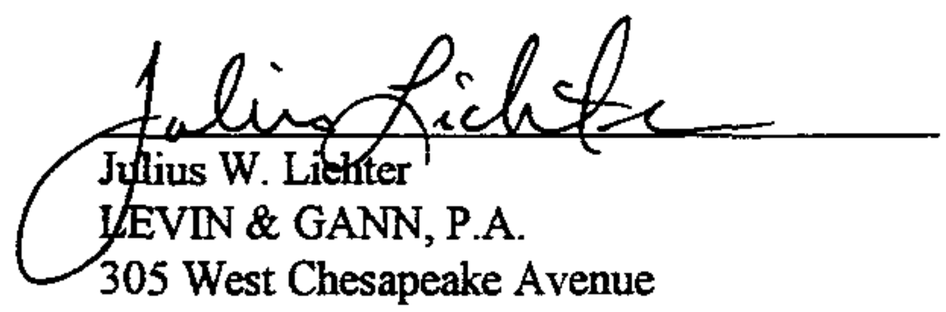
Pursuant to Section 26-206(e) of the Baltimore County Code, please issue a subpoena *duces tecum* for the following named witness and command her to appear at the Development Plan hearing on the above-referenced matter scheduled before the Hearing Officer for Baltimore County on **Monday, October 21, 1996 at 9:00 a.m.**, in Room 118 of the Old Courthouse, Towson, Maryland 21204:

Mr. Arnold F. "Pat" Keller, III, Director
Baltimore County Ofice of Planning
Or His Appointed Representative
County Courts Building
4th Floor - Room 406
401 West Bosley Avenue
Towson, Maryland 21204
(410) 887-3215

The witness should also be directed to bring with her to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

_____
Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.



Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE:	Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,	*	BEFORE THE
		*	HEARING OFFICER
		*	FOR
	Applicant/Petitioner	*	BALTIMORE COUNTY
		*	CASES III-377 and
		*	96-284-SPHX

* * * * * * * * * * * * *

REQUEST FOR SUBPOENA DUCES TECUM

Pursuant to Section 26-206(e) of the Baltimore County Code, please issue a subpoena *duces tecum* for the following named witness and command him to appear at the Development Plan hearing on the above-referenced matter scheduled before the Hearing Officer for Baltimore County on **Monday, October 21, 1996 at 9:00 a.m.** in Room 118 of the Old Courthouse, Towson, Maryland 21204:

Mr. Mitchell Kellman
Baltimore County
Permits & Development Management
Zoning Review Division, Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3791

The witness should also be directed to bring with him to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE:	**Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,**	*	**BEFORE THE**
		*	**HEARING OFFICER**
		*	**FOR**
	Applicant/Petitioner	*	**BALTIMORE COUNTY**
		*	**CASES III-377 and**
		*	**96-284-SPHX**

* * * * * * * * * * * * *

REQUEST FOR SUBPOENA DUCES TECUM

Pursuant to Section 26-206(e) of the Baltimore County Code, please issue a subpoena *duces tecum* for the following named witness and command her to appear at the Development Plan hearing on the above-referenced matter scheduled before the Hearing Officer for Baltimore County on **Monday, October 21, 1996 at 9:00 a.m.** in Room 118 of the Old Courthouse, Towson, Maryland 21204:

Mr. John Lewis
Baltimore County
Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3391

The witness should also be directed to bring with her to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
DEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE:	**Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,**	*	**BEFORE THE**
		*	**HEARING OFFICER**
		*	**FOR**
	Applicant/Petitioner	*	**BALTIMORE COUNTY**
		*	**CASES III-377 and**
		*	**96-284-SPHX**

* * * * * * * * * * * * *

REQUEST FOR SUBPOENA DUCES TECUM

Pursuant to Section 26-206(e) of the Baltimore County Code, please issue a subpoena *duces tecum* for the following named witness and command her to appear at the Development Plan hearing on the above-referenced matter scheduled before the Hearing Officer for Baltimore County on **Monday, October 21, 1996 at 9:00 a.m.** in Room 118 of the Old Courthouse, Towson, Maryland 21204:

Mrs. Ruth Mascari
c/o Mr. John McGrain, Executive Secretary
Landmarks Preservation Commission
County Courts Building
4th Floor - Room 406
401 West Bosley Avenue
Towson, Maryland 21204
(410) 887-3495

The witness should also be directed to bring with her to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE:	Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,	*	BEFORE THE
		*	HEARING OFFICER
		*	FOR
	Applicant/Petitioner	*	BALTIMORE COUNTY
		*	CASES III-377 and
		*	96-284-SPHX

* * * * * * * * * * * * *

REQUEST FOR SUBPOENA DUCES TECUM

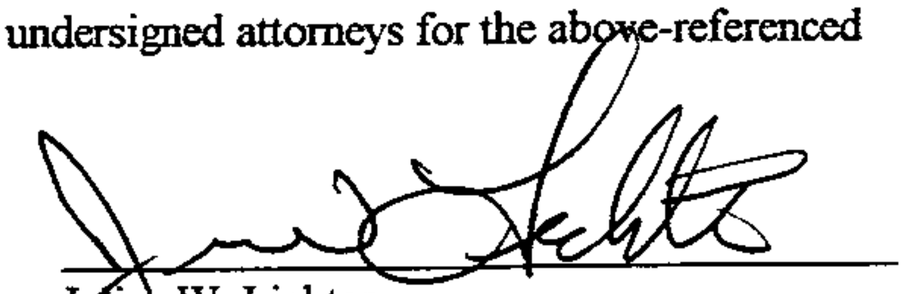
Pursuant to Section 26-206(e) of the Baltimore County Code, please issue a subpoena *duces tecum* for the following named witness and command her to appear at the Development Plan hearing on the above-referenced matter scheduled before the Hearing Officer for Baltimore County on **Monday, October 21, 1996 at 9:00 a.m.**, in Room 118 of the Old Courthouse, Towson, Maryland 21204:

Mrs. Ruth B. Mascari, Chairperson
Landmarks Preservation Commission
17210 Whiteley Road
Monkton, Maryland 21111

The witness should also be directed to bring with her to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

_____
Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.



Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE:	Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,	*	BEFORE THE
		*	HEARING OFFICER
		*	FOR
	Applicant/Petitioner	*	BALTIMORE COUNTY
		*	CASES III-377 and
		*	96-284-SPHX

* * * * * * * * * * * * *

REQUEST FOR SUBPOENA DUCES TECUM

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Mrs. Carol McEvoy
Baltimore County
Office of Planning
4th Floor - County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3211

The witness should also be directed to bring with her to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

MICROFILMED

IN RE:	**Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,**	*	**BEFORE THE**
		*	**HEARING OFFICER**
		*	**FOR**
	Applicant/Petitioner	*	**BALTIMORE COUNTY**
		*	**CASES III-377 and**
		*	**96-284-SPHX**

* * * * * * * * * * * * *

REQUEST FOR SUBPOENA DUCES TECUM

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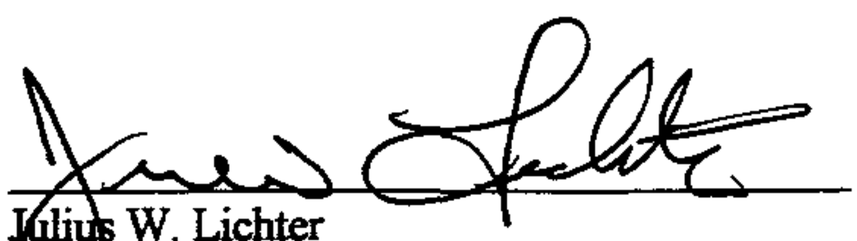
Mr. John McGrain
Baltimore County
Office of Planning
4th Floor - County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3480

The witness should also be directed to bring with her to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.



Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE:	**Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,**	*	**BEFORE THE**
		*	**HEARING OFFICER**
		*	**FOR**
	Applicant/Petitioner	*	**BALTIMORE COUNTY**
		*	**CASES III-377 and**
		*	**96-284-SPHX**

* * * * * * * * * * * * *

REQUEST FOR SUBPOENA DUCES TECUM

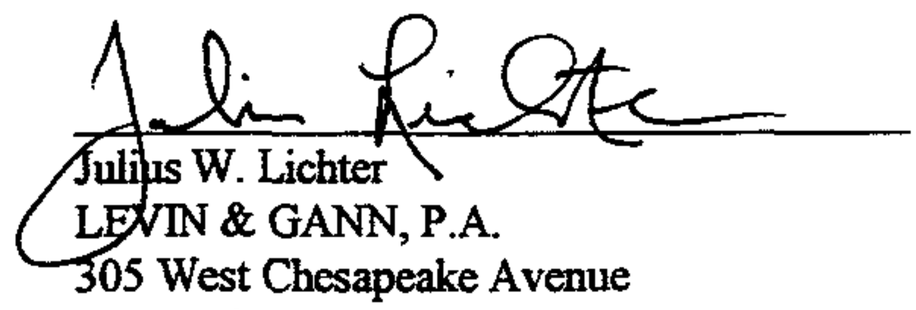
Pursuant to Section 26-206(e) of the Baltimore County Code, please issue a subpoena *duces tecum* for the following named witness and command her to appear at the Development Plan hearing on the above-referenced matter scheduled before the Hearing Officer for Baltimore County on **Monday, October 21, 1996 at 9:00 a.m.** in Room 118 of the Old Courthouse, Towson, Maryland 21204:

Mr. Al Wirth
Baltimore County Department of
Environmental Protection & Resource Management
County Courts Building
4th Floor
401 West Bosley Avenue
Towson, Maryland 21204
(410) 887-3733

The witness should also be directed to bring with her to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

_____
Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.



Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE:	**Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,**	*	**BEFORE THE**
		*	**HEARING OFFICER**
		*	**FOR**
	Applicant/Petitioner	*	**BALTIMORE COUNTY**
		*	**CASES III-377 and**
		*	**96-284-SPHX**

* * * * * * * * * * * * *

REQUEST FOR SUBPOENA DUCES TECUM

Pursuant to Section 26-206(e) of the Baltimore County Code, please issue a subpoena *duces tecum* for the following named witness and command him to appear at the Development Plan hearing on the above-referenced matter scheduled before the Hearing Officer for Baltimore County on **Monday, October 21, 1996 at 9:00 a.m.** in Room 118 of the Old Courthouse, Towson, Maryland 21204:

Mr. Robert Wood
Baltimore County
Department of Environmental Protection and
Resource Management
4th Floor - County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3768

The witness should also be directed to bring with him to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

_____
Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE:	Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,	*	BEFORE THE
		*	HEARING OFFICER
		*	FOR
	Applicant/Petitioner	*	BALTIMORE COUNTY
		*	CASES III-377 and
		*	96-284-SPHX

* * * * * * * * * * * * *

REQUEST FOR SUBPOENA *DUCES TECUM*

Pursuant to Section 26-206(e) of the Baltimore County Code, please issue a subpoena *duces tecum* for the following named witness and command her to appear at the Development Plan hearing on the above-referenced matter scheduled before the Hearing Officer for Baltimore County on **Friday, November 1, 1996 at 9:00 a.m.** in Room 118 of the Old Courthouse, Towson, Maryland 21204:

Mr. Robert W. Bowling
Baltimore County
Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3751

The witness should also be directed to bring with him to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

HOLZER & LEE

LAW OFFICES
J. CARROLL HOLZER, PA
THOMAS J. LEE

J. HOWARD HOLZER
1907-1989

TOWSON OFFICE
305 WASHINGTON AVENUE
SUITE 502
TOWSON, MD 21204
(410) 825-6961
FAX: (410) 825-4923

CARROLL COUNTY OFFICE
1315 LIBERTY ROAD
ELDERSBURG, MD 21784
(410) 795-8556
FAX: (410) 795-5535

December 13, 1996
#6601

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

RE: *Case No.: III-377 & 96-284-SPHX*
Village Care, Inc.

Dear Mr. Schmidt:

I have this day received a Motion to Reconsider and Revise filed on behalf of Village Care, Inc. to your Order and Opinion dated December 5, 1996. Please be advised that my clients, the Pikesville Farms Community Association, Inc., oppose the grant of the Motion.

Very truly yours,

J. Carroll Holzer

JCH:alt
cc: C. William Clark
Julius W. Lichter

C:\LETTERS\SCHMIDT.LTR

RECEIVED
1 6 1996
ZONING COMMISSIONER

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

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

ELLIS LEVIN (1893-1960)

JULIUS W. LICHTER

January 6, 1997

HAND DELIVERED

Robert O. Schuetz, Chairman
County Board of Appeals for
Baltimore County
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

HAND DELIVERED

Lawrence E. Schmidt, Zoning
Commissioner of Baltimore County
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Appeal from the Final Action of the Zoning Commissioner of Baltimore County of December 5, 1996 on a Development Plan for a Nursing Home and Twelve Residential Lots, Petition for Special Exception for Approval of a Nursing Home with Associated Parking and a Storm Water Management Facility and Petition for Special Hearing for a Waiver of Public Works Standards to Allow a Twenty-Four Foot Pavement on a Forty Foot Right of Way Property Located at the Northwest Corner of Mount Wilson Lane and Iron Horse Lane (Case Nos.: III-377 and 96-284-SPHX)

Dear Gentlemen:

Please note an Appeal on behalf of Village Care, Inc. from the final action of the Zoning Commissioner of Baltimore County denying a Development Plan, Petition for Special Exception and Petition for Special Hearing.

Enclosed you will find the Petition on Appeal of Village Care, Inc. The requisite filing fee also is enclosed.

Very truly yours,

Julius W. Lichter

Enclosure
JWL/kc

Courtesy Copy

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

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

ELLIS LEVIN (1893-1960)

JULIUS W. LICHTER

March 31, 1997

Via Hand Delivery

Robert O. Schuetz, Chairman
Board of Appeals for Baltimore County
400 Washington Avenue
Room 49
Towson, Maryland 21204

Re: Case No. CBA-97-100/PDM III-377
Case No. 96-284-SPHT-Village Care, Inc.

Dear Mr. Schuetz:

The above captioned cases are set for hearing on April 10, 1997 at 10:00 a.m. On behalf of the Appellant, I hereby request a postponement of the aforesaid hearings.

This postponement is being requested due to the fact that the Certificate of Need, which has been issued to the Appellant, is being considered for an extension of its effective date at a hearing before the Maryland Health Resources Planning Commission on April 8, 1997. The Commission is considering a number of matters relative to Appellants Certificate of Need and may or may not come to a conclusion on April 8, 1997. Depending upon the outcome of the Commission's deliberations, my client will have certain options to explore inclusive of whether it should pursue the Appeals pending before you.

Substantial preparation is required on behalf of the parties to this Appeal which involves a review of the denial of the Development Plan as well as a De Novo hearing of the Appeal of the denial of the Special Exception.

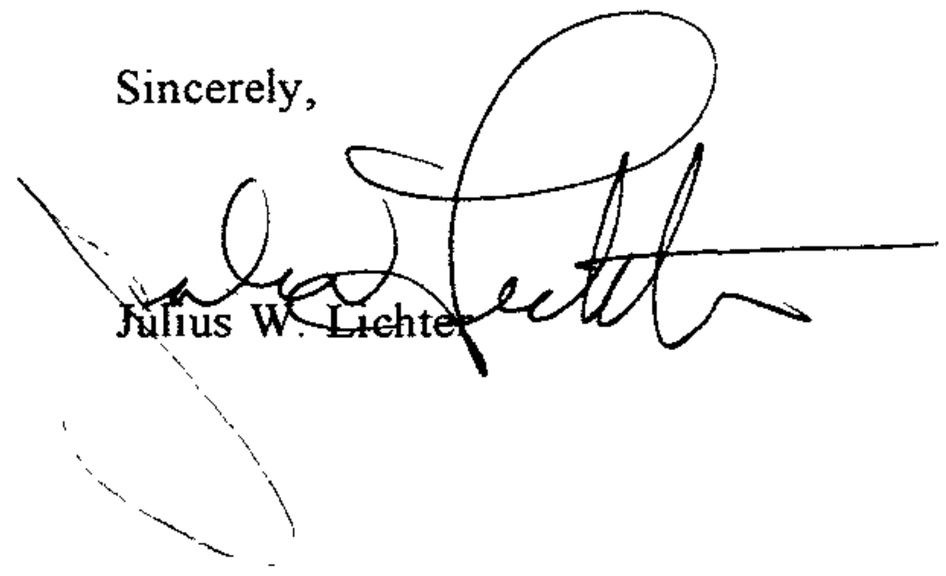
I have spoken with Counsel for the Protestants and have obtained their consent to this request for postponement in the best interests of all parties.

I would appreciate these cases not being reset until such time as I notify you that the matters pending before the Maryland Health Resources Planning Commission are fully resolved and that the CON has been extended with no further appeal of that determination.

Confirmed consent 3/31/97 CWC ✓ JCH ✓

Many thanks for your cooperation.

Sincerely,



Julius W. Lichter

JWL/ls

Via Facsimile and First Class Mail

cc: J. Carroll Holzer, Esquire
C. William Clark, Esquire
Virginia W. Barnhart, County Attorney
People's Counsel for Baltimore County

wpwin5 1/5.2\jwl\rschuetz

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

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

ELLIS LEVIN (1893-1960)

JULIUS W. LICHTER

January 21, 1997

Hand Delivered
Robert O. Schuetz, Chairman
County Board of Appeals of
Baltimore County
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: In the Matter of Village Care, Inc.
Development Plan, Petition for Special
Exception and Petition for Special Hearing
Case Nos.: CBA-97-100 & 96-284-SPHX

Dear Mr. Schuetz:

Pursuant to Rule 2(c) of the Rules of Practice and Procedure of the County Board of Appeals of Baltimore County, Village Care, Inc. requests a postponement of the hearing before the Board in the captioned matter. The hearing is presently scheduled for Friday, January 31, 1997 at 10:00 a.m.

The Hearing Officer/Zoning Commissioner denied the Development Plan and Petitions for Special Exception and Special Hearing on December 5, 1996. On December 10, 1996, the Developer/Petitioner, Village Care, Inc., filed with the Hearing Officer/Zoning Commissioner a Motion to Reconsider and Revise. The Hearing Officer/Zoning Commissioner, twenty-two (22) days later, denied the Motion on January 2, 1997.

Baltimore County Code, Section 26-209(f) states that "the board of appeals hearing shall take place **no less than forty-five (45) days and no more than sixty (60) days after final action on a development plan.**" (emphasis added). Neither the Baltimore County Code, the Baltimore County Zoning Regulations nor the Rules of Practice and Procedure of the County Board of Appeals of Baltimore County state what effect the timely filing of a Motion to Reconsider and Revise has on the finality of the Hearing Officer/Zoning Commissioner's denial of the Development Plan and Petitions for Special Exception and Special Hearing.

Rule 2-534 of the Maryland Rules of Civil Procedure provides parties to a civil action with a means to petition a court to alter or to amend a judgment. Under Rule 2-534, a judgment loses its finality for purposes of appeal if a motion to alter or amend is filed within ten days after the court's judgment. Additionally, the Court of Appeals has stated that "[w]here a motion [to alter or amend] is filed within ten days, an appeal will not ordinarily lie until the trial judge rules on the motion." Unnamed Att'y v. Attorney Grievance Comm'n, 303 Md. 473, 494 A.2d 940, 947 (1985).

In this case, Village Care, Inc. promptly filed its Motion, which is similar to the motion provided for in Rule 2-534, five (5) days after the Hearing Officer/Zoning Commissioner's decision to deny the development plan and zoning relief. If the Board's Rules comport with those of the Courts of Maryland, the decision of December 5, 1996 was not final for purposes of appeal. For purposes of appeal, the Hearing Officer/Zoning Commissioner's denial of the Motion, dated January 2, 1997, is the final decision with respect to the Development Plan and the Petitions for Special Exception and Special Hearing. To schedule a hearing before the Board of Appeals only twenty-nine (29) days after the final decision would contradict the forty-five (45) day scheduling requirement of Code Section 26-209(f).

The Board's hearing notice was received by this office on Friday, January 17, 1997. Due to the issues raised by the Protestants before the Hearing Officer/Zoning Commissioner and the necessity to prepare a significant number of expert, lay and County witnesses, more than two weeks' notice is required. Until today, my client has been out of town, and I have not had the opportunity to meet with him, but he has advised my secretary that he will be out of town on January 31, 1997.

The preparation of Village Care's case has been prejudiced by the delay between the filing of the Motion to Reconsider and Revise on December 10, 1996 and the Hearing Officer/Zoning Commissioner's decision on the Motion on January 2, 1997. In addition, due to the multi-faceted issues raised by the Protestants, notice of the January 31, 1997 hearing does not allow sufficient time to prepare for this hearing. This appeal involves a denial of a Development Plan and a de novo hearing on the Petition for Special Exception and Petition for Special Hearing. Additionally, Village Care, Inc. is the only party that may be prejudiced by a postponement.

For the reasons stated herein, Village Care, Inc. respectfully requests that the County Board of Appeals of Baltimore County reschedule the hearing on this matter. I would be available together with opposing counsel to meet with the Board to agree upon a new date.

Thank you for your anticipated consideration of this matter.

Very truly yours,

Julius W. Lichter

JWL/rdp
cc: Mr. Richard Rynd
Mr. John Tastet
J. Carroll Holzer, Esquire
C. William Clark, Esquire
Mr. Charles Levine
Mr. Albert Kleeman

96-802

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR
ROBERT S GLUSHAKOW
STEPHEN M SCHENNING
DOUGLAS L. BURGESS
ROBERT E CAHILL, JR
C WILLIAM CLARK
E. BRUCE JONES**
J. JOSEPH CURRAN, III
STUART A SCHADT

*ALSO ADMITTED IN D C
**ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELEFAX (410) 296-2765

JAMES D NOLAN
(RETIRED 1980)

J EARLE PLUMHOFF
(1940-1988)

RALPH E DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
823-

2/16/96
To: Guar - Hearing Demand.
2/20/96

16 February 1996

VIA HAND DELIVERY

The Honorable Lawrence C. Schmidt
Zoning Commissioner for
Baltimore County
County Court House
Towson, MD 21204

Re: Case No. 96-284-SPHX

Dear Commissioner Schmidt:

Please be advised that this firm represents Cobblestone Homeowners Association, Inc., Mr. and Mrs. Charles Levine of 12 Stone Oak Court, Pikesville, Maryland 21208, and Mr. and Mrs. Albert Kleeman, 301 Chalk Hill Drive, Pikesville, Maryland 21208 in connection with the above-captioned matter. My clients are owners of adjoining and adjacent properties as well as the Homeowners' Association for the neighboring residential community. Pursuant to Section 409.8(B)(1)(b), please schedule a public hearing on the above-captioned matter including a request for a use permit for the use of land in a residential zone for parking facilities for a business.

Thank you for your anticipated cooperation.

Very truly yours,

C. William Clark

CWC:mh
cc: Julius W. Lichter, Esquire
Attorney for Petitioner

RECEIVED
FEB 16 1996
PDM

NEWTON A WILLIAMS
THOMAS J RENNER
WILLIAM P. ENGLEHART, JR
STEPHEN J NOLAN*
ROBERT L HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L BURGESS
ROBERT E CAHILL, JR
C. WILLIAM CLARK
E BRUCE JONES**
J JOSEPH CURRAN, III
STUART A SCHADT

*ALSO ADMITTED IN D C
**ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELEFAX (410) 296-2765

JAMES D NOLAN
(RETIRED 1980)

J EARLE PLUMHOFF
(1940-1988)

RALPH E DEITZ
(1918-1990)

WRITER S DIRECT DIAL
823-

11 March 1996

The Honorable Timothy M. Kotroco
Deputy Zoning Commissioner for
Baltimore County
Court House
Towson, MD 21204

Arnold Jablon, Esquire
Office of Zoning, Administration
and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Village Care, Inc.
Petition for Special Exception and Special Hearing
and Development Plan Hearing
Case No. 96-284-SPHX

Dear Sirs:

Please be advised that I represent Cobblestone Homeowners Association, Inc. and Charles Levine, who are interested persons and Protestants in the above-captioned matters. These matters are set for hearings to begin on Thursday, March 14, 1996, and continuing on Friday, March 15, 1996. As your file should reflect, the Development Plan in this matter involves an historic site which has caused this matter to be referred to the Planning Board. At its regularly scheduled meeting on March 7, 1996, the Planning Board placed this matter on its agenda for initial discussion. At that time it heard from the Developer and its witnesses, and from the Protestants and its witnesses. Additionally, the Planning Board heard from Ruth Mascari, Chair of the Baltimore County Landmarks Preservation Committee, who indicated that the Balmuckety Mansion, which is located on the proposed site for development has been placed on the preliminary list. Additionally, she indicated, as is shown by the enclosed letter from John McGrain, Executive Secretary of the Landmarks Preservation Commission, a hearing has been scheduled on April 11, 1996 to determine whether the planned garden at the same property is eligible for the Preliminary

Landmarks List. The location of that garden is at a location on the site which is proposed for the building of the proposed nursing home.

At the conclusion of the agenda item, Mr. Phillip W. Worral, Chairman of the Planning Board indicated that the matter would be taken up by the Planning Board at its last regularly scheduled meeting prior to the expiration of its 45 day period for its report to the Hearing Officer. Mr. Tim Dugan of the Office Planning indicated that it would be April 18, 1996 since the Planning Board will not be meeting on April 4, 1996.

The issue of whether or not the formal gardens, which were planted on the property and designed by the noted landscape architect, Thomas W. Sears, is an extremely important issue as it relates to the viability of the proposed development plan and special exception. It appears to me that, at the very least, the Planning Board, and for that matter, the Landmarks Preservation Commission, will not take testimony on this matter and issue reports concerning it until after the present hearing date for the above-captioned development plan and special exception. If the Planning Board determines that the gardens are to be retained, it would also appear that the present development plan cannot be approved. Likewise, if the Planning Board determines that the gardens will only require documentation for historical purposes, but can be removed, it will greatly affect the presentation of testimony for the Hearing Officer. It is likely, that the hearing can be shortened depending upon reports and recommendations of these two other county agencies. Accordingly, the Protestants respectfully request that the hearing now scheduled for March 14 and March 15 be rescheduled until after the April 18, 1996 meeting of the Planning Board.

Additionally, the Protestants have issued a subpoena for David S. Thaler, which was served upon him on March 7, 1996. Mr. Thaler's testimony is sought regarding certain issues that arise out of the Final Development Plan of Cobblestone, and its relationship to the proposed Village Care Development Plan. Mr. Thaler has personal knowledge of these matters inasmuch as he was the developer's engineer, and has kept and maintained and prepared the Final Development Plan for Cobblestone. I have received, a copy of which is enclosed with this letter, a letter from Mr. Thaler citing the fact that he is unavailable and will be out of the country on the 14th and 15th of March. For those additional reasons, the Protestants request that this matter be rescheduled.

Prior to submitting this request, I called the offices of Julius W. Lichter, Esquire, who represents the Developer. Mr. Lichter opposes to this request.

Thank you for your anticipated cooperation.

Very truly yours,

C. William Clark

CWC:mh
cc: Julius W. Lichter, Esquire

D.S. THALER & ASSOCIATES, INC.

7115 AMBASSADOR ROAD • BALTIMORE, MARYLAND 21244

(410) 944-ENGR • (410) 944-3647 • FAX (410) 944-3684

March 7, 1996

Nolan, Plumhoff & Williams
Court Towers, Suite 700
210 West Pennsylvania Avenue
Towson, Maryland 21204

ATTN: Bud Clark, Esquire

RE: Village Care Hearing

Dear Mr. Clark:

Regarding my appearance in the referenced matter, please be advised that I will be out of the Country on the 14th and 15th day of March 1996 and unavailable.

Very truly yours,

D.S. THALER & ASSOCIATES, INC.

David S. Thaler, P.E., L.S.
President

DST/gfl/D#20/Clark/M.7

Dear Zoning Commissioner,

I have been living on Orchard Road for eight years with my parents. The reason we moved here is because it is like living in the country but still close to 695. We live at the end of Orchard Road so we are lucky to be away from all the traffic on Mt. Wilson Lane.

We have the pleasure of having a stream in our backyard that divides our yard from the back yard of the house on the next street. It is so nice to go out and see all the living things around the stream. In the spring everything comes to life. There are baby fish and crayfish. The kids love to see and catch them. We also get a lot of visitors. There is a family of muskrats living at the end of the stream. If you are lucky you can see the baby muskrats playing on the stream bank. Also we get a fishing crane and a pair of ducks. We also sometimes see an owl in an old tree.

I would not like to see the nursing home be built because the trash and oil from Mt. Wilson Lane will run off into the stream and end up in our back yard. I would not like to see this happen.

As for the gardens, when we moved here I had a horse at the time. We had the chance to keep her at the barn at the mansion with two other horses. The kids loved having them there. After school the kids would walk up [redacted] and feed the horse carrot and apples. The horses loved it and so did the kids. In the morning when I would walk up to feed my horse I would see ground hogs, foxes, and sometimes deer in the field with the horses. There is still a family of foxes living in the field.

I would like to see the mansion and the land around the mansion stay the way it was back then. So I am against the nursing home being built. There is too much traffic on Mt. Wilson Lane now. Also there will be more with the funeral home that is already built and will be opening soon. This would be a really bad idea and make getting onto the main road harder with four o'clock traffic. I would like to keep the garden so when I have kids it will be a place I could take them and feel safe. This would mean a lot to me and my family.

Thank you.

Eleanor Graham
Patricia Graham
8809 Orchard Road

Eleanor Graham
Patricia Graham

March 29, 1996

Dear Zoning Commissioner:

I live in the Pikesville Farms community. I am writing to you because I am concerned about the proposed construction of a nursing home on the property of the mansion situated near Mt. Wilson Lane, which was part of the former Pearre estate.

I have several concerns with regard to this project. First and foremost in my mind is the impact the proposed nursing home would have on the adjacent community, Pikesville Farms.

Having lived in this neighborhood as a child, I have many fond memories of the neighborhood. For that reason, when my husband and I had an opportunity to buy a home in the Pikesville Farms community nine years ago, we jumped at the chance.

The community around Mt. Wilson Lane is a unique one. It is a semi-rural "pocket" that has survived, essentially unchanged, a mere half-mile from the Beltway, in these times of rapid development in the surrounding area. Many of the homeowners have lived there for over 40 years, or, like myself, have chosen to return there.

It is a safe neighborhood. Children can play outside and can ride their bikes in the street. Very few homeowners have found a need to install fences around their properties; the neighbors know each other, look after one another, and respect each other's property.

Now we are faced with the prospect of a new "neighbor," a nursing home, which will undoubtedly bring a considerable amount of additional traffic to our quiet neighborhood.

Employees will be leaving and arriving for various shifts; doctors, visitors and ambulances will come and go; and there will also be more foot traffic as some of the nursing home employees will undoubtedly arrive and depart on buses, the stops for which are along Reisterstown Rd.

In addition to my personal concerns for the safety and serenity of the neighborhood, I would also like to address the issue of the mansion and its surrounding gardens.

The mansion, built by the Pearre family about 80 years ago, is a beautiful and historic dwelling with lovely professionally-designed gardens. These gardens, and possibly even the mansion itself, would be destroyed by a builder whose main concern is the construction of a nursing facility that meets the required codes.

As a builder, his desire is to make money on the construction of this nursing home. He has no personal concerns for the neighborhood, or for the history of the mansion and gardens.

As Baltimore County has become increasingly developed, we have lost much of its history; old places are destroyed to build new ones. Once the old places are gone, they are gone forever; nothing is left to remind us of the past.

One additional concern is for the preservation of the wildlife in our area. Much of the woods that once surrounded our neighborhood have already been cleared to make way for such development as Ner Israel rabbinical college, the community of Cobblestone, and Sol Levinson's funeral home.

We now see foxes and deer in our neighborhood in numbers never before seen, because, as the woods diminish, these animals must venture out farther to find food. The property surrounding the mansion is currently home to some of these creatures. However, I am sure that the builder of the nursing home will find it necessary to clear most of the trees and brush that shelter these animals.

I would like you to deny zoning for the construction of a nursing home, to allow the mansion and its gardens to be preserved. Let the current owner put the property back on the market. With proper marketing and publicity about the beauty and history of the property, it is very possible that an organization with an interest in the preservation of historical buildings and gardens may be persuaded to purchase the property.

The property could be used as a conference center, museum, bed and breakfast inn, or some sort of educational facility, with the gardens restored to their former spectacular beauty, if the right person or organization were made aware of the property's existence.

Please do not allow the construction of a nursing home at this time. Allow a suitable time for the property to be marketed as a historical place, and, if it is not sold within a reasonable length of time, perhaps 18 to 24 months, then we (the neighbors) will have to accept its being sold to a developer.

The property has not yet been marketed with an eye to its historical significance. I believe a suitable buyer can and will be found. We in the Pikesville Farms community may be able to help draw some appropriate attention to the property.

Thank you for your consideration of this important issue.

Sincerely,

Janet E. Remmers

Janet E. Remmers
8815 Orchard Rd.
Baltimore, MD 21208
(410)653-1867

Steve Landsman

117 Nelson Road • Baltimore, Maryland 21208-1111 • 410-653-7956

March 11, 1990

Zoning Commissioner
County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. Commissioner:

In 1990 had contracted to have my new home constructed in the Pikesville Farms Community. For the six months prior to that, I had been searching relentlessly to try and find a suitable neighborhood to make this most significant commitment. This area was love at first sight - being Norman Rockwellish in its charm, unique in its character, quiet, convenient and friendly in both it's human as well as wildlife residents. Our streets are narrow and without formal sidewalks, adding again to the fascination and allure of this beautiful borough.

The construction of this proposed nursing home would indeed have a most negative effect on this community by the increased traffic on its small roads, additional commercial vehicles (including ambulances - without a doubt), strangers (the shift workers et al.) wandering throughout its now secluded private neighborhoods, runoff of petroleum byproducts from parking lots into the delicate streams that run within our borders and additional trash along the roadsides (this litter can be seen since the opening of the North Oaks down the road).

Sir, I plead with you not to allow the demise of this area by allowing the construction of this 24 hour a day multi-acre monster in the middle of this beautiful residential area. I have seen the dissolution of neighborhoods due to "well intended" and "necessary" construction projects in the past and would absolutely hate to see it happen again to this area.

Thank you for your consideration,

Steve Landsman

121 Nelson Road
Pikesville, Maryland 21208
March 11, 1996
Phone: 484-8571

Baltimore County Zoning Commissioner
Room 106 County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case #96-284-SPHX

Dear Zoning Commissioner,

This letter concerns the proposed development on the North side of Mt. Wilson Lane. We wish to go on record as opposing the construction of a nursing home and housing on the site. Our objections to the proposed development are:

1. Increased traffic congestion on Mt. Wilson Lane will negatively impact the residents of the surrounding communities.

2. The 24 hour- 7 day operations of the proposed nursing home will negatively impact the tranquil nature of the surrounding environs.

3. The destruction of the Woodland environment surrounding and encompassing the proposed development site will negatively impact wildlife in the area as well as creating a heat island that will alter the climate of the area.

4. The proposed development will adversely affect future property values and cause economic hardship for residents of the surrounding communities

For all of the above reasons we urge you to disapprove the proposed development.

We have resided in the Pikesville Farms community for fifteen years and have endeavored to be a positive force in the community by maintaining our home in a good state of repair and improving the dwelling and surrounding property. We have worked with the neighbors surrounding our home to solve community problems in the past. We participate with those neighbors in watching each others property when one of us is away and in snow removal during the winter months. There is a strong sense of community in this area and the neighbors have a record of working together to solve problems and make the quality of life in this area high. We feel that the approval of the proposed development would irrevocably damage the neighborhood spirit and character.

We urge you to take action to prevent the destruction of yet another neighborhood for the sole purpose of making a developer wealthier. There is no need for the proposed nursing home and surrounding development and it would be very harmful to the surrounding communities. Thank you for your consideration in this matter.

Sincerely,
Edward W. & Adeline F. Dashiell
Edward W. & Adeline F. Dashiell

118 Nelson Road
Pikesville, Md.
March 11, 1996
Phone: 486-5779

Baltimore County Zoning Commissioner
Room 106 County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case #96-284-SPHX

Dear Zoning Commissioner,

This letter concerns the construction of a nursing home and housing on the North side of Mt. Wilson Lane. We are opposed and object to this development because of:

1. The amount of traffic on Mt. Wilson Lane, and the congestion it will cause.

2. The nursing home will be operating 24 hours a day, 7 days a week, and will bring all kinds of help and employees, all hours of the day and night. This has been a quiet neighborhood and we want to keep it that way.

3. This development will affect our property value in our neighborhood.

We have lived in this neighborhood (Pikesville Farms) community for over Sixty-five years, and have a great neighborhood. We all work together in time of need through-out the year. Help is there if we need it for any reason.

Please put us on record as opposing this development.

Sincerely,

Joseph S. & Evelyn H. Blake

Joseph S. & Evelyn H. Blake

March 16th 1996

Baltimore Co. Zoning Commission
Court House
Towson, Md. 21204.

Re: Balmuckety Valley Care Facility
#03-377

Gentlemen:

My wife Audrey and I have lived on Nelson Road for our 50 years of our 53 years of married life. Like our neighbors we are of concern about Zoning of Balmuckety Valley Care Facility #03-377 mentioned above.

Over the years our traffic has increased with the Jewish College, Mt Wilson T.B. Hospital sold by the State of Md. and now a retirement home, Baltimore County has a Recreation Park, besides the new homes. Sol Levinson & Brothers are building a new Funeral Home corner of Mt. Wilson Lane and Reisterstown Road. We feel this 125 bed facility would increase the traffic much more yet. The employee's will be working 3 shifts plus Emergency vehicles day and night.

We had over 30 years of Correctional work for the State of Md. and our area here has been fairly peaceful. I'd like it to stay that way so we can die in peace. I'm not as much concern about the people they employ, but the ones who haul them in and then find a nice area to ease, which does happen.

Our police very seldom every come in our area if you see one twice a week unless some one is sick or some emergency which is seldom. We already need more police in our area and I'm sure this will increase the need

Very truly Yours
Ira E. Chaffman

Sept. 2, 1996

To Whom it May Concern:

I, along with other people in the neighborhood, wish to protest the building of a nursing home and several homes on Mt Wilson Lane.

This is going to greatly increase traffic and the road is not equipped to handle additional traffic.

With all the building going on it seems to have changed the water flow and to have more water going through the sump pump

Also, it will probably bring a lot more transient trade and interrupt our quiet neighborhood.

Rita Armacost

Paula

Richard Teitel
15 Stags Leap Court
Pikesville, Maryland 21208

April 22, 1996

Dear County Executive Ruppersberger,

I am writing you in connection with the proposed construction of the Village Care Nursing Facility (Project #03-377). I urge you to support the wishes of the local residents in opposition to the project.

The development of a 150 bed nursing home in the midst of a residential area is totally inappropriate. The only reason a commercial develop-

could ever be considered it because a portion of the Balmuchity mansion property was zoned commercial to allow a bed and breakfast in the mansion. To use that variance in the zoning plan in order to permit a large commercial development in a residential neighborhood would be detrimental to the community in which we live. The traffic volume on Milton Wilson La. is already dangerous to pedestrians. The added traffic would make it even more so.

Truly yours

Richard Tritel

8808 Orchard Rd.
Baltimore Md. 21208

April 16, 1996

Dear Planning Board Member,

My name is Kate Ellison. I am Bonnie Buikema's daughter. I'm 10 years old and have lived in Pikesville Farms all my life.

It hurt me to see the Cobblestone area being built and it will hurt me to see these gardens destroyed just to build a nursing home.

If Mr. Rynd moved the gardens it is just going to hurt even worse because then to look at the gardens would remind us of what he did.

These gardens have a past. I think the Secret Garden and the Balmuckety gardens fit together perfectly. They are like identical twins! They both have a story about the families that built them. Also in both cases it is like the kids go in there but the grown-ups won't. They are both sort of hidden too. The Secret Garden is behind a wall and Balmuckety Gardens are behind box wood bushes

Now that I know moor about the Balmuckety Gardens I love them and it would crea. my heart to see them destroyed.

Sincerely,
Kate Ellison

Dear Planning Board Member,

Have you ever been in the community of Pikesville Farms? It's a quiet, friendly, safe and residential neighborhood. I have lived here for eighteen years. My late husband and I decided to move here when we wanted to start a family. We learned about the close knit fabric of this neighborhood from the previous owner of our house, who was also a friend of ours.

Our son has grown up exploring our neighborhood among friendly neighbors and safe surroundings. One day I asked him where he had been (he was about six or seven years old), he said he was playing with a friend in their "secret garden". That was my introduction to Balmuckety Mansion and its' special gardens.

The proposed plan to build Village Care Nursing Home will change the character of this neighborhood and destroy an important part of our community. Our environment will be harmed when mature trees will be cut down, and additional pollutants will be added to our stream from its parking lots. Oil, gasoline and antifreeze will wash from there into their drainage pond and ultimately into our stream, to the bay.

Boxed-in as we are, with 140, 695, and 795 the loss of trees, open space and natural habitat are at a premium.

Please, consider the incredible impact this will make on future generations in this neighborhood and our whole area.

Thank you for your consideration.

Sincerely,

Elizabeth Langrehr
104 Nelson Road
Baltimore, MD 21208
(410) 486-0672

Fri.
3-29-96

Zoning Commissioner:

After living in my peaceful little community 49 years I hate to see all these changes and I hope maybe if all the letters came in there wouldn't be all the changes stated for my small little peaceful neighborhood.

Sincerely,
J. Philip Dotte
8806 Tipesville Rd.

109 Mt. Wilson
Pikesville, Md.
21208

April 10, 1996

Zoning Commissioners
Baltimore County
Towson, Md.

Sirs:

Many springs have been beautiful at Balmuckety. The gardens were considered so important that a color lithograph covered one whole wall at the Tea Room in the old Hutzler's Towson. As late as 1990 these gardens were still being maintained

Since there is barely a 50' strip separating these gardens from property already being maintained and owned by the County (the Woodholme Recreational Field serving Pikesville and other Northwest communities) it would be senseless to destroy the gardens when they could be used for many worthwhile and educational purposes.

This is not a commercial area. Preserving these gardens would go a long way toward healing the wound caused by the crass destruction of the Owings Mills Homestead (1767 - 1996).

Very sincerely,
Mary C Harmon

3/11/96

To Zoning Commissioner

RE: Case NO 96-284-SPHX

It is my understanding that the Balmuckety Manoir on Mt. Wilson and Iron horse was zoned BL for a bed and breakfast, well a one hundred fifty bed nursing home is a big difference. Mt. Wilson Lane is a two lane road with a strip mall and funeral home (the only jewish one in the Baltimore area) at one end. A major care facility and a Rabbinical College areat the other end. The traffic now is bad enough and the funeral home has not opened yet.

There are communities on both sides of Mt. Wilson. The thought of three shifts of workers, supply trucks, and visitors coming through our neighborhood is not right. If this is approved I feel you have done all of us a great wrong.

A historical mansion and gardens would be an asset to the Baltimore area. It would provide a link to the past.

My wife and I are just working people. We have two daughters in college. Both of us do not get paid if we miss work, so we will not attend the meetings. We will be waiting for your decision, please vote with your heart.

— RANDAPH BURDGE

Martha Burdge — MARTHA BURDGE

8813 ORCHARD ROAD
PIKESVILLE MD 21208 (410) 486-3525

March 11, 1996

Dear Zoning Commissioner,

I am very concerned about our neighborhood, and I am against the nursing home being built in our neighborhood.

I like the quiteness, and the amount of traffic coming through our neighborhood. If we had the nursing home this would change a greatdeal.

Mount Wilson Lane does not have a walkway for all of the walkers that would be walking from the bus line.

I also feel that the wild life would be effected a great deal. A lot of our wild life would leave our area if the nursing home were built. Thank you

Terry L. Carico
8810 Orchard Rd.
Rockville MD
21208

Terry L. Carico

THE STORY OF THE RAINBOW

In every bright rainbow
God's story is told
And our hearts remember
Its message of old,
So we can be certain
That each rain-filled day
Will leave behind sunshine
To brighten our way.

THE RAINBOW KEEPS OUR FAITH BRIGHT

Just knowing the rainbow
Will follow the rain
Can keep our faith glowing
Through sorrow and pain,
And knowing that heaven
Will send down God's light
Is a constant reminder
That keeps our faith bright.

From the desk of

March 12, 1996

Linda Polovay

To: Zoning Commissions

Re: Case No 96 284 SPHX

Dear Sirs,

This letter is to object to the construction of Village Care Nursing Home.

The proposed site is on a large hill on Mt Wilson Lane. There are several "blind spots" each way. There's no sidewalks to walk on to escape oncoming cars & no traffic lites to stop traffic.

Also, ~~when~~ if a parking lot is built; as there are no storm drains, the oil baks will be running into local streams leading to pollution. This poses a health & safety risk to our community, & our

From the desk of

Linda Polovay

children as well as the upcoming school to be built next door to this site & it's children.

Also threatened are the wildlife & rare natural beauty & rustic charm of this quaint neighborhood which seems to be becoming of historic value in the very near future.

I think there would be other areas which would be more suitable for this type of business.

Please reject Mr. Lynd's proposal. Call me anytime for a tour of this rare & special community

Linda Polovay
117 Nelson Rd
Balto., Md 21208

To: ZONING COMMISSIONERS OF BALTIMORE COUNTY

3/11/96

RE: RE-ZONING OF BALMUCKETY MANSION AND GARDENS

From: ROBERT BUCZEK
114 NELSON RD
PIKESVILLE, Md. 21208
PHONE (410) 653-3469

DEAR SIRS;

FIVE YEARS AGO, WHEN MY REAL ESTATE AGENT GAVE ME A LISTING ON NELSON RD, I LOOKED AT THE LOCATION AND SAID TO HER "CHERIE, WHO IN THE HELL WANTS TO LIVE AT REISTERSTOWN ROAD AND THE BELTWAY!".

BUT WHEN I TURNED OFF OF MT. WILSON LANE AND ONTO ORCHARD RD, I FELT LIKE I HAD STEPPED BACK IN TIME TO ANDY OF MAYBERRY IN THE FIFTIES. THE ENTIRE COMMUNITY WAS EVEN MORE 'RURAL' THAN THE CARROLL COUNTY TOWNS THAT I HAD LIVED IN FOR THE LAST TEN YEARS. I HAVE NEVER FALLEN OUT OF LOVE WITH THIS COMMUNITY.

AS I WAS MOVING IN, EVERY SINGLE NEIGHBOR WITHIN VIEWING DISTANCE CAME OVER TO INTRODUCE THEMSELVES AND OFFER ASSISTANCE AND ADVICE. EVEN TO THIS DAY THERE IS A CAMARADERIE THAT I HAVE NEVER EXPERIENCED ANYWHERE ELSE IN MY LIFE. EVEN TO THIS DAY, FRIENDS AND FAMILY WHO COME TO VISIT STILL NOTICE THAT THE NEIGHBORHOOD KIDS CAN STILL LEAVE THEIR BIKES AND ROLLERBLADES TEN FEET OFF THE ROAD AND THEY ARE STILL THERE THE NEXT MORNING.

(OVER)

BUT OVER THE LAST FIVE YEARS TRAFFIC HAS BECOME MORE AND MORE FRANTIC AND EVEN DANGEROUS! THERE'S A COUNTY PARK RIGHT ACROSS THE STREET BUT IT'S A DAILY GAME OF RUSSIAN ROULETTE WITH SPEEDING CARS WHEN I TAKE MY DOG FOR A WALK OR GO OVER THERE TO JOG.

IN THE LAST YEAR OR SO I HAVE GOTTEN INTO THE HABIT OF SETTING APPOINTMENTS WITH A "TRAFFIC-PENDING" PROVISO. WILL THERE BE TIME DELAYS DUE TO CONSTRUCTION? WILL TRAFFIC COME TO A TWENTY-MINUTE STOP BECAUSE OF A SERIOUS ACCIDENT?

ON A FINAL NOTE, I COLLECT ANTIQUES AND ONE REASON THEY ARE SO EXPENSIVE IS BECAUSE ONCE THEY ARE GONE, THEY ARE GONE FOREVER. WE ARE TRULY ONLY CARETAKERS DURING OUR LIFETIMES FOR THE ARTIFACTS FROM THE PAST THAT CHRONICLE OUR FELLOW MAN'S ENDEAVORS TO LIVE AND HIS SENSE OF AESTHETICS. A THREE-HUNDRED YEAR OLD HOUSE OR PIECE OF FURNITURE WAS ONCE ONLY A ONE-HUNDRED YEAR OLD HOUSE OR PIECE OF FURNITURE.

BALMUCKEY MANSION'S ORIGINAL B/L ZONING WOULD PRESERVE THE FORM AND INTENT OF IT'S ARCHITECTURE AND GARDENS BUT TO CHANGE THE ZONING COULD EFFECT A DEATH SENTENCE TO A SMALL BUT SWEET PART OF NORTHERN BALTIMORE COUNTY'S HERITAGE THAT WILL NEVER BE ABLE TO BE RETRIEVED.

RESPECTFULLY,

Robert D. Bryant

of are now displayed in the Smithsonian Museum.

We think its a National crime that more of our History is not preserved. When we think of the Buildings and gardens in Europe that are Centuries old and see our antique Buildings and artifacts being destroyed indiscriminately with no thought of their historical value it makes us ill.

Please Vote against the destroyal of this important piece of our National History

Mary and William Croghan
1-410 486 8392

115 NELSON Rd
Pikesville Md 21208

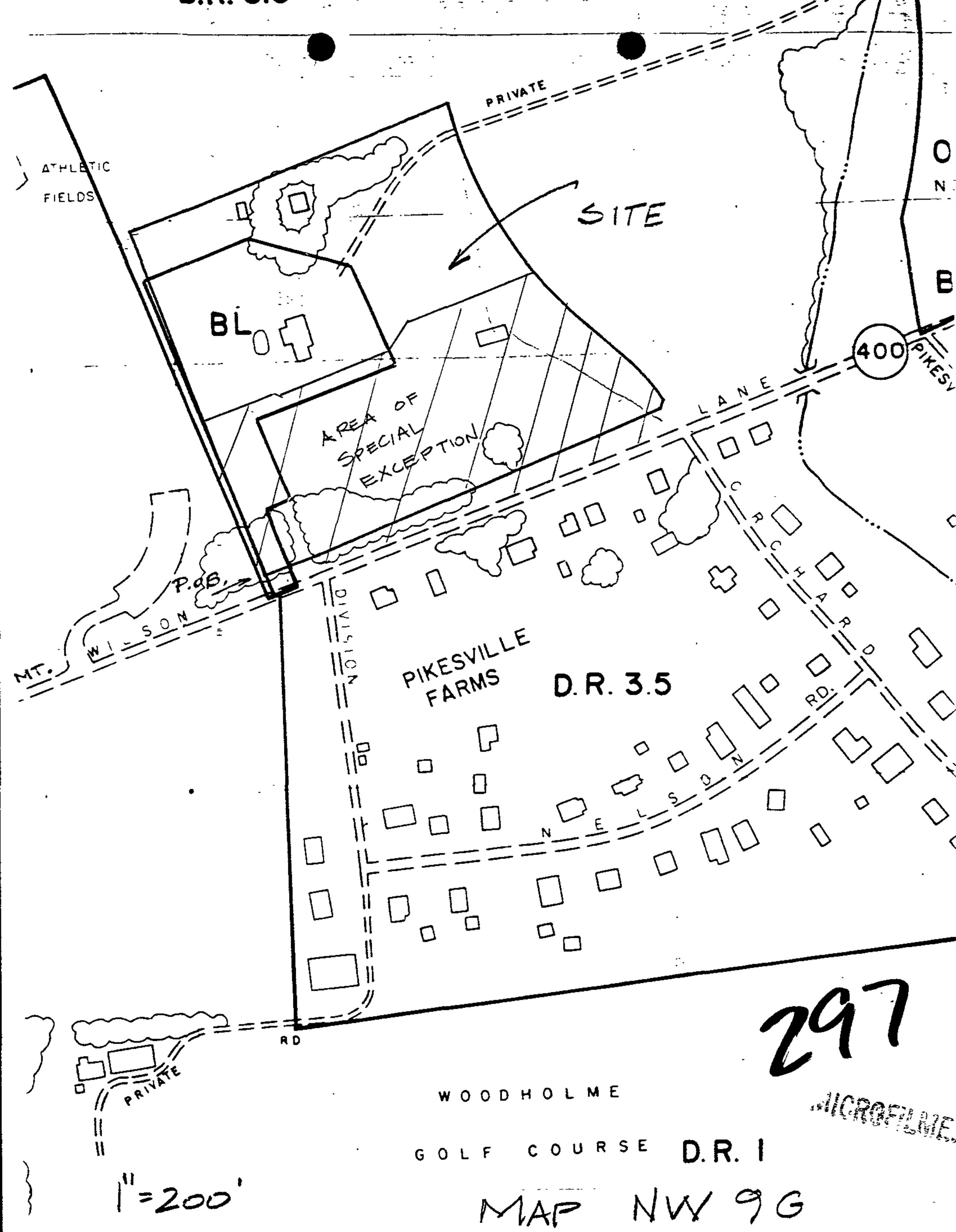
Members of the Zoning Commission of Baltimore County

Dear Sirs,

We are writing in reference to case 96-284-SPHX, the Balmoral House and gardens.

We live in the Pikesville farms community and are very interested in preserving the House and gardens as part of our National heritage.

We are very interested in antique houses and furniture. I am an amateur Refinisher and have refinished several pieces from the early part of the Century. We also have a Silver Service made by Reid and Barton Silversmiths from early 1800's which is an exact duplicate



297

MICROFILMED

TRANS ISOMERISM illustration, INDIGO illustration, MENTHANE illustration

structural-functional \ˈ=(=)=ˈ=(=)=\ *adj* : combining the approaches of the structuralist and functionalist schools of sociology and social anthropology; *specif* : analyzing established institutional relationships and their societal functioning

structural geology *n* : a branch of geology that deals with the form, arrangement, and internal structure of rocks — called also *geotectonic geology*

structural iron *n* : iron worked or cast in structural shapes

struc·tur·al·ism \ˈstrəkchərə,lizəm, -ksh(ə)r-\ *n* -s **1** : a theory that emphasizes the importance of structure as contrasted with function in mental life: as **a** : the introspective analysis of consciousness **b** : ORGANICISM b **2** : the practice of structural methods in linguistics

structural isomerism *n* : isomerism in which atoms are linked in a different order — sometimes distinguished from *stereoisomerism;* compare POSITION ISOMERISM

¹struc·tur·al·ist \ˈstrəkchərələ̇st, -ksh(ə)r-\ *n* -s **1** : an adherent or follower of structuralism **2** : one stressing the more formal, organizational aspects of social life (as embodied in kinship regulations, marriage forms, clan and moiety systems)

²structuralist \"\ *also* **struc·tur·al·is·tic** \ˌ=(=)=ˈlistik\ *adj* : of or relating to structuralism

struc·tur·al·iza·tion \ˌstrəkchərələˈzāshən, -ksh(ə)r-, -ˌlīˈz-\ *n* -s **1** : the process of structuralizing **2 a** : assimilation into a formal social structure ⟨the ~ of clerical duties⟩ **b** : embodiment of social and cultural patterns of thought in the individual personality ⟨the ~ of a person's outlook by his environment⟩

struc·tur·al·ize \ˈ=(=)=ˌlīz\ *vt* -ED/-ING/-S : to embody in structural or material form: as **a** : to embody (a function or group of functions) in an organic or other organizational structure **b** : to incorporate into a formal pattern or institution ⟨culture ~*s* individual behavior⟩

structural lumber *n* : lumber that is intended for use where working stresses are required and that is two or more inches thick and four or more inches wide

struc·tur·al·ly \-ˌlē, -li\ *adv* : in a structural manner : in regard to structure

structural psychology *n* : STRUCTURALISM 1

structural steel *also* **structural** *n* -s **1** : rolled steel in structural shapes **2** : steel suitable for structural shapes

structural terrace *n* : a local flattening in an otherwise uniformly tilted series of strata

struc·tur·a·tion \ˌstrəkchəˈrāshən, -kshə̇ˈ-\ *n* -s **1** : the interrelation of parts in an organized whole **2** : STRUCTURALIZATION 2b

¹struc·ture \ˈstrəkchə(r), -ksh-\ *n* -s [ME, fr. L *structura*, fr. *structus* (past part. of *struere* to pile up, arrange, build) + *-ura* -ure; akin to L *strues* heap, *sternere* to spread out, throw down — more at STREW] **1** : the action of building : CONSTRUCTION **2 a** : something constructed or built ⟨a laboratory housed in a temporary wooden ~⟩ ⟨the dam is a massive ~⟩ ⟨demolish any building, highway, road, railroad, excavation, or other ~ —T.W.Arnold⟩ ⟨a ~ of posts or stakes across a stream —F.W. Bradley⟩ ⟨~*s* experimented with . . .: oxygen-pressure suits, oxygen-pressure balloon gondolas and pressure cabin airplanes —H.G.Armstrong⟩ ⟨all vegetable fibrous ~*s* felted from a water suspension on a wire screen —*Paper & Paperboard*⟩; *esp* : a building of imposing size : EDIFICE ⟨the civic auditorium . . . is the city's most important public ~ —*Amer. Guide Series: Mich.*⟩ **b** : something made up of more or less interdependent elements or parts : something having a definite or fixed pattern of organization ⟨leaves and other complex plant ~*s*⟩ ⟨a glandular ~ at the base of the brain⟩ ⟨light provided by a fluorescent ~⟩ ⟨collapse the delicate, incomplete ~ of agreement —Kenneth Love⟩ ⟨the Nazi ~ of falsified facts and perverted history —Alfred Frankfurter⟩ ⟨any object which is in some sense an organized whole is said to have, or to be characterized by, ~ —W.C.Clement⟩ ⟨the political and institutional ~ of the Commonwealth has been built, and continues to develop, round this living core of tradition and culture —H.D.Hall⟩ ⟨events, or material objects, whose mutual spatial relationships are regarded as constant, constitute a ~ —L.A.White⟩ **3** : the manner of construction : the way in which the parts of something are put together or organized : FORM, MAKEUP ⟨a rambling country house, basically Gothic in plan, ~, and mass —H.S.Morrison⟩ ⟨~ means the ways in which the stars are organized into clusters and other multiple systems —G.W.Gray b.1886⟩ ⟨primitive societies are . . . pretty rigid and uniform in ~ —J.D.Adams⟩ ⟨the ~ of a novel⟩ **4** : the arrangement of particles or parts in a substance or body ⟨the ~ of soil⟩ ⟨the ~ of a plant⟩ ⟨the ~ of an animal⟩: as **a** : the arrangement and mode of union of the atoms in a molecule — compare CONSTITUTION 4 **b** : the attitude and relative positions of rock masses consequent upon deformative processes (as folding, faulting, and igneous intrusion) ⟨an anticlinal ~⟩ ⟨a basin-and-range ~⟩ ⟨an alpine ~⟩ **c** : the arrangement of a rock mass with respect to the larger features (as jointing, columnar and platy parting, bedding) — compare TEXTURE **5** : the interrelation of parts as dominated by the general character of the whole ⟨economic ~⟩ ⟨financial ~⟩ ⟨personality ~⟩ ⟨political ~⟩ ⟨symphonic ~⟩ ⟨tax ~⟩ — see SOCIAL STRUCTURE **6** : the elements or parts of an entity or the position of such elements or parts in their external relationships to each other: as **a** (1) : the components of a language (as phonemes, morphemes) and the way in which they are related — compare PHONEMICS, MORPHOPHONEMICS, MORPHOLOGY, SYNTAX (2) : the finite system of such components and their relations **b** (1) : the composition of conscious experience with its elements and their combinations (2) : GESTALT (3) : the anatomical basis of behavior consisting esp. of nerve and muscle tissue **7** : the element that is common to all true interpretations of a logical or mathematical calculus

²structure \"\ *vb* **structured; structured; structuring** \-kchər, -ksh(ə)r + *-ing*\ **structures** *vt* **1** : to form into an organized structure : BUILD, ORGANIZE ⟨the author has *structured* his book as a simple chronology —E.B.Pettet⟩ ⟨this book succeeds in *structuring* an admirable vantage point —J.G. Brin⟩ ⟨the male in the old-style mammal was largely *structured* for aggressive competition —Weston La Barre⟩ ⟨the way in which our collegiate education is *structured* —E.A.Walker⟩ as **a** (1) : STRUCTURALIZE (2) : to put into a meaningful frame of reference ⟨a theory to ~ empirical research⟩ ⟨the part of television in *structuring* public events⟩ **b** : to establish the relationship between components of: as (1) : to define the psychological relationships in ⟨~ a situation⟩ ⟨~ the perceptual field⟩ (2) : to formalize the role of (as a psychotherapist or a patient) (3) : to set up the rules or the agenda to be followed in (as an interview or a test) with respect to interpersonal conduct **2** : to assign (a linguistic element) to a function or a relation within a system ~ *vi* : to function or become related — used of a linguistic element

structured *adj* : having definite structure : exhibiting organized structure or differentiation of parts

struc·ture·less \ˈ=ləs\ *adj* : lacking definite structure or organization; *usu* : devoid of cells : HOMOGENEOUS ⟨a ~ membrane⟩ — **struc·ture·less·ness** *n* -ES

stru·del \ˈs(h)trüd³l\ *n* -s [G, lit., whirlpool, fr. MHG; akin to OHG *stredan* to bubble, Gk *rhothos* roar of the waves, noise, Skt *sarati* it flows — more at SERUM] : a sheet of paper-thin dough rolled up with any of various fillings and baked

¹strug·gle \ˈstrəgəl\ *vb* **struggled; struggled; struggling** \-g(ə)liŋ\ **struggles** [ME *struglen*] *vi* **1** : to make violent, strenuous, labored, or convulsive exertions or efforts against difficult or forceful opposition or impeding or constraining circumstances : STRIVE, CONTEND ⟨they *struggled* about the trough is furiously as a litter of pigs —T.B Costain⟩ ⟨with the driven mortality of church fathers *struggling* to formulate deep holes and *struggled* out —Willa Cather⟩ ⟨ancient Egypt was just *struggling* out of barbarism —Geoffrey Boumphrey⟩ ⟨the band *struggled* through the . . . national anthem —*Time*⟩ ⟨the college *struggled* along until 1855 —*Amer. Guide Series: [illegible]*⟩ ~ *vt* : to bring to a desired state or condition by or as if by a struggle ⟨*struggled* down the last of his emotions —R.L. Stevenson⟩ **syn** see TRY

²struggle \"\ *n* -s **1** : an act of earnest striving : a violent effort or exertion (as to obtain an object, overcome a difficulty, or avert an evil) ⟨if he makes no effort — shrinking without a ~ from his duty — he himself will not the less certainly perish —Thomas De Quincey⟩ ⟨a ~ for freedom of thought⟩ ⟨a ~ with disease⟩ ⟨the boy had a ~ for a living⟩ ⟨the orchestra's ~ for survival⟩ **2** : CONTEST, CONTENTION, STRIFE ⟨the ~ between the natural sciences and religion ended in an armistice —Zechariah Chafee⟩ ⟨attempts to express in musical form the ~ between sacred and profane love —Edward Sackville-West & Desmond Shawe-Taylor⟩ ⟨the ~ with communism⟩ ⟨a ~ over a political issue⟩ ⟨a legal ~⟩ ⟨in the course of the ~ he was made prisoner and harshly treated —E.M.Coulter⟩

struggle for existence : the automatic competition of the members of a natural population for a limited supply of vital necessities resulting in elimination of inadequately adapted individuals and hence in selection of the better-adapted as breeding stock — compare NATURAL SELECTION

strug·gler \-g(ə)lə(r)\ *n* -s : one that struggles

struggling *adj* : engaged in a struggle esp. to overcome poverty or obscurity ⟨a ~ artist⟩ ⟨a ~ school⟩ — **strug·gling·ly** *adv*

struld·brug \ˈstrəl(d),brəg\ *n* -s *usu cap* [*Struldbrug*, one of a class among the inhabitants of the imaginary country Luggnagg, in the book *Gulliver's Travels* (1726) by Jonathan Swift †1745 Eng. satirist, composed of persons who can never die] : one of a class of imaginary persons who can never die but who are declared dead in law at the age of 80 and live on wretchedly at state expense

¹strum \ˈstrəm\ *n* -s [ME *strom, strumme*] : STRAINER ⟨a wickerwork ~ for straining malt⟩ ⟨a metal ~ for a suction pipe of a pump⟩

²strum \"\ *vb* **strummed; strummed; strumming; strums** [imit.] *vt* : to play on or as if on (a stringed musical instrument) esp. in an offhand or careless way : THRUM ⟨~ a guitar⟩ ⟨the howling winds *strummed* the rigging —H.A.Chippendale⟩ ~ *vi* : to play on or as if on a stringed musical instrument ⟨a rain of missiles that *strummed* against the canvas —Lilian Brown⟩

³strum \"\ *n* -s : the act or sound of strumming ⟨the ~ of typewriters —John Summerson⟩

stru·ma \ˈstrümə\ *n, pl* **stru·mae** \-ü,mē, -ˌmī\ [L, scrofulous enlargement of glands, goiter] **1** : enlargement of an organ (as a breast or lymph gland); *specif* : GOITER **2** [NL, fr. L] : a cushion-shaped swelling on any organ; *esp* : a swelling at the base of the capsule in many mosses

stru·mel·la \strü'melə\ *n, cap* [NL, fr. L *struma* + NL *-ella*] : a form genus of imperfect fungi (family Tuberculariaceae) characterized by ovate nonseptate brown conidia

strum·mer \ˈstrəmə(r)\ *n* -s : one that strums ⟨as on a piano or mandolin⟩

stru·mose \ˈstrü,mōs\ *adj* [L *strumosus* having a scrofulous swelling of glands, fr. *struma* + *-osus* -ose] : having a struma

stru·mous \-məs\ *adj* [L *strumosus*] : having, relating to, or connected with a struma; *specif* : GOITROUS

¹strum·pet \ˈstrəmpə̇t, *usu* -ə̇d·+V\ *n* -s [ME *strumpet, strompet*] : PROSTITUTE, HARLOT

²strumpet \"\ *vt* -ED/-ING/-S **1** *obs* : DEBAUCH **2** : to brand as a strumpet **3** : BELIE, SLANDER

strung *past of* STRING

strung-up \ˈ=ˌ=\ *adj* [fr. past part. of *string up*, v.] : HIGH-STRUNG

¹strunt \ˈstrənt, -rünt\ *n* -s [obs. E *strunt*, adj., stubby, perh. alter. of E *¹stunt*] **1** *chiefly Scot & dial Eng* : the stump of a tail **2** *chiefly Scot & dial Eng* : a tail denuded of feathers or hair

²strunt \"\ *vt, dial chiefly Eng* : to dock (a tail)

³strunt \"\ *n* -s [origin unknown] *dial Brit* : DISPLEASURE, AFFRONT, OFFENSE

⁴strunt \ˈstrənt\ *vi* [by alter.] *Scot* : STRUT

⁵strunt \"\ *n* -s [origin unknown] *Scot* : LIQUOR

¹strut \ˈstrət, *usu* -əd·+V\ *vb* **strutted; strutted; strutting; struts** [ME *strouten*, fr. OE *strūtian* to exert oneself; akin to MHG *striuzen* to resist, ON *strūtr* conical upper part of a hood, L *struma* scrofulous enlargement of glands, goiter, OE *starian* to stare — more at STARE] *vi* **1** : to become turgid : SWELL ⟨freshly cut unwilted tobacco plants ~ when exposed to rain⟩ **2** : to walk with a lofty proud gait and an erect head; *esp* : to walk with pomposity or affected dignity : SWAGGER ⟨pompous little dictator swells with pride and importance as he ~*s* up and down his study —Martin Turnell⟩ ⟨when he has a little spurt of good fortune, he patronizes all his friends and starts to ~ —Erle Stanley Gardner⟩ ⟨the simple words have been made to ~ and posture and take on an emphasis which makes them ridiculous —Virginia Woolf⟩ ~ *vt* **1** : to stretch or thrust out : PROTRUDE, BULGE, DISTEND ⟨should the udder still remain highly *strutted* —*Dairy Goat*⟩ **2 a** : to walk over with a swaggering gait : stride proudly over **b** : to deliver ⟨as a speech or an actor's lines) in a swaggering manner **c** : to parade (as fine clothes or jewelry) with a show of pride ⟨the boys who labor in the music halls and show shops *strutted* their most elaborate accomplishments —*N.Y.Times*⟩ — **strut one's stuff** *slang* : to display one's best work : show off

²strut \"\ *n* -s **1 a** : a bar (as a member in a frame, structure, or machine) designed to resist pressure in the direction of its length ⟨a basement floor may be used as a ~ between opposite walls —C.W.Dunham⟩ ⟨a ~ supporting a rafter⟩ ⟨an airplane landing-gear ~⟩ ⟨a ~ of thin bone in the cavity of a long bone⟩ — compare BRACKET, STAY, TIE; see ROOF illustration **b** : an outboard support between the stern tube and the propeller on a ship having more than one propeller shaft **2 a** : the act of strutting : a pompous step or walk ⟨his walk was a self-important ~ —A.W.Turnbull⟩ **b** : OSTENTATION

³strut \"\ *vt* **strutted; strutted; strutting; struts** [²*strut*] : to provide, stiffen, support, or hold apart with or as if with a strut

strutbeam *n* : a beam used as a strut; *specif* : COLLAR BEAM

struth \ˈstrüth\ *interj* [short for *God's truth*] — used as a mild oath

stru·thi·an \ˈstrüthēən, -üth-\ *adj* [NL *Struthio* + E *-an*] : STRUTHIOUS

stru·thi·form \ˈstrüthəˌfȯrm, -üth-\ *or* **stru·thii·form** \-thēəˌfȯrm, -thē-\ *adj* [*struthi-* (fr. NL *Struthio*) + *-form* or *-iform*] : resembling an ostrich

stru·thio \ˈstrüthē(ˌ)ō, -üth-\ *n, cap* [NL *Struthion-, Struthio*, fr. LL, ostrich, irreg. fr. Gk *strouthos* ostrich, sparrow; perh. akin to OE *thrysce* thrush — more at THRUSH] : a genus (the type of the family Struthionidae) of birds comprising the African ostriches — **stru·thi·oid** \ˈ=ˌȯid\ *adj or n*

stru·thio·mi·mus \ˌ=(ˌ)=ˈmīməs\ *n, cap* [NL, fr. *Struthio* + *-mimus*] : a genus of small light-boned saurischian dinosaurs lacking teeth, resembling ostriches in size and proportions, and found in the Upper Cretaceous of Alberta, Canada

stru·thi·o·nes \ˌ=ˈō,nēz\ *n pl, cap* [NL, fr. LL, pl. of *struthion-, struthio* ostrich] **1** *in former classifications* : a major division of Aves equivalent to Ratitae **2** *in some classifications* : a suborder or other group equivalent to Struthioniformes

stru·thi·on·i·dae \ˌ=ˈänəˌdē\ *n pl, cap* [NL, fr. *Struthion-, Struthio*, type genus + *-idae*] : a family of ratite birds (order Struthioniformes) comprising the African ostriches or made coextensive with the order or in former classifications including also the rheas and various other ratite birds

stru·thi·on·i·form \ˈ=ˌänəˌfȯrm\ *adj* [NL *Struthioniformes*] : of or relating to the Struthioniformes : resembling an ostrich

¹stru·thi·on·i·for·mes \ˌ=ˌ=ˈfȯrˌmēz\ *n pl, cap* [NL, fr.

strut·ter \ˈstrəd-ə(r), -ətə-\ *n* -s [ME *strouter* one that blusters, fr. *strouten* to swell, bulge, bluster + *-er* — more at STRUT] : one that struts

¹strutting *adj* [ME *stroutinge* that swells or bulges, fr. pres. part. of *strouten* to swell, bulge] : that struts — **strut·ting·ly**

²strut·ting \ˈstrəd·iŋ, -ətiŋ, -ēŋ\ *n* -s [²*strut* + *-ing*] : STRUTS; *specif* : BRIDGING 2

strut·ty \ˈstrəd-ē, -ətē, -i\ *adj* -ER/-EST **1** : inclined or disposed to strut ⟨he was smallish and ~ —H.L.Davis⟩ **2** : marked by a strut ⟨his ~, bull-like posture —Adria Langley⟩

stru·vite \ˈstrü,vīt\ *n* -s [Sw *struveit*, fr. H. C. G. von *Struve* †1851 Russ. diplomat + Sw *-it* -ite] : a mineral $Mg(NH_4)(PO_4).6H_2O$ consisting of a hydrous ammonium magnesium phosphate and occurring in white orthorhombic-hemimorphic crystals (hardness 2, sp. gr. 1.7)

strych·nia \ˈstriknēə\ *n* -s [NL, fr. *Strychnos*] : STRYCHNINE

strych·nic \-nik, -nēk\ *adj* [ISV *strychn-* (fr. NL *Strychnos*) + *-ic*] : of, relating to, or produced by strychnine ⟨~ poisoning⟩

¹strych·nine \ˈstrik,nīn, -ˌnən, -ˌnēn\ *n* -s [F, fr. NL *Strychnos* + F *-ine*] **1** : a very poisonous bitter crystalline alkaloid $C_{21}H_{22}N_2O_2$ obtained from various plants of the genus *Strychnos* (as nux vomica and St.-Ignatius's-bean) and used in medicine chiefly in the form of the sulfate or phosphate as a tonic and stimulant for the central nervous system and also as a rodenticide **2** : NUX VOMICA 2

²strychnine \"\ *vt* -ED/-ING/-S : to poison by strychnine

strych·nin·ism \-ˌnizəm\ *n* -s [ISV ¹*strychnine* + *-ism*] : a toxic condition produced by the excessive use of strychnine : chronic strychnine poisoning

strych·nin·iza·tion \ˌ=(ˌ)=nəˈzāshən, -ˌnīˈz-\ *n* -s [¹*strychnine* + *-ization*] : the act of strychninizing

strych·nin·ize \ˈ=(ˌ)=ˌnīz\ *vt* -ED/-ING/-S [¹*strychnine* + *-ize*] : to subject to the action of strychnine

strych·nos \ˈstriknəs, -ˌnäs\ *n, cap* [NL, fr. L, nightshade, fr. Gk] : a large genus of tropical trees and woody tendril-climbing vines (family Loganiaceae) having 3- to 5-nerved leaves, cymose flowers with a salver-shaped corolla, and a 2-celled ovary that becomes in fruit a berry with a thick rind — see CURARE, NUX VOMICA, STRYCHNINE; compare BRUCINE

stry·mon \ˈstrīˌmän\ *n, cap* [NL, prob. fr. Gk *Strymōn* Strymon, river in southwestern Bulgaria and northern Greece] : a large and widely distributed genus of hairstreak butterflies including a few (as *S. melinus*) with larvae that are destructive pests of various economic plants

strype *Scot var of* ¹STRIPE

STS *abbr* **1** serologic test for syphilis **2** special treatment steel

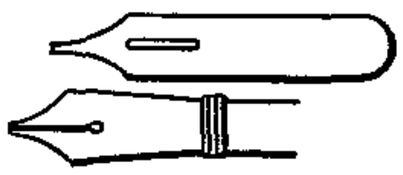
stsm *abbr* statesman

¹stu·art \ˈst(y)üə(r)t, -)ü(ə)rt, -)u̇ət, *usu* -d·+V\ *n* -s *usu cap* [*Stuart*, Scottish and English royal house] : a member or supporter of the British house of Stuart

²stuart \"\ *adj, usu cap* : of, relating to, or characteristic of the periods or reigns of the Stuart kings of England — compare JACOBEAN, CAROLINE, RESTORATION

stu·ar·tia \st(y)ü'ärsh(ē)ə, -rd-ēə\ *syn of* STEWARTIA

¹stub \ˈstəb\ *n* -s *often attrib* [ME *stubb, stubbe*, fr. OE *stubb, stybb;* akin to ON *stubbi* stub, *stūfr* stump, Gk *stypos* stem, stump, *typtein* to beat, strike — more at TYPE] **1 a** : the part of a tree or plant that remains fixed in the earth when the stem is cut down or broken off : STUMP, SNAG ⟨solitary woodpeckers were drilling on the dead ~*s* —Hugh Fosburgh⟩ **b** : a short piece of a broken or trimmed branch remaining on the stem or trunk **2** : something fashioned or worn to a short or blunt shape: as **a** : an old or worn nail or piece of iron **b** : FENCE 6 **c** : STUB TENON **d** : a short broad file with a handle projecting at an angle suitable for filing broad flat surfaces **e** : a pen with a short blunt nib **f** : a usu. cylindrical and often metallic protuberance used to tune or adjust the impedance of transmission lines at such high frequencies that conventional coils and condensers are impractical **3** : a short blunt portion (as of a pencil, candle, or cigarette) remaining after the larger part has been broken off or used up **4** : something that appears cut short or stunted : a rudimentary growth (as of a feather or horn) **5 a** : a small portion of each leaf (as of a checkbook or receipt book) permanently attached to the backbone for memoranda of the contents of the part filled out and torn away **b** : the portion of a ticket (as of admission or of a checking service) torn off and returned to the user for verification or identification **6** : GUARD 9a, 9b **7** : a vertical column at the extreme left side of a statistical or mathematical table usu. containing items of subject matter that are treated in vertical columns to its right **8** : STUB TRACK



stubs 2e

²stub \"\ *vt* **stubbed; stubbed; stubbing; stubs** [ME *stubben*, fr. *stubb, stubbe*, n.] **1 a** : to grub or dig up by the roots : root out — usu. used with *up* ⟨*stubbing* up thornbushes⟩ ⟨the forest was gradually felled and *stubbed* up —A.C.Benson⟩ **b** : to remove trees, stumps, or scrub growth from (land) ⟨~*s* the heath to make his garden⟩ **c** : to hew or cut down (a tree) close to the ground **2 a** *archaic* : to reduce or wear down to a stub **b** : to make (as a knife or pencil) blunt at the point **3** : to lame (a horse) by allowing to walk over stubs ⟨brought the horse home badly *stubbed*⟩ **4 a** : to crush or drive (as stone) into the ground : PULVERIZE **b** : to extinguish (as a cigarette) by crushing ⟨finished his cigarette, *stubbed* it on the floor —Victor Canning⟩ — often used with *out* ⟨smoked her cigarette . . . then she *stubbed* it out —Elizabeth Goudge⟩ **5** : to strike (one's foot or toe) against a stub or stone ⟨*stubbed* his toe and fell heavily⟩ **6** : GUARD 6 **7** : to pluck the pinfeathers from (a fowl) ⟨birds are usually *stubbed* by female labor —W.P.Blount⟩

stub axle *n* : an axle supporting only one wheel and carried at the other end on the vehicle frame or some other support

stub·bi·ness \-bēnəs, -bin-\ *n* -ES : the quality or state of being stubby

¹stub·ble \ˈstəbəl\ *n* -s *often attrib* [ME *stuble, stubbel, stouple*, fr. OF *estuble, stuble*, fr. L *stupula* stalk, straw, alter. of *stipula* — more at STIPULE] **1 a stubbles** *pl* : a stump of a cultivated plant (as wheat, corn, clover, beans, or grasses) left in the ground after cutting or harvest ⟨the crisp fresh ~*s* dotted with shocked-up wheat and oats —Anthony West⟩ **b** : such stumps left in a field or area ⟨cattle are seen in the rice ~ during the fall and winter —*Amer. Guide Series: La.*⟩ **2** : the straw of grain or other stalks remaining after the harvest **3** : a rough surface or growth resembling stubble; *esp* : a short growth of beard ⟨the black unshaven ~ of his jaw —R.P. Warren⟩ **4** : short wool left on the sheep after shearing ⟨leaves enough ~ to protect sheep from cold —*advt*⟩ **5** : a blunt bristle (as in some mutant of drosophilas)

²stubble \"\ *vt* **stubbled; stubbled; stubbling** \-b(ə)liŋ\ **stubbles** : to leave in stubble : cover with stubble ⟨the *stubbled* prairies spread around her —Ethel Wilson⟩ ⟨black whiskers *stubbled* the small chin —K.M.Dodson⟩

stubbleberry \ˈ=ˌ= — *see* BERRY\ *n* : WONDERBERRY

stubble crop *n* **1** : a crop (as soybeans, buckwheat, turnips) sown on stubble after the grain is harvested for turning under as green manure **2** : a ratoon crop esp. of sugarcane

stubble field *also* **stubble** *n* -s : a field covered with stubble after harvesting

stubble goose *n* : GREYLAG

stubble mulch *n* : a lightly tilled mulch of stubble and plant residue left on the surface of the ground to prevent erosion, conserve moisture, and add organic matter to the soil

stubble-mulch farming *n* : TRASH FARMING

stubble plow *n* : a stirring plow with a steep moldboard for stubble land

T.	CASE NO.	START	END	SIDE	
10/15/96	97-112A 97-113A	477	551	1	153
"	97-114A	551	734	1	153
10/15/96	97-116 SPHA	734	[illegible]	1	153
"	"	000	643	2	153
10/17/96	97-74-SPH	643	end	2	153
"	"	000	end	1	158
"	"	000	337	2	158
Village (3 Days	CANE Tapes Hearings)		143-146, 159-161	154-157, 162-163	
10/22/96	unless and lot 4109 Wroth Rd	337	604	2	158
10/24/96	96-458-SPH	604	end	2	158
"	"	000	049	1	164
10/24/96	97-122A	049	123	1	164
"	97-123A	123	200	1	164

5/23/96

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME	ADDRESS
Jerome Kodden	400 MT Wilson Lane Balt. MD 21208 484-7200
Howard J. Dapp	316 Chalk Hill Rd - 602-3003
STEVE LANDSMAN	117 NELSON RD 653-7556
RAYMOND BURNS	115A MT WILSON LA 486-2841
Sharon Rice	111 Nelson Rd Pikesville Md 21208
[illegible]	[illegible]
Mary C Harmon	109 MT. Wilson Lane 21208

5/23/96

PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME	ADDRESS
JOHN LEWIS	PDM
DAVID A. BAYER	D.P.R.
Carol McEvoy	Planning
Adele Kass	Councilman Kamenetz
R. Bruce Seeley	DEPRM
DON RASCOE	PDM

10/10/94

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Robert D. Porter	305 W. Chesapeake Ave. Towson 21204
Richard Rynd	8570 Lesume Hill Dr Balto Md 21120
RICHARD E. MATZ	3727 OLD COURT ROAD, SUITE 200, 21208
JULIUS W. LICHTER	305 W. CHESAPEAKE AVEN 21204
Bill MONK	222 BISLEY AVE 21204
JACK HOLLICK	1045 TAYLOR AVE. (NELSON-SCHAFER)

10/10/96

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
JACK Hollick	NELSON-SALABES, INC.
Louis F Huber	Hsg & Health Ser. Inc. 8.0 Light St
BILL MONK	222 BOSLEY AVE SUITE C-6
RICHARD MATZ	19 MARGIE WOODS CT. 21208
JULIUS W. LICHTER	305 W. CHESAPEAKE AVE 21204
Sally Maloney	110 E. Penn. Ave. TOWSON 21
JOHN TASTET	15 IRON HORSE LN 21208
Jerome H Kodden	400 MT. Wilson Lane 21208
WES GUCKERT	40 W. CHESAPEAKE AVE TOWSON 21204
Richard Rynd	8570 LEISURE HILL DR 21206
Bo Kelly	7214 Bellona Ave 21212

96-284-SPHX

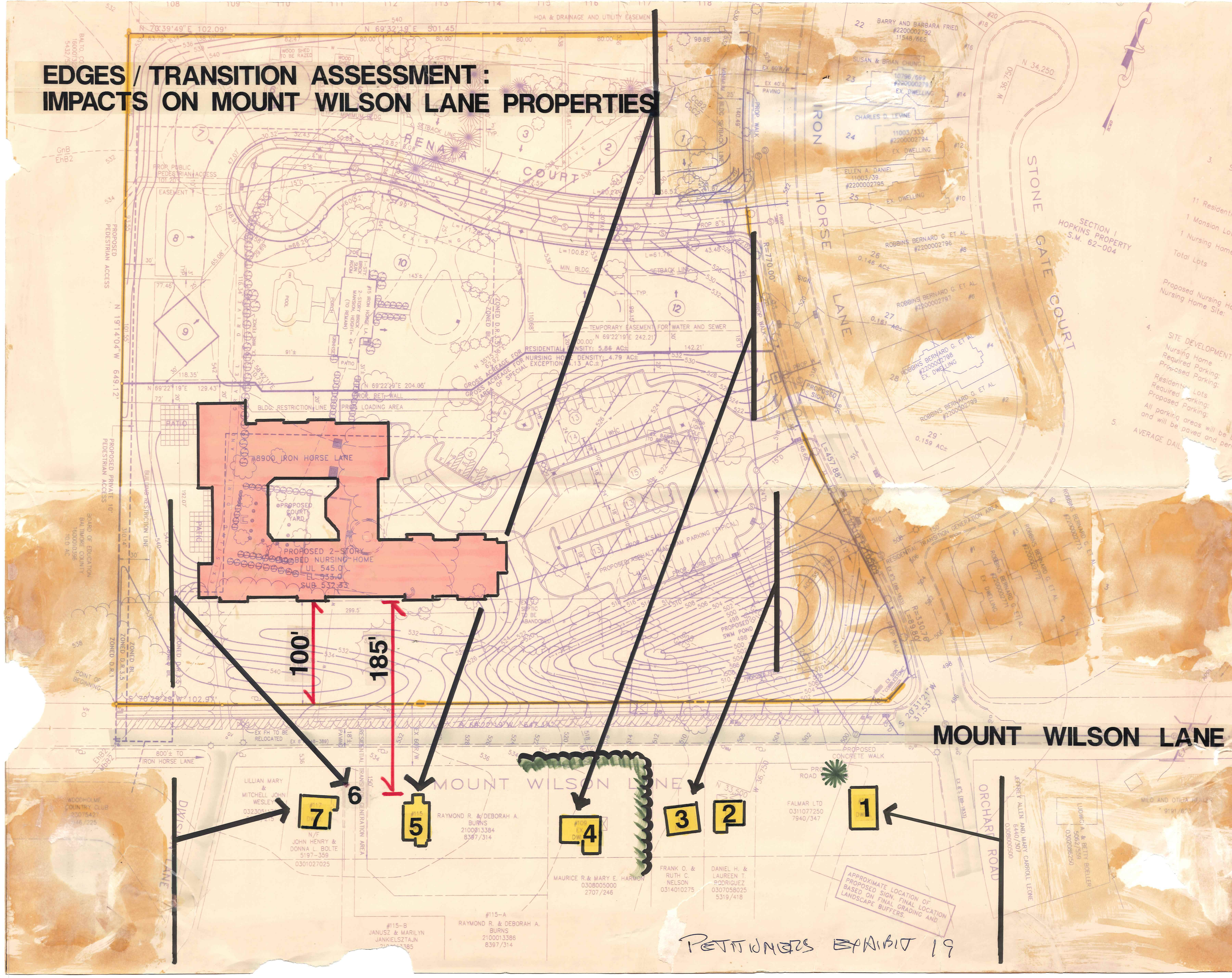
5

6

7

3

EDGES / TRANSITION ASSESSMENT : IMPACTS ON MOUNT WILSON LANE PROPERTIES



10/10/96

PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME	ADDRESS
Bob Bowling	Dev Plans Review
Ron Goodwin	PDM - Land Acquisition
Carol McEvoy	Planning
John McGrain	Planning
John Lewis	PDM, Zoning Rev
R. Bruce Seeley	DEPRM
Robert T. Wood	DEPRM - SWM

10/16/96

PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME	ADDRESS
Carol McEvoy	Planning Office

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
WES GUCKERT	40 W. CHESAPEAKE AVE
	TOWSON MD. 21204
JOHN TASTET	15 IRON HORSE LN
RICHARD RYAN	21085 7D Leisure Hill Dr
W B Kelly	7214 Bellona Ave.

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
J. Carroll Holzer	305 Washington Ave
	S. 502, Towson Md.
Sharon Rice	111 Nelson Rd Rockville Md 20850
Bonnie Buitema	8808 Orchard Rd.
Harry Wolfgang	303 OAKHILL DR.
Stuart Smelkinson	117 NELSON RD

PLEASE PRINT CLEARLY

Petitioner's
~~PROTESTANT~~(S) SIGN-IN SHEET

NAME	ADDRESS
Richard Fyne	8570 Heavine Hill Dr 21208
Bo Kelly	7214 Bellona Ave, 21212
FRITZ BEHLEN	DMW INC. 200 E. PENN AVE. TOWSON MD 21286
JOHN TASTET	15 IRON HORSE LN PIKESVILLE 21208

PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME	ADDRESS
Carol McEvoy	Planning
John McGrain	"
~~Bo Kelly~~	~~7214 Bellona Av~~
John Lewis	Zoning-Review: PDM
Bob Bowling	PDM
Don Rascoe	PDM

10/10/96

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
BUDDY BURNS	115A-Mt. WILSON LA. 21208
RUTH B. MASCARI	BALTO CO LANDMARKS COMMISSION
Al Kleeman	301 CHALK HILL DR 21208
JOHN McGRAW	Office of Planning

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Albert K Leeman	301 CHALK HILL DRIVE
J. Carroll Holz	305 Washington Ave
Buddy Burns	115 A Mt. Wilson La
Elizabeth Langstaff	104 Nelson Rd 21208
Sharon Rice	1" Nelson Rd 21208
Hoag Wolfsthal	303 CHALK HILL RD
[illegible]	307 Chalk Hill Drive 212
Maurice Plummer	109 Mt. Wilson Lane 21208
Mary C Harmon	109 Mt Wilson Lane 21205
Charles Levine	12 STONEGATE CT 21208
Milo HEKLER	25 MT. WILSON LANE
M. EDWARD SHULL	1302 EDMONDSON AVE 21228-4905
Bonnie Buitema	8808 Orchard Rd. 21208

PDM

BALTIMORE COUNTY, MARYLAND

SUBJECT:	2nd DEVELOPMENT PLAN COMMENTS	DPC DATE: 9/11/96 10:00 a.m., Room 123
FROM:	PDM - ZONING REVIEW	HOH DATE: 9/26/96 9:00 a.m., Room 118

PROJECT NAME:	**Village Care Facility (FKA Yeshivat Rambam)**	PLAN DATE: 7/10/96
LOCATION:	NWC Mount Wilson and Iron Horse Lanes	DISTRICT: 3c3
PROPOSAL:	12 Single Family Lots and a 150 Bed Nursing Home	

The plan has been reviewed by the staff at this level of detail and has been found to be in general compliance with the Baltimore County Zoning Regulations (BCZR) for development approval. To avoid any possible delays in the development review and zoning approval process, when additional details are available or changed, this office should be contacted and it should be the responsibility of the owner, developer, or developer's engineer to rectify any zoning conflicts well in advance of any expected final approvals. Only if necessary, will this office update or supplement this comment during the review of the zoning final development plan and building permit.

1. The zoning case for this site was file under case #96-284-X. It is incumbent upon the developer/owner to be certain that the zoning hearing and development plans agree.

Final zoning approval is contingent first upon all plan comments being addressed on the development plan; secondly upon the final resolution of all comments; and finally the inclusion of the Final Development Plan (FDP) checklist information being included on the building permit site plans.

JOHN L. LEWIS
Planner II
Zoning Review

JLL:scj

PDM

Baltimore County
Department of Environmental Protection
and Resource Management

Environmental Impact Review

Development Plan Comments

Project Name: Village Care

Project Location: Mt. Wilson Lane

Date of Meeting: September 11, 1996

Reviewer(s): Valarie Klein, Bruce Seeley

_____ The following requirements indicated at the time of the Concept Plan have not been provided and/or approved:

- _____ A wetland delineation report.
- _____ A steep slopes and erodible soils analysis.
- _____ A variance in accordance with Article IX, Section 14-334.
- _____ An alternatives analysis in accordance with Article IX, Section 14-342(b)(1).
- _____ A Forest Stand Delineation.
- _____ A Forest Conservation Worksheet.
- _____ A Preliminary Forest Conservation Plan.
- _____ A findings Plan.
- _____ The Development Plan cannot be approved by EIR until such time as the requirements indicated above have been met.

_____ The following corrections must be made to the Development Plan prior to approval:

- _____ The Forest Buffer and/or Forest Conservation area must be labeled as an Easement or a Reservation.

FDM

BALTIMORE COUNTY, MARYLAND

SUBJECT: DEVELOPMENT PLAN REVIEW COMMENTS FOR SEPTEMBER 11, 1996

DATE: Sept. 10, 1996

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division
Department of Permits & Development Management

PROJECT NAME: Village Care Facility

PROJECT NO:

LOCATION: NW corner Mt. Wilson & Iron Horse Lanes

DISTRICT: 3C3

The Development Plans Review Division has reviewed the subject plan dated May 31, 1996 with the latest revision dated July 10, 1996 and has the following comments to make:

Our previous Development Plan comments are still valid with the following additions/modifications:

LANDSCAPE COMMENTS:

Please see the attached Landscape Comments.

RWB:DAB:jrb

Attachments

cc: File

VILLCARE.SDP

PD

DEVELOPMENT PLAN CONFERENCE

VILLAGE CARE FACILITY
MT. WILSON LANE @ IRON HORSE LANE

SEPTEMBER 11, 1996 @ 10:00 AM

GRADING, EROSION & SEDIMENT CONTROL COMMENTS:

NOTE: Comments are advisory in nature and may not be applicable to this project. More specific comments will be provided with review of the Development Plan.

1. Grading Requirements & Sediment Control Guidelines

   A. The developer is responsible to address the grading requirements of Baltimore County Code 14, Article VI and Baltimore County Department of Environmental Protection and Resource Management.

   B. A grading permit and security is required for any site having greater than 20,000 square feet of disturbed area. A security is not required for sites having less than 20,000 square feet of disturbed area.

   C. An erosion and sediment control plan must be approved by the Soil Conservation District and a separate approved final grading plan is required for any site having greater than 20,000 square feet of disturbed area. These plans must be approved by DEPRM prior to obtaining a grading permit.

   D. Sites having less than 20,000 square feet of disturbed area may be exempt from the approved erosion and sediment control plan requirement and may qualify to use standard sediment control plan measures. Contact the Bureau of Engineering Services, Division of Inspection and Enforcement at (410) 887-3226 for additional information

2. General Engineering Requirements

   A. Erosion and sediment control plans for sites having greater than 20,000 square feet of disturbed area must be reviewed and approved by the Baltimore County Soil Conservation District (SCD). Upon such approval, plans are then returned to the Department of Environmental Protection and Resource Management for microfilming. Grading plans will be approved prior SCD signature on erosion and sediment control plans.

   B. Final grading plans for sites having greater than 20,000 square feet of disturbed area must be submitted for approval to the Bureau of Engineering Services along with the site erosion and sediment control plans. Final grading plans must show all proposed grading, storm drain

BALTIMORE COUNTY, MARYLAND

DATE: 8/21/96

SUBJECT: LANDSCAPE COMMENTS FOR DEVELOPMENT PLAN CONFERENCE FOR SEPTEMBER 11, 1996.

FROM: E. Avery Harden, RLA
Development Plans Review Division
Department of Permits & Development Management

PROJECT: VILLAGE CARE
PDM #: III-377
LOCATION: MOUNT WILSON LANE AND IRON HORSE LANE

RENATA COURT -

- The existing trees delineated on the plan behind units 2, 3, 4 and 5 should be labeled to be saved. Provide notes on the Development, Landscape and Grading plans that describe required measures to be use that will ensure the trees are not damaged during construction. The individual plat that is given to the future homeowners should indicate that the trees are to remain.
- The attached specification for sidewalk placement should be conformed with. See the attached red line Schematic Landscape Plan for suggested street tree locations. Cluster trees between residences where possible and avoid placing trees directly in front of front door of residences. The Developer designed streetscape should blend in with and complement what the future homeowners will likely do.

STORMWATER MANAGEMENT POND

Fence

Move the dam safety fence down from the highest point on the dam to minimize its profile. See the attached redline plan.

The fence should be a black vinyl coated chain link. The proposed split rail fence is not durable and its visual presence is excessive. The black vinyl chain link tends to visually disappear. If split rail is used, make sure that its installation height does not exceed 42 inches.

Planting

The objective of the SWM facility planting is to treat the pond as if it were a meadow to be seen and not an eyesore to be hidden. Loosen up the plantings. Use fewer evergreen trees. Do not plant hedges in front of the fence. Ignore the fence in the planting design. Plant inside the fence where grades permit. Use masses of ornamental grasses where woody plant restrictions apply. See the attached redline plan.

~~RTA~~ Deleted 9-11-96 Per Bob Bowling

~~Additional plantings are required for the RTA buffer. See the attached plan.~~

Attachments: Street tree/sidewalk location specification.
Redline Schematic Landscape Plan

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

8-16-96

Mr. Donald T. Rascoe
Development Manger
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204
Attn: Ms. Carol Brown

RE: Baltimore County
VILLAGE CARE FACILITY
FORMER YESHIVAT RAMAZ
NW CORNER MT. WILSON LANE
AND FROM HORSE LANES
DEVELOPMENT PLAN
PDM# 03-377

Dear Mr. Rascoe:

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

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS

PDM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Arnold E. Jablon, Director
Department of Permits and
Development Management

DATE: September 11, 1996

ATTN: Donald Rascoe

FROM: Stephany Wright SW
PDM, Bureau of Land Acquisition

SUBJECT: Village Care Facility - Former Yeshivat Ramb
PDM # 03-377

A review of the development plan for the above referenced project results in the following comments. These comments are advisory in nature and should be utilized in the preparation of a "package" for the acquisition of rights of way required for this project.

1. Developer will be required to submit a title certificate for the development, suggested format attached, early in the Phase II process.

2. Offsite rights of way must be acquired prior to record plat approval. Developer must submit title certificates and right of way plats for offsites.

3. Access easements, approved by DEPRM, should be shown for any stormwater management facilities, forest buffers, etc.

4. If offsite sight line easements are necessary per Development Plan Review's comments, the developer will be required to obtain these easements prior to record plat approval. Title certificates and right of way plats will be necessary.

5. Please identify and label all existing and proposed drainage and utility easements, highway widenings and slope easements, stormwater management facilities, forest buffers, flood plains, greenways and open space areas. Please clearly indicate whether or not the above are to be dedicated to Baltimore County.

6. The attached guidelines should be utilized in conjunction with Record Plat preparation.

7. Additional site specific comments:

   a. The developer will be required to obtain offsite afforestation prior to record plat approval. Title certificates and right of way plats may be necessary.

PDM

B A L T I M O R E C O U N T Y,
M A R Y L A N D

Subject: Development Plan Comments Date: Sept. 11, 1996

From: Department of Recreation and Parks

Project Name: Village Care Facility (Former Yeshiva)

Project Number: 03-377

Location: NW corner Mt. Wilson and Iron Horse Lanes

Districts: Elec. 3 Counc. 3

Comments:

The Local Open Space required for this project is 0.18 acres. Since this is below the 0.5 acre minimum, we will consider a request for a waiver of Local Open Space. However, we would like to see the grading to make the path connection to the adjacent school-park site work. We would like to see an improved (macadam) path surface shown on the plan. The lot owners of lots 7 and 8 should clearly know of this easement and that it should be kept clear and not blocked.

Michael Grossman
Local Open Space Coordinator
887-3822

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 08/14/96

TO DARRYL PUTTY, ZADM. MAIL STOP-1301

FROM: LT. ROBERT P. SAUERWALD
BALTIMORE COUNTY FIRE MARSHAL OFFICE
MAIL STOP-1102F. PHONE 887-4881

SUBJECT: SUBDIVISION REVIEW COMMENTS

PROJECT NAME: VILLAGE CARE FACILITY,FORMER YESHIVAT RAMB

PROJECT NUMBER: 03-377

LOCATION: NW CORNER MT. WILSON AND IRON HORSE LA.

DISTRICT: 2ND

COMMENTS:

1. PROPOSED BUILDINGS SHALL BE DESIGNED AND CONSTRUCTED SO AS TO MEET THE APPLICABLE PROVISIONS OF THE FIRE PREVENTION CODE AND THE NFPA 101 LIFE SAFETY CODE.1991 EDITION.
2. FIRE FLOW TEST IS REQUIRED TO BE CONDUCTED BY THE BALTIMORE CITY WATER DEPARTMENT AS CLOSE TO THE SITE AS POSSIBLE, SPECIFICALLY: __HYDRANT LOCATED AT IRON HORSE LA. & STONE GATE CT._____ THESE RESULTS SHALL BE CERTIFIED BY A MARYLAND REGISTERED, FIRE PROTECTION ENGINEER ,OR OTHER PRE-QUAILIFIED ENGINEER. STATING AVAILABLE FIRE FLOW AT THE SITE MEETS THE MINIMUM REQUIREMENTS FOR THE FIRE FLOW, AS SET FORTH IN APPENDIX IV "ESTIMATING FIRE FLOW REQUIREMENTS" OF THE "URBAN GUIDE FOR FIRE PREVENTION AND CONTROL MASTER PLANNING". THIS CERTIFICATION SHALL BE SENT TO: LT. ROBERT P. SAUERWALD, BALTIMORE COUNTY FIRE MARSHAL OFFICE, SUITE 200, 700 E. JOPPA RD., TOWSON MARYLAND 21286-5500.

8. MAXIMUM ANGLE OF DEPARTURE (GRADE PERCENTAGE) SHALL NOT EXCEED 8% PER NFPA STANDARD 1901. ANGLE OF DEPARTURE IN EXCESS WOULD PROHIBIT EMERGENCY FIRE APPARATUS FROM GAINING ACCESS TO THE SITE
9. ALL FIRE HYDRANT SPACING SHALL BE IN ACCORDANC WITH THE BALTIMORE COUNTY STANDARD DESIGN MANUAL, SEC 2.4.4, FIRE HYDRANTS.
14. IF THE PROPOSED BUILDING(S) REQUIRES THE INSTALLATION OF A "FIRE ALARM SYSTEM", THE DESIGN PACKAGE AS PRESENTED WITH THE BUILDING PLANS AT THE TIME OF BUILDING PERMIT APPLICATION, SHALL BE CERTIFIED BY A MARYLAND REGISTERED: LEVEL 3 OR 4 NICET ENGINEER, OR FIRE PROTECTION ENGINEER. STATING THE FIRE ALARM SYSTEM COMPLIES WITH ALL APPLICABLE CODE. ie NFPA 70, NFPA 72, NFPA 101, BOCA BUILDING CODE 1993 EDITION;BALTIMORE COUNTY BILL 167-93, AND THE BALTIMORE COUNTY FIRE PREVENTION CODE;BALTIMORE COUNTY BILL 017-91.

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on Recycled Paper

PDM

BALTIMORE COUNTY, MARYLAND

SUBJECT: DEVELOPMENT PLAN COMMENTS

FROM: PDM - ZONING REVIEW

DPC DATE: 2/22/96
9:00 a.m., Room 123
HOH DATE: 3/14 & 15/96
9:00 a.m., Room 106

PROJECT NAME: **Village Care Facility (FKA Yeshivat Rambam)**

PLAN DATE:

REV.:

LOCATION: NWC Mount Wilson and Iron Horse Lanes

DISTRICT: 3c3

PROPOSAL: 12 Single Family Lots & a 150 Bed Nursing Home

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CONCEPT PLAN APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

Based on comment #1: The plan has been reviewed by the staff at this level of detail and has been found to be in general compliance with the Baltimore County Zoning Regulations (BCZR) for development approval. To avoid any possible delays in the development review and zoning approval process, when additional details are available or changed, this office should be contacted and it should be the responsibility of the owner, developer or developer's engineer to rectify any zoning conflicts well in advance of any expected final approvals. Only if necessary, will this office update or supplement this comment during the review of the zoning final development plan and building permit.

1. A plan has been accepted for zoning public hearing on this site, filed under case #96-284-X. It is incumbent upon the developer/owner to be certain that the zoning hearing and development plans agree. Assuming that this is the case, staff has no further comments of note.

Final zoning approval is contingent first upon all plan comments being addressed on the development plan; secondly upon the final resolution of all comments; and finally the inclusion of the Final Development Plan (FDP) checklist information being included on the building permit site plans.

JOHN L. LEWIS
Planner II

JLL:scj

PDM

Baltimore County
Department of Environmental Protection
and Resource Management
Environmental Impact Review

Development Plan Comments

Project Name: Village Care

Project Location: Mt. Wilson Lane

Date of Meeting: February 22, 1996

Watershed: Gwynns Falls

Reviewer(s) Valarie Klein, Bruce Seeley, BS

_____ The following requirements indicated at the time of the Concept Plan have not been provided and/or approved:

- _____ A wetland delineation report.
- _____ A steep slopes and erodible soils analysis.
- _____ A variance in accordance with Article IX, Section 14-334.
- _____ An alternatives analysis in accordance with Article IX, Section 14-342(b)(1).
- _____ A Forest Stand Delineation.
- _____ A Forest Conservation Worksheet.
- _____ A Preliminary Forest Conservation Plan.
- _____ A Findings Plan.
- _____ The Development Plan cannot be approved by EIR until such time as the requirements indicated above have been met.

_____ The following corrections must be made to the Development Plan prior to approval:

- _____ The Forest Buffer and/or Forest Conservation area must be labeled as an Easement or a Reservation.

PDM

DEVELOPMENT PLAN CONFERENCE

VILLAGE CARE FACILITY
IRON HORSE LANE/MT. WILSON LANE

FEBRUARY 22, 1996 @ 9:00 AM

STORM WATER MANAGEMENT COMMENTS:

Note: Comments are advisory in nature and may or may not be applicable to this project. More specific comments will be provided with review of the Development Plan.

1. The Storm Water Management Act:

   A. The Developer is responsible to address the requirements of the Baltimore County Code, Title 14, Article V.

   B. Provisions for exemptions, waivers and variances for Storm Water Management (SWM) are described in this document. Exemptions, waivers and variances should be applied for and granted (or denied) by the County before Development Plan approval is given.

   C. Conditions for recording plats and granting grading and building permits as related to SWM are also described in this document. The developer is advised to be aware of these conditions and include them in planning the project to avoid unnecessary delays to construction.

2. General Engineering Requirements:

   A. Peak management of the 2 and 10 year storm events is normally required. If the development is in certain designated inter-jurisdictional watersheds or, if deemed necessary by Baltimore County, 100 year peak management may also be required.

   B. Please refer to the Storm Water Management Section of the Baltimore County Design Manual for general design criteria. Hydrology shall be in accordance with the June 1986 version of TR-55.

   C. Water quality measures are required to some degree on all projects not exempt from SWM. The developer is responsible for addressing all applicable requirements of agencies whether within or outside of Baltimore County having jurisdiction over water quality, streams or wetlands.

   D. Storm water management facilities are also subject to review and approval by the Baltimore County Soil Conservation District.

PDM

BALTIMORE COUNTY, MARYLAND

SUBJECT: DEVELOPMENT PLAN REVIEW COMMENTS FOR FEBRUARY 22, 1996

DATE: Feb. 21, 1996

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division
Department of Permits & Development Management

PROJECT NAME: Village Care, Inc.

PROJECT NO:

LOCATION: Mount Wilson Lane @ Iron Horse Lane

DISTRICT: 3C3

The Development Plans Review Division has reviewed the subject plan dated January 22, 1996 and has the following comments to make:

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.

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, prior to the recording of a record plat.

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

CITY OF BALTIMORE

KURT L. SCHMOKE, Mayor

DEPARTMENT OF PUBLIC WORKS

BUREAU OF WATER AND WASTEWATER
WATER & WASTEWATER ENGINEERING DIVISION
900 Abel Wolman Municipal Building
200 N. Holliday Street, Baltimore, Maryland 21202

October 17, 1995

Mr. Robert Bowling, P.E., Chief
Development Plans Review Division
Baltimore County Department of Permits & Development Management
County Office Building
Towson, Maryland 21204

Dear Mr. Bowling:

In reply to your letter of October 11, 1995, concerning the Village Care Facility, service may be obtained from the Pikesville Fourth Zone.

Our prior comments of July 22, 1995 still apply. See attachment.

RECEIVED
OCT 30 1995
DEVELOPERS ENGINEERING SECTION
BUREAU OF ENGINEERING AND CONSTRUCTION

Very truly yours,

AMAR SOKHEY, P.E., CHIEF

Attachment

AS/DJH/NN/WSR/tr
cc: Mr. Nick Stephen
Mr. S. Milio
Mr. W. Ruskin
Mr. B. Keller
C:\WP51\RUSKIN\BOWL7.WP6

BALTIMORE " THE CITY THAT READS!"

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CITY OF BALTIMORE

KURT L. SCHMOKE, Mayor

DEPARTMENT OF PUBLIC WORKS

BUREAU OF WATER AND WASTEWATER
WATER & WASTEWATER ENGINEERING DIVISION
900 Abel Wolman Municipal Building
200 N. Holliday Street, Baltimore, Maryland 21202

July 12, 1995

Mr. Robert Bowling, P.E., Chief
Developers Engineering Division
Baltimore County Department of Public Works
County Office Building
Towson, Maryland 21204

Dear Mr. Bowling:

In reply of your letter of July 6, 1995 concerning the Village Care Facility, service may be obtained from the Pikesville Fourth Zone.

An eight inch main should be installed in the proposed public road. A four inch main must be installed in the proposed public cul-de-sac unless a fire hydrant is to be installed. A master metered service may be taken from the existing 8-inch main in either Mt. Wilson Lane or Iron House Lane to service the proposed nursing home.

To receive water service, all lots must have fee simple frontage on the public roads. Additionally, pressure will exceed 80 psi below elevation 555-feet, and we suggest that pressure reducing valves be installed to provide service to all lots below that elevation.

Our records indicate an active service on the project site. The developer is responsible for determining if the existing service is adequate for his needs. Please note the following exception: no modifications will be allowed on any existing services and no fire supply service may be converted to a domestic supply service. It is also the developer's responsibility to apply for the abandonment of any of the services which are not needed.

It is recommended that the developer arrange to have a fire flow test made to determine if the water available is adequate for fire protection and domestic service. Arrangements for fire flow tests can be made by contacting the Manager of Pumping, Bureau of Water and Wastewater, Ashburton Filtration Plant, 3001 Druid Park Drive, 396-0360.

All mains not in the public roads will not be serviced or maintained by the City.

Very truly yours,

Amar Sokhey

AMAR SOKHEY, P.E., ACTING CHIEF

AS\DJH\NN\WR:ta
cc: Mr. Nick Stephen, Mr. S. Milio, Mr. W. Ruskin, Mr. B. Keller
C:\WP51\RUSKIN\555.WP6

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Donald Rascoe, Chief
Bureau of Development Management

Date: February 20, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Village Care, Inc.
15 & 8900 Iron Horse Lane
DRC #02056F

I have met with the Deputy Director of Public Works to review the Waiver of Standards for the Village Care, Inc. project. In regards to the waiver of road and right width, we have the following recommendations:

Road Width - The interior road shall be 30 feet wide from the intersection of Iron Horse Lane to the west edge of Lot 11. From the west edge of Lot 11 at a 10 to 1 taper, the southside of the road may be reduced by 6 feet to a total road width of 24 feet.

Road Right of Way - The right of way line shall be 10 feet behind the face of the curb on both sides.

In regards to the waiver of sidewalk, we have the following recommendations:

The sidewalk along Iron Horse Lane will be required but may be placed outside the right of way in an easement if that will help in saving trees.

The sidewalk along the frontage of the Balmuckety Mansion may be eliminated. The grading of the road slope in that location may occur 4 feet behind the face of curb to help save trees.

If there are any questions, please call me at extension 3751.

RWB:jrb

cc: File

RWB80

PDM

B A L T I M O R E C O U N T Y, M A R Y L A N D
Inter-Office Correspondence

February 22, 1996

TO: Arnold E. Jablon, Director
Department of Permits and
Development Management

ATTN: Donald Rascoe
Project Manager

FROM: Walter L. Beaumont, Jr.,
Drafting Section
Bureau of Land Acquisition

SUBJECT: Village Care Facility (Former Yeshivat Ramb)
ZADM# III-377

A review of the development plan for the above referenced project results in the following comments:

1. Developer will be required to submit a title certificate early in the Phase II process, preferably with the PWA. Make sure that the BLA format is followed.

2. Access approved by DEPRM should be shown for any storm water management facilities, forest buffers, etc.

3. Make sure that the BLA Check List is followed in the preparation of the record plat, and that correct nomenclature etc. is also followed on any needed RW plats.

4. Additional site specific comments (if any):

    1. Do not use 'Proposed' for easement or fee takes on Record Plat.

    2. Show existing right-of-ways and easements with R/W numbers and deed references.

5. Comments generated by meeting:

SMM/

III-3771/ZADMDRE

PDM

B A L T I M O R E C O U N T Y,
M A R Y L A N D

Subject: Development Plan Comments Date: February 22, 1995

From: Department of Recreation and Parks

Project Name: Village Care Facility (Former Yeshiva)

Project Number: 03-377

Location: NW corner Mt. Wilson and Iron Horse Lanes

Districts: Elec. 3 Counc. 3

Comments:

The Local Open Space required for this project is 0.18 acres. Since this is below the 0.5 acre minimum, we will consider a request for a waiver of Local Open Space. However, we would like to see the grading to make the path connection to the adjacent school-park site work. We would like to see an improved (macadam) path surface shown on the plan. The lot owners of lots 7 and 8 should clearly know of this easement and that it should be kept clear and not blocked.

Michael Grossman
Local Open Space Coordinator
887-3822

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880
DATE: 02/14/96

TO: SUE WIMBLEY. ZADM. MAIL STOP-1301

FROM: LT. ROBERT P. SAUERWALD
BALTIMORE COUNTY FIRE MARSHAL OFFICE
MAIL STOP-1102F. PHONE 887-4881

SUBJECT: SUBDIVISION REVIEW COMMENTS

PROJECT NAME: VILLAGE CARE FACILITY FORMER YESHIVAT RA

PROJECT NUMBER: 03-377

LOCATION: NW CAORNER MT. WILSON AND IRON HORSE LA.

DISTRICT: 3RD

COMMENTS:

1. PROPOSED BUILDINGS SHALL BE DESIGNED AND CONSTRUCTED SO AS TO MEET THE APPLICABLE PROVISIONS OF THE FIRE PREVENTION CODE AND THE NFPA 101 LIFE SAFETY CODE,1991 EDITION.
2. FIRE FLOW TEST IS REQUIRED TO BE CONDUCTED BY THE BALTIMORE CITY WATER DEPARTMENT AS CLOSE TO THE SITE AS POSSIBLE, SPECIFICALLY: HYDRANT AT THE INTERSECTION OF IRON HORSE LA. & STONE GATE CT. THESE RESULTS SHALL BE CERTIFIED BY A MARYLAND REGISTERED, FIRE PROTECTION ENGINEER ,OR OTHER PRE-QUAILIFIED ENGINEER. STATING AVAILABLE FIRE FLOW AT THE SITE MEETS THE MINIMUM REQUIREMENTS FOR THE FIRE FLOW, AS SET FORTH IN APPENDIX IV "ESTIMATING FIRE FLOW REQUIREMENTS" OF THE "URBAN GUIDE FOR FIRE PREVENTION AND CONTROL MASTER PLANNING". THIS CERTIFICATION SHALL BE SENT TO: LT. ROBERT P. SAUERWALD, BALTIMORE COUNTY FIRE MARSHAL OFFICE, SUITE 900, 700 E. JOPPA RD., TOWSON MARYLAND 21286-5500.

8. MAXIMUM ANGLE OF DEPARTURE (GRADE PERCENTAGE) SHALL NOT EXCEED 8% PER NFPA STANDARD 1901. ANGLE OF DEPARTURE IN EXCESS WOULD PROHIBIT EMERGENCY FIRE APPARATUS FROM GAINING ACCESS TO THE SITE

14. IF THE PROPOSED BUILDING(S) REQUIRES THE INSTALLATION OF A "FIRE ALARM SYSTEM", THE DESIGN PACKAGE AS PRESENTED WITH THE BUILDING PLANS AT THE TIME OF BUILDING PERMIT APPLICATION, SHALL BE CERTIFIED BY A MARYLAND REGISTERED: LEVEL 3 OR 4 NICET ENGINEER, OR FIRE PROTECTION ENGINEER. STATING THE FIRE ALARM SYSTEM COMPLIES WITH ALL APPLICABLE CODE. ie NFPA 70, NFPA 72, NFPA 101, BOCA BUILDING CODE 1993 EDITION;BALTIMORE COUNTY BILL 167-93, AND THE BALTIMORE COUNTY FIRE PREVENTION CODE;BALTIMORE COUNTY BILL 017-91.

1/A. ALL REQUIRED EXITS MUST BE PROVIDED WITH PEDESTRIAN/WAYS LEADING TO A PUBLIC/WAY OR AREA OF REFUGE LOCATED AT A REASONABLE DISTANCE FROM THE BUILDING, SO AS NOT TO INTERFERE WITH EMERGENCY OPERATIONS. NOTE THAT THE INTERIOR COURT YARD SHALL NOT BE CONSIDERED AN AREA OF REFUGE.

Printed with Soybean ink
on Recycled Paper

PDM

BALTIMORE COUNTY
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
INTER-OFFICE CORRESPONDENCE

February 16, 1996

TO: Donald Rascoe, Project Manager

FROM: Thomas P. Ogle, Sr. TPO
House Numbering and Street Naming Section

SUBJECT: Village Care Facility Development Plan Conference
February 22, 1996
PDM File No. 03-377

1. Change name from Almarso Lane to Almarso Court. Almarso Court has been reserved with the United States Postal Service.

2. Addresses have been reserved , contact this office for same.

IN RE: PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING	*	BEFORE THE
Mt. Wilson Lane at Iron Horse Lane	*	ZONING COMMISSIONER
3rd Election District		
3rd Councilmanic District	*	OF BALTIMORE COUNTY
Village Care	*	Case No.: 96-284-SPHX
Petitioner		
	*	

* * * * * * * * * *

SUBPOENA

TO: John W. Tastet, Jr.
4378 Ritchie Highway
Baltimore, Maryland 21225

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 106 and to bring (1) copies of any and all Deeds, Declarations, Covenants and Agreements regarding the use of the real property which you own located at Mt. Wilson Lane and Iron Horse Lane in Baltimore County, Maryland; and (2) copies of any and all documents you have related to obtaining BL zoning on the subject site on the 23rd and 24th days of May at 9:00 a.m. regarding the above captioned case, for the purpose of testifying at the request of Protestant, Cobblestone Homeowner Association, Inc.

C. William Clark
NOLAN, PLUMHOFF & WILLIAMS, CHTD
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204
(410) 823-7800

Attorney for Protestants

Baltimore County
Department of Permits and
Development Management

RECEIVED
JAN 30 1996
BALTIMORE COUNTY
ZONING DIV.

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

Village Care

DEVELOPMENT PLAN CHECKLIST
(See Section 26-203, Baltimore County Code)

VILLAGE CARE 1/25/96.

The plan shall be filed within 12 months after the final Community Input Meeting is concluded. It shall be drawn to an appropriate scale in a clear and legible manner and shall be filed with the Department of Permits and Development Management.

1. The plan shall contain the following background information:

✓ Vicinity map showing site location and a note identifying election and councilmanic districts

✓ Census tract, watershed and subsewershed

✓ Subdivision name and applicant's name and address

✓ Name and address of person who prepared the plan

✓ Current zoning of the subject property and surrounding properties, including the location of any residential transition areas

✓ Ownership of the subject property and adjacent properties, including deed reference(s) and tax account number(s), as shown on the most recent tax maps as published by the Department of Assessments and Taxation, or on the basis of more current information if the same is available to the applicant

✓ Existing buildings and access points on property adjacent to the subject property

✓ Petitions for variances, special exceptions, special hearings, Chesapeake Bay Critical Area variations, or requests for waivers from county regulations or standards

N/A Limitations established by the courts, County Board of Appeals, Planning Board and/or Zoning Commissioner or restrictive covenants recorded with individuals or groups which would limit proposed development on the site

✓ The plan shall contain a certification under oath that there are no delinquent accounts for any other development with respect to any of the following: the applicant, a person with a financial interest in the proposed development, or a person who will perform contractual services on behalf of the proposed development

✓ The plan shall be signed and sealed by the surveyor, engineer, architect, or landscape architect as appropriate indicating that the plan is accurate and has been prepared in compliance with these regulations.

Printed with Soybean Ink

DEVELOPMENT PLAN ISSUES

1. Whether or not the Developer met requirements of Baltimore County Code 26-203(a) regarding transmitting copies of final development plan to all known parties?

2. Whether or not the Developer has properly petitioned or requested increased density and whether or not the Developer should be allowed the density for the nursing home as shown on plan?

3. Whether or not the 3rd Amended Final Development Plan of Cobblestone needs to be amended?

4. Whether or not the Developer is permitted to construct a stormwater management pond and dam within a RTA?

5. Whether or not the Developer can plant trees or shrubbery on or within 25′ of a dam structure?

6. Whether or not the Developer is permitted to re-direct drainage as shown on the Plan?

7. Whether or not the Developer has met the requirements for screening and buffering the parking lot?

8. Whether or not the Plan meets the requirements for Forest Conservation and Open Space?

9. Whether or not the Plan meets the test of modification of standards for a building greater than 200′, and whether or not the building length exceeds that permitted by applicable standards?

SOIL CONSERVATION SERVICE
MARYLAND
STANDARDS AND SPECIFICATIONS

POND

CODE 378
(Reported by No.)

DEFINITION

A water impoundment made by constructing a dam or an embankment or by excavating a pit or dugout.

Ponds constructed by the first method are referred to as embankment ponds, and those constructed by the second method are referred to as excavated ponds. Ponds constructed by both excavation and embankment are classified as embankment ponds if the depth of water impounded against the embankment at principal spillway storm design high water elevation is 3 feet or more.

This 3 feet shall be measured from the low point on the upstream toe of the embankment to the design high water.

SCOPE

This standard establishes the minimum acceptable quality for the design and construction of ponds if:

1. Failure of the dam will not result in loss of life; in damage to homes, commercial or industrial buildings, main highways, or railroads; or interruption of the use or service of public utilities.

2. The product of the storage times the effective height of the dam is less than 3,000. Storage is the volume, in acre-feet, in the reservoir below the elevation of the crest of the emergency spillway. The effective height of the dam is the difference in elevation, in feet, between the emergency spillway crest and the lowest point in the cross section taken along the centerline of the dam. If there is no emergency spillway, the top of the dam becomes the upper limit for determining the storage and the effective height.

3. For dams in rural areas, the effective height of the dam (as defined above) is 35 feet or less and the dam is hazard class (a). For dams in urban areas, the effective height of the dam is 20 feet or less and the dam is hazard class (a).

PURPOSE

To provide water for livestock, fish and wildlife, recreation, fire control, crop and orchard spraying, and other related uses, and to maintain or improve water quality. This standard also applies to stormwater management ponds.

CONDITIONS WHERE PRACTICE APPLIES

General - This practice applies where it is determined that stormwater management, water supply, or temporary storage is justified and it is feasible and practicable to build a pond which will meet local and state law requirements.

Ponds exceeding the above scope shall be designed and constructed according to the requirements of Technical Release 60.

This standard does not apply to small urban stormwater management quality or quantity class "a" structures where the following exists:

1. Ponds or storm drain outfall structures having less than three (3) feet of embankment at maximum storage. The height of the embankment shall be measured from the lowest point of excavation to the top of dam through a cross section of the dam centerline, or

2. The maximum storage at emergency spillway design high water elevation according to Table 1 does not exceed 10,000 cubic feet, and the height of the embankment is 6 feet or less.

The review and approval of such class "a" structures shall be based on sound engineering judgement assuring a stable outfall for the ten (10) year storm event.

Site Conditions - Site conditions shall be such that runoff from the design storm can be safely passed through: (1) a natural or constructed emergency spillway, (2) a combination of a principal spillway and an emergency spillway, or (3) a principal spillway.

PROTESTANTS EXHIBIT NO. 2

B A L T I M O R E C O U N T Y, M A R Y L A N D

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

Policy and Procedure

Memorandum No. 27-91

TO: Designers, Developers, Review Staff

FROM: Thomas L. Vidmar, P.E.
J. James Dieter

SUBJECT: Storm Water Management Design Requirements for Residential Subdivisions

It has come to our attention that confusion exists regarding the County's policy on public vs. private maintenance of SWM ponds in residential subdivisions.

We realized several years ago that standards for maintenance access, ground cover and minimum pipe sizes should be identical for all residential ponds, whether maintained by Baltimore County or a Home Owners Association. It also follows that, if all design criteria for public maintenance are met, the developer and home owners would prefer the County to own these ponds. In July 1989, we revised our standard CRG comments to require that design of all ponds in residential subdivisions be in accordance with public pond standards.

Following are specific requirements for the above mentioned ponds. Please refer to Section 4.18 of the SWM Design Standards.

1. A 15 foot wide access ramp with maximum 5:1 slope must be provided to the bottom of the pond, or the top of the embankment must have a minimum top width of 15 feet all the way around the facility. In the latter case, the fence must be set along the outside edge of the dam crest.

2. Access must be provided from a public right-of-way to the access ramp. For County-maintenance ponds, a 15 foot wide (minimum) in-fee strip is required. Bituminous concrete or CR-6 access roads from the public road R/W to the pond are required for all ponds which will be maintained by Baltimore County. Where aesthetics are a significant concern, however, the designer shall use a road section of 8 inch CR-6 covered with 3 inch of topsoil,

Baltimore County Soil Conservation District

ENGINEERING NEWSLETTER

October 1991

The following is a compilation of policies and clarifications regarding sediment control, storm water management and small ponds. Most are the result of problems encountered during plan review and incidents in the field. As additional situations arise, we will attempt to publish clarifications to this main newsletter. Also, please note that items covered in the November 1986, newsletter not mentioned in this publication will still be considered valid.

New Maryland S.C.S. Standards and Specifications for Ponds (378) (January 1991) are available for pickup at the District office. One copy will be furnished to each engineering firm. The sections on pipe conduits are effective immediately. All other sections are mandatory on plans not approved in the CRG process by March 25, 1991.

SEDIMENT CONTROL

Seals

Any Engineer, Land Surveyor, Landscape Architect, or Architect registered in Maryland certifying a sediment control plan shall be required to provide his or her seal (with signature) on each sheet designated for sediment control (i.e. title sheet, plan view sheet, detail and specifications sheet, etc.). Sediment control plans may only be sealed by one certifier. (Exceptions may be granted for SWM ponds where various engineering disciplines may be necessary to design a structure). Sediment control plans which utilize either a dual purpose pond or a temporary sediment basin, must be sealed and signed by a Maryland registered professional engineer.

Signature (Stamp) Blocks

Adequate space must be provided on sediment control plan sheets for the approving agencies (D.E.P.R.M., B.C.S.C.D., etc.) approval stamps. The most desirable location shall be the lower right hand corner. (A typical signature block shall be a minimum 5" in width and 6" in height.)

Topography

Existing and proposed topography must be clearly discernible. (Customarily, the existing topography is represented by a dashed line while the proposed topography is represented by a solid (bold) line.) Designers should strive to label both existing and/or proposed topography as fully as possible. This should include any off site topography and/or spot elevations. (Examples - roadways, ridges, knolls, etc.)

Utilities

All utilities must be labeled as either existing or proposed. Utilities may be noted by a designated symbol in the legend.

Limit of Disturbance Symbol

All sediment control plans (public works and non public works) regardless of the scope must provide a discernible symbol for the limits of disturbance.

Baltimore County
Soil Conservation District
9811 Van Buren Lane
Cockeysville, Maryland 21030
Phone (410) 666-1188

Engineering Newsletter

April 1994

This newsletter covers the key changes made to the Baltimore County Soil Conservation District policies and requirements for erosion and sediment control (ESC) and storm water management (SWM) and small ponds. The goal of the District (B.C.S.C.D.) is to approve high quality plans (meeting or exceeding all applicable minimum standards) in the most expeditious manner possible. This commitment includes providing both high quality and timely assistance to local government, private consultants, and the general public. All policies, notes, etc. in this newsletter will be effective upon receipt.

PLANS AND SUBMITTALS

It is the responsibility of the design engineer to verify the accuracy of all plan and site information (i.e. elevations/topography, existing improvements, etc.), and to make all necessary investigations to ensure the practicality of a plan. Furthermore, the design engineer shall be responsible to ensure that there are no avoidable adverse impacts upon adjacent properties, and that the plans meet all current standards and specifications at time of submittal.

When plans are submitted for review, they must be complete (i.e. all applicable certifications signed, sheets are sealed, details/specifications for measures are provided, etc.) and must meet all required (minimum) specifications. If plans are submitted without being properly sealed and certifications are not signed, they will be returned to the consultant without review.

We will not design plans for any firm or individual consultant. We will provide guidance to out of state firms or those that are new to this area. Engineering firms which have previously dealt with us will be expected to provide their own in-house training.

SEQUENCE OF OPERATIONS:

On all sediment and erosion control plans, the following steps, (as shown), must constitute the first five steps of any plan submitted to this office.

1. Notify Baltimore County Department of Environmental Protection and Resource Management, Inspection and Enforcement Division, (887 - 3226) at least 48 hours prior to beginning work,

2. Clear and grub for sediment & erosion control measures or devices only,

VOID 1/93

SOIL CONSERVATION SERVICE
MARYLAND
STANDARDS AND SPECIFICATIONS

POND

CODE 378
(Reported by No.)

DEFINITION

A water impoundment made by constructing a dam or an embankment or by excavating a pit or dugout.

Ponds constructed by the first method are referred to as embankment ponds, and those constructed by the second method are referred to as excavated ponds. Ponds constructed by both excavation and embankment are classified as embankment ponds if the depth of water impounded against the embankment at principal spillway storm design high water elevation is 3 feet or more.

This 3 feet shall be measured from the low point on the upstream toe of the embankment to the design high water.

SCOPE

This standard establishes the minimum acceptable quality for the design and construction of ponds if:

1. Failure of the dam will not result in loss of life; in damage to homes, commercial or industrial buildings, main highways, or railroads; or interruption of the use or service of public utilities.

2. The product of the storage times the effective height of the dam is less than 3,000. Storage is the volume, in acre-feet, in the reservoir below the elevation of the crest of the emergency spillway. The effective height of the dam is the difference in elevation, in feet, between the emergency spillway crest and the lowest point in the cross section taken along the centerline of the dam. If there is no emergency spillway, the top of the dam becomes the upper limit for determining the storage and the effective height.

3. For dams in rural areas, the effective height of the dam (as defined above) is 35 feet or less and the dam is hazard class (a). For dams in urban areas, the effective height of the dam is 20 feet or less and the dam is hazard class (a).

PURPOSE

To provide water for livestock, fish and wildlife, recreation, fire control, crop and orchard spraying, and other related uses, and to maintain or improve water quality. This standard also applies to stormwater management ponds.

CONDITIONS WHERE PRACTICE APPLIES

General - This practice applies where it is determined that stormwater management, water supply, or temporary storage is justified and it is feasible and practicable to build a pond which will meet local and state law requirements.

Ponds exceeding the above scope shall be designed and constructed according to the requirements of Technical Release 60.

By Annotated Code of Maryland, Natural Resources Article 8-803, ponds exceeding drainage area of 640 acres, normal depth of water of 15 feet and normal surface area of 12 acres may require additional Maryland Department of Natural Resources, Water Resources Administration criteria.

This standard does not apply to small areas, either excavated or embankment, where the following exists:

1. The maximum storage at emergency spillway design high water elevation according to Table 1 does not exceed 7,500 cubic feet, and

2. The structure poses no downstream failure hazard.

Site Conditions - Site conditions shall be such that runoff from the design storm can be safely passed through: (1) a natural or constructed emergency spillway, (2) a combination of a principal spillway and an emergency spillway, or (3) a principal spillway.

Drainage Area - The drainage area above the pond must be protected against erosion to the extent that expected sedimentation will not shorten the planned effective life of the structure.

PDM
File

Mailed
12/7/95

COMMUNITY INPUT MEETING MINUTES

Second Concept Plan Proposal

Development Name: Village Care Facility
Location: Fort Garrison Elementary School
District: 3C2

Date: November 27, 1995
ZADM File No: III-377

Don Rascoe, Development Manager for Baltimore County, representing the Department of Permits and Development Management, called the meeting to order and gave brief introductory comments about Baltimore County's development approval process and the purpose of the meeting. He explained that the developer had previously introduced a concept plan and had now submitted to Baltimore County a second concept plan which was the focus of this community input meeting, but the developer would have to select one of the two plans to move forward.

Approximately 85 people were in attendance.

Dick Matz of Colbert, Matz, & Rosenfelt, representing the developer, presented the concept plan. Mr. Matz described the plan as 11 single family homes plus the Balmuckety Mansion and a nursing home. He said the property is approximately 10 acres total. He said this plan shows the road to be narrowed approximately 10 feet from the road configuration shown on the first plan. He said the home on Lot 12 had been turned so as not to face the back of the Balmukety Mansion. He said some of the homes would have garages with side entrances. The new plan shows traditional lots, not the z-lots shown on the first plan. The first plan also called for 18 lots where this one only has 12.

Mr. Matz then introduced Mr. Jack Hollick of Nelson Salabes, Inc., architects for this project, who stated the project was being designed to have minimum impact on the adjoining property. He said the nursing home was being designed to have a residential feel to it with brick and shingle. He said smaller windows would be used to make it look residential. Mr. Hollick then showed three different views of the project from various locations on the property.

Richard Rynd, contract purchaser and developer of the property, said the project was being designed to back up to the ball fields on the west of the property to minimize the front view of the nursing facility.

Community Input Meeting

Development: Village Gate (OVER)

Date of Meeting: 11-27-95 **Location:** Ft. Garrison Elem

Attendance Record

Name	Address	(Zip Code)	Phone
* William Clark	210 W Pennsylvania Ave Towson	21204	823-7802
* Jud Lipowitz	101 E. Chesapeake Ave Balto.	21286	821-6800
* E J. Jones	109 Nelson RD	21208	486-4318
* Judith Jones	109 Nelson Rd	21208	486-4318
* Evelyn Blake	118 Nelson Rd	21208	486-5779
* Joseph S. Blake	118 Nelson Rd	21208	486-5779
* STEVE LANDSMAN	117 NELSON RD	21208	653-7956
* Linda Polumbo	117 Nelson Rd	21208	653-7956
* BOB BUCZEK	114 NELSON RD	21208	653-3469
* MARCUS & Lilian Popkin	20 STONE GATE CT	21208	602-1541
* Alan L Platt	2 STONE PINE CT	21208	602-0830
* BARBARA SCHMITZ	8816 PIKESVILLE RD	21208	653-7137
* WALTER J. STANISLAWSKI JR	8816 PIKESVILLE RD	21208	653-7137
* CHRISTOPHER M. KUHN	117A NELSON RD.	21208	484-2239
* Russell MARGULIS	8813 Pikesville Rd	21208	486-6445
* DIANE MARGULIS	8813 Pikesville Rd	21208	
* Richard Carico	8810 Orchard Rd.	21208	653-0653
* Eleanor & Pat Graham	8809 Orchard Rd	21208	6531638

(SEE OVER)

PDM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

SECOND CONCEPT PLAN CONFERENCE

TO: Arnold Jablon, Director - Department of Permits & Development Management

FROM: Arnold F. (Pat) Keller, III, Director - Office of Planning

DATE: October 23, 1995

PROJECT NAME: Village Care Facility FKA Yeshivat Rambam

PROJECT NUMBER: III-377

PROJECT PLANNER: Carol McEvoy

GENERAL INFORMATION:

Applicant Name: Mr. John W. Tastet, Jr.
4328 Ritchie Highway
Baltimore MD 21225

Location: NW corner Mt Wilson and Iron Horse Lanes

Councilmanic District: 2nd

Growth Management Area: Urban Center - Owings Mills

Zoning: DR 3.5 and BL

Acres: 10.65± acres

Surrounding Zoning and Land Use:

North:	D.R. 3.5	Z-lots
South:	D.R. 3.5	Single family house
East :	D.R. 3.5	Z-lots
West :	D.R. 1	Recreational

Project Proposal:

The applicant proposes 12 single-family dwellings and a 150 bed nursing home on 10.6 acres ± of land zoned DR 3.5 (8.0 acres ±) and BL(2.6 acres ±). The existing historic mansion (BA 682) will remain on proposed lot #11. An existing 2-story building, barn and pond will be removed. A Special Exception will be required to allow a nursing home in a DR zone. A Modification of Standards will be required to allow the building to exceed 200 feet in length. A waiver of local open space will be requested. Trees are scattered throughout the site with woods located at the southern border.

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTRA-OFFICE CORRESPONDENCE

DESIGN REVIEW COMMENTS

TO: Ervin McDaniel, Chief
Development Review Section
Office of Planning

DATE: September 7, 1995

FROM: Lynn Lanham, Coordinator
Design Review Panel

SUBJECT: Minutes (Design Review Panel Meeting September 6, 1995)

PROJECT NAME: Village Care

PROJECT#: DRP 413 (Concept III-377)

PROJECT TYPE: Concept

DESIGN REVIEW PANEL MEMBERS IN ATTENDANCE:
Harry Hess, Steve Ziger, Klaus Philipsen, Jane Willeboordse

PROJECT DESCRIPTION:
The applicant proposes 19 single family residential dwellings including 18 zero lot line houses and the historic Balmuckety Mansion (M & T Inventory BA 682), and a 150 bed nursing home.

The project was presented by Dick Matz, engineer, Jack Hollick, architect and Richard Rynd, developer.

DESIGN REVIEW PANEL COMMENTS:
The following issues and recommendations were identified at the DRP meeting. These recommendations are advisory to the Office of Planning and may be in corporated with Planning's review of the Development Plan.

1. The proposal for the three elements on the site, zero - lot line homes, Mansion and nursing home is too fragmented. The elements do not relate to each other in this site design. The developer should examine alternate schemes that integrate the various uses and explore other ways to organize the site.

2. The location and use of the proposed zero-lot lines homes along Cobblestone as a buffer is appropriate.

3. Preservation of the Mansion offers a good transition between the housing and nursing home.

4. Explore the possibilities of access onto Mount Wilson Lane and the overall site circulation patterns and interconnections. Service and staff access and parking for the nursing home could be separated with access onto Mount Wilson Lane and located to the rear of the building. Visitor's parking could be located in front of the building with access onto Iron Horse Lane.

5. Develop a stronger relationship between components. Explore alternate uses for the mansion such as duplex residential, or administration space for the nursing home.

6. Intensity of use on the site is too high to work properly. Too much is packed into a small site.

7. The plan needs to respond to the tree survey. The maximum amount of mature trees needs to be retained. In addition to trees around the mansion and edges, significant trees need to be identified and preserved.

DISPOSITION:
A follow-up meeting is requested. This meeting should occur after the CIM and before the Development Plan.

Lynn Lanham

Lynn Lanham

LL:rdn

BALTIMORE COUNTY, MARYLAND

File

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director - Department of Permits & Development Management

FROM: Arnold F. (Pat) Keller, III, Director - Office of Planning

DATE: October 20, 1995

PROJECT PLANNER: Carol McEvoy

SUBJECT: VILLAGE CARE FACILITY (III-377)

The attached minutes document the discussion of the Landmarks Preservation Commission at their September 14, 1995 meeting regarding the Balmuckety Mansion, MHT Inventory No. BA 682 located on the subject development site.

Corwin McDaniel
Division Chief

CM:rdn

cc: Don Rascoe
File

Attachment

9503377.MEM/PZONE/CONCEPT

MINUTES

LANDMARKS PRESERVATION COMMISSION

September 14, 1995

PRESENT:	MEMBERS:	Mrs. Ruth B. Mascari, Chairman
		Mrs. Barbara Weeks
		Mr. Daniel Colhoun
		Mrs. Judith Kremen
		Ms. Elise Butler
		Mr. Timothy Rodgers
		Mrs. Kathleen Levin
		Mrs. Dottie Foos
		Mr. Jeffrey A. Lees
		Mr. Paul F. McKean
	GUESTS:	Mr. Jules Lichter
		Mr. Douglas Worrall
		Ms. Vicki Almond
		Ms. Jennifer Brennan
		Mr. John Bernstein
		Mr. Richard Perone
		Ms. Victoria Woodward
		Mr. Richard Matz
		Mr. Ervin McDaniel
		Mrs. Carol McEvoy
		Mrs. Testa

The meeting was convened at 7:15 p.m.

1. <u>Miscellaneous Announcements</u>

   a. The Chairman invited the members to sign a get-well card for Dr. Rhoda Dorsey, who has broken her foot.

   b. The Chairman distributed training information concerning the economic benefits of preservation.

   c. The Chairman distributed hand-outs including a chart differentrating National Regester versus local historic designations.

2. <u>Procedural Items</u>

   The Chairman noted for the record that the Commission operated under Section 26 of the Baltimore County Code, 1988, as amended, and the National Parks Service guidelines. Mrs. Mascari distributed a suggested addendum to the Standard Operating Procedure. The Commissioners were concerned with the inordinate length of recent meetings due to the increasing workload. It was proposed to start the meeting at 7:00 p.m. and limit each

PDM

BALTIMORE COUNTY, MARYLAND

SUBJECT: CONCEPT PLAN COMMENTS

FROM: PDM - ZONING REVIEW

2nd CPC DATE: 10/23/95
10:00 a.m., Room 123

PROJECT NAME: **Village Care Facility (FKA Yeshivat Rambam)**

PLAN DATE: 9/19/95

REV.:

LOCATION: NWC Mount Wilson and Iron Horse Lanes

DISTRICT: 3c3

PROPOSAL: 12 Single Family Lots & a 150 Bed Nursing Home

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CONCEPT PLAN APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The plan has been reviewed by the staff at this level of detail and not enough basic information has been supplied to determine general compliance with the Baltimore County Zoning Regulations (BCZR). The following comments are generalized for the development plan and they do not identify all details and inherent technical zoning requirements necessary in order to determine final compliance with these regulations. The intent of the developer must be clear on the plan, including any previous and proposed zoning hearing requests. The following comments will be up-dated and, if necessary, supplemented when the following information has been supplied to this office and included on the plan:

These concept plan comments basically repeat the prior comments of 7/17/95.

1. Subject to all BCZR and zoning policy compliance, nursing homes are permitted by special exception and single family residential lots are permitted as of right in the D.R.-3.5/B.L. zone, subject to BCZR, CMDP, and zoning policy compliance. Show all building orientations and setbacks per the applicable BCZR and CMDP requirements.

2. Note that no assisted living facility or continuing care use is proposed (per BCZR, nursing care and assisted living is a continuing care facility). Detailed information concerning required zoning hearings, density, uses, defined use areas, RTA, etc. must become part of this plan for zoning review purposes. (Also see #4 of these comments.) Zoning cannot approve a plan unless these issues are resolved. Show a height/elevation separation detail on the plan and provide maximized setback dimensions and envelopes for all residential lots.

3. Show all lot and show and label all use division lines and required setbacks. Show compliance with zoning policy 102.2.A, page 1-42, ZOPM (copy attached). Adjust density calculations accordingly. Show and designate the limits of the special exception area for these requirements. This includes all setback and parking/maneuvering areas.

(Over)

4. A zoning variance and modification of standards approval is required for the total building widths exceeding 300 feet and 200 feet, respectively. (See CMDP, Section IIA, page 29.) List this action on the plans.

5. **RTA:** Include on the plan and clearly label all off-site sources of RTA on-site, including all dwellings and small lots of record less than 2 acres. All off-site buildings within 150 feet of a proposed unlike use tract must be labeled with the existing use. Dwellings must be labeled "existing dwelling" and all vacant lots must include the acreage. All lot and deed divisional lines that adjoin or are across street from the subject property must be shown clearly. The most restrictive residential transition areas must be labeled with the required and applicable 150 foot RTA dimension and included on the plan print. The 100 foot RTA area must also be labeled and shown. Clearly and conspicuously note on the plan: "All off-site dwellings and small lots of record (less than 2 acres) that create a RTA on-site are shown with the required 150 foot distance dimensions and 100 foot RTA". Clearly label all unlike building fronts, label and dimension 75 foot RTA setbacks, 50 foot RTA buffers. Provide and designate on the plan print the required and applicable RTA buffers with a conspicuous bold line around the boundary and remove all other uses, except those drives as permitted under the CMDP. Remove any proposed private yard space from the required RTA planted buffers. Note on buildings or other uses to be removed from the RTA buffer area that the area will be replanted in accordance with the landscape manual. The RTA must be designated as HOA. Be aware that maximum building height in a RTA is 35 feet. Show compliance.

6. **Density, Area:** Provide accurate gross and net area calculations in compliance with the following: net area = the entire overall tract/ownership area (excluding any existing public street right-of-ways; gross area = the net area plus 1/2 of the tract boundary street right-of-way that the property is not denied access to, up to a maximum of 30 feet (see Zoning Policy RSD-3).

   Use the gross area in the density calculation, clearly indicating the source of the additional calculated area over and above the net area.

   Note on the plan under the density calculation: "This property as shown on the plan has been held intact since 1971. The developer's engineer has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density or area to support any off-site dwellings". If any adjacently owned property has been subdivided after this date, show this area as part of the overall tract boundary and adjust density calculations accordingly.

7. **Parking, Driveways, Surface:** Dimension on the plan print and note that all driveways and parking aisles will comply with Section 409.4 of the BCZR. Driveways - 12 ft. wide for one-way and 20 ft. wide for two-way traffic (Section 409.4.C, BCZR). 90 degree parking angle requires 22 ft. for one or two-way aisles. Provide a dimensioned parking space/aisle detail on the plan. Note that all parking, maneuvering and aisle areas will be paved (indicate type) and permanently striped. Label proposed curbs and/or parking wheel stops on the plan.

(Over)

8. **Signs:** Provide an engineering scale elevation on the plan of all existing and proposed free-standing signs clearly indicating the type, height, dimensions, square footage, single or double-face and illumination. All signs must be keyed to their existing or proposed location on the plan print and enough detail must be shown to determine compliance with the BCZR, Section 413.1 and all zoning sign policies or a zoning variance is required.

9. Final zoning approval is contingent first upon all plan comments being addressed on the development plan; secondly upon the final resolution of all comments, the outcome of any requested zoning hearings; and finally the inclusion of the Final Development Plan (FDP) checklist information being included on the FDP.

JOHN L. LEWIS
Planner II

JLL:scj

A. MIXED USES ON ONE PROPERTY

1. If several uses are proposed as separate structures on one property, each use must meet the zoning requirements as if it was a separate parcel.

2. Even if subdivision of the property is not proposed, the Zoning Commissioner may require that a line of division either a lease line or a zoning use division line between each use be shown on the plat.

   a. Conditions: The following guidelines have been formulated so that this matter can be handled consistently:

      i. Both existing and proposed uses, as divided, must be able to meet the B.C.Z.R. requirements with respect to area, density, parking, setbacks between buildings and to the division lines as if they were property lines.

      ii. Residential density may be calculated on the overall property acreage if all uses are residential and is allowed in that zone.

   b. Interpretation: This determination may be subject to a Special Hearing at the discretion of the Zoning Commissioner.

B. SETBACKS AND BUILDINGS ACROSS ZONE LINES

1. If the property is bisected by a zone or a use and setback limitation line, the required applicable setbacks (for a building legally located in one of these zones) would be measured to the property or street right of way line and not the zone line.

   The only exceptions to this method of measuring setbacks would be:

   a. If there is a specific use limitation within a certain distance of a particular zone, then the distance would have to be maintained, or if possible, a variance may be applied for.

   b. If there are 2 principal buildings proposed in different zones, on the same property, in close proximity, then the greatest distance between principal buildings will have to be maintained or a variance granted.

2. If a building is proposed across a zone or use and setback limitation line, regardless of what percentage of the building is on each side, the setbacks for each section of the building will be determined and applied separately, according to each separate zone or zone proximity requirement.

APPROVED MAY 1 3 1992

PDM

Baltimore County
Department of Environmental Protection
and Resource Management

Environmental Impact Review

Concept Plan Comments

Project Name: Village Care

Project Location: Mt. Wilson & Iron Horse Lanes

Date of Meeting: October 23, 1995

Watershed: Gwynns Falls

Reviewer(s): Valarie Klein, Betty Kelley, Bruce Seeley BS

_____ The site constraints map has been field verified by EIR staff.

_____ This project must conform to the requirements of Article IX, Section 14-331 through Section 14-350 of the Baltimore County Code: Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains. The following must be approved by this Department prior to submitting the Development Plan:

_____ A wetland delineation report.

_____ A steep slopes and erodible soils analysis to determine the extent of the Forest Buffer on this site.

__X__ Add the standard Forest Buffer and/or Forest Conservation area Easement/Reservation notes to the plan.

__X__ A Forest Buffer and/or Forest Conservation area Access Easement approved by EIR staff must be provided. The access should be labeled "Baltimore County Access Easement".

__X__ A building setback of 35 feet must be applied from the Forest Buffer and/or Forest Conservation area.

__X__ Storm Water Management pond embankments must be 25 feet from Forest Buffer and Forest Conservation Easements.

_____ In accordance with Article IX, Section 14-334 of the Baltimore County Code, a variance is required for this proposal. An application and instructions are attached.

_____ In accordance with Article IX, Section 14-342(b)(1) of the Baltimore County Code, an alternatives analysis must be provided for any stormwater management facilities, roads, utilities and/or grading proposed in the Forest Buffer.

Concept Plan Comments

Project Name: Village Care

Date of Meeting: October 23, 1995

__X__ This site is subject to Baltimore County Forest Conservation Regulations. The following must be submitted to and be approved by EIR prior to Development Plan submittal.

__X__ A Forest Stand Delineation report.

__X__ A Forest Conservation Worksheet.

__X__ A Preliminary Forest Conservation Plan.

_____ A Forest Retention/Afforestation Investigation Report.

_____ A Special Variance.

_____ This site is subject to the Chesapeake Bay Critical Area regulations. A Findings Plan must be submitted and approved prior to Development Plan submittal.

__X__ The Forest Buffer and/or Forest Conservation area must be recorded as an Easement or a Reservation.

__X__ An Environmental Effects Report and a Hydrogeological Study must be submitted with the Development Plan.

__X__ Any existing wells, septic systems, and underground storage tanks on-site must be shown on the Development Plan; if there are none, a note must be added to the plan.

__X__ Additional Comments:

Development Coordination

Prior to record plat, the existing well must be backfilled, the septic tank must be pumped and removed or backfilled, and the existing house must be connected to public water and sewer.

VK:BK:BS:sp

Revised 5/5/94
VILLAGE/DEPRM/TXTSBP

PDM

PLAN CONFERENCE

VILLAGE CARE FACILITY
FKA YESHIV

OCTOBER 23, 1995 @ 10:00 AM

STORM WATER MANAGEMENT COMMENTS:

Note: Comments are advisory in nature and may or may not be applicable to this project. More specific comments will be provided with review of the Development Plan.

1. The Storm Water Management Act:

   A. The Developer is responsible to address the requirements of the Baltimore County Code, Title 14, Article V.

   B. Provisions for exemptions, waivers and variances for Storm Water Management (SWM) are described in this document. Exemptions, waivers and variances should be applied for and granted (or denied) by the County before Development Plan approval is given.

   C. Conditions for recording plats and granting grading and building permits as related to SWM are also described in this document. The developer is advised to be aware of these conditions and include them in planning the project to avoid unnecessary delays to construction.

2. General Engineering Requirements:

   A. Peak management of the 2 and 10 year storm events is normally required. If the development is in certain designated inter-jurisdictional watersheds or, if deemed necessary Baltimore County, 100 year peak management may also be required.

   B. Please refer to the Storm Water Management Section of the Baltimore County Design Manual for general design criteria. Hydrology shall be in accordance with the June 1986 version of TR-55.

   C. Water quality measures are required to some degree on all projects not exempt from SWM. The developer is responsible for addressing all applicable requirements of agencies whether within or outside of Baltimore County having jurisdiction over water quality, streams or wetlands.

   D. Storm water management facilities are also subject to review and approval by the Baltimore County Soil Conservation District.

   E. Storm water management facilities which either outfall to a Baltimore County storm drain system or for which a public road will serves as a SWM

pond embankment will be reviewed and approved concurrently by the Department of Public Works and the Department of Environmental Protection and Resource Management.

F. Site design must maintain, to the extent possible, predevelopment drainage patterns and characteristics. Diversion of drainage is discouraged and DEPRM reserves the right to prohibit drainage diversions it finds detrimental.

3. Maintenance Requirements:

A. Storm water management facilities may be maintained by Baltimore County if the following conditions are met, subject to approval of the Department of Environmental Protection and Resource Management:

(1) Residential subdivision in which all lots are for sale in fee.

(2) Requirements for public ponds given in the Baltimore County Department of Public Works Design Manual are all met.

(3) Storm water management facility is enclosed in a reservation shown on the record plat to allow the facility to be deeded in-fee to Baltimore County.

B. Private maintenance of SWM facilities is acceptable. A Deed of Declaration must be executed by the developer guaranteeing maintenance of and County access to SWM facilities before plats may be recorded and before grading or building permits may be granted. Storm water management facilities in residential subdivisions to be maintained privately by a Homeowners Association shall be designed according to the requirements for public ponds.

4. Guidelines for Development Plan Approval:

A. Show type, size and location of all SWM facilities on the Development Plan, including qualitative management facilities. Preliminary computations (hydrology) should be provided to verify that the SWM area(s) on the plan are adequate.

B. Show that all outfalls from SWM facilities and bypass areas are "suitable" as defined by the Baltimore County Department of Public Works and the Department of Environmental Protection and Resource Management.

C. Show that the SWM facilities do not create a hazard. An example of a hazard would be an embankment dam located so that in the event of a breach failure, down stream life or property is endangered.

D. List on development Plan any waiver or variance and give date of approval by Baltimore County.

5. Site - Specific Comments:

In addition to the above, each project will be given a brief review by the DEPRM's Division of Design and Review, and a set of specific comments will be provided. The developer is responsible for address these site specific comments, which are enumerated as follows:

A. 2, 10 and 100 year peak quantity management is required for this area.

B. Water quality measures consistent with the policy of DEPRM must be provided. Minimum water quality must be provided for the first 0.5 inch of runoff from all impervious areas. Infiltration practices must be investigated and are preferred where practical.

C. All site runoff must be conveyed to a suitable outfall without adversely affecting the receiving wetland, watercourse, waterbody, storm drain or adjacent property.

Robert T. Wood

vilcare.swm/1A

PDM

PLAN CONFERENCE

VILLAGE CARE
MT. WILSON/IRON HORSE LANE

OCTOBER 23, 1995 @ 10:00 AM

GRADING, EROSION & SEDIMENT CONTROL COMMENTS:

NOTE: Comments are advisory in nature and may not be applicable to this project. More specific comments will be provided with review of the Development Plan.

1. Grading Requirements & Sediment Control Guidelines

   A. The developer is responsible to address the grading requirements of Baltimore County Code 14, Article VI and Baltimore County Department of Environmental Protection and Resource Management.

   B. A grading permit and security is required for any site having greater than 20,000 square feet of disturbed area. A security is not required for sites having less than 20,000 square feet of disturbed area.

   C. An erosion and sediment control plan must be approved by the Soil Conservation District and a separate approved final grading plan is required for any site having greater than 20,000 square feet of disturbed area. These plans must be approved by DEPRM prior to obtaining a grading permit.

   D. Sites having less than 20,000 square feet of disturbed area may be exempt from the approved erosion and sediment control plan requirement and may qualify to use standard sediment control plan measures. Contact the Bureau of Engineering Services, Division of Inspection and Enforcement at (410) 887-3226 for additional information

2. General Engineering Requirements

   A. Erosion and sediment control plans for sites having greater than 20,000 square feet of disturbed area must be reviewed and approved by the Baltimore County Soil Conservation District (SCD). Upon such approval, plans are then returned to the Department of Environmental Protection and Resource Management for microfilming. Grading plans will be approved prior SCD signature on erosion and sediment control plans.

   B. Final grading plans for sites having greater than 20,000 square feet of disturbed area must be submitted for approval to the Bureau of Engineering Services along with the site erosion and sediment control plans. Final grading plans must show all proposed grading, storm drain inlets and their connections to main storm drain system up to outfall, building locations, first floor elevations, septic reserve areas,

sidewalks and driveways. Proposed sanitary and water lines and their connections to existing systems must be shown on final grading plan. Sediment control devices should not be shown on the final grading plan. Mass grading plans are not acceptable unless a waiver to this standard is granted by the Bureau of Engineering Services. Final grading must reflect the proposed condition of storm water management hydrology. Refer to Baltimore County Code Title 14, Article VI.

C. Erosion and sediment control devices must be perimeter type devices and must be located sufficiently outside of proposed grading, therefore, proposed grading should not be shown to the limits of property lines, wetlands, floodplains or buffers. Erosion and sediment control plans must be designed for all work shown on the final grading plan.

D. Proposed storm water management ponds must be used as temporary sediment basins unless prohibited as such by the Bureau of Engineering Services' project engineer.

E. Grading plan must be in compliance with Development Plan.

F. Erosion and sediment control devices may not outfall onto adjacent improved properties without the property owner's written permission.

G. All floodplains, wetlands, and buffers must be shown on final grading plans and should be shown on the sediment control plans. Erosion and sediment control devices may not be located within such areas except as allowed by DEPRM. Sediment traps outfalling into such areas must provide two times the normally required storage.

H. Sediment trapping device must be located outside the septic reserve areas. Show location of septic reserve area on grading plan in absence of sanitary sewer line.

3. <u>Outlines for Development Plan Approval:</u>

A. Proposed grading, especially filling, should not be shown up to limits of property lines, floodplains, wetlands, or buffers. There should be adequate room for perimeter sediment and erosion control devices and for movement of construction equipment.

B. Proposed grading must not exceed slope requirements of 2:1 maximum on commercial properties and 3:1 maximum on residential lot areas and 4:1 within 25 feet of septic reserve areas.

C. Proposed grading must not adversely impact the adjacent properties. Runoff must be discharged at locations of suitable outfalls. Diversion of natural runoff pattern from ultimate outfall for more than 1,000 feet by proposed grading is not acceptable.

VILLAGE CARE

4. Site Specific Comments:

A. There are no site specific comments, refer to the preceding pages for general requirements.

Steve Wallis

VILCARE.GRD/1A

PDM

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

10-16-95

Mr. Donald T. Rascoe
Development Manager
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204
Attn: Ms. Susan Wimbley

RE: Baltimore County
VILLAGE CARE FACILITY
FORMER YESHIV
NW CORNER MT WILSON LANE
AND IRON HORSE LANE
CONCEPT PLAN
PDM # 03-377

Dear Mr. Rascoe:

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

Please contact Bob Small at 410-~~333-1350~~ 545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____

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

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

PDM

BALTIMORE COUNTY, MARYLAND

SUBJECT: CONCEPT PLAN REVIEW COMMENTS FOR OCTOBER 23, 1995

DATE: October 20, 1995

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

PROJECT NAME: Village Care Facility

PROJECT NO.:

LOCATION: NW Corner Mt. Wilson & Iron Horse Lanes

DISTRICT: 3C3

The Development Plans Review Division has reviewed the subject plan dated September 25, 1995 and has the following comments to make:

Downstream flooding exists. Therefore, 2-10-100 year stormwater management is required.

Mount Wilson Lane is an existing County road which will require improvement to an ultimate 40-foot curb and gutter street cross section on a 60-foot right-of-way. The developer is responsible for improving Mount Wilson Lane. The developer's responsibilities will include, but not necessarily be limited to paving, curb and gutter, sidewalk, street lights, and drainage improvements.

Iron Horse Lane is an existing curb and gutter street cross-section. The developer is responsible to provide sidewalk and street lights along the subdivision frontage.

The proposed road will be a 30-foot public curb and gutter street cross-section on a 50-foot right-of-way. Utility improvements will include public water, sewer, and storm drain. Roadway improvements will include paving, curb and gutter, sidewalk and street lights.

The developer is advised to consult with the Building Plans Review section of the Department of Permits & Development Management regarding fire protection for the nursing home. Adequate fire protection may not exist at this time. Fire protection measures may be required to be incorporated into the design of the nursing home.

LANDSCAPE COMMENTS:

The Landscape Manual requirements for vegetating the RTA buffer must be calculated, noted, and delineated on the plan. If the location of the stormwater management facility within the RTA buffer precludes locating all of the required plantings in the RTA buffer, then some of the plantings should wrap around the proposed nursing home and some should be added to the buffer along Iron Horse Lane.

Landscape plan design refinements will be considered at the Development Plan stage.

RWB:DAB:jrb

cc: File

PDM

B A L T I M O R E C O U N T Y, M A R Y L A N D
Inter-Office Correspondence

TO: Arnold E. Jablon, Director
Department of Permits and
Development Management

October 23, 1995

ATTN: Donald Rascoe
Project Manager

FROM: Walter L. Beaumont, Jr. WLB
Drafting Section
Bureau of Land Acquisition

SUBJECT: VILLAGE CARE FACILITY (FORMER YESHIV)
ZADM# III-377

A review of the concept plan for the above referenced project results in the following comments. These comments are advisory in nature and should be utilized in the preparation of a "Package" for the acquisition rights of way required for this project.

1. Developer will be required to submit a title certificate early in the Phase II process, preferably with the PWA agreement. Make sure that BLA format is followed. In addition any offsite acquisitions will also require title certificates.

2. Access approved by DEPRM should be shown for any storm water management facilities, forest buffers, etc.

3. Make sure that the BLA Check list is used in the preparation of the Record Plat.

4. Additional site specific comments (if any):

   (1) Show all existing rights-of-way on development plan

5. Comments generated by meeting:

wlb/

III-377.2/ZADMDRE

PDM

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 10/12/95

TO: SUE WIMBLEY, ZADM, MAIL STOP-1301

FROM: LT. ROBERT P. SAUERWALD
BALTIMORE COUNTY FIRE MARSHAL OFFICE
MAIL STOP-1102F, PHONE 887-4881

SUBJECT: SUBDIVISION REVIEW COMMENTS

PROJECT NAME: VILLAGE CARE FACILITY FORMER YESHIV

PROJECT NUMBER: 03-377

LOCATION: NW CORNER MT. WILSON AND IRON HORSE LA'S.

DISTRICT: 3C3

COMMENTS:

1. PROPOSED BUILDINGS SHALL BE DESIGNED AND CONSTRUCTED SO AS TO MEET THE APPLICABLE PROVISIONS OF THE FIRE PREVENTION CODE AND THE NFPA 101 LIFE SAFETY CODE,1991 EDITION.
2. FIRE FLOW TEST IS REQUIRED TO BE CONDUCTED BY THE BALTIMORE CITY WATER DEPARTMENT AS CLOSE TO THE SITE AS POSSIBLE, SPECIFICALLY: THE HYDRANT AT THE CORNER OF IRON HORSE & STONE GATE CT'S. THESE RESULTS SHALL BE CERTIFIED BY A MARYLAND REGISTERED, FIRE PROTECTION ENGINEER ,OR OTHER PRE-QUAILIFIED ENGINEER. STATING AVAILABLE FIRE FLOW AT THE SITE MEETS THE MINIMUM REQUIREMENTS FOR THE FIRE FLOW, AS SET FORTH IN APPENDIX IV "ESTIMATING FIRE FLOW REQUIREMENTS" OF THE "URBAN GUIDE FOR FIRE PREVENTION AND CONTROL MASTER PLANNING". THIS CERTIFICATION SHALL BE SENT TO: LT. ROBERT P. SAUERWALD, BALTIMORE COUNTY FIRE MARSHAL OFFICE, SUITE 900, 700 E. JOPPA RD., TOWSON MARYLAND 21286-5500.

8. MAXIMUM ANGLE OF DEPARTURE (GRADE PERCENTAGE) SHALL NOT EXCEED 8% PER NFPA STANDARD 1901. ANGLE OF DEPARTURE IN EXCESS WOULD PROHIBIT EMERGENCY FIRE APPARATUS FROM GAINING ACCESS TO THE SITE
9. ALL FIRE HYDRANT SPACING SHALL BE IN ACCORDANC WITH THE BALTIMORE COUNTY STANDARD DESIGN MANUAL, SEC 2.4.4, FIRE HYDRANTS.
14. IF THE PROPOSED BUILDING(S) REQUIRES THE INSTALLATION OF A "FIRE ALARM SYSTEM", THE DESIGN PACKAGE AS PRESENTED WITH THE BUILDING PLANS AT THE TIME OF BUILDING PERMIT APPLICATION, SHALL BE CERTIFIED BY A MARYLAND REGISTERED: LEVEL 3 OR 4 NICET ENGINEER. OR FIRE PROTECTION ENGINEER. STATING THE FIRE ALARM SYSTEM COMPLIES WITH ALL APPLICABLE CODE. ie NFPA 70, NFPA 72, NFPA 101, BOCA BUILDING CODE 1993 EDITION;BALTIMORE COUNTY BILL 167-93, AND THE BALTIMORE COUNTY FIRE PREVENTION CODE;BALTIMORE COUNTY BILL 017-91. THE PROPOSED NURSING HOME.

Printed on Recycled Paper

PDM

BALTIMORE COUNTY
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
INTER-OFFICE CORRESPONDENCE

October 17, 1995

TO: Donald Rascoe, Project Manager

FROM: Thomas P. Ogle, Sr.
House Numbering and Street Naming Section

SUBJECT: Village Care Facility Concept Plan Conference
October 23, 1995
PDM File No. 03-377

1. Address of 8900 Iron Horse Lane for nursing home is not indicated.

2. One street name is required for the residental portion of this project. Street numbers will be assigned at a later date.

PDM

B A L T I M O R E C O U N T Y,
M A R Y L A N D

Subject: Concept Plan Comments Date: October 23, 1995

From: Department of Recreation and Parks

Project Name: Village Care Facility (Former Yeshiva)

Project Number: 03-377

Location: NW corner Mt. Wilson and Iron Horse Lanes

Districts: Elec. 3 Counc. 3

Comments:

The Local Open Space required for this project is 0.18 acres. Since this is below the 0.5 acre minimum, we will consider a request for a waiver of Local Open Space. However, we would still like to see a path connection to the adjacent school-park site.

Michael Grossman
Local Open Space Coordinator
887-3822

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Kurt Louderback, Supervisor
Revenue Division
Office of Finance - M.S. 2113

DATE: October 11, 1995

FROM: Donald T. Rascoe, Manager DTR/sl
Development Management
Zoning Administration and Development Management

SUBJECT: TAX CLEARANCE

Name of Project: Village Care, Inc., et al

Location of Project: NW cor Mt. Wilson and Iron Horse Ln

Owner's Name(s): John W. Tastet, Jr.

Address: 4328 Ritchie Hwy
Bal MD 21225

TAX ACCOUNT NUMBER: 18 00 006 433

/ / CHARGE DUE - See comments below

/X/ NO CHARGES DUE

Comments: _____

PLEASE FORWARD RESPONSE TO GLORIA LUPERINI - Room 123 COB!

RECEIVED
OCT 17 1995
PDM

mc 10/16/95

File

COMMUNITY INPUT MEETING MINUTES

September 29, 1995

Development Name: ***Village Care Facility***
NW cor Mt Wilson & IronHorse Lanes
Meeting Location: Ft. Garrison Elementary School

Date of CIM: **September 19, 1995**

ZADM File No: ***III-377***
Council D. 2

Don Rascoe, Development Manager for Baltimore County and Project Manager for the Village Care Facility opened the meeting and gave a description of the development process in Baltimore County.

Mr. Rascoe then introduced Dick Matz of Colbert, Matz and Rosenfelt, site engineers for the project. Mr. Matz described the proposal for the property as 18 Z-lots, similar to the lots in the adjacent development known as Cobblestone. He stated the project would additionally include a 150 bed nursing home and would preserve the Balmukety Mansion, an existing mansion standing on the site.

Mr. Matz stated the mansion is on property zoned BL and the remainder of the site is zoned DR 3.5. He said the developer would be seeking a special exception to locate the nursing home in the DR zone rather than in the BL zone, where it would be allowed as a matter of right. He said the developer would seek a variance to the Residential Transition Area (RTA) along Mt. Wilson Lane. He said 105 parking spaces would be created to accommodate staff and visitors to the nursing facility. A stormwater management facility would also be constructed.

Mr. Matz then took questions from the audience on the proposal.

A resident asked if sidewalks and street lights would be required along Mt. Wilson Lane. Mr. Matz stated he believed they would be a part of the road widening required along Mt. Wilson Lane. He said the road widening would be 10 feet wide, two feet of green space, and then a sidewalk. He said curb and gutter would be installed as well. A resident expressed concern for the vertical rise of the existing road bed. Mr. Matz said that would not change.

Richard Rynd, the contract purchaser of the property, stated that one of the original proposals for the property was for a religious school and the nursing home to share the property. He said under that development plan the nursing home would be placed on the site of the Balmukety Mansion, which would have to be torn down. The religious school later found an alternate site and elected not to build on this site.

Mr. Rynd stated that under this proposal, the homes and the Balmukety Mansion would serve as a buffer between the existing homes and the nursing home. He said the nursing home was proposing 50 parking spaces more than required.

Community Input Meeting

Development: Village Care Facility

Date of Meeting: 9-19-95 **Location:** Ft. Garrison Elem

Attendance Record

Name	Address	(Zip Code)	Phone
* Richard Rynd	8570 Leisure Hill Dr 21208	410	484-0426
* Joseph C. Levin	312 Chalk Hill Dr 21208	410	602-1428
* Jerome & Tanya Goldberg	305 Chalk Hill Dr.	410	484-6226
Sandra & Howard Lapp	316 Chalk Hill Dr 21208	410	602-3003
* Fredrick David Lian	38 Stag Leap Court 21208	410	486-4692
Raymond R. Burns	115A Mt. Wilson La. 21208	410	486-7848
Mark Kanefsky	208 Glenn Ellen Cr. 21208	410	486-5446
* Norman/Beth Kimberg	3 Stag Leap Ct		484-5687
Dolores Fishkin	10 Stone Pine Ct	410	602-1799
Jerry Perl	214 Glenn Ellen Cir 21208	410	653-3730
Carol Solomon	8111 McDonogh Rd 21208		363-3140
* J H Kodder	400 Mt Wilson Lane 21208	410	484-7200
* Harold Yurovey	36 Stags Leap Ct 21208	410	653-8701
* Joseph Barnett	34 Stags Leap Ct 21208	410	653-0299

Community Input Meeting

Development: Village Care Facility

Date of Meeting: 9-19-95 **Location:** Ft. Garrison Elem.

Attendance Record

Name	Address (Zip Code)		Phone
M/M DAVID WEINER	210 GLENN ELLEN CT - 21208		602-2460
M/M Albert Kleeman	301 CHALK HILL DR 21208		602-0099
M/M JACOB WIATT	1 STAGS LEAP CT 21208		484-0928
M/M Howard Rann	17 STAGS LEAP CT 21208		653-5619
M/M HARVEY SCHEIN	25 STONE PINE CT 21208		655-1842
C WILLIAM CLARK, Esq	210 W PENNSYLVANIA TOWSON 21286		823-7822
Adele Kass	Councilman Kamenetz		887-3196
PAUL LAMPE	TALLES HAYES 1133 GREENWOOD ROAD, BALTIMORE, MD 21208		486-9592
Scott SAVADER	212 GLEN BILLS CIRCLE BALTO 21208		484-1826
JACK HOLLICK	NELSON-SALDRES 104 STAGS AVE, TOWSON. MD		
JOHN W. RICHARD	305 W. CHESAPEAKE AVE TOWSON, MD		321-6600

page ____ of ____ pages

PDM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

CONCEPT PLAN CONFERENCE

TO: Arnold Jablon, Director - Office of Permits & Development Management

FROM: Arnold F. (Pat) Keller, III, Director - Office of Planning and Community Conservation

DATE: July 24, 1995

PROJECT NAME: Village Care Facility

PROJECT NUMBER: III-377

PROJECT PLANNER: Carol McEvoy

GENERAL INFORMATION:

Applicant Name: Mr. John W. Tastet, Jr.
4328 Ritchie Highway
Baltimore MD 21225

Location: NW corner Mt Wilson and Iron Horse Lanes

Councilmanic District: 2nd

Growth Management Area: Urban Center - Owings Mills

Zoning: DR 3.5 and BL

Acres: 10.65± acres

Surrounding Zoning and Land Use:

North:	D.R. 3.5	Z-lots
South:	D.R. 3.5	Single family house
East :	D.R. 3.5	Z-lots
West :	D.R. 1	Recreational

Project Proposal:

The applicant proposes 19 single-family dwellings, including the historic Balmuckety Mansion which will remain as a single-family dwelling, and a 150 bed nursing home on 10.65 acres ± zoned DR 3.5 (8.0 acres) and BL (2.6 acres). The existing mansion may be converted to assisted living or accessory office use. The site is partially wooded with some specimen trees. There are formal gardens and accessory structures which will be removed. A Special Exception will be required to allow a nursing home in a DR zone. Variances from the RTA will be requested for a 47' building setback in lieu of the required 75' and a 40' buffer in lieu of the required 50'.

PROJECT NAME: Village Care Facility **PROJECT NUMBER:** III 377

Project History

This site was the subject of an approved CRG on 9/10/92 for 4 single-family detached dwellings and 26 townhouses.

Other Anticipated Actions and Additional Review Items:

__X__	Special Exception	_____	Referral to Planning Board	_____	PUD
__X__	Variance	__X__	Compatibility	_____	Other
_____	Waiver	_____	Scenic Route		
_____	RTA Modification	__X__	Design Review Panel		

PARTIES TO BE NOTIFIED BY APPLICANT:
(Certified Mail Return Receipt Requested)

ALL ADJACENT PROPERTY OWNERS

Grey Rock Residents Comm
Lillian Berger, Chairman
2 Cornelius Ct
Baltimore MD 21208

The Club of McDonogh Township
William Wolf, Pres
8017 Valley Manor Rd
Owings Mills MD 21117

Valley Gate HOA
David Hirshfeld, Pres
3 Bellchase Ct
Baltimore MD 21208

Greentree HOA
Michael Simmons
10 Raisin Tree Circle
Baltimore MD 21208

McDonogh Field Assoc
Phyllis Brotman, Pres
8105 McDonogh Rd
Baltimore MD 21208

Lodge at McDonogh HOA
Bob McNally
8103 Greenspring Way
Owings Mills MD 21117

Courtyards at Greentree
c/o First American Management
3230 Bethany Ln - STE 1
Ellicott City MD 21042

Ner Israel Rabbinical College
Rabbi Newberger
400 Mt. Wilson Ln
Baltimore MD 21208

MEETINGS:

Concept Plan Conference	07 / 17/ 95	Community Input Meeting	/ /
Development Plan Conference	/ /	Hearing Officer's Hearing	/ /
Planning Board	/ /		

COMMENTS

The receipt of additional information from the Community Input Meeting or other sources may generate further comments at the Development Plan Conference.

GENERAL

The Site Constraints Map and the Site Proposal Map do not match in location of property lines or in location and building footprint of the Balmuckety Mansion. Accurate site information is essential to assess the potential for preservation of the historic setting.

MASTER PLAN

The proposed use as single-family detached residential dwellings is consistent with the predominant land use recommended by the Baltimore County Master Plan 1989-2000. The development is subject to performance standards for innovative house types created in response to Master Plan recommendations (see Pages 76 & 77). These are the Residential Standards and Guidelines of the Comprehensive Manual of Development Policies (CMDP).

ALTERNATE HOUSING TYPE

The Plan proposes Zero Lot Line lots. Standards for this house type are found in the Residential Standards of the CMDP on Pages 9 to 11. These are summarized as follows. This house type can be placed on the lot line with a 16' separation between side building faces. Maximum building height is 50'. Fences may be required on rear, side and/or front yards to assure privacy. All fencing shall be architecturally compatible with the house exterior. The Plan shall show all architectural elevations and materials to be used. The County encourages Local Open Space to be provided on site for this type of development. See Page 11 of the Residential Standards for location of decks and or patios.

The County shall evaluate a zero lot line project to determine if the project design:

1. Assures privacy for individual lots;
2. Has appropriate landscaping;
3. Includes community paths and open space;
4. Shows off-street parking solutions that improve upon the typical subdivision arrangement of large bays perpendicular to the street;
5. Conforms to the advisory design guidelines; and
6. Orients the building to create privacy and maximize use of the side yard.

Alternative housing types are not a matter of right but will be considered by the County and the Design Review Panel as part of its plan review and approval process. The project should be reviewed by the Design Review Panel prior to the Community Input Meeting. Contact Lynn Lanham of the Office of Planning and Community Conservation (887-3211) for a potential date.

COMPATIBILITY

Section 26-282(2) of the Development Regulations requires the Director of the Office of Planning to make a compatibility recommendation to the Hearing Officer for for Zero Lot Line Developments. The Applicant is required to provide a written description of how the Plan will comply with the 8 compatibility objectives as outlined in Section 26-282.

REQUIRED SUBMISSIONS

Additional submissions required by the Director of Planning pursuant to Section 26-203 (d)(21) for review of design, compatibility, and alternate house type are as follows:

1. A site plan showing proposed grading overall, and a detailed grading plan at 10 scale showing the relationship between the units, rear yards, grade transitions, parking pads, decks or patios, etc.
2. Cross sections through the site as per the Design Comments below;
3. Architectural floor plans and building elevations of all four facades (label colors and materials to be used);
4. A Landscape Plan including existing trees to be preserved; and
5. A coordinated package of site details integrated with landscaping. Include details for paving, fences, lighting, entry signs and open space amenities.

Some of these submissions are ordinarily required at the Development Plan stage; however, the need for alternate house type review requires early submission of all items. These materials will be required to be submitted to the Office of Planning and Community Conservation for review and mailed to the Design Review Panel prior to the meeting. All graphic materials should also be displayed at the Community Input Meeting.

HISTORIC PRESERVATION

The site contains the Balmuckety mansion which is listed on the Maryland Historic Trust (MHT) Inventory as BA 682. The mansion is an excellent Georgian Revival House built in 1910, designed by Wilson Smith, the architect of many large local schools. The Plan shows that the mansion will remain. The Landmarks Preservation Commission (LPC) reviewed the Concept Plan at the meeting held July 13, 1995 at the Baltimore County Office of Planning. The LPC will be kept informed after subsequent steps in the review process.

ZONING REGULATIONS

The Applicant should clarify the zoning ramifications of each possible listed use for the Mansion for density, setbacks, parking, etc. and whether any variances or waivers would be generated.

DESIGN

The Comprehensive Manual of Development Policies (Residential Guidelines, page 23) states that the project design, building scale and massing should complement historic structures and grounds. The historic building should be used as the focal point of the project design.

The relationship of the new buildings to the existing house and the houses on Mt. Wilson Lane is key to preserving the historic character of Balmuckety. Building size, architectural style, site layout, and preservation of the major trees which contribute to the visual impact of the site are concerns.

The attributes of the site have not been considered in the design of this project. The landscaped grounds and the mansion are valuable assets that can be incorporated into a well executed design that would result in a unique living environment. Create a positive association and identity between the proposed buildings and the historic building and site by the following:

1. The major view corridor to the mansion from the intersection should be retained and the parking lots should be screened from public view.

2. The setting in front of the mansion should be preserved. The circular drive in front of the mansion should be incorporated into the parking layout. The five proposed houses between the mansion and Iron Horse Lane should be removed.

3. A detailed tree survey is needed that shows the major trees on the site to determine the appropriate road alignment and building layouts. The Concept Plan should respond to the tree survey in a manner that saves the significant trees and incorporates them into the design.

4. Local open space should be provided on site to be used by the residents of the houses and nursing home. The open space can include the front setting of the mansion. Incorporate onsite structures such as the fountain and patio as an open space amenity. Pathways should be developed to provide a recreation amenity for the residents. Make appropriate pedestrian linkages to the adjoining county park.

5. The building designs for the nursing home and Z-Lot homes should relate to the architectural character of the mansion by emulating facade proportions, roof lines, materials and colors. A thematic concept is needed that integrates the development.

6. A lighting impact study is needed to determine the effects the ball field lighting will have on the project.

7. Section and elevation drawings showing the grade relationships across the site and the heights and design of the building are required. Show sections and elevations at locations shown on the attached plan.

8. Evergreen landscape buffers should be provided between the nursing home parking lot and the mansion grounds.

9. Blend new grades with existing topography. When steep embankments are inavoidable use retaining walls that are architecturally treated to match the mansion in order to provide the connection between the old development and new.

Division Chief: Ernie McDaniel

CME:rdn

Attachment

PDM

BALTIMORE COUNTY, MARYLAND

SUBJECT: CONCEPT PLAN COMMENTS

FROM: PDM - ZONING REVIEW

CPC DATE: 7/17/95
9:00 a.m., Room 301

PROJECT NAME: **Village Care Facility (FKA Yeshivat Rambam)**

PLAN DATE: 6/19/95

REV.:

LOCATION: NWC Mount Wilson and Iron Horse Lanes

DISTRICT: 3c~~8~~ 2

PROPOSAL: 18 Single Family Dwellings
150 Bed Nursing Home with
Existing Mansion Building
Use Not Resolved

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CONCEPT PLAN APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The plan has been reviewed by the staff at this level of detail and not enough basic information has been supplied to determine general compliance with the Baltimore County Zoning Regulations (BCZR). The following comments are generalized for the development plan and they do not identify all details and inherent technical zoning requirements necessary in order to determine final compliance with these regulations. The intent of the developer must be clear on the plan, including any previous and proposed zoning hearing requests. The following comments will be up-dated and, if necessary, supplemented when the following information has been supplied to this office and included on the plan:

Concept Plan Comments:

1. Subject to all BCZR and zoning policy compliance, nursing homes are permitted by special exception and zipper lots are not permitted as of right in the D.R.-3.5/B.L. zone, but are subject to evaluation approvals detailed in the CMDP Section IIA, pages 9 and 10. Show all building orientations and setbacks per the applicable BCZR and CMDP requirements. Four of the lots do not appear to be of the zipper lot configuration. Confirm zipper lot standards of design for these lots or variances are required.

2. Provide Baltimore County grid coordinates on the plans for zone line location confirmation.

Some Future Development Plan Comments:

3. Plan note 4 referencing a proposed assisted living facility (per BCZR, nursing care and assisted living is a continuing care facility) must either be deleted from the plan or detailed information concerning required zoning hearings, density, uses, defined use areas, RTA, etc. must become part of this plan for zoning review purposes. (Also see #4 of these comments.) Zoning cannot approve a plan unless these issues are resolved.

(Over)

4. Show compliance with zoning policy 102.2, page 1-42, ZOPM (copy attached).

5. A zoning variance and modification of standards approval is required for the total building widths exceeding 300 feet and 200 feet, respectively. (See CMDP, Section IIA, page 29.)

6. **RTA:** Include on the plan and clearly label all off-site sources of RTA on-site, including all dwellings and small lots of record less than 2 acres. All off-site buildings within 150 feet of a proposed unlike use tract must be labeled with the existing use. Dwellings must be labeled "existing dwelling" and all vacant lots must include the acreage. All lot and deed divisional lines that adjoin or are across street from the subject property must be shown clearly. The most restrictive residential transition areas must be labeled with the required and applicable 150 foot RTA dimension and included on the plan print. The 100 foot RTA area must also be labeled and shown. Clearly and conspicuously note on the plan: "All off-site dwellings and small lots of record (less than 2 acres) that create a RTA on-site are shown with the required 150 foot distance dimensions and 100 foot RTA". Clearly label all unlike building fronts, label and dimension 75 foot RTA setbacks, 50 foot RTA buffers. Provide and designate on the plan print the required and applicable RTA buffers with a conspicuous bold line around the boundary and remove all other uses, except those drives as permitted under the CMDP. Remove any proposed private yard space from the required RTA planted buffers. Note on buildings or other uses to be removed from the RTA buffer area that the area will be replanted in accordance with the landscape manual. The RTA must be designated as HOA. Be aware that maximum building height in a RTA is 35 feet.

7. **Density, Area:** Provide accurate gross and net area calculations in compliance with the following: net area = the entire overall tract/ownership area (excluding any existing public street right-of-ways; gross area = the net area plus 1/2 of the tract boundary street right-of-way that the property is not denied access to, up to a maximum of 30 feet (see Zoning Policy RSD-3).

   Use the gross area in the density calculation, clearly indicating the source of the additional calculated area over and above the net area.

   Note on the plan under the density calculation: "This property as shown on the plan has been held intact since 1971. The developer's engineer has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density or area to support any off-site dwellings". If any adjacently owned property has been subdivided after this date, show this area as part of the overall tract boundary and adjust density calculations accordingly.

8. **Parking, Driveways, Surface:** Dimension on the plan print and note that all driveways and parking aisles will comply with Section 409.4 of the Baltimore County Zoning Regulations (BCZR). Driveways - 12 ft. wide for one-way and 20 ft. wide for two-way traffic (Section 409.4.C, BCZR). 90 degree parking angle requires 22 ft. for one or two-way aisles. Provide a dimensioned parking space/aisle detail on the plan. Note that all parking, maneuvering and aisle areas will be paved (indicate type) and permanently striped. Label proposed curbs and/or parking wheel stops on the plan.

(Over)

9. **Signs:** Provide an engineering scale elevation on the plan of all existing and proposed free-standing signs clearly indicating the type, height, dimensions, square footage, single or double-face and illumination. All signs must be keyed to their existing or proposed location on the plan print and enough detail must be shown to determine compliance with the Baltimore County Zoning Regulations (BCZR), Section 413.1 and all zoning sign policies or a zoning variance is required.

10. Final zoning approval is contingent first upon all plan comments being addressed on the DEV. plan,; secondly upon the final resolution of all comments, the outcome of any requested zoning hearings; and finally the inclusion of the Final Development Plan (FDP) checklist information being included on the FDP.

JOHN L. LEWIS
Planner II

JLL:scj

A. MIXED USES ON ONE PROPERTY

1. If several uses are proposed as separate structures on one property, each use must meet the zoning requirements as if it was a separate parcel.

2. Even if subdivision of the property is not proposed, the Zoning Commissioner may require that a line of division either a lease line or a zoning use division line between each use be shown on the plat.

   a. Conditions: The following guidelines have been formulated so that this matter can be handled consistently:

      i. Both existing and proposed uses, as divided, must be able to meet the B.C.Z.R. requirements with respect to area, density, parking, setbacks between buildings and to the division lines as if they were property lines.

      ii. Residential density may be calculated on the overall property acreage if all uses are residential and is allowed in that zone.

   b. Interpretation: This determination may be subject to a Special Hearing at the discretion of the Zoning Commissioner.

B. SETBACKS AND BUILDINGS ACROSS ZONE LINES

1. If the property is bisected by a zone or a use and setback limitation line, the required applicable setbacks (for a building legally located in one of these zones) would be measured to the property or street right of way line and not the zone line.

   The only exceptions to this method of measuring setbacks would be:

   a. If there is a specific use limitation within a certain distance of a particular zone, then the distance would have to be maintained, or if possible, a variance may be applied for.

   b. If there are 2 principal buildings proposed in different zones, on the same property, in close proximity, then the greatest distance between principal buildings will have to be maintained or a variance granted.

2. If a building is proposed across a zone or use and setback limitation line, regardless of what percentage of the building is on each side, the setbacks for each section of the building will be determined and applied separately, according to each separate zone or zone proximity requirement.

APPROVED MAY 1 8 1992

Baltimore County
Department of Environmental Protection
and Resource Management

Environmental Impact Review

Concept Plan Comments

Project Name: Village Care

Project Location: Iron Horse Lane, Pikesville

Date of Meeting: July 24, 1995

Watershed: Gwynns Falls

Reviewer(s): Valarie Klein, Bruce Seeley

__X__ The site constraints map has not been field verified by EIR staff.

_____ This project must conform to the requirements of Article IX, Section 14-331 through Section 14-350 of the Baltimore County Code: Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains. The following must be approved by this Department prior to submitting the Development Plan:

- _____ A wetland delineation report.
- _____ A steep slopes and erodible soils analysis to determine the extent of the Forest Buffer on this site.
- _____ In accordance with Article IX, Section 14-334 of the Baltimore County Code, a variance is required for this proposal. An application and instructions are attached.
- _____ In accordance with Article IX, Section 14-342(b)(1) of the Baltimore County Code, an alternatives analysis must be provided for any stormwater management facilities, roads, utilities and/or grading proposed in the Forest Buffer.

__X__ This site is subject to Baltimore County Forest Conservation Regulations. The following must be submitted to and be approved by EIR prior to Development Plan submittal.

- __X__ A Forest Stand Delineation report.
- __X__ A Forest Conservation Worksheet.
- __X__ A Preliminary Forest Conservation Plan.
- _____ A Forest Retention/Afforestation Investigation Report.
- _____ A Special Variance.

Concept Plan Comments

Project Name: Village Care

Date of Meeting July 24, 1995

__X__ The Development Plan must show the following:

__X__ Add the standard Forest Conservation area Easement/ Reservation notes to the plan.

__X__ A Forest Conservation area Access Easement approved by EIR staff must be provided. The access should be labeled "Baltimore County Access Easement".

__X__ A building setback of 35 feet must be applied from the Forest Conservation area.

__X__ Storm Water Management pond embankments must be 25 feet from Forest Conservation Easements.

_____ This site is subject to the Chesapeake Bay Critical Area regulations. A Findings Plan must be submitted and approved prior to Development Plan submittal.

__X__ The Forest Buffer and/or Forest Conservation area must be recorded as an Easement or a Reservation.

__X__ An updated Environmental Effects Report and a Hydrogeological Study using the new, revised forms must be submitted with the Development Plan.

__X__ Any existing wells, septic systems, and underground storage tanks on-site must be shown on the Development Plan; if there are none, a note must be added to the plan.

__X__ Additional Comments:

The existing well must be backfilled by a licensed master well driller who must submit a well abandonment report to DEPRM prior to grading or building permit approval.

VK:BS:sp

VILLAGE/DEPRM/TXTSBP

PDM

CONCEPT PLAN CONFERENCE

VILLAGE CARE FACILITY
15 IRON HORSE LANE

JULY 24, 1995

GRADING, EROSION & SEDIMENT CONTROL COMMENTS:

NOTE: Comments are advisory in nature and may not be applicable to this project. More specific comments will be provided with review of the Development Plan.

1. Grading Requirements & Sediment Control Guidelines

   a. The developer is responsible to address the grading requirements of Baltimore County Code 14, Article VI and Baltimore County Department of Environmental Protection and Resource Management.

   b. A grading permit and security is required for any site having greater than 20,000 square feet of disturbed area. A security is not required for sites having less than 20,000 square feet of disturbed area.

   c. An erosion and sediment control plan must be approved by the Soil Conservation District and a separate approved final grading plan is required for any site having greater than 20,000 square feet of disturbed area. These plans must be approved by DEPRM prior to obtaining a grading permit.

   d. Sites having less than 20,000 square feet of disturbed area may be exempt from the approved erosion and sediment control plan requirement and may qualify to use standard sediment control plan measures. Contact the Bureau of Engineering Services, Division of Inspection and Enforcement at 887-3226 for additional information.

2. General Engineering Requirements

   a. Erosion and sediment control plans for sites having greater than 20,000 square feet of disturbed area must be reviewed and approved by the Baltimore County Soil Conservation District. Upon such approval, plans are then returned to the Department of Environmental Protection and Resource Management for microfilming. Grading plans will not be approved prior to SCD signature on erosion and sediment control plans.

   b. Final grading plans for sites having greater than 20,000 square feet of disturbed area must be submitted for approval to the Bureau of Engineering Services along with the site erosion and sediment control plans. Final grading plans must show all proposed grading, storm drain inlets and their connections to main storm drain system up to outfall, building locations, first floor elevations, septic reserve areas, sidewalks and driveways. Proposed sanitary and water lines and their connections to

existing systems must be shown on final grading plan. Sediment control devices should not be shown on the final grading grading plan. Mass grading plans are not acceptable unless a waiver to this standard is granted by the Bureau of Engineering Services. Final grading must reflect the proposed condition of storm water management hydrology. Refer to Baltimore County Code Title 14, Article VI.

c. Erosion and sediment control devices must be perimeter type devices and must be located sufficiently outside of proposed grading, therefore, proposed grading should not be shown to the limits of property lines, wetlands, floodplains or buffers. Erosion and sediment control plans must be designed for all work shown on the final grading plan.

d. Proposed storm water management ponds must be used as temporary sediment basins unless prohibited as such by the Bureau of Engineering Services' Project Engineer.

e. Grading plan must be in compliance with development plan.

f. Erosion and sediment control devices may not outfall onto adjacent improved properties without the property owner's written permission.

h. All floodplains, wetlands, and buffers must be shown on final grading plans and should be shown on the sediment control plans. Erosion and sediment control devices may not be located within such areas except as allowed by DEPRM. Sediment traps outfalling into such areas must provide two times the normally required storage.

i. Sediment trapping device must be located outside the septic reserve areas. Show location of septic reserve area on grading plan in absence of sanitary sewer line.

3. <u>Outlines for Development Plan Approval</u>

a. Proposed grading, especially filling, should not be shown up to limits of property lines, floodplains, wetlands or buffers. There should be adequate room for perimeter sediment and erosion control devices and for movement of construction equipment.

b. Proposed grading must not exceed slope requirements of 2:1 maximum on commercial properties and 3:1 maximum on residential lot areas and 4:1 within 25 ft of septic reserve areas.

c. Proposed grading must not adversely impact the adjacent properties. Runoff must be discharged at locations of suitable outfalls. Diversion of natural runoff pattern from ultimate outfall for more than 1000' by proposed grading is not acceptable.

4. Site Specific Comments

a. There are no site specific comments, refer to the preceding pages for general requirements.

Steve Wallis

July 13, 1995

VILCRE.GRD/DEPRM/ESCRG
REVISED 8/93

PDM

CONCEPT PLAN CONFERENCE

VILLAGE CARE FACILITY
15 IRON HORSE LANE

JULY 24, 1995 @ 9;00am

STORM WATER MANAGEMENT COMMENTS:

Note: Comments are advisory in nature and may or may not be applicable to this project. More specific comments will be provided with review of the Development Plan.

1. The Storm Water Management Act:

   a. The Developer is responsible to address the requirements of the Baltimore County Code, Title 14, Article V.

   b. Provisions for exemptions, waivers and variances for Storm Water Management (SWM) are described in this document. Exemptions, waivers and variances should be applied for and granted (or denied) by the County before Development Plan approval is given.

   c. Conditions for recording plats and granting grading and building permits as related to SWM are also described in this document. The Developer is advised to be aware of these conditions and include them in planning the project to avoid unnecessary delays to construction.

2. General Engineering Requirements:

   a. Peak management of the 2 and 10-year storm events is normally required. If the development is in certain designated inter-jurisdictional watersheds or, if deemed necessary by Baltimore County, 100-year peak management may also be required.

   b. Please refer to the Storm Water Management Section of the Baltimore County Design Manual for general design criteria. Hydrology shall be in accordance with the June 1986 version of TR-55.

   c. Water quality measures are required to some degree on all projects not exempt from SWM. The developer is responsible for addressing all applicable requirements of agencies whether within or outside of Baltimore County having jurisdiction over water quality, streams or wetlands.

   d. SWM Facilities are also subject to review and approval by the Baltimore County Soil Conservation District.

e. SWM Facilities which either outfall to a Baltimore County storm drain system or for which a public road fill serves as a SWM pond embankment will be reviewed and approved concurrently by the Department of Public Works and the Department of Environmental Protection and Resource Management.

f. Site design must maintain, to the extent possible, pre-development drainage patterns and characteristics. Diversion of drainage is discouraged and DEPRM reserves the right to prohibit drainage diversions it finds detrimental.

3. Maintenance Requirements:

a. SWM facilities may be maintained by Baltimore County if the following conditions are met, subject to approval of the Department of Environmental Protection and Resource Management:

(1) Residential subdivision in which all lots are for sale in fee.

(2) Requirements for public ponds given in the Baltimore County Department of Public Works Design Manual are all met.

(3) SWM Facility is enclosed in a reservation shown on the record plat to allow the facility to be deeded in-fee to Baltimore County.

b. Private maintenance of SWM facilities is acceptable. A Deed of Declaration must be executed by the Developer guaranteeing maintenance of and County access to SWM facilities before plats may be recorded and before grading or building permits may be granted. SWM facilities in residential subdivisions to be maintained privately by a Home Owners Association shall be designed according to the requirements for public ponds.

4. Guidelines for Development Plan Approval:

a. Show type, size and location of all SWM Facilities on the Development Plan, including qualitative management facilities. Preliminary computations (hydrology) should be provided to verify that the SWM area(s) on the plan are adequate.

b. Show that all outfalls from SWM facilities and bypass areas are "suitable" as defined by the Baltimore County Department of Public Works and the Department of Environmental Protection and Resource Management.

c. Show that the SWM Facilities do not create a hazard. An example of a hazard would be an embankment dam located so that in the event of a breach failure, downstream life or property is endangered.

d. List on Development Plan any waiver or variances and give date of approval by Baltimore County.

5. Site - Specific Comments:

In addition to the above, each project will be given a brief review by the DEPRM's Division of Design and Review, and a set of specific comments will be provided. The Developer is responsible for addressing these site-specific comments, which are enumerated as follows:

a. 2, 10 and 100-year peak quantity management is required for this area.

b. Water quality measures consistent with the policy of DEPRM must be provided. Minimum water quality must be provided for the first 0.5 inch of runoff from all impervious areas. Infiltration practices must be investigated and are preferred where practical.

c. All site runoff must be conveyed to a suitable outfall without adversely affecting the receiving wetland, watercourse, waterbody, storm drain or adjacent property.

Robert T. Wood
Robert T. Wood

July 13, 1995

VILCRE.SWM/DEPRM/ESCRG
Rev. 1/94

PDM

BALTIMORE COUNTY, MARYLAND

SUBJECT: CONCEPT PLAN COMMENTS
FOR JULY 24, 1995

DATE: July 19, 1995

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division
Department of Permits & Development Management

PROJECT NAME: Village Care Facility

PROJECT NO: 03-377

LOCATION: NW corner Mt. Wilson and Iron Horse Lanes

DISTRICT: 3C2

The Development Plans Review Division has reviewed the subject plan dated June 19, 1995 and has the following comments to make:

We recommend the Developer conduct a fire flow test to determine if adequate fire protection is available.

Mount Wilson Lane will be improved to an ultimate 40-foot curb and gutter street cross section on a 60-foot right-of-way. Improvements will consist of, but not necessarily limited to, paving, curb and gutter, sidewalk, street lights and drainage improvements.

Downstream flooding exists. Therefore, 2-10-100 year storm water management will be required.

Sidewalk and street lights will be required along Iron Horse Lane.

The proposed road serving the Z-Lot Homes must be a public road. This road must be a minimum 30-foot curb and gutter street cross section on a 50-foot right-of-way. Drainage improvements, street lights, sidewalk and fire hydrants will be necessary. A standard cul-de-sac will be required. Public water and sewer will be required to be installed in the public road.

RWB:DAB:jrb

cc: File

VILLCARE.CPC

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUPPLEMENTAL CONCEPT PLAN COMMENTS FOR JULY 24, 1995

DATE: July 24, 1995

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division
Department of Permits & Development Management

RWB

PROJECT NAME: Village Care Facility

PROJECT NO: 03-377

LOCATION: NW corner Mt. Wilson and Iron Horse Lanes

DISTRICT: 3C3

The following comments were inadvertently omitted from the comments provided at the Concept Plan meeting:

LANDSCAPE MANUAL CONFORMANCE REVIEW:

A detailed tree survey should be provided. This site has many specimen trees. Some are almost large enough for the champion designation. It would be a tremendous loss to the community to lose all of these trees.

Without a redesign effort that saves some of these trees, this office recommends that the Hearing Officer deny the requests for a special exception and variances.

RWB:DAB:jrb

cc: File
Eng.
Council D3

VILLCARE.SCP

PDM

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

7-7-95

Mr. Donald T. Rascoe
Development Manager
Baltimore County Office of Zoning
Administration and Development Management
County Office Building Room 109
Towson, Maryland 21204
Attn: Ms. Susan Wimbley

Re: *Baltimore County*
VILLAGE CARE FACILITY
18 SFD, 150 BED FAC.
(EX. MANSION IN BL ZONE
NW CORNER MT WILSON AND
IRON HORSE LANES
CONCEPT PLAN
ZADM # 03-377

Dear Mr. Rascoe:

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

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

Very truly yours,

Bob Small

for *Ronald Burns, Chief*
Engineering Access Permits
Division

My telephone number is _____

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

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

PDM

B A L T I M O R E C O U N T Y, M A R Y L A N D
Inter-Office Correspondence

TO: Arnold E. Jablon, Director
Department of Permits and
Development Management

July 24, 1995

ATTN: Donald Rascoe
Project Manager

FROM: Walter L. Beaumont, Jr.
Drafting Section
Bureau of Land Acquisition

SUBJECT: Village Care Facility
ZADM# III-377

A review of the concept plan for the above referenced project results in the following comments. These comments are advisory in nature and should be utilized in the preparation of a "Package" for the acquisition rights of way required for this project.

1. Developer will be required to submit a title certificate early in the Phase II process, preferably with the PWA agreement. Make sure that DRE format is followed. In addition any offsite acquisitions will also require title certificates.

2. Access approved by DEPRM should be shown for any storm water management facilities, forest buffers, etc.

3. Make sure that the DRE Check list is used in the preparation of the Record Plat.

4. Additional site specific comments (if any):

   (1) Show all existing rights-of-way and easements.

5. Comments generated by meeting:

wlb/

III-377.1/ZADMDRE

PDM

B A L T I M O R E C O U N T Y,
M A R Y L A N D

Subject: Concept Plan Comments Date: July 24, 1995

From: Department of Recreation and Parks

Project Name: Village Care Facility

Project Number: 03-377

Location: NW corner Mt. Wilson and Iron Horse Lanes

Districts: Elec. 3 Counc. 2

Comments:

The Local Open Space required for this project is 0.28 acres. Since this is below the 0.5 acre minimum, we will consider a request for a waiver of local open space.

Michael Grossman
Local Open Space Coordinator
887-3822

PDM

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 07/11/95

TO: SUE WIMBLEY, ZADM. MAIL STOP-1301

FROM: LT. ROBERT P. SAUERWALD
BALTIMORE COUNTY FIRE MARSHAL OFFICE
MAIL STOP-1102F, PHONE 887-4881

SUBJECT: SUBDIVISION REVIEW COMMENTS

PROJECT NAME: VILLAGE CARE FACILITY

PROJECT NUMBER: 03-377

LOCATION: NW CORNER MT. WILSON AND IRON HORSE LANES.

DISTRICT: 3C2

COMMENTS:

1. PROPOSED BUILDINGS SHALL BE DESIGNED AND CONSTRUCTED SO AS TO MEET THE APPLICABLE PROVISIONS OF THE FIRE PREVENTION CODE AND THE NFPA 101 LIFE SAFETY CODE.1991 EDITION.
2. FIRE FLOW TEST IS REQUIRED TO BE CONDUCTED BY THE BALTIMORE CITY WATER DEPARTMENT AS CLOSE TO THE SITE AS POSSIBLE, SPECIFICALLY: HYDRANT CLOSEST TO IRON HORSE AND MT. WILSON LANES. THESE RESULTS SHALL BE CERTIFIED BY A MARYLAND REGISTERED, FIRE PROTECTION ENGINEER ,OR OTHER PRE-QUAILIFIED ENGINEER. STATING AVAILABLE FIRE FLOW AT THE SITE MEETS THE MINIMUM REQUIREMENTS FOR THE FIRE FLOW, AS SET FORTH IN APPENDIX IV "ESTIMATING FIRE FLOW REQUIREMENTS" OF THE "URBAN GUIDE FOR FIRE PREVENTION AND CONTROL MASTER PLANNING". THIS CERTIFICATION SHALL BE SENT TO: LT. ROBERT P. SAUERWALD, BALTIMORE COUNTY FIRE MARSHAL OFFICE, SUITE 900, 700 E. JOPPA RD., TOWSON MARYLAND 21286-5500.

9. ALL FIRE HYDRANT SPACING SHALL BE IN ACCORDANC WITH THE BALTIMORE COUNTY STANDARD DESIGN MANUAL, SEC 2.4.4, FIRE HYDRANTS.

14. IF THE PROPOSED BUILDING(S) REQUIRES THE INSTALLATION OF A "FIRE ALARM SYSTEM". THE DESIGN PACKAGE AS PRESENTED WITH THE BUILDING PLANS AT THE TIME OF BUILDING PERMIT APPLICATION. SHALL BE CERTIFIED BY A MARYLAND REGISTERED: LEVEL 3 OR 4 NICET ENGINEER, OR FIRE PROTECTION ENGINEER. STATING THE FIRE ALARM SYSTEM COMPLIES WITH ALL APPLICABLE CODE. ie NFPA 70. NFPA 72, NFPA 101, BOCA BUILDING CODE 1993 EDITION:BALTIMORE COUNTY BILL 167-93, AND THE BALTIMORE COUNTY FIRE PREVENTION CODE:BALTIMORE COUNTY BILL 017-91.

Printed on Recycled Paper

BOM PDM

BALTIMORE COUNTY
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
INTER-OFFICE CORRESPONDENCE

July 7, 1995

TO: Donald Rascoe, Project Manager

FROM: Thomas P. Ogle, Sr.
House Numbering and Street Naming Section

SUBJECT: Village Care Facility Concept Plan Conference
July 17, 1995
PDM File No. 03-377

1. Use 8900 Iron Horse Lane for nursing home address, not 15 Iron Horse Lane.

2. One street name will be required for residential portion of this project. Street numbers will be assigned at a later date.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Kurt Louderback, Supervisor
Revenue Division
Office of Finance - M.S. 2113

DATE: July 5, 1995

FROM: David C. Flowers, Manager DCF/ cub
Development Management
Dept. of Permits & Development Management

SUBJECT: **TAX CLEARANCE**

Name of Project: VILLAGE CARE FACILITY

Location of Project: NW CORNER MT. WILSON AND IRON HORSE LANES

Owner's Name(s): VILLAGE CARE, INC. C/O RYND ASSOC., INC.

Address: 5A GWYNNS MILL CT. OWINGS MILLS, MD 21117

TAX ACCOUNT NUMBER: 18-00-006433

/X/ DELINQUENT

/ / NOT DELINQUENT

Comments: Real property taxes open on the above account in the amount of $12,332.05.

PLEASE FORWARD RESPONSE TO GLORIA LUPERINI - Room 123 COB!

7/12/95

C: Don Fascee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Stephen R. Hinkel, Supervisor
Revenue Division
Office of Finance - M.S. 2113

DATE: July 22, 1996

FROM: David C. Flowers, Manager
Development Management
Dept. of Permits & Development Management

SUBJECT: **TAX CLEARANCE**

Name of Project: Village Care

Project Number: III-377

Location of Project: N S of Mt. Wilson Lane & W S Iron Horse Lane

Owner's Name(s): John W. Tastet ~~(owner)~~

Address: 4328 Ritchie Hwy.
Balto, MD 21225

Engineer's Name: Colbert Matz Rosenfelt, Inc.

Phone: (410) 653-3838

TAX ACCOUNT NUMBER(S): 18-00-006433

/✓/ CHARGE DUE - SEE COMMENTS BELOW

/ / NO CHARGES DUE

Comments: Acct. #18-00-006433 - $12,332.05 due on real property taxes.

PLEASE FORWARD RESPONSE TO CAROL BROWN - Room 123 COB!

NEED RESPONSE BY:

taxclear.doc/cab 3/20/96

B A L T I M O R E C O U N T Y, M A R Y L A N D
Inter-Office Correspondence

Date 7/23/96

TO: Taxpayers Service
Revenue Accounting

FROM: Steve Hinkel SH

SUBJECT: Lien Clearance
Development Projects

Please complete the following information on the attached developer and return to me:

Taxpayer Service

Real Property Tax

Amount Due:

Account Number(s):

1f00 006433 12,332 05

Business and Professional Personal Property Tax

N/A

Revenue Accounting Section

Corporation Personal Property Tax
T/A:

N/A

Construction Loan Charges
Account Number(s):

N/A

Central Billing
Invoice Number(s):

N/A

THEREFORE, IT IS ORDERED by the Hearing Officer/Zoning Commissioner of Baltimore County this 5th day of December 1996, that the development plan submitted in the within case as Developer's Exhibit No. 1A, be and is hereby DENIED in accordance with the terms and conditions more fully set forth hereinabove; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Exception for approval of a nursing home with associated parking and a storm water management facility, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing and the request for modification of standards, be and is hereby DISMISSED AS MOOT.

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

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date
By:

LES:mmn

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

December 5, 1996

Julius W. Lichter, Esquire
Levin and Gann
Suite 105, 305 W. Chesapeake Avenue
Towson, Maryland 21204

J. Carroll Holzer, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204

C. William Clark, Esquire
Nolan, Plumhoff and Williams
Court Towers, Suite 700
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Case Nos. III-377 and 96-284-SPHX
Development Plan Hearing and Petitions for Special Hearing & Exception
Legal Owner: John Tastet & Village Care, Inc., Applicant/Petitioner

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Hearing Officer's Opinion and Development Plan Order and Petitions for Special Hearing and Special Exception have been denied.

In the event the decision rendered is unfavorable to any party, please be advised that they may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please contact our Appeals Clerk at the Office of Permits & Development Management (PDM), tel No. 887-3353.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.
c: Mr. John Tastet, 15 Iron Horse Lane, Baltimore, Md. 21208
c: Mr. Richard Rynd, 8570 Leisure Hill Drive, Baltimore, Md. 21208
c: Mr. Albert Kleeman, 301 Chalk Hill Drive, Baltimore, Md. 21208
c: Mr. Charles Levine, 12 Stone Gate Court, Baltimore, Md. 21208
c: Mr. and Mrs. Milo Hekler 25 Mt. Wilson Lane, Baltimore, Md. 21208
c: Mr. William Monk, 222 Bosley Aenue, Towson, Md. 21204
cc: Mr. Don Rascoe, Project Manager, Office of PDM
cc: Other Reviewing County Agencies

Printed with SoyInk

IN RE:DEV. PLAN HEARING & PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION, NWC Mt. Wilson & Iron Horse Lanes 3rd Election District 2nd Councilmanic District Legal Owner: John W. Tastest Applicant: Village Care, Inc. Developer/Petitioner	*	BEFORE THE HEARING OFFICER/ ZONING COMMISSIONER OF BALTIMORE COUNTY Case Nos. III-377 & 96-284-SPHX

* * * * * * * * * * *

HEARING OFFICER/ZONING COMMISSIONER'S RULING ON MOTION

The above captioned matter comes before the Zoning Commissioner/Hearing Officer, as a combined hearing, pursuant to Section 26-206.1 of the Baltimore County Code. Approval is requested of the development plan for the project known as the Village Care facility, located on property adjacent to Mt. Wilson Lane and Iron Horse Lane in Pikesville. Zoning relief is also requested through a Petition for Special Exception and Petition for Special Hearing. The requested Special Hearing seeks approval of a waiver of public works standards for a 24 ft. pavement on a 40 ft. right of way for a proposed public street, to be known as Almarso Lane. Moreover, the Petition submitted requested a waiver of sidewalks along Iron Horse Lane, although such request was withdrawn at the hearing. The Petition for Special Exception requests approval of a nursing home with associated parking and a storm water management facility. The subject relief and development plan are more particularly shown on that drawing marked as Developer's Exhibit No. 1, the development plan and plan to accompany the Petitions for Special Exception and Special Hearing.

The public hearing convened for the purpose of considering the development plan and zoning relief was well attended by numerous representatives of the Developer, Protestants from the surrounding community and County representatives. Representing the Petitioner/Developer was Julius Lichter, Esquire. Representing the Cobblestone Homeowners Association and Charles Levine was C. William Clark, Esquire. J. Carroll Holzer, Esquire represented the Pikesville Farms Community Association and several adjacent property owners.

At the onset of the hearing, Mr. Lichter withdrew that portion of the Petition for Special Hearing requesting a waiver of sidewalks, as set forth above. Moreover, a preliminary Motion was made by Mr. Clark as to the proposed storm water pond management facility. Specifically, he noted that the plan shows that a portion of the pond is located within the 50 ft. R.T.A. buffer area which is generated across the tract's southern property line. He argued that Section 1B01.1.B.e.3 of the BCZR mandate that storm water management ponds cannot be located in the R.T.A. buffer. Moreover, he argued that no request for variance from this regulation had been made.

Thereafter, testimony was received on this issue from Richard E. Matz, the Developer's professional engineer, and Robert T. Wood, from the Department of Environmental Protection and Resource Management (DEPRM). Mr. Wood's job responsibility, in this instance, was to review and approve the Developer's storm water management plan.

For reasons as fully set forth in open hearing, I hereby grant Mr. Clark's Motion to the extent that the plan cannot be favorably considered by the Hearing Officer at this time. Clearly, the storm water management pond facility is located within the R.T.A. buffer contrary to the regulations. In that no variance has been sought, the location of the pond is inherently impermissible. Moreover, Section 26-203.10 of the Code requires that storm water management areas be shown on the development plan. The fact that this plan shows the location of the storm water management area in an inherently illegal portion of the site renders the plan improper.

Under the circumstances, the Motion is hereby granted and the matter remanded for resubmission of a development plan. Specifically, the matter shall be remanded and the Developer required to resubmit an amended develop-

ment plan at a Development Plan Conference. Only after the development plan is resubmitted and same accepted by the County shall the Hearings Officer's hearing be rescheduled and reconvened.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

DATE: 5/29/96

297

Petition for Special Hearing

96-284-SPHX

to the Zoning Commissioner of Baltimore County

for the property located at 8900 Iron Horse Lane/15 Iron Horse Lane [redacted] which is presently zoned D.R. 3.5 & B.L.

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

A WAIVER OF PUBLIC WORKS STANDARDS FOR A 24-FOOT PAVEMENT ON A 40-FOOT RIGHT-OF-WAY FOR A PROPOSED PUBLIC STREET, ALMARSO LANE, AND A WAIVER OF SIDEWALKS ALONG IRON HORSE LANE.

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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:
Richard Rynd
Village Care, Inc.
(Type or Print Name)
Signature
c/o Rynd Associates, Inc.
5A Gwynns Mill Court
Address
Owings Mills, MD 21117
City State Zipcode

Legal Owner(s):
John W. Tastet
(Type or Print Name)
Signature
(Type or Print Name)
Signature
4328 Ritchie Highway 636-0015
Address Phone No.
Baltimore MD 21225
City State Zipcode
Name, Address and phone number of representative to be contacted.
Richard E. Matz
Colbert Matz Rosenfelt, Inc.
Name
3723 Old Court Road 653-3838
Address Phone No.
Baltimore, MD 21208
OFFICE USE ONLY

Attorney for Petitioner:
Julius W. Lichter, Esq.
(Type or Print Name)
Signature
Levin & Gann
305 W. Chesapeake Ave. 321-0060
Address Phone No.
Towson, MD 21204
City State Zipcode

DROP-OFF
NO REVIEW
2/6/96
UCR

ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates _____ Next Two Months
ALL _____ OTHER _____
REVIEWED BY: _____ DATE _____

297

Petition for Special Exception

96-284-SPHX

to the Zoning Commissioner of Baltimore County

for the property located at 8900 Iron Horse Lane [redacted] which is presently zoned B.L.,D.R.-3.5

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

A nursing home with associated parking and stormwater management facility.

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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:
Richard Rynd
Village Care, Inc.
(Type or Print Name)
Signature
c/o Rynd Associates, Inc.
5A Gwynns Mill Court
Address
Owings Mills, MD 21117
City State Zipcode

Legal Owner(s):
John W. Tastet
(Type or Print Name)
Signature
(Type or Print Name)
Signature
4328 Ritchie Highway 636-0015
Address Phone No.
Baltimore, MD 21225
City State Zipcode
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.
Richard E. Matz
Colbert Matz Rosenfelt, Inc.
Name
3723 Old Court Rd. 653-3838
Address Phone No.
Baltimore MD 21208
City State Zipcode
OFFICE USE ONLY

Attorney for Petitioner:
Julius W. Lichter, Esq.
(Type or Print Name)
Signature
Levin & Gann
305 W. Chesapeake Ave. 321-0600
Address Phone No.
Towson, MD 21204
City State Zipcode

DROP-OFF
NO REVIEW
2/6/96 UCR

ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates _____ Next Two Months
ALL _____ OTHER _____
REVIEWED BY: _____ DATE _____

Colbert Matz Rosenfelt, Inc.
Civil Engineers · Surveyors · Planners

[redacted]

ZONING DESCRIPTION
VILLAGE CARE
3rd ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

96-284-SPHX

BEGINNING AT A POINT ON THE NORTHERN SIDE OF MOUNT WILSON LANE, 60 FEET WIDE, 800 FEET MORE OR LESS WEST OF THE CENTERLINE OF IRON HORSE LANE; THENCE LEAVING SAID RIGHT OF WAY OF MT. WILSON LANE AND RUNNING NORTH 19 DEGREES 14 MINUTES 04 SECONDS WEST 310.14 FEET; THENCE NORTH 69 DEGREES 22 MINUTES 19 SECONDS EAST 129.43 FEET; THENCE SOUTH 58 DEGREES 42 MINUTES 11 SECONDS EAST 10.73 FEET; THENCE NORTH 69 DEGREES 22 MINUTES 19 SECONDS EAST 204.05 FEET; THENCE NORTH 35 DEGREES 15 MINUTES 36 SECONDS EAST 62.92 FEET; THENCE NORTH 69 DEGREES 22 MINUTES 19 SECONDS EAST 242.21 FEET TO A POINT ON THE WESTERN SIDE OF IRON HORSE LANE, 60 FEET WIDE; THENCE BINDING ALONG SAID IRON HORSE LANE BY A CURVE TO THE LEFT HAVING A RADIUS OF 770.00 FEET AND A LENGTH OF 146.68 FEET; THENCE SOUTH 47 DEGREES 17 MINUTES 10 SECONDS EAST 105.09 FEET; THENCE BY A CURVE TO THE RIGHT HAVING A RADIUS OF 330.76 FEET AND A LENGTH OF 89.80 FEET; THENCE SOUTH 20 DEGREES 31 MINUTES 21 SECONDS WEST 31.53 FEET TO A POINT ON THE AFOREMENTIONED NORTHERN SIDE OF MOUNT WILSON LANE; THENCE BINDING ALONG SAID MOUNT WILSON LANE SOUTH 69 DEGREES 22 MINUTES 19 SECONDS WEST 647.14 FEET; THENCE SOUTH 70 DEGREES 29 MINUTES 49 SECONDS WEST 102.97 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.13 ACRES OF LAND, MORE OR LESS.

I:\JOBS\910531.DES, 14

STATE OF MARYLAND
RICHARD E. MATZ
No. 8195
REGISTERED
PROFESSIONAL ENGINEER

1/17/96

297

3723 Old Court Road, Suite 206 Baltimore, Maryland 21208
Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

NOTICE OF HEARING

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

DEVELOPMENT PLAN HEARING
Project Name: Village Care Facility f/k/a Yeshivat Rambam Property
Project Number: III-377
Location: NW Corner Mt. Wilson and Iron Horse Lanes
Acres: 10.65
Developer: Village Care, Inc.
Proposal: 12 single family homes and 150 bed nursing home
and
Case: #96-284-SPHX
(Item 297)
8900 Iron Horse Lane
15 Iron Horse Lane
NWC Mt. Wilson and Iron Horse Lane
3rd Election District
2nd Councilmanic
Legal Owner(s):
John W. Tastest
Contract Purchaser:
Village Care, Inc.
Special Hearing: to approve a waiver of public works standards for a 24-foot pavement on a 40-foot right-of-way for a proposed public street, Almarso Lane, and a waiver of sidewalks along Iron Horse Lane. Special Exception: for a nursing home with associated parking and stormwater management facility.
HEARING:
DAY ONE: Thursday, March 14, 1996 at 9:00 a.m. in Rm. 106, County Office Building
DAY TWO: Friday, March 15, 1996 at 9:00 a.m. in Rm. 106, County Office Building.

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.

2/350 Feb. 22 c32061

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/22, 1996

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 2/22, 1996.

THE JEFFERSONIAN,
A. Henrickson
LEGAL AD. - TOWSON

To: SOPHIE
From: ANNA

[redacted]

96-284-SPHX

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

No. 007279

DATE 1-24-96 ACCOUNT R-001-6150

AMOUNT $ 40.00

RECEIVED FROM: Collins Motz Longo & Assoc.

FOR: Village Care 0205 SPHX

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

TO: PUTUXENT PUBLISHING COMPANY
February 22, 1996 Issue - Jeffersonian

Please foward billing to:

Julius W. Lichter, Esq.
Levin & Gann
305 W. Chesapeake Avenue
Towson MD 21204
321-0600

NOTICE OF HEARING

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

DEVELOPMENT PLAN HEARING
Project Name: Village Care Facility f/k/a Yeshivat Rambam Property
Project Number: III-377
Location: NW Corner Mt. Wilson and Iron Horse Lanes
Acres: 10.65
Developer: Village Care, Inc.
Proposal: 12 single family homes and 150 bed nursing home
and
CASE NUMBER: 96-284-SPHX (Item 297)
8900 Iron Horse Lane
15 Iron Horse Lane
NWC Mt. Wilson and Iron Horse Lane
3rd Election District - 2nd Councilmanic
Legal Owner: John W. Tastest
Contract Purchaser: Village Care, Inc.

Special Hearing to approve a waiver of public works standards for a 24-foot pavement on a 40-foot right-of way for a proposed public street, Almarso Lane, and a waiver of sidewalks along Iron Horse Lane. Special Exception for a nursing home with associated parking and stormwater management facility.

HEARING:
DAY ONE: THURSDAY, MARCH 14, 1996 at 9:00 a.m. in Room 106, County Office Building.
DAY TWO: FRIDAY, MARCH 15, 1996 at 9:00 a.m. in Room 106, County Office Building.

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.

Baltimore County
Department of Permits and
Development Management

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

February 15, 1996

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:

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HEARING:
DAY ONE: THURSDAY, MARCH 14, 1996 at 9:00 a.m. in Room 106, County Office Building.
DAY TWO: FRIDAY, MARCH 15, 1996 at 9:00 a.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: John W. Tastet
Richard E. Matz
Village Care, Inc.
Julius W. Lichter, 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.

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Baltimore County
Department of Permits and
Development Management

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

March 26, 1996

NOTICE OF REASSIGNMENT

DEVELOPMENT PLAN HEARING
Project Name: Village Care Facility f/k/a Yeshivat Rambam Property
Project Number: III-377
Location: NW Corner Mt. Wilson and Iron Horse Lanes
Acres: 10.65
Developer: Village Care, Inc.
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Special Hearing to approve a waiver of public works standards for a 24-foot pavement on a 40-foot right-of way for a proposed public street, Almarso Lane, and a waiver of sidewalks along Iron Horse Lane. Special Exception for a nursing home with associated parking and stormwater management facility.

HEARING:
THURSDAY, MAY 2, 1996 at 9:00 a.m. in Room 118, Old Courthouse.
FRIDAY, MAY 3, 1996 at 9:00 a.m. in Room 106, County Office Building.

ARNOLD JABLON
DIRECTOR

cc: John W. Tastet
Village Care, Inc.
Julius W. Licther, Esq.
Richard E. Matz*

*Enclosed please find stickers containing these new hearing dates to be placed on the zoning signs.

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Baltimore County
Department of Permits and
Development Management

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

March 7, 1996

Julius W. Lichter, Esquire
Levin and Gann
305 W. Chesapeake Ave.
Towson, MD 21204

RE: Item No.: 297
Case No.: 96-284-SPHX
Petitioner: J. W. Tastet

Dear Mr. Lichter:

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 February 6, 1996.

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)

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: February 22, 1996

FROM: Arnold F. "Pat" Keller, III, Director, PO

SUBJECT: Village Care

INFORMATION:

Item Number: 297

Petitioner: Tastet Property

Property Size:

Zoning: DR-3.5 & BL

Requested Action: Special Hearing and Special Exception

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The attached report dated February 22, 1996 reflects the position of this office.

Prepared by: Jeffrey W. Long

Division Chief: Carl Ems

PK/JL

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

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

February 28, 1996

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #297 - Village Care
8900 Iron Horse Lane
Zoning Advisory Committee Meeting of February 20, 1996

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

Development of this property must comply with the Forest Conservation Regulations Sections 14-401 through 14-422 of the Baltimore County Code).

JLP:VK:sp

VILLAGEC/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Feb. 26, 1996
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for February 26, 1996
Item No. 297

The Development Plans Review Division has reviewed the subject zoning item. A decision on this project will be made at the Hearing Officer's Hearing on March 14 and 15, 1996.

Regardless of how the waiver request for Almarso Lane is resolved, the far edge of the sidewalk should be placed 10 feet off the face of curb. Create a sidewalk easement if necessary for the portion of sidewalk outside the right-of-way. This will permit placement of street trees between the sidewalk and curb.

RWB:sw

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 02/20/96

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

RE: Property Owner: JOHN W. TASTET (VILLAGE CARE, INC.)

Location: NW/S MT. WILSON LA., CORNER SW/S IRON HORES LA.,
W OF REISTERSTOWN RD.(8900 IRON HORSE LA./15 IRON HORSE LA.)

Item No.: 297 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
FEB 22 1996
PDM

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

cc: File

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Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

2-16-96

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

RE: Baltimore County
Item No. 297 (WCR)

Dear Ms. Watson:

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

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

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

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

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DEVELOPMENT PLAN CONFERENCE

TO: Arnold Jablon, Director - Department of Permits & Development Management

FROM: Arnold F. (Pat) Keller, III, Director - Office of Planning

DATE: February 22, 1995

PROJECT NAME: Village Care Facility

PROJECT NUMBER: III-377

PROJECT PLANNER: Carol McEvoy

GENERAL INFORMATION:

Applicant Name: Mr. John W. Tastet, Jr.
4328 Ritchie Highway
Baltimore MD 21225

Location: NW corner Mt Wilson and Iron Horse Lanes

Councilmanic District: 2nd

Growth Management Area: Urban Center - Owings Mills

Zoning: DR 3.5 and BL

Acres: 10.65± acres

Surrounding Zoning and Land Use:

North:	D.R. 3.5	Z-lots
South:	D.R. 3.5	Single family house
East :	D.R. 3.5	Z-lots
West :	D.R. 1	Recreational

Project Proposal:
The applicant proposes 12 single-family dwellings and a 150 bed nursing home on 10.6± acres of land zoned DR 3.5 (8.0± acres) and BL(2.6± acres). The existing historic mansion (BA 682) will remain on proposed lot #11. An existing 2-story building, barn and pond will be removed. A Special Exception will be required to allow a nursing home in a DR zone. A Modification of Standards will be required to allow the building to exceed 200 feet in length. A waiver of local open space will be requested. Trees are scattered throughout the site with woods located at the southern border.

Project History
In the Concept Plan submitted previously, the applicant proposed 19 single-family dwellings, including the historic Balmuckety Mansion and a 150 bed nursing home. The Plan proposed Zero Lot Line lots which are not a matter of right but are considered by the County and the Design Review Panel (DRP) as part of its plan review and approval process. The project was reviewed by the Design Review Panel on September 7, 1995. Subsequent to the DRP meeting, the Applicant withdrew the Z-Lot proposal and submitted the current proposal for single-family detached dwellings on conventional lots at reduced density. The current proposal does not require DRP review.

This site was the subject of an approved CRG on 9/10/92 for 4 single-family detached dwellings and 26 townhouses.

Other Anticipated Actions and Additional Review Items:

_X_ Special Exception	_X_ Referral to Planning Board	____ PUD
____ Variance	_X_ Compatibility	____ Other
_X_ Waiver	____ Scenic Route	
____ RTA Modification	____ Design Review Panel	

PARTIES TO BE NOTIFIED BY APPLICANT:
(Certified Mail Return Receipt Requested)

ALL ADJACENT PROPERTY OWNERS

Grey Rock Residents Comm
Lillian Berger, Chairman
2 Cornelius Ct
Baltimore MD 21208

The Club of McDonogh Township
William Wolf, Pres
8017 Valley Manor Rd
Owings Mills MD 21117

Valley Gate HOA
David Hirshfeld, Pres
3 Bellchase Ct
Baltimore MD 21208

Greentree HOA
Michael Simmons
10 Raisin Tree Circle
Baltimore MD 21208

McDonogh Field Assoc
Phyllis Brotman, Pres
8105 McDonogh Rd
Baltimore MD 21208

Lodge at McDonogh HOA
Bob McNally
8103 Greenspring Way
Owings Mills MD 21117

Courtyards at Greentree
c/o First American Management
3230 Bethany Ln - STE 1
Ellicott City MD 21042

Ner Israel Rabbinical College
Rabbi Newberger
400 Mt. Wilson Ln
Baltimore MD 21208

MEETINGS:

Concept Plan Conference	07 / 17/ 95	Design Review Panel	09 / 07/ 95
Community Input Meeting	09 / 19/ 95	2nd Concept Plan Conference	10 / 23/ 95
2nd Community Input Meeting	11 / 27/ 95	Development Plan Conference	02 / 22/ 96
Planning Board	03 /07 / 96	Hearing Officer's Hearing	03 / 14/ 96

RECOMMENDATIONS

PLANNING BOARD REFERRAL
On February 8, 1996, the Landmarks Preservation Commission voted to place the "Balmuckety" Mansion. (MHT BA682) on the Baltimore County Preliminary Landmarks List. By such action, the Village Care Development Plan became subject to Sec. 26-207(a)(3) of the BCC requiring that the Hearing Officer refer the plan to the Planning Board. The Plan will be placed on the March 7, 1996 Planning Board Agenda for presentation by the Planning Staff, the Developer, and a Community Representative, and brief comments from the public. The Plan will be placed on the March 21, 1996 Planning Board Agenda for final action. The Planning Board shall file its written decision with the Hearing Officer no later than 45 days after the date of referral to the Board [Sec. 26-208(b)(2) BCC]. The decision of the Planning Board is binding on the Hearing Officer and shall be incorporated as a part of the Hearing Officer's final action on a plan [Sec. 26-208(c) BCC].

Staff recommendations to the Planning Board will be presented in a separate memorandum.

ZONING REGULATIONS
Nursing homes are allowed in the DR zones by Special Exception. The building type for the nursing home is considered a non-residential principal building, thus it is a building type permitted in the DR 3.5 zone and does not require PUD approval. The building exceeds 200' in length, therefore a modification of standards will be required. The Residential Standards Section of the CMDP (page 26) lists the setback requirements for non-residential principal buildings in DR zones and the requirements for modification of building length. The modification to standards requires that the building be subject to Section 26-282 of the Development Regulations (Compatibility).

MODIFICATION OF STANDARDS AND COMPATIBILITY
Section 26-282 (2) of The Baltimore County Development Regulations requires the Director of Planning to make compatibility recommendations to the Hearing Officer for a non-residential principal building requiring a modification to standards for building length. The Applicant has provided a compatibility report dated January 29, 1996, elevations, and cross-sections to demonstrate how this project is designed to achieve the compatibility objectives of the CMDP. The Office of Planning has reviewed the Development Plan, Landscape Plan, Compatibility Report, architectural elevations, and cross sections and offers the following Compatibility analysis.

Analysis
The 8 compatibility objectives of the Comprehensive Manual of Development Policy (CMDP) and Section 26-282(b) of the Baltimore County Code are listed below. The application to this plan follows the objective.

1. The arrangement and orientation of the proposed buildings and site improvements are patterned in a similar manner to those in the neighborhood.

   The nursing home is located on the site to allow for an estate like setting, providing ample space for landscaping on Mount Wilson Lane and Iron Horse Lane.

2. The building and parking lot layouts reinforce existing building and streetscape patterns and assure that the placement of buildings and parking lots have no adverse impact on the neighborhood.

   Screening of the parking can be improved by extending the landscape island across the entrance of the middle cartway from the entry driveway off Iron Horse Lane. A focal point composed of sign wall and landscaping would clarify circulation as well as reduce the massive appearance of the parking lot from the entrance. The "commercial" appearance of the parking lot can be reduced by this treatment.

3. The proposed streets are connected with the existing neighborhood road network wherever possible and the proposed sidewalks are located to support the functional patterns of the neighborhood.

   Sidewalks will be provided on Mount Wilson Lane. Sidewalk should also be constructed from proposed Almarso Lane to connect with Mount Wilson Lane sidewalk.

4. The open spaces of the proposed development reinforce the open space patterns of the neighborhood in form and siting and complement existing open space systems.

   The access to the park should be designed to show clear access and not appear as someone's lawn. Provide split rail fence on both sides of the access with two rows of trees.

5. Locally significant features of the site such as distinctive buildings or vistas are integrated into the site design.

   In addition to retaining the mansion, the site design incorporates the existing circular drive, front lawn and trees to maintain the setting. Cutting the nursing home into the grade maintains the visual prominence of the Mansion at a higher grade.

6. The proposed landscape design complements the neighborhood's landscape patterns and reinforces its functional qualities.

The landscape plan provides a major contribution to the Iron Horse Lane and Mount Wilson Lane landscape. The plan shows screening of the sides and rears of the proposed houses and the nursing home. Some modification of the plan is needed, however, to provide upper level screening by major trees in addition to evergreen buffers. A detailed landscape plan with blowups of the entrance and corner is needed with typical planting.

7. The exterior signs, site lighting and accessory structures support a uniform architectural theme and present a harmonious visual relationship with the surrounding neighborhood.

   Modification to the proposed signage is needed. Site structures such as sign walls and fences contribute to a positive image and identity to the institution and should be carefully designed incorporating building features and materials.

8. The scale, proportions, massing and detailing of the proposed buildings are in proportion to those existing in the neighborhood.

   The Office of Planning agrees with the applicant's analysis of this objective; however, the color of the brick on the nursing home appears to be a sand or brown color. The color shown provides too much contrast. The color of brick should be closer to the color of the mansion to provide continuity of the buildings on site; however, do not attempt to match the exact color and brick type.

Recommendation
The Office of Planning recommends to the Hearing Officer that the following CONDITIONS be met in order for the Development to meet the requirements for a Modification of Standards and the Compatibility Objectives of the CMDP and Baltimore County Development Regulations.

1. Extend the Landscape Island across the entrance of the middle cartway from the entry driveway off Iron Horse Lane to improve the screening of the parking lot.

2. Modify the sign design to provide a sign wall which incorporates architectural elements of the building and is integrated with landscaping.

3. Sidewalk should be constructed from proposed Almarso Lane to connect with Mount Wilson Lane sidewalk.

4. The access to the park should be designed to show clear access and not appear as someone's lawn. Provide split rain fence on both sides of the access with two rows of trees. An asphalt path should be provided.

5. Modify the Landscape plan to provide upper level screening by major trees in addition to the proposed evergreen buffers. Primary locations are: between lots 9 and 10, between lots 10 and 11, and between lot 10 an the nursing home.

6. A detailed landscape plan with blowups of the entrance and corner is needed with typical planting.

PROJECT NAME: Village Care Facility PROJECT NUMBER: III 377

7. The color of the brick in the nursing home should be closer to the color of the mansion, but not an exact match of the brick color and type.

DEVELOPMENT PLAN
The Office of Planning has reviewed the Development Plan for conformance with the Concept Plan comments of October, 23, 1995 and recommends the Development Plan be APPROVED subject to the listings below and the compatibility conditions listed above.

1. Trees to be saved are highlighted on the Development Plan. Show the trees to be saved also on the Landscape Plan and reduce the building envelopes on lots 2, and 3 to accommodate the trees to be saved.

2. Tree credit should not be given until the Final Landscape Plan, when it is determined whether all the landscape plan elements have proven to be satisfactory.

WAIVER
The Office of Planning recommends the Waiver of Public Works Standard for a 24 foot pavement width on a 40 foot right-of-way be GRANTED. Revised grading from the Concept Plan is shown to retain the trees on the north side of the mansion. The Waiver to allow a narrower road width and right-of-way width will benefit the preservation of the setting of the historic mansion.

On Iron Horse Lane, sidewalk should be constructed from proposed Almarso Lane to connect with Mount Wilson Lane sidewalk.

SPECIAL EXCEPTION
The Office of Planning recommends that the Special Exception for a nursing home in a DR zone be GRANTED SUBJECT TO THE CONDITIONS LISTED ABOVE.

Division Chief _____

CMcE

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

November 12, 1996

Julius W. Lichter, Esquire
Levin and Gann
Suite 105, 305 W. Chesapeake Avenue
Towson, Maryland 21204

J. Carroll Holzer, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204

C. William Clark, Esquire
Nolan, Plumhoff and Williams
Court Towers, Suite 700
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Case Nos. III-377 and 96-284-SPHX
Development Plan Hearing and Petitions for Special Hearing & Exception
Village Care, Inc., Applicant/Petitioner

Gentlemen:

Kindly find enclosed an Exhibit List which I have prepared for the above case.

Please advise with any additions or corrections.

Thank you for your cooperation in this regard.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

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VILLAGE CARE DEVELOPMENT PLAN AND SPECIAL HEARING AND EXCEPTION
Case Nos. III-377 and 96-284-SPHX
EXHIBIT LIST AND DEVELOPER'S EXHIBITS

Exhibit 1 - Development Plan (last revision date 3/27/96 offered at Hearing Officer's hearing on May 23, 1996)

Exhibit 1A - Red Line Development Plan

Exhbibit 1B - Red Line Landscape Plan

Exhibit 1C - Red Line Landscape Details

Exhibit 2 - Photographs of subject property

Exhibit 3 - East Bldg. elevation drawing

Exhibit 4 - West Bldg. " "

Exhibit 5 - North " " "

Exhibit 6 - South " " "

Exhibit 7 - Nursing Home floor plan

Exhibit 8 - Minor Subdivision Plat for Heckler property

Exhibit 9 - Office of Planning, Development Plan comments dated 4/19/96 with attachements

Exhibit 10 - Office of Planning, Dev. Plan comments dated 9/11/96

Exhibit 11 - Office of Planning, Dev. Plan comments dated 2/22/96

Exhibit 12 - Brick sample

Exhibit 13 - 200 scale zoning map

Exhibit 14 - Existing and proposed development as approved by Baltimore County plat

Exhibit 15 - Existing conditions plat

Exhibit 16 - Site constraints plat

Exhibit 17 - Site opportunities plat

Exhibit 18 - Photographs of site from Iron Horse Lane

Exhibit 19 - Photographs of site from Mt. Wilson Lane

Exhibit 20 - Site constraints map - concept plan

Exhibit 21 - Lien certificate sheet 374893

Exhibit 21B - Lien certificate sheet 374749

Exhibit 22 - Application for employment

Exhibit 23 - Petitions in support of proposal

Exhibit 24 - Deed for Heckler property - Liber 8023, pg. 507

Exhibit 25 - Deed for Heckler property - Liber 8023 - page 510

Exhibits 26 thru 31 - Skipped

Exhibit 32 - Certificate of Need Supporting documentation

Exhibit 33 - Colbert, Matz, Rosenfelt, Inc., compatibility study dated 1/29/96

Exhibit 34 - Matz letter to Arnold Jablon - June 5, 1996

Exhibit 35 - Mitchell J. Kellman letter to Matz dated 7/17/96

****

PROTESTANTS'S EXHIBITS

Motion Exhibit 1 - Development Plan Conference comments, Robert T. Wood, Jr., Sept. 9, 1996

Exhibit 1A - Development Plan Conference comments, Robert T. Wood, 9/20/96 (Storm Water Managment)

Exhibit 1B - Development Plan Conference comments, Robert W. Wood, 9/20/96 (Grading, erosion and sediment control)

Exhibit 2 - Skipped

Exhibit 3 - Perspective view of proposal from Iron Horse Lane - View 1

Exhibit 4- Perspective view from Mt. Wilson Lane of View 2

Exhibit 5 - Landscape rendering

Exhibit 6 - Certificate of Need Excerpts

Exhibit 7 - Dev. Plan Conf. comments, Robert T. Wood, Jr., 9/9/96 (storm water management - same as Motion Exhibit 1)

Exhibit 8 - (identification only) Md. Historical Trust Estate, historic sites inventory form - Balmuckety Gardens

Exhibit 9 - (identification only) Md. Historical Trust Estate, historic sites inventory form - Balmuckety Mansion

Exhibit 10 - (identification only) book of photographs of property

Exhibit 11 - CRG plan by D.S. Thaler - Hopkins property (Cobblestone)

Exhibit 12 - Final Development Plan - Cobblestone

Exhibit 13 - Agreement for exchange of land Nov. 30, 1989

Exhibit 14 - Deed evidencing land swap - Liber 8612 - pg. 703, 8/29/90

Exhibit 15 - Approved Cobblestone CRG plan (Hopkins property)

Exhibit 16 - Section 1B01.3. et sec. BZCR

Exhibit 17 - Page 1B-21 - Zoning Comm. Policy Manual

Exhibit 18 - Storm Water Management Manual Extract - page 49

Exhibit 19 - Landscape Manual Extract - page 6

Exhibit 20 - COMAR regulations - Soil Conservation Service Standards and Specifications

Exhibit 21 - Dev. Plan indicating FDP for Cobblestone (Thaler testimony)

Exhibit 22 - Oct. 21, 1996 letter from Cobblestone Homeowners' Assn, Inc.

Exhibit 23 - Webster's definition of "structure"

Exhibit 24 - John Tastet letter of Aprl 8, 1988

Exhibit 25 - John Tastet letter of Oct. 9, 1988

Exhibit 26 - Unexecuted Declaration

Exhibit 27 - List of Issues (1988 Comprehensive zoning map)

Exhibit 28 - P. David Fields' memorndum April 2, 1992

Exhibit 29 - P. David Fields' memorandum April 20, 1992

Exhibit 30 - Video

Exhibit 31A thru 31G - photographs

Exhibit 32 - (identification only) Resume - Mr. Edward Shull

Exhibit 33 - (identification only) proffer of testimony of Bonnie Buikema

Exhibit 34 - Resolution of Pikesville Farms Comm. Assn.

Exhibit 35 - Opposition Petition

Exhibit 36 - Site constraints map

Exhibit 37 - Preliminary storm water management design (from DEPRM file)

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 27, 1996

Julius W. Lichter, Esquire
Levin and Gann
Suite 105, 305 W. Chesapeake Avenue
Towson, Maryland 21204

J. Carroll Holzer, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204

C. William Clark, Esquire
Nolan, Plumhoff and Williams
Court Towers, Suite 700
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Case Nos. III-377 and 96-284-SPHX
Development Plan Hearing and Petitions for Special Hearing & Exception
Village Care, Inc., Applicant/Petitioner

Gentlemen:

This is to confirm that the Hearing Officer's hearing for the above captioned matter will be reconvened on Thursday, October 10, 1996 at 9:00 A.M., and Friday, October 11, 1996 at 1:00 P.M. The hearing will continue in Room 118 of the Old Court House.

Please do not hesitate to contact me should you have any questions in this regard.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

Printed with Soybean Ink on Recycled Paper

IN RE: PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING Mt. Wilson Lane at Iron Horse Lane 3rd Election District 3rd Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Village Care Petitioner	*	Case No.: 96-284-SPHX

* * * * * * * * * *

SUBPOENA

TO: Arnold F. (Pat) Keller, or his designee
Director of Planning and Zoning
for Baltimore County, Maryland
Courthouse
Towson, Maryland 21204

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 106 and to bring your CRG file III-377 and the 1988 Comprehensive Zoning Map & Log of Issues file for the property of John W. Tastet, Jr., Mt. Wilson Lane at Iron Horse Lane, Reistertown, Baltimore County, Maryland on the 26th day of September, at 9:00 a.m. regarding the above captioned case, for the purpose of testifying at the request of Protestant, Cobblestone Homeowner Association, Inc.

C. William Clark
NOLAN, PLUMHOFF & WILLIAMS, CHTD
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204
(410) 823-7800

Attorney for Protestants

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: _____

0715D

IN RE: PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING
Mt. Wilson Lane at Iron Horse Lane
3rd Election District
3rd Councilmanic District

Village Care
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No.: 96-284-SPHX

* * * * * * * * * * *

SUBPOENA

TO: John W. Tastet, Jr.
4378 Ritchie Highway
Baltimore, Maryland 21225

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 106 and to bring (1) copies of any and all Deeds, Declarations, Covenants and Agreements regarding the use of the real property which you own located at Mt. Wilson Lane and Iron Horse Lane in Baltimore County, Maryland; and (2) copies of any and all documents you have related to obtaining BL zoning on the subject site on the 26th day of September at 9:00 a.m. regarding the above captioned case, for the purpose of testifying at the request of Protestant, Cobblestone Homeowner Association, Inc.

C. William Clark
NOLAN, PLUMHOFF & WILLIAMS, CHTD
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204
(410) 823-7800

Attorney for Protestants

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: 9/17/96

0715D

IN RE: PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING
Mt. Wilson Lane at Iron Horse Lane
3rd Election District
3rd Councilmanic District

Village Care
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No.: 96-284-SPHX

* * * * * * * * * * *

SUBPOENA

TO: Ruth Mascari, Chair
Baltimore County Landmark Preservation Committee
401 Bosley Avenue
Towson, Maryland 21204

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 106 and to bring your file for The Balmuckety Mansion and Gardens on the 26th day of September, at 9:00 a.m. regarding the above captioned case, for the purpose of testifying at the request of Protestant, Cobblestone Homeowner Association, Inc.

C. William Clark
NOLAN, PLUMHOFF & WILLIAMS, CHTD
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204
(410) 823-7800

Attorney for Protestants

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: _____

0715D

IN RE: Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,

Applicant/Petitioner

* BEFORE THE
* HEARING OFFICER
* FOR
* BALTIMORE COUNTY
* CASES III-377 and
* 96-284-SPHX

* * * * * * * * * * * * *

REQUEST FOR SUBPOENA DUCES TECUM

Pursuant to Section 26-206(e) of the Baltimore County Code, please issue a subpoena *duces tecum* for the following named witness and command her to appear at the Development Plan hearing on the above-referenced matter scheduled before the Hearing Officer for Baltimore County on **Friday, November 1, 1996 at 9:00 a.m.** in Room 118 of the Old Courthouse, Towson, Maryland 21204:

Mr. Robert W. Bowling
Baltimore County
Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3751

The witness should also be directed to bring with him to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE: Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,

Applicant/Petitioner

* BEFORE THE
* HEARING OFFICER
* FOR
* BALTIMORE COUNTY
* CASES III-377 and
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Mr. Tim Dugan
Baltimore County Office of Planning
County Courts Building
4th Floor - Room 406
401 West Bosley Avenue
Towson, Maryland 21204
(410) 887-3495

The witness should also be directed to bring with him to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

IN RE: Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,

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* BEFORE THE
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Mr. Arnold F. "Pat" Keller, III, Director
Baltimore County Office of Planning
Or His Appointed Representative
County Courts Building
4th Floor - Room 406
401 West Bosley Avenue
Towson, Maryland 21204
(410) 887-3215

The witness should also be directed to bring with him to the Hearing any and all documents, **plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

IN RE: Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,

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Ms. Valarie Klein
Baltimore County Department Environmental
Protection and Resource Management
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3980

The witness should also be directed to bring with her to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

IN RE: Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,

Applicant/Petitioner

* BEFORE THE
* HEARING OFFICER
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* CASES III-377 and
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Mrs. Ruth Mascari
c/o Mr. John McGrain, Executive Secretary
Landmarks Preservation Commission
County Courts Building
4th Floor - Room 406
401 West Bosley Avenue
Towson, Maryland 21204
(410) 887-3495

The witness should also be directed to bring with her to the Hearing **any and all documents,**

IN RE: Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,

Applicant/Petitioner

* BEFORE THE
* HEARING OFFICER
* FOR
* BALTIMORE COUNTY
* CASES III-377 and
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Mr. Arnold Jablon, Director
Baltimore County Department of
Permits and Development Management
Or His Appointed Representative
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3533

The witness should also be directed to bring with him to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204

IN RE: Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,

Applicant/Petitioner

* BEFORE THE
* HEARING OFFICER
* FOR
* BALTIMORE COUNTY
* CASES III-377 and
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Mr. Mitchell Kellman
Baltimore County
Permits & Development Management
Zoning Review Division, Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3791

The witness should also be directed to bring with him to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204

IN RE: Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,

Applicant/Petitioner

* BEFORE THE
* HEARING OFFICER
* FOR
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Mr. John Lewis
Baltimore County
Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3391

The witness should also be directed to bring with him to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204

IN RE: Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,

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* BEFORE THE
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Mrs. Ruth B. Mascari, Chairperson
Landmarks Preservation Commission
17210 Whiteley Road
Monkton, Maryland 21111

The witness should also be directed to bring with her to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE:DEV. PLAN HEARING & PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION, NWC Mt. Wilson & Iron Horse Lanes 3rd Election District 2nd Councilmanic District Legal Owner: John W. Tastet Applicant: Village Care, Inc. Developer/Petitioner	*	BEFORE THE HEARING OFFICER/ ZONING COMMISSIONER OF BALTIMORE COUNTY Case Nos.III-377 & 96-284-SPHX

* * * * * * * * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER & PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION

The above captioned matter comes before the Zoning Commissioner/Hearing Officer, as a combined hearing, on separate requests for approval, pursuant to Section 26-206.1 of the Baltimore County Code. Within the zoning case, (case No. 96-284-SPHX) a Petition for Special Exception has been filed seeking approval of a nursing home with associated parking and a storm water management facility. A Petition for Special Hearing was also filed, seeking a waiver of public works standards to allow a 24 ft. pavement on a 40 ft. right of way for a proposed public street, to be known as Renata Court, and a waiver of the requirement that sidewalks be provided along that portion of the tract boundary adjacent to Iron Horse Lane. It is to be noted that the requested waiver of sidewalks was withdrawn in open hearing. Additionally, the Petitioner/Developer seeks approval of a development plan pursuant to Article V (Development Regulations) of Title 26 of the Baltimore County Code, specifically Section 26-206 thereof. (Case No. III-377) A red lined development plan (Developer's Exhibit 1A) accompanied by a landscape plan and landscape detail (respectively Developer's Exhibits 1B and 1C), clearly depicts the proposed zoning relief and proposed development. The subject Petitions and development plan are all submitted for approval by John W. Tastet, property owner, and Village Care, Inc., Developer.

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Date 12/9/96
By Mr. Gerwitz

The procedural history of this case is quite lengthy. Initially, a concept plan of the proposed development was submitted to Baltimore County on July 24, 1995. Thereafter, a Community Input Meeting was conducted on September 19, 1995 at the Fort Garrison Elementary School. Later, on October 23, 1995, an amended concept plan was submitted. A second requisite Community Input Meeting was conducted on November 27, 1995. Following this meeting, the Developer/Petitioner submitted a development plan on February 22, 1996 and the requisite Hearing Officer's hearing was convened on May 23, 1996. At that hearing, an objection to the development plan was made by counsel for some of the Protestants who appeared. Essentially, that objection was that the development plan improperly showed a portion of the storm water management pond proposed for the site to be located within an R.T.A. buffer. I sustained counsel's objection for reasons fully set forth in a written opinion issued on May 29, 1996. I further ordered that the matter be remanded for re-submission of a corrected development plan.

In accordance with that Order, an amended development plan was submitted on September 11, 1996. Subsequent to the submission of that plan, the matter was scheduled for another Hearing Officer's hearing. The hearing was convened on September 26, 1996 and entailed in excess of 5 days of testimony over the next six weeks. At the conclusion of the presentation of testimony, counsel waived oral argument and requested an opportunity to submit memoranda. Memoranda were timely filed, as agreed, by all parties on November 22, 1996 and this opinion follows.

Participating at the hearings and appearing on behalf of Village Care, Inc. was Richard Rynd, President of that corporation. The Developer was represented by Julius W. Lichter, Esquire, and Levin and Gann, P.A. A substantial volume of testimony was offered on behalf of the Developer as were a number of exhibits. As that testimony and those exhibits bear on the issues presented, same will be recounted hereinafter.

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Among those who testified in support of the plan was Mr. Rynd and a number of expert witnesses, including Richard Matz, the Engineer who prepared the plan, Wes Guckert, a Traffic Engineer, William Monk, a Land Planner, Sally Molina, a Landscape Architect, Jack Hollick, an Architect, Louis Huber, a Consultant/expert in the fields of Health Care/Nursing Care Facilities, and Ben Brockway, an Environmental Planner.

Appearing in opposition to the request was C.William Clark, Esquire, of Nolan, Plumhoff and Williams, P.A., on behalf of the Cobblestone Homeowners Association, Charles Levine and Albert Kleeman. Messrs. Levine and Kleeman reside within Cobblestone, a new residential community which is located across Iron Horse Lane from the subject site. Also participating at the hearing was J. Carroll Holzer, Esquire, of Holzer and Lee, Attorneys-At-Law, on behalf of the Pikesville Farms Community Association and several property owners who reside therein. The Pikesville Farms Community is located across Mt. Wilson Lane from the subject site.

A number of residents of the locale appeared and participated at the hearing. Expert testimony was also offered by the Protestants, chiefly through David S. Thaler, an Engineer/Planner, Ernest Shepp, a Storm Water Management expert and Norman Gerber, a Land Planner.

The record will also disclose the participation and testimony offered by numerous representatives from the County agencies which reviewed the plan, including Mitch Kellman, Robert Bowling, and John Lewis of Permits and Development Management (PDM), Carol McEvoy and Tim Dugan from the Office of Planning (OP), and Robert T. Wood, Valarie Klein and R. Bruce Seeley from the Department of Environmental Protection and Resource Management (DEPRM). Don Roscoe, the Project Manager from PDM, did his usual fine job in assisting this project through the process.

A brief description of the subject property and proposed development is in order. The property is approximately 10.65 acres in area, split zoned

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D.R.3.5 and B.L. The predominant zone is D.R.3.5, encompassing approximately 8.01 acres. The B.L. portion of the property contains 2.64 acres. The property is rectangular in shape, and is located on the northwest corner of the intersection of Mt. Wilson Lane and Iron Horse Lane in Owings Mills. Mt. Wilson Lane intersects Reisterstown Road, not far from the site. Reisterstown Road is a major north/south corridor in Baltimore County and its intersection with Mt. Wilson Lane is not far to the north of the Baltimore Beltway (I-695).

As shown on the plan, the Developer proposes construction of a 150 bed nursing home facility and a 12 single family dwelling community on the subject site. The site has generally been divided into two sections to accommodate the proposed development, one to the north and one to the south. The south section will contain the nursing home building, a large macadam parking area for same, and a storm water management facility. Vehicular access to the parking lot which serves the nursing home is from Iron Horse Lane. The residential community is proposed for the northern portion of the property. Specifically, 11 single family lots will be developed adjacent to an interior road to be constructed and known as Renata Court. This road will terminate in a cul-de-sac within the property and vehicular access to the Court is from Iron Horse Lane. In addition to 11 new single family dwelling lots, an existing dwelling will remain. This dwelling is known as the Balmuckety Mansion and is a grand Mansion which was constructed earlier this century. The Mansion has been placed on the preliminary landmarks list by the Landmarks Preservation Commission of Baltimore County as a historic landmark.

The Developer/Petitioner seeks special exception and special hearing relief to permit the nursing home component of the development. Additionally, a request for modification of standards is sought, pursuant to the requirements of the Comprehensive Manual of Development Policies (CMDP)

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(Residential Standards, page 29). This modification is requested to allow the nursing home building to be 299.5 ft. in dimension, in lieu of the 200 ft. allowed. In addition to this relief, development plan approval is sought from the Hearing Officer, pursuant to Section 26-206 of the Baltimore County Code.

APPLICABLE STANDARDS OF REVIEW

The nursing home will be located in both the D.R.3.5 and B.L. portions of the property. A nursing home (formerly known in the BCZR as a "convalescent home") is permitted in a D.R. zone by special exception pursuant to Section 1B01.1.C(5) of the BCZR. A nursing home is permitted by right in a B.L. zone, pursuant to Section 230.2.

The law of special exceptions in Baltimore County is well settled. In order for a special exception use to be granted, the Petitioner must satisfy the requirements of Section 502.1 of the BCZR. That section states:

"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,

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h. Be inconsistent with the impermeable surface and vegetative retention provisions of these zoning regulations.

THE LAW OF SPECIAL EXCEPTIONS

In essence, the BCZR classify the permissibility of land uses in a given zone in one of three categories. That is, for each zone, uses are either; (1) permitted by right; (2) prohibited, or; (3) permitted by special exception. Those uses permitted by right are automatically allowed, notwithstanding any potential adverse impact caused by same on the neighboring locale. No matter how adverse the possible impact, a property owner may utilize its land for uses permitted by right; assuming, of course, compliance with all public laws, building codes, etc. Other uses are not permitted under any circumstances. Thus, even a land use which impacts its neighborhood favorably may not be allowed. Special exception uses constitute, in effect, the middle ground. Special exception uses are permissible only after a public hearing during which the property owner must demonstrate that the use satisfies the statutory criteria identified above.

Moreover, the BCZR are written in the inclusive. Any use other than those permitted by the zoning ordinance and being carried on as of right or by special exception is prohibited. See Kowalski v. Lamar, 25 Md. App. 493 (1975). Thus, the proposed use must be particularly identified in the regulations. Nursing homes are specifically defined used in Section 101 of the BCZR.

Recently, the Court of Special Appeals in Cromwell v. Ward, 102 Md. App. 691 (1995; observed the distinction between special exceptions and variances. Although that case came to the Court on a Petition for Variance, the Court discussed the nature of special exceptions. Quoting with approval from an Alabama case (Lundquist v. Board of Adjustment, 490, So. 2nd., 16 (1986), the Court stated that "{T}hus a special exception is not truly an exception to the zoning regulations at all". Cromwell, pg. 702. In

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Cromwell, the Court emphasized that special exceptions are an appropriate part of the overall land zoning scheme and that special exception uses are neither "special" or "exceptional".

Other jurisdictions label special exception uses "conditional uses". This descriptive term of the concept is far more accurate. Indeed special exception uses are conditionally permitted, assuming that the criteria set forth in Section 502.1 of the BCZR are satisfied.

The seminal case in Maryland on special exceptions is Schultz v. Pritts, 291, Md. 1 (1981). Although this opinion is now 15 years old, its holding remains the leading authority in Maryland. In Schultz. the Court repeated the often stated principal that " {A} special exception use is part of the comprehensive zoning plan sharing the presumption that as such, it is in the interest of the general welfare and, therefore, valid" page 11. See also Rockville Fuel and Feed Company, Inc., v. Board of Appeals of the City of Gaithersburg, 257 Md. 183, (1970).

In Peoples Counsel v. Mangione, 85 Md. App. 738 (1991), a case from Baltimore County in which the Zoning Commissioner participated while a member of the County Board of Appeals, the Court of Special Appeals repeated the principal set forth in Schultz, infra, citing Creswell v. Baltimore Aviation Services, Inc., 257, Md. 712 (1970). In Mangione, infra, pg. 748, the Court observed that a special exception ". . . is a use which has been legislatively predetermined to be conditionally compatible with the uses permitted as of right in a particular zone, the condition being that a zoning body must, in each case, decide under specific statutory standards whether the presumptive compatibility exists". Thus, in the instant case, the Baltimore County Council (the legislature) has determined that a nursing home (an identified special exception use) is conditionally compatible with uses permitted as of right, provided that this Zoning Commissioner (the

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zoning body) decides that the specified statutory standards (Sec. 502.1 of the BCZR) are satisfied.

It is clear from these cases that it is the unique nature of the impact caused by the proposed special exception use which must be evaluated. In Schultz, the Court cited several cases and concluded; "These cases establish that a special exception use has an adverse effect and must be denied when it is determined from the facts and circumstances that a grant of the requested special exception use would result in an adverse effect upon adjoining and surrounding properties unique and different from the adverse effect that would, otherwise, result from the development of such special exception use located anywhere within the zone." (emphasis added) pg. 15. Thus, the key in evaluating the impact is to determine if its effect is unique and different at the subject locale. Several cases vividly illustrate this point.

In Anderson v. Sawyer, 23 Md. App. 612 (1974), another Baltimore County case, the Court of Special Appeals considered a proposed special exception petition for a funeral home. Opposing neighbors objected to the special exception, in part, due to the inherent depressing and disturbing psychological effect of a funeral home. Quite obviously, funeral homes are not places of joy and happiness. Rather they are places of sadness and reflection catering to individuals who have suffered the loss of a loved one. Although it must obviously be conceded that a funeral home is inherently a depressing place, such impact standing alone is not sufficient to warrant denial of special exception. As the Court of Special Appeals noted in Anderson, the depressing psychological impact of the proposed funeral home was no different at the proposed location than elsewhere in the zone. Thus, although there might be some inherent adverse effect, the Court of Special Appeals affirmed the granting of the special exception in that there

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IN RE: Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,

Applicant/Petitioner

* BEFORE THE
* HEARING OFFICER
* FOR
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* CASES III-377 and
* 96-284-SPHX

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Mrs. Carol McEvoy
Baltimore County
Office of Planning
4th Floor - County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3211

The witness should also be directed to bring with her to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

IN RE: Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,

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Mr. John McGrain
Baltimore County
Office of Planning
4th Floor - County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3480

The witness should also be directed to bring with him to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

T. the ren
Developer

IN RE: Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,

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* BALTIMORE COUNTY
* CASES III-377 and
* 96-284-SPHX

* * * * * * * * * * * * *

REQUEST FOR SUBPOENA DUCES TECUM

Pursuant to Section 26-206(e) of the Baltimore County Code, please issue a subpoena *duces tecum* for the following named witness and command her to appear at the Development Plan hearing on the above-referenced matter scheduled before the Hearing Officer for Baltimore County on **November 1, 1996 at 9:00 a.m,** in Room. 118 of the Old Courthouse, Towson, Maryland 21204:

Mr. Robert B. Seeley
Baltimore County Department Environmental
Protection and Resource Management
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3980

The witness should also be directed to bring with him to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

IN RE: Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,

Applicant/Petitioner

* BEFORE THE
* HEARING OFFICER
* FOR
* BALTIMORE COUNTY
* CASES III-377 and
* 96-284-SPHX

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Mr. Al Wirth
Baltimore County Department of
Environmental Protection & Resource Management
County Courts Building
4th Floor
401 West Bosley Avenue
Towson, Maryland 21204
(410) 887-3733

The witness should also be directed to bring with him to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

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Mr. Robert Wood
Baltimore County
Department of Environmental Protection and
Resource Management
4th Floor - County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3768

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305 West Chesapeake Avenue
Suite 113
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Mr. Bob Bowling
Baltimore County
Department of Environmental Protection and
Resource Management
4th Floor - County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3768

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Mr. Tim Dugan
Baltimore County Office of Planning
County Courts Building
4th Floor - Room 406
401 West Bosley Avenue
Towson, Maryland 21204
(410) 887-3495

The witness should also be directed to bring with her to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

IN RE: Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,

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Mr. Arnold F. "Pat" Keller, III, Director
Baltimore County Office of Planning
Or His Appointed Representative
County Courts Building
4th Floor - Room 406
401 West Bosley Avenue
Towson, Maryland 21204
(410) 887-3215

The witness should also be directed to bring with her to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

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Mr. Arnold Jablon, Director
Baltimore County Department of
Permits and Development Management
Or His Appointed Representative
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-353

The witness should also be directed to bring with her to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

Hearing Officer for Baltimore County

This subpoena request is made on behalf of the undersigned attorneys for the above-referenced Developer.

Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

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Mr. Mitchell Kellman
Baltimore County
Permits & Development Management
Zoning Review Division, Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3791

The witness should also be directed to bring with him to the Hearing **any and all documents, plans, files, correspondence, policies, directives, records, and any other non-privileged information in his custody, possession or control** concerning the subject property.

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Mr. John Lewis
Baltimore County
Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3391

IN RE: Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,

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Mrs. Ruth Mascari
c/o Mr. John McGrain, Executive Secretary
Landmarks Preservation Commission
County Courts Building
4th Floor - Room 406
401 West Bosley Avenue
Towson, Maryland 21204
(410) 887-3495

IN RE: Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,

Applicant/Petitioner

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Mrs. Ruth B. Mascari, Chairperson
Landmarks Preservation Commission
17210 Whiteley Road
Monkton, Maryland 21111

The witness should also be directed to bring with her to the Hearing **any and all documents, plans,**

IN RE: Development Plan Hearing and Petitions for Special and Special Exception, Village Care, Inc.,

Applicant/Petitioner

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Mrs. Carol McEvoy
Baltimore County
Office of Planning
4th Floor - County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3211

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LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
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Mr. John McGrain
Baltimore County
Office of Planning
4th Floor - County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3480

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Mr. Al Wirth
Baltimore County Department of
Environmental Protection & Resource Management
County Courts Building
4th Floor
401 West Bosley Avenue
Towson, Maryland 21204
(410) 887-3733

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Mr. Robert Wood
Baltimore County
Department of Environmental Protection and
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4th Floor - County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
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Julius W. Lichter
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600

Baltimore County
Department of Permits and
Development Management

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

February 22, 1996

96-284-SPHX

Julius W. Lichter, Esquire
Levin & Gann
305 West Chesapeake Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #297)
8900 Iron Horse Lane/15 Iron Horse Lane
Legal Owner: John W. Tastet
Contract Purchaser: Village Care, Inc.
3rd Election District

Dear Mr. Lichter:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the $100.00 revision fee.

This drop-off petition was not received in a timely enough manner to coordinate review with the development plan comments. Though an informal review given prior to filing, indicates that it appears that general compliance with the Baltimore County Zoning Regulations (BCZR) is being met (except for the following comment). The staff cautions that the petitioner is responsible for the accuracy of all plans and zoning requests and plan agreement.

Printed with Soybean Ink on Recycled Paper

It appears that the proposed mansion sign is in non-compliance with Section 413.1 (BCZR), which only permits a 1 square foot sign for a residence. Remove this detail from all plans or request a zoning variance.

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

Very truly yours,

John L. Lewis
Planner II
Zoning Review

JLL:scj

Enclosure (receipt)

c: Zoning Commissioner

96-802

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELE/FAX (410) 296-2765

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
C. WILLIAM CLARK
E. BRUCE JONES**
J. JOSEPH CURRAN, III
STUART A. SCHADT

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1919-1990)

WRITER'S DIRECT DIAL
823-

2/16/96
To: Gwen - Hearing
2/20/96 mon

16 February 1996

VIA HAND DELIVERY

The Honorable Lawrence C. Schmidt
Zoning Commissioner for
Baltimore County
County Court House
Towson, MD 21204

Re: Case No. 96-284-SPHX

Dear Commissioner Schmidt:

Please be advised that this firm represents Cobblestone Homeowners Association, Inc., Mr. and Mrs. Charles Levine of 12 Stone Oak Court, Pikesville, Maryland 21208, and Mr. and Mrs. Albert Kleeman, 301 Chalk Hill Drive, Pikesville, Maryland 21208 in connection with the above-captioned matter. My clients are owners of adjoining and adjacent properties as well as the Homeowners' Association for the neighboring residential community. Pursuant to Section 409.8(B)(1)(b), please schedule a public hearing on the above-captioned matter including a request for a use permit for the use of land in a residential zone for parking facilities for a business.

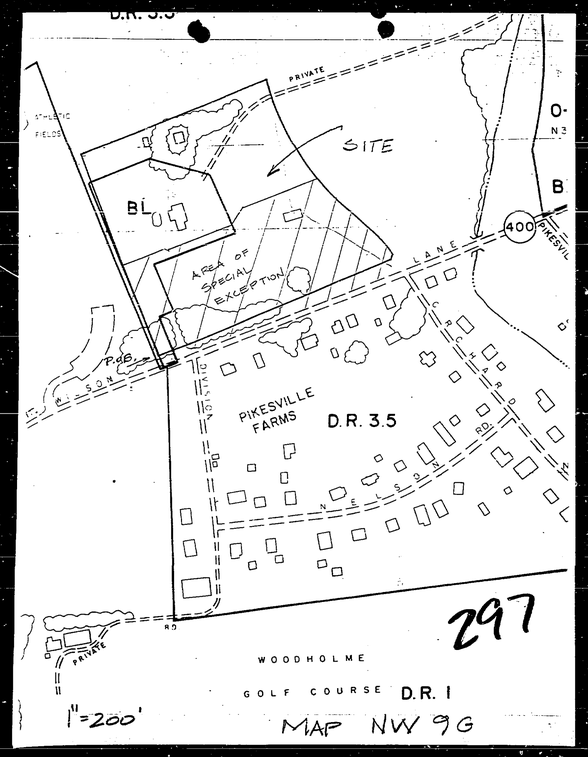
Thank you for your anticipated cooperation.

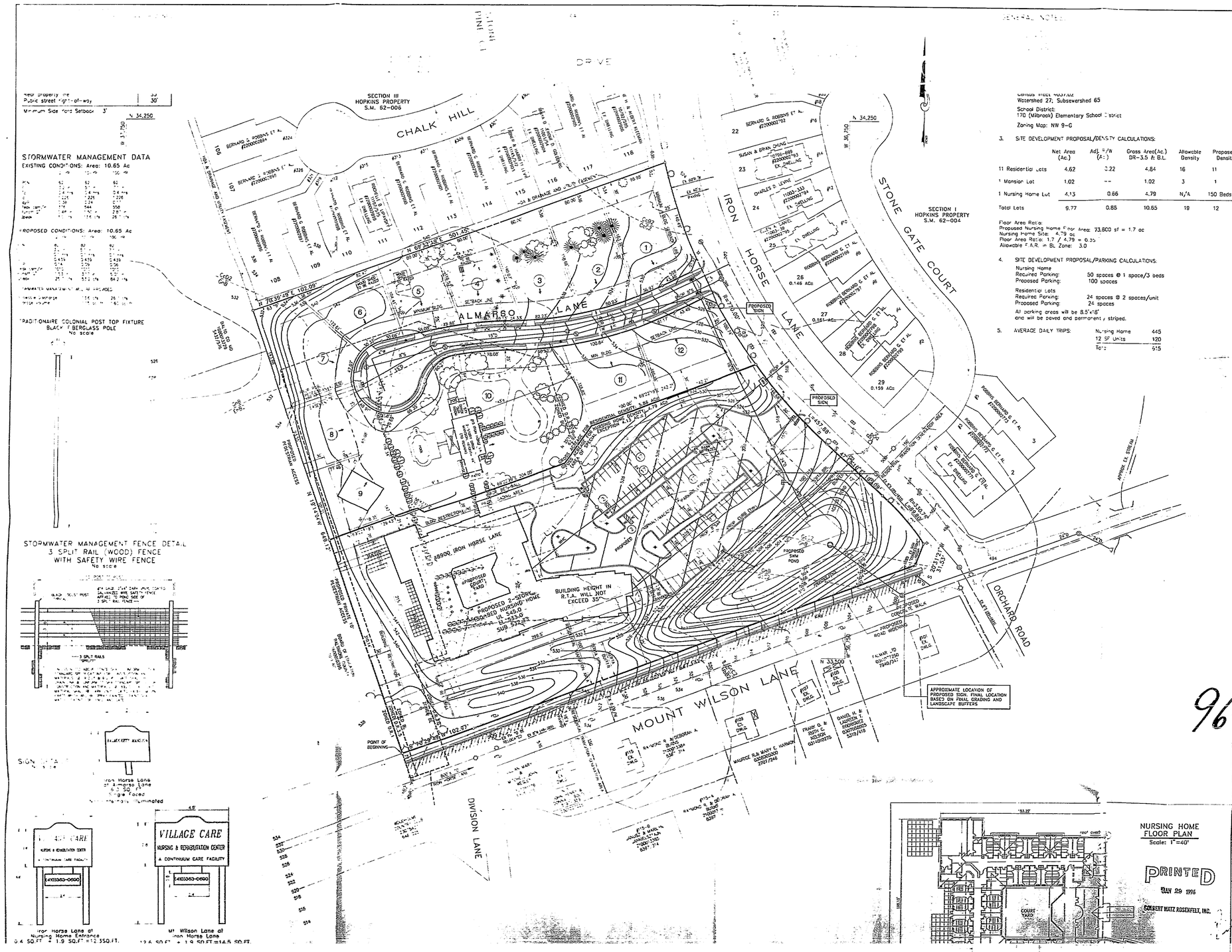
Very truly yours,

C. William Clark

CWC:mh
cc: Julius W. Lichter, Esquire
Attorney for Petitioner

RECEIVED
FEB 16 1996
PDM





GENERAL NOTES:

Watershed 27; Subwatershed 65

School District:
170 (Milbrook) Elementary School District

Zoning Map: NW 9-G

3. SITE DEVELOPMENT PROPOSAL/DENSITY CALCULATIONS:

	Net Area (Ac.)	Adj. S/W (Ac.)	Gross Area(Ac.) DR-3.5 & B.L.	Allowable Density	Proposed Density
11 Residential Lots	4.62	0.22	4.84	16	11
1 Mansion Lot	1.02	--	1.02	3	1
1 Nursing Home Lot	4.13	0.66	4.79	N/A	150 Beds
Total Lots	9.77	0.88	10.65	19	12

Floor Area Ratio:
Proposed Nursing Home Floor Area: 73,800 sf = 1.7 ac
Nursing Home Site: 4.79 ac
Floor Area Ratio: 1.7 / 4.79 = 0.35
Allowable F.A.R. in BL Zone: 3.0

4. SITE DEVELOPMENT PROPOSAL/PARKING CALCULATIONS:

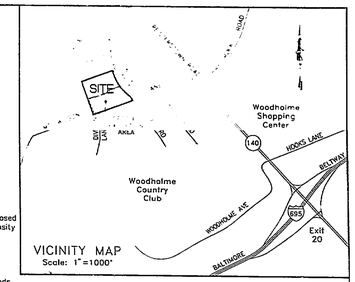
Nursing Home
Required Parking: 50 spaces @ 1 space/3 beds
Proposed Parking: 100 spaces

Residential Lots
Required Parking: 24 spaces @ 2 spaces/unit
Proposed Parking: 24 spaces

All parking areas will be 8.5'x18' and will be paved and permanently striped.

5. AVERAGE DAILY TRIPS:

Nursing Home	445
12 SF Units	120
Total	615



6. This is a combined hearing for Development Plan, Special Exception and Special Hearing: (a) A Special Exception is requested for a Nursing Home in a D.R. Zone. (b) A Special Hearing is requested for a Waiver of Public Works Standards for a 24-foot pavement on a 40 foot right-of-way for the proposed public street to benefit the preservation of the setting of the historic mansion, and for a waiver of sidewalks along Iron Horse Lane.

7. A Modification of Standards is being requested to permit a building 2955feet in lieu of the standard 200 feet.

8. The existing Bemiquely mansion is listed on the Maryland Historic Trust Inventory as BA 682. The mansion is presently used as a Single-Family Residence and Home Office. However the Developer may convert use to Child Day Care, Senior Day Care, Offices, Dance Studio, Art Studio, Medical Services or Assisted Living after future Baltimore County Agency approvals.

9. Required Local Open Space: 7,800 sq. ft. (0.16 AC) A Waiver of Local Open Space will be requested.

10. Existing well on the site will be backfilled and a well abandonment report filed by a licensed well driller when the proposed building is constructed. Existing septic system will be backfilled and a septic area abandonment report will be filed when the proposed building is constructed.

11. There are no known streams, springs, wetlands, 100-year floodplains, critical areas, archeological sites, endangered species habitats or hazardous materials on the site.

12. Forest Conservation requirements to be met with afforestation off-site or forest acquisition off-site.

13. The applicant will conduct a lighting impact study after the property has been graded, and will provide appropriate tree buffers to mitigate the lighting impact from and to adjoining properties.

14. All off-site dwellings and small lots of record (less than 2 acres) that create a RTA on-site are shown with the required 150 foot distance dimensions and 100 foot RTA.

15. A CRG Plan for this site was approved on 9-12-92 and expired on 9-10-95

16. Existing trees highlighted will be saved.

17. Existing mansion (Lot 10) will be served with public water and sewer.

18. This property was created by minor subdivision on February 5, 1979 as Lot 1. The remainder was called a farm tract (5427/216). The farm tract did not require density and was later subdivided as "THE HOPKINS PROPERTY" (COBBLESTONE). The developer's Engineer has confirmed that no part of the gross area of this property, as shown on the plan, has been utilized, recorded or re-presented as density or area to support any off-site dwellings.

19. MTA Bus service available at Reisterstown Road & Mt. Wilson Lane.

20. Hours of Operation of Nursing Home.
24 hours per day. 3 shifts:
7:00 AM to 3:00 PM, 3:00 PM to 11:00 PM, 11:00 PM to 7:00 AM.

21. All driveways and parking aisles will comply with Section 409.4 of the Baltimore County Zoning Regulations.

22. Certification: I, Richard Rynd, hereby certify under oath that there are no delinquent accounts for any other development with respect to any of the following: the applicant, a person with a financial interest in the proposed development, or a person who will perform contractual services on behalf of the proposed development.

Signature Richard Rynd Date

96-284-SPHX

NURSING HOME FLOOR PLAN
Scale: 1"=40'

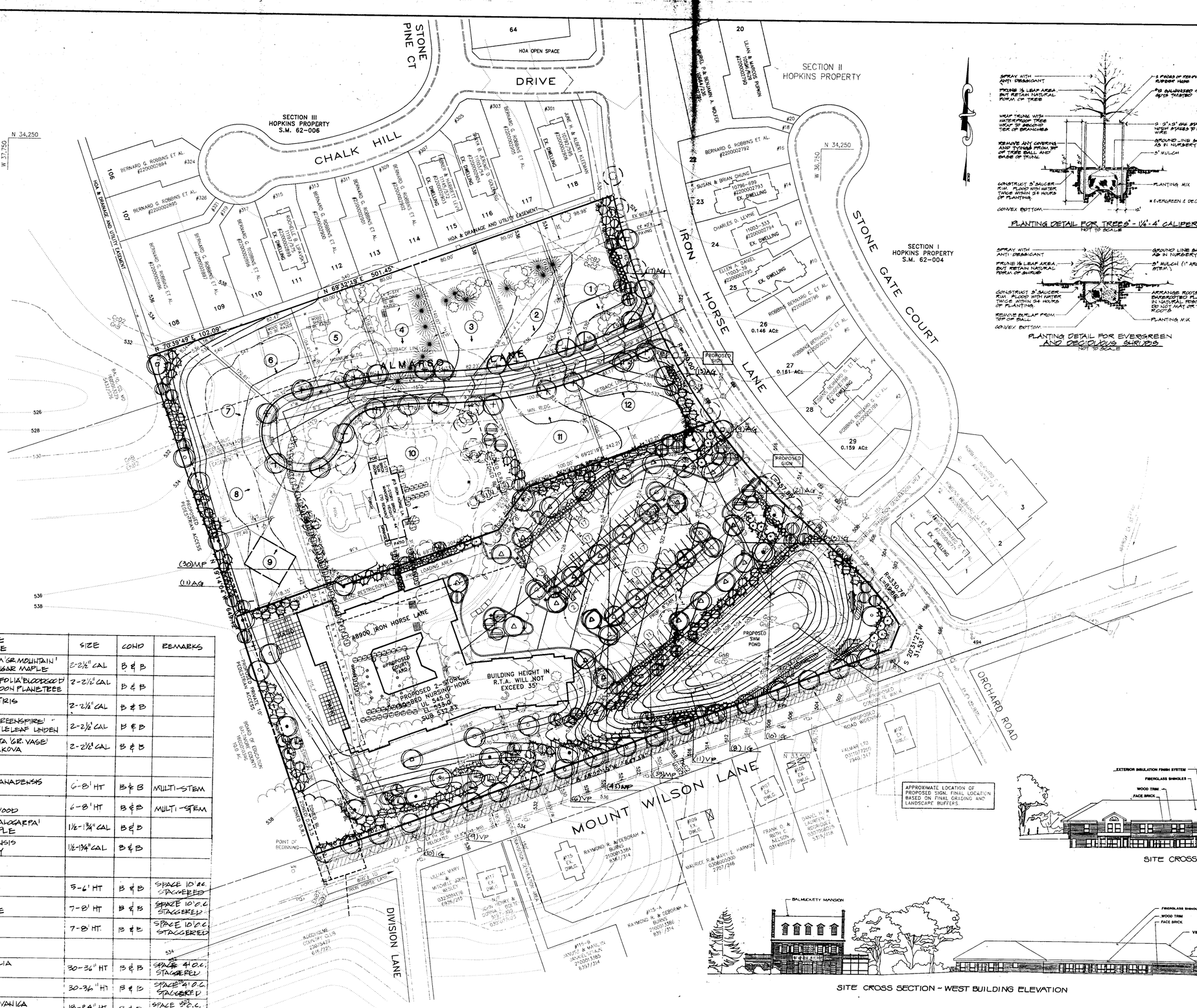
PRINTED
JAN 29 1996
COLBERT MATZ ROSENFELT, INC.

DEVELOPMENT PLAN and
PLAN TO ACCOMPANY
SPECIAL EXCEPTION and
SPECIAL HEARING

VILLAGE CARE
MOUNT WILSON LANE @ IRON HORSE LANE
Election District No. 3-C3
Baltimore County, Maryland
PDM No. III-377

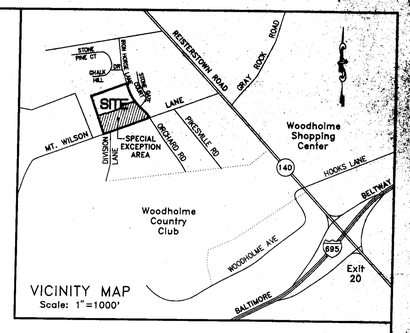
Colbert Matz Rosenfelt, Inc.
Engineers - Surveyors - Planners
5723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone (410) 653-3838

297



PLANTING DETAIL FOR TREES 3" - 1½" - 4" CALIPER
NOT TO SCALE

PLANTING DETAIL FOR EVERGREEN AND DECIDUOUS SHRUBS
NOT TO SCALE



VICINITY MAP
Scale: 1"=1000'

LANDSCAPE CALCULATIONS

PLANTING REQUIRED:

1 PU/40 LF ADJACENT ROAD (1450 LF ÷ 40)	= 36
1 PU/20 LF INTERIOR ROAD (1200 LF ÷ 20)	= 60
1 PU/ 2 PARKING SPACES (100 PS ÷ 12)	= 8
SCREEN PARKING FR ADJ RD. (120 LF ÷ 15)	= 7
SCREEN SIDE/REAR YD. FR ADJ RD (260 LF ÷ 15)	= 17
SCREEN DUMPSTER/LOADING (100 LF ÷ 15)	= 7
SCREEN SWM POND (750 LF ÷ 15)	= 50
30' RTA BUFFER (53000 SF ÷ 400)	= 132.5
CREDIT EXT VEG IN RTA BUFFER (2750 SF ÷ 400)	= (7)
CREDIT TREES RETAINED	= (55)
TOTAL	= 255.5 PLANT UNITS

PLANTING PROVIDED:

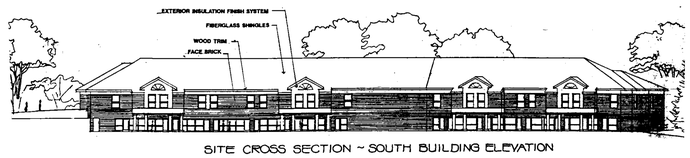
(103) MAJOR DEC. TREES	= 103
(64) FLOWERING TREES	= 32
(147) EVERGREEN TREES	= 73.5
(236) SHRUBS FOR SCREENING	= 47
TOTAL	= 255.5 PLANT UNITS

PLANT LIST

KEY	QTY	BOTANICAL NAME / COMMON NAME	SIZE	COND	REMARKS
	12	ACER SACCHARUM 'GR. MOUNTAIN' / 'GR. MOUNTAIN' SUGAR MAPLE	2-2½" CAL	B & B	
	8	PLATANUS X ACERIFOLIA 'BLOODGOOD' / 'BLOODGOOD' LONDON PLANETREE	2-2½" CAL	B & B	
	28	QUERCUS PALUSTRIS / PIN OAK	2-2½" CAL	B & B	
	22	TILIA CORDATA 'GREENSPIRE' / 'GREENSPIRE' LITTLELEAF LINDEN	2-2½" CAL	B & B	
	33	ZELKOVA SERRATA 'GR. VASE' / 'GREEN VASE' ZELKOVA	2-2½" CAL	B & B	
	18	AMELANCHIER CANADENSIS / JUNEBERRY	6-8' HT	B & B	MULTI-STEM
	20	CORNUS KOUSA / CHINESE DOGWOOD	6-8' HT	B & B	MULTI-STEM
	12	MALUS ZUMI 'CALOCARPA' / ZUMI CRABAPPLE	1½-1¾" CAL	B & B	
	14	PRUNUS X YEDOENSIS / YOSHINO CHERRY	1½-1¾" CAL	B & B	
	19	ILEX OPACA / AMERICAN HOLLY	5-6' HT	B & B	SPACE 10' O.C. STAGGERED
	43	PICEA ABIES / NORWAY SPRUCE	7-8' HT	B & B	SPACE 10' O.C. STAGGERED
	80	PINUS STROBUS / WHITE PINE	7-8' HT.	B & B	SPACE 10' O.C. STAGGERED
AG	71	ABELIA GRANDIFOLIA / GLOSSY ABELIA	30-36" HT	B & B	SPACE 4' O.C. STAGGERED
IG	33	ILEX GLABRA / INKBERRY	30-36" HT	B & B	SPACE 4' O.C. STAGGERED
MP	106	MYRICA PENNSYLVANICA / NORTHERN BAYBERRY	18-24" HT	B & B	SPACE 3' O.C. STAGGERED
VP	26	VIBURNUM PRUNIFOLIUM / BLACKHAW VIBURNUM	30-36" HT	B & B	SPACE 5' O.C. STAGGERED
	85	PANICUM VIRGATUM 'HEAVY METAL' / SWITCH GRASS	1 GAL.	CAN	SPACE 3' O.C. STAGGERED
	165	RUDBECKIA GOLDSTURM / BLACK EYED SUSAN	1 QT.	CAN	SPACE 3' O.C. STAGGERED

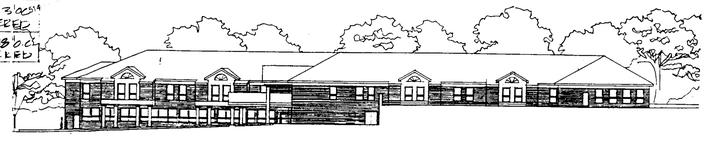
NOTES

1. Contractor shall notify Miss Utility at a minimum of 72 hours prior to digging. Telephone: 1-800-257-7777.
2. The Landscape Architect shall be notified 48 hours before planting begins. The location of all plant material is to be approved by the City the Landscape Architect.
3. Trees shall not be used for planting pits.
4. All tree or shrub planting pits are to be left open or unfertilized.
5. Shrubs are to be grouped into mulched beds. Beds are to be raised and the grass shall be mulched or removed prior to mulching.

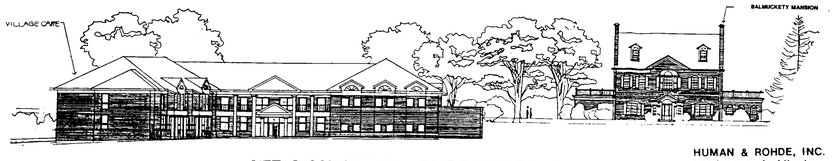


SITE CROSS SECTION ~ SOUTH BUILDING ELEVATION

SITE CROSS SECTION ~ WEST BUILDING ELEVATION



SITE CROSS SECTION ~ NORTH BUILDING ELEVATION



SITE CROSS SECTION ~ EAST BUILDING ELEVATION

HUMAN & ROHDE, INC.
Landscape Architects
110 E. Pennsylvania Avenue
Towson, Maryland 21286
(410) 825-3885

LANDSCAPE PLAN

VILLAGE CARE

MOUNT WILSON LANE @ IRON HORSE LANE
Election District No. 3-C3
Baltimore County, Maryland
PDM No. III-377

Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners
3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

NO.	DATE	REVISIONS:	BY

SCALE:	1"=50'
DATE:	JAN. 22, 1996
JOB NO.:	91053.1
DESIGNED:	LVB
DRAWN:	LVB/MEK/ZF
CHECKED:	JF
FILE:	
DRAWING NUMBER:	91053LAN.DWG
SHEET	2 OF 2

BUILDING SETBACK REQUIREMENTS
SINGLE FAMILY DETACHED IN D.R. 3.5 AND B ZONES

From front building face to: Public street right-of-way, or property line. Arterial or Collector	25'
From side building face to: Side building face	16'<20' high 20'>20' high
Public street right-of-way	15'
Paving of a private road	25'
Tract Boundary	15'
From rear building face to: Rear property line	30'
Public street right-of-way	30'

Minimum Side Yard Setback: 3'

STORMWATER MANAGEMENT DATA

EXISTING CONDITIONS: Area: 10.65 Ac

	2-YR	10-YR	100-YR
RCN:	62	62	62
P:	3.2 in.	5.1 in.	7.1 in.
Tc:	0.4 hrs.	0.4 hrs.	0.4 hrs.
Ia:	1.226	1.226	1.226
Ia/P:	0.38	0.24	0.17
Peak csm/in.:	376	544	558
Runoff Q":	0.48 in.	1.50 in.	2.87 in.
Qpeak	3.0 cfs	13.6 cfs	26.7 cfs

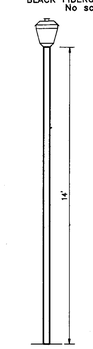
PROPOSED CONDITIONS: Area: 10.65 Ac

	2-YR	10-YR	100-YR
RCN:	82	82	82
P:	3.2 in.	5.1 in.	7.1 in.
Tc:	0.1 hrs.	0.1 hrs.	0.1 hrs.
Ia:	0.439	0.439	0.439
Ia/P:	0.14	0.09	0.06
Peak csm/in.:	1010	1010	1010
Runoff Q":	1.53 in.	3.17 in.	5.01 in.
Qpeak	25.7 cfs	53.2 cfs	84.2 cfs

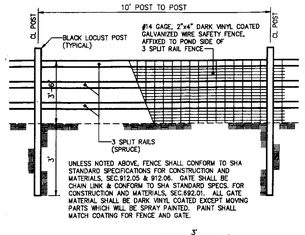
STORMWATER MANAGEMENT WILL BE PROVIDED:

Allowable Discharge:	13.6 cfs	26.7 cfs
Storage Volume:	1.15 ac-ft	1.60 ac-ft

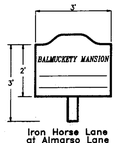
TRADITIONAIRE COLONIAL POST TOP FIXTURE
BLACK FIBERGLASS POLE
No scale



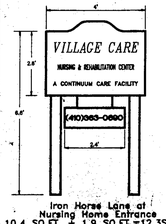
STORMWATER MANAGEMENT FENCE DETAIL
3 SPLIT RAIL (WOOD) FENCE
WITH SAFETY WIRE FENCE
No scale



SIGN DETAILS
No scale



Iron Horse Lane
at Almarso Lane
6.0 SQ. FT.
Single Faced
Non-Internally Illuminated

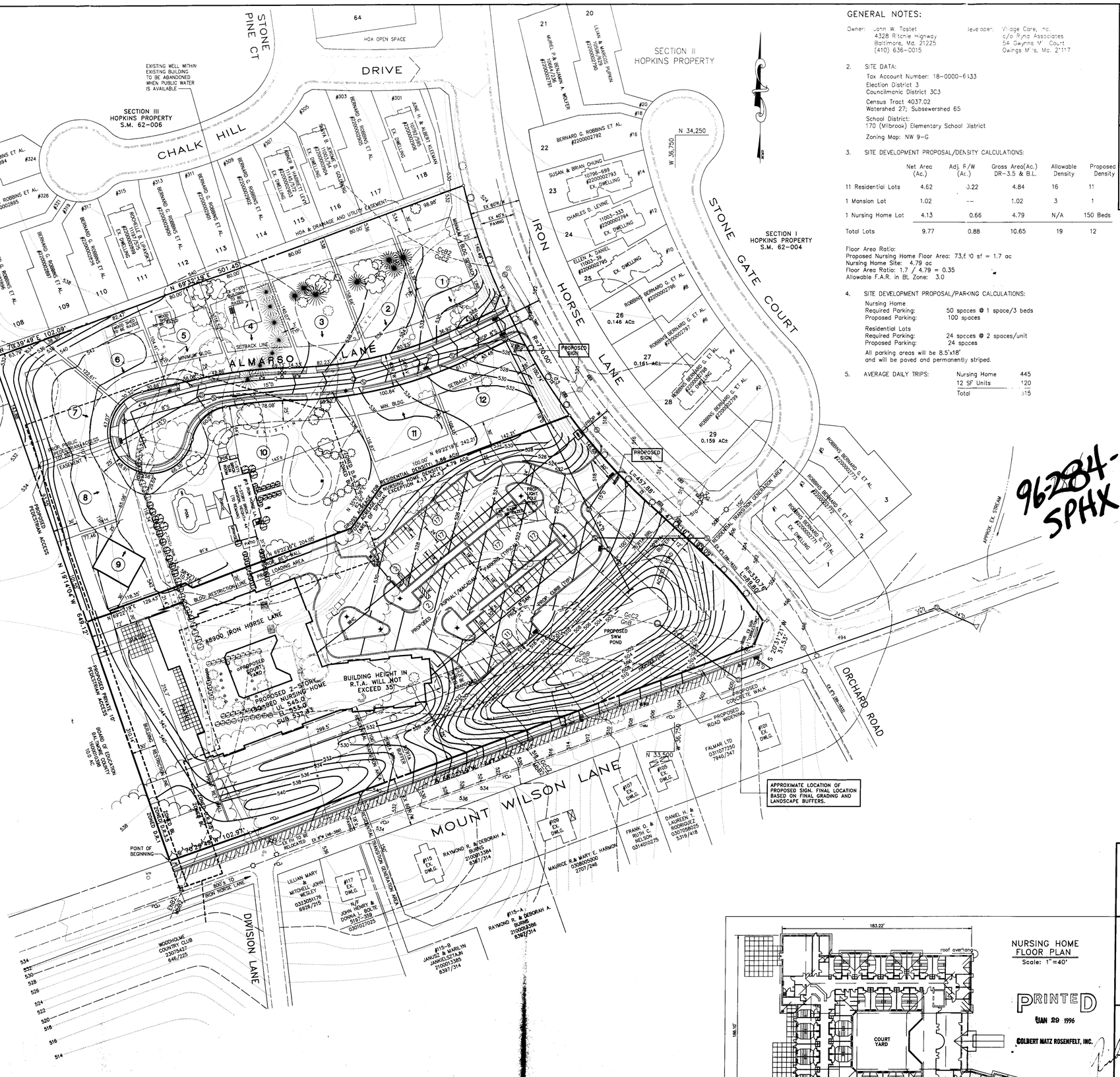


Iron Horse Lane at
Nursing Home Entrance
10.4 SQ.FT. + 1.9 SQ.FT.=12.3SQ.FT.
Single Faced
Non-Internally Illuminated

Mt. Wilson Lane at
Iron Horse Lane
12.6 SQ.FT. + 1.9 SQ.FT.=14.5 SQ.FT.
Single Faced
Non-Internally Illuminated

SOILS DATA:

Type	Class	Homesites w/Basement	Homesites w/o Basement	Street/Parking
CcB2	B	Slight	Slight	Slight
CcC2	B	Mod.: Slope	Mod.: Slope	Sev.: Slope
ChB2	C	Slight	Slight	Mod.: Slope
GcC2	B	Mod.: Slope	Mod.: Slope	Sev.: Slope
GnB	C	Sev.: H.W.T.	Mod.: H.W.T.	Sev.: H.W.T.
MbB2	B	Slight	Slight	Mod.: Slope



GENERAL NOTES:

Owner: John W. Tastet
4328 Ritchie Highway
Baltimore, Md. 21225
(410) 636-0015

Developer: Village Care, Inc.
c/o Ryna Associates
54 Gwynns Mill Court
Owings Mills, Md. 21117

2. SITE DATA:
Tax Account Number: 18-0000-61133
Election District 3
Councilmanic District 3C3
Census Tract 4037.02
Watershed 27; Subsewershed 65
School District:
170 (Milbrook) Elementary School District
Zoning Map: NW 9-G

3. SITE DEVELOPMENT PROPOSAL/DENSITY CALCULATIONS:

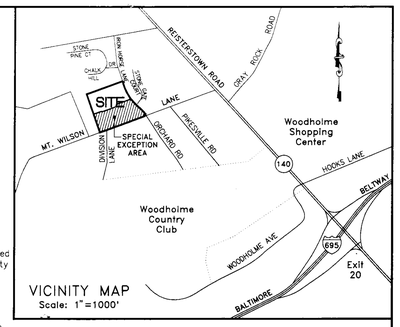
	Net Area (Ac.)	Adj. F/W (Ac.)	Gross Area(Ac.) DR-3.5 & B.L.	Allowable Density	Proposed Density
11 Residential Lots	4.62	0.22	4.84	16	11
1 Mansion Lot	1.02	--	1.02	3	1
1 Nursing Home Lot	4.13	0.66	4.79	N/A	150 Beds
Total Lots	9.77	0.88	10.65	19	12

Floor Area Ratio:
Proposed Nursing Home Floor Area: 73,610 sf = 1.7 ac
Nursing Home Site: 4.79 ac
Floor Area Ratio: 1.7 / 4.79 = 0.35
Allowable F.A.R. in BL Zone: 3.0

4. SITE DEVELOPMENT PROPOSAL/PARKING CALCULATIONS:
Nursing Home
Required Parking: 50 spaces @ 1 space/3 beds
Proposed Parking: 100 spaces
Residential Lots
Required Parking: 24 spaces @ 2 spaces/unit
Proposed Parking: 24 spaces
All parking areas will be 8.5'x18' and will be paved and permanently striped.

5. AVERAGE DAILY TRIPS:

Nursing Home	445
12 SF Units	120
Total	565



VICINITY MAP
Scale: 1"=1000'

6. This is a combined hearing for Development Plan, Special Exception and Special Hearing. (a) A Special Exception is requested for a Nursing Home in a D.R. Zone. (b) A Special Hearing is requested for a Waiver of Public Works Standard for a 24-foot pavement on a 40 foot right-of-way for the proposed public street to benefit the preservation of the setting of the historic mansion, and for a waiver of sidewalks along Iron Horse Lane.

7. A Modification of Standards is being requested to permit a building 299.5feet in lieu of the standard 200 feet.

8. The existing Balmuckety mansion is listed on the Maryland Historic Trust Inventory as BA 682. The mansion is presently used as a Single-Family Residence and Home Office. However the Developer may convert use to Child Day Care, Senior Day Care, Offices, Dance Studio, Art Studio, Medical Services or Assisted Living after future Baltimore County Agency approvals.

9. Required Local Open Space: 7,800 sq. ft. (0.18 AC) A Waiver of Local Open Space will be requested.

10. Existing well on the site will be backfilled and a well abandonment report filed by a licensed well driller when the proposed building is constructed. Existing septic system will be backfilled and a septic area abandonment report will be filed when the proposed building is constructed.

11. There are no known streams, springs, wetlands, 100-year floodplains, critical areas, archeological sites, endangered species habitats or hazardous materials on the site.

12. Forest Conservation requirements to be met with afforestation off-site or forest acquisition off-site.

13. The applicant will conduct a lighting impact study after the property has been graded, and will provide appropriate tree buffers to mitigate the lighting impact from and to adjoining properties.

14. All off-site dwellings and small lots of record (less than 2 acres) that create a RTA on-site are shown with the required 150 foot distance dimensions and 100 foot RTA.

15. A CRG Plan for this site was approved on 9-12-92 and expired on 9-10-95.

16. Existing trees highlighted will be saved.

17. Existing mansion (Lot 10) will be served with public water and sewer.

18. This property was created by minor subdivision on February 5, 1979 as Lot 1. The remainder was called a farm tract (5427/216). The farm tract did not require density and was later subdivided as "THE HOPKINS PROPERTY" (COBBLESTONE). The developer's engineer has confirmed that no part of the gross area of this property, as shown on the plan, has been utilized, recorded or re-presented as density or area to support any off-site dwellings.

19. MTA Bus service available at Reisterstown Road & Mt. Wilson Lane.

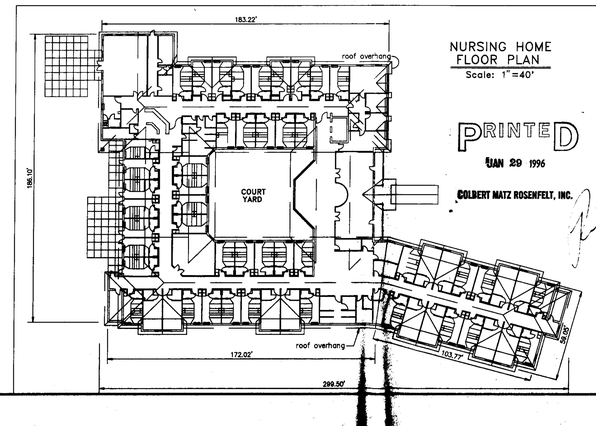
20. Hours of Operation of Nursing Home:
24 hours per day; 3 shifts:
7:00 AM to 3:00 PM; 3:00 PM to 11:00 PM; 11:00 PM to 7:00 AM.

21. All driveways and parking aisles will comply with Section 409.4 of the Baltimore County Zoning Regulations.

22. Certification: I, Richard Rynd, hereby certify under oath that there are no delinquent accounts for any other development with respect to any of the following: the applicant, a person with a financial interest in the proposed development, or a person who will perform contractual services on behalf of the proposed development.

Richard Rynd 1/26/96
(Signature) Richard Rynd Date

96-284-SPHX



NURSING HOME
FLOOR PLAN
Scale: 1"=40'

PRINTED
JAN 29 1996
COLBERT MATZ ROSENFELT, INC.

DEVELOPMENT PLAN and PLAN TO ACCOMPANY SPECIAL EXCEPTION and SPECIAL HEARING

VILLAGE CARE

MOUNT WILSON LANE @ IRON HORSE LANE
Election District No. 3-C3
Baltimore County, Maryland
PDM No. III-377

Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners
3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

297

NO.	DATE	REVISIONS:	BY

SCALE:	1"=50'
DATE:	JAN. 22, 1996
JOB NO.:	91053.1
DESIGNED:	LVB
DRAWN:	LVB/MEK/SF
CHECKED:	JF
FILE:	
DRAWING NUMBER:	91053FDP.DWG
SHEET 1 OF 2	

Baltimore County
Department of Permits and
Development Management

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

May 24, 1996

Mr. Richard Teitel
15 Stags Leap Court
Baltimore, MD 21208

96-284-SPHX

RE: Village Care Nursing Facility
File No. III-377

Dear Mr. Teitel:

Thank you for taking the time to write to the Honorable C.A. Dutch Ruppersberger, County Executive, regarding a development proposal for the construction of the Village Care Nursing Facility. As the director of the Department of Permits and Development Management for the county, the executive has requested that I provide you with the most current information on this matter.

Should the developer decide to proceed with a plan for the construction of this project, one of the mandatory requirements of the development process is a Community Input Meeting (CIM). This CIM will provide the initial opportunity for the community to participate and express concern about the concept plan. Following the CIM, a more detailed development plan is subject to the approval of an independent hearing officer. It is the hearing officer, acting as an independent officer of the county, who has the sole authority to grant development plan approval of the project.

When the development plan is officially filed with Baltimore County, a public hearing will be scheduled; at that time, the community will have an opportunity to present more formal comment. The hearing officer may approve the plan if it is found that certain conditions are met, including a finding that the project is in conformance with the goals, objectives, and recommendations contained in the Master Plan.

Neither the executive nor the legislative branch of government may interfere with a process which is adopted by law to culminate in a quasi-judicial forum. The law clearly establishes the parameters for the county executive to ensure review and recommendations of county agencies to the hearing officer. It is the hearing officer, acting as an independent officer of the county, who has the sole authority to grant development plan approval of the project.

Please understand that Baltimore County cannot prevent the developer from proceeding, at his own risk, through the development process. All proposed development will be reviewed within the confines required by law; however, it will also

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on Recycled Paper

be scrutinized with an emphasis toward the issues and concerns raised by the community. With this in mind, I can assure you that, once the developer initiates the development process, the plans will receive a complete and thorough review by the hearing officer based on testimony and evidence presented to him.

Once again, thank you for taking an interest in this project. A copy of your letter will be forwarded to the hearing officer so that he may consider these issues in his final decision.

Sincerely,

Arnold Jablon
Director

AJ:CKR
c: Hon. C.A. Dutch Ruppersberger, III
Lawrence E. Schmidt, Zoning Commissioner

CONTEXT MAP

EXISTING GREYROCK DEVELOPMENT
MANOR CARE
EXISTING SHOPS
TWIN RIVERS
RETIREMENT HOME