

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
N/S Chesaco Avenue, 52 ft. E
of c/l McCormick Avenue * ZONING COMMISSIONER

14th Election District * OF BALTIMORE COUNTY
7th Councilmanic District
Appraisal and Realty Service * Case No. 97-260-X
Corporation, Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for the property located on the east side of McCormick Avenue, west of the John F. Kennedy Memorial Highway (I-95) and north of Chesaco Avenue in eastern Baltimore County. The Petition is filed by Richard D. Ayres, Sr., President of Appraisal and Realty Service Corporation, property owner. Special exception relief is requested, pursuant to Section 432.4 of the BCZR, to waive the Residential Transition Area restrictions associated with the proposed elderly housing facility. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Exception.

Appearing at the public hearing held for this case was Richard D. Ayres, Sr., and Daniel Ayres on behalf of Appraisal and Realty Service Corporation. Also present was Joseph W. McGraw, Jr., the engineer who prepared the site plan. The Petitioner was represented by Leslie Pittler, Esquire. There were no Protestants or other interested persons present.

The subject property is an irregularly shaped lot, approximately 14.75 acres in area, zoned D.R.5.5. As noted above, the property sits immediately adjacent to the right of way for the JFK Highway (I-95) in eastern Baltimore County. Presently, the site is unimproved. However, testimony offered was that it was, at one time, used as a rubble fill. The fill was capped many years ago and the site has been vacant and without use for some time.

MICROFILMED

ORDER RECEIVED FOR FILING

Date

By

2/6/97
M. Howard

Apparently, a prior owner of the property proposed development on the site and submitted a development plan under the then existing development review regulations. That plan, essentially, provided for residential development of the site and the hearings conducted to consider the development plan were highly contested. Ultimately, the plan was withdrawn and the property sold. In 1991, a new CRG plan was approved for the construction of 15 quad buildings containing 60 condominium units. These condominium units will provide elderly housing and are set out on the site as shown on the plan.

Mr. McGraw, the engineer for the project, testified that the RTA requirements in effect in 1991 are binding on the proposed development. He also indicated that the approved CRG plan for the elderly housing project will expire in March 1997. Under the applicable RTA requirements, three of the buildings shown could not be constructed. Specifically, buildings 13, 14 and 15 are within the RTA area and would not be permitted in that the building type proposed is different than single family dwellings located in the neighborhood.

Section 432.4 of the BCZR permits a waiver of the RTA requirements for proposed elderly housing facilities. Specifically, the statute provides that RTA requirements may be modified or waived if strict adherence to same would cause unreasonable hardship on the developer; if site design and amenities provided justify a modification or waiver of the standards; and if development would not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties and the general neighborhood.

Mr. McGraw testified as to each of these standards and I am persuaded by his testimony. In my judgment, it is clear that the elderly housing community proposed is appropriate for the property and the neighborhood.

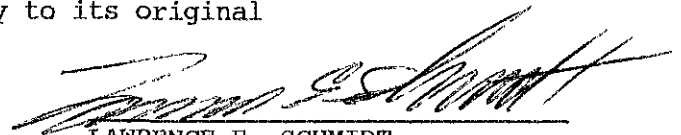
2697
M. Graw

Clearly, the proposed use is compatible with the surrounding locale. It is also to be observed that the three building units affected by the RTA requirements cannot be located elsewhere on the property. Specifically, site constraints imposed on the property relative to its location adjacent to I-95, in addition to wetlands on site, limit the buildable area. Thus, the proposed location of the three buildings at issue is appropriate. For all of these reasons, I am persuaded to grant the Petition for Special Exception.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 6th day of February 1997 that, pursuant to the Petition for Special Exception, approval to waive the Residential Transition Area restrictions associated with the proposed elderly housing facility under Section 432.4 of the BCZR, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.



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

February 3, 1997

Leslie M. Pittler, Esquire
8415 Bellona Lane
Towson, Maryland 21204-2055

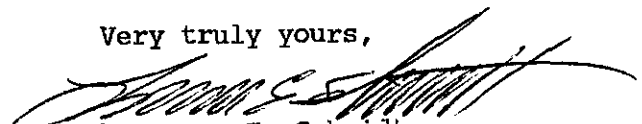
RE: Petition for Special Exception
Case No. 97-260-X
Appraisal and Realty Service Corp., Petitioner

Dear Mr. Pittler:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted, in accordance with the attached Order.

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 Order 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
att.

c: Richard D. Ayres, Sr., President, Appraisal and Realty Service



#260



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at East of McCormick Road, West of the John F. Kennedy Memorial Highway (I-95) and North of Chesaco Avenue which is presently zoned D.R. 5.5

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

432.4 TO WAIVE THE RESIDENTIAL TRANSITION AREA RESTRICTIONS ASSOCIATED WITH THE PROPOSED ELDERLY HOUSING 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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

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

Legal Owner(s):

Richard D. Ayres, Sr. for

Appraisal and Realty Service Corporation

(Type or Print Name)

Richard D. Ayres Sr Pres.

Signature

(Type or Print Name)

Signature

7122 Sunshine Avenue (410) 592-3140

Address

Phone No

Kingsville, MD. 21087

City

State

Zipcode

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

Richard D. Ayres, Sr.

Name

7122 Sunshine Avenue (410) 592-3140

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

2-3 hr

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: MTR

DATE

12/17/86



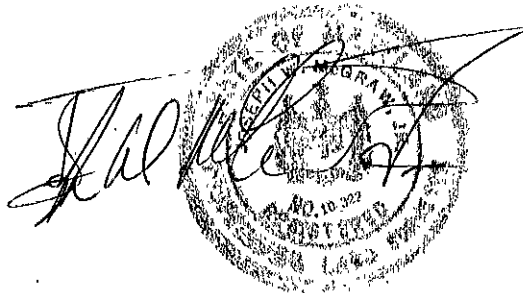
MICROFILMED

#266

ZONING DESCRIPTION

97-260-X

Beginning at a point on the north side of Chesaco Avenue which is 80 feet wide at the distance of 52 feet east of the centerline of the nearest improved intersecting street, McCormick Avenue, which is variable in width. Thence the following courses and distances: N 22 19' E. 83.44 ft., S 83 08' 30" W. 17.20 ft., N 22 19' E. 87 ft., N 28 40' E. 53 ft., Northerly 48 ft. +/-, N 28 00' 22" E. 488.40 ft., N 15 25' 58" W. 628.80 ft., N 86 00' 22" E. 415 ft. +/-, S 36 00' 45" W. 429.34 ft., S 36 03' 16" W. 153.84 ft., S 89 W. 29 ft. +/-, S 05 E. 38 ft. +/-, S 36 03' 42" W. 516.78 ft., S 85 15' 22" W. 51.45 ft., S 14 14' 38" E. 51.38 ft., S 36 03' 42" E. 38.87 ft., Southerly 235 ft. +/-, Southerly 98 ft. +/-, S 48 41' W. 110.14 ft., N 44 11' W. 54.14 ft. to the place of beginning, containing 14.75 +/- acres as recorded in the following deeds: liber 6228, folio 402; liber 6028, folio 402 & liber 6228, folio 399 and located in the 14TH Election District.



MICROFILMED

NOTICE OF HEARING

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

Case #97-260-X
(Item 260)

N/S Chesaco Avenue, 52' E of
of McCormick Avenue
14th Election District
7th Councilmanic

Legal Owner(s):

Appraised and Realty Service
Corporation

Special Exception: to waive
the Residential Transition Area
restrictions with the proposed
elderly housing facility.

Hearing: Monday, February
3, 1997 at 10:30 a.m. in Room
118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible for
special accommodations
Please Call 887-3353.
(2) For information concern-
ing the file and/or Hearing,
Please Call 887-3391.

1/208 Jan. 16 C112513

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

1/16

, 1997

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 1/16, 1997.

THE JEFFERSONIAN,

A. H. Harrison
LEGAL AD. - TOWSON

MICROFILMED

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

No. 025553
97-260-X

DATE 2/17/01 ACCOUNT 01-615

Check # 266 AMOUNT \$ 300.00
By: WJ

RECEIVED J.S. T. - Ensignman Co. Inc.
FROM: C

250 - Spent Cash - \$ 300.00

FOR: _____

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



Baltimore County
Department of Permits and
Development Management

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

97-260-X

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 260

Petitioner: Appraisal & Realty Service Corp

Location: Corner of north side of Chesaco Ave, east side of Mc Cormick Ave

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Richard D. Ayres, Sr.

ADDRESS: 7122 Sunshine Ave

Kingsville, MD 21087

PHONE NUMBER: (410) 592-3140

AJ:ggs

(Revised 09/24/96)

MICROFILM



CERTIFICATE OF POSTING

RE: Case No.: 97-260-X

Petitioner/Developer: APPRAISAL

& REALTY SERVICE CORP.

Date of Hearing/Closing: 2/3/97

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 PROPERTY LOCATED ON
EAST SIDE OF MCCORMICK AVE. LAND IS VACANT NO
ADDRESS AT THIS POINT.

The sign(s) were posted on JAN. 15, 1997
(Month, Day, Year)

Sincerely,

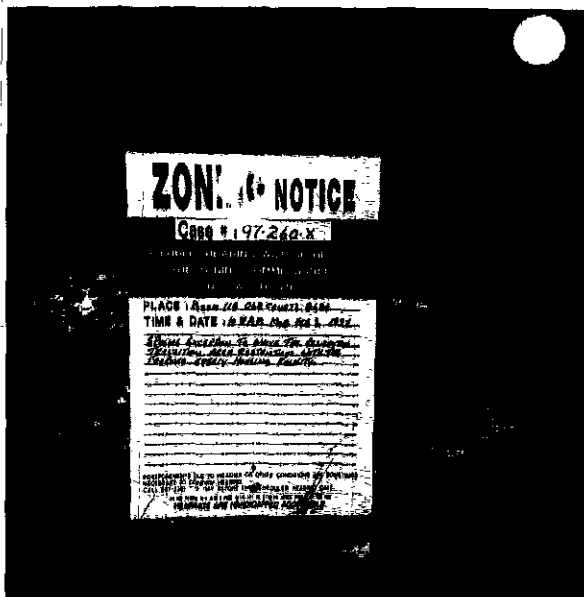
Thomas P. Dole Sr. 1/15/97
(Signature of Sign Poster and Date)

THOMAS P. DOLE SR
(Printed Name)

325 Nicholson Road
(Address)

BALTIMORE, MD 21221
(City, State, Zip Code)

(410) 687-8405
(Telephone Number)



97-260-X

MICROFILM

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: _____

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE: _____

DATE AND TIME: _____

REQUEST: 432.4 to waive the residential transition
area restrictions associated with the ~~proposed~~ proposed
elderly housing facility

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PUTUXENT PUBLISHING COMPANY
January 19, 1997 Issue - Jeffersonian

Please forward billing to:

Richard D. Ayres, Sr.
7122 Sunshine Avenue
Kingsville, MD 21087
592-3140

NOTICE OF HEARING

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

CASE NUMBER: 97-260-X (Item 260)
N/S Chesaco Avenue, 52' E of c/l McCormick Avenue
14th Election District - 7th Councilmanic
Legal Owner(s): Appraisal and Realty Service Corporation

Special Exception to waive the Residential Transition Area restrictions with the proposed elderly housing facility.

HEARING: MONDAY, FEBRUARY 3, 1997 at 10:00 a.m. in Room 118, Old Courthouse.

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.

WILLIAM J. MULLIGAN



Baltimore County
Department of Permits and
Development Management

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

January 10, 1997

NOTICE OF HEARING

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

CASE NUMBER: 97-260-X (Item 260)
N/S Chesaco Avenue, 52' E of c/l McCormick Avenue
14th Election District - 7th Councilmanic
Legal Owner(s): Appraisal and Realty Service Corporation

Special Exception to waive the Residential Transition Area restrictions with the proposed elderly housing facility.

HEARING: MONDAY, FEBRUARY 3, 1997 at 10:00 a.m. in Room 118, Old Courthouse.


Arnold Jablon
Director

cc: Richard D. Ayres, Sr.
J.S.T. Engineering Co., Inc.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JANUARY 19, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

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

January 22, 1997

Mr. Richard D. Ayres, Sr.
Appraisal and Realty Service Corporation
7122 Sunshine Avenue
Kingsville, MD 21087

RE: Item No.: 260
Case No.: 97-260-X
Petitioner: Richard D. Ayers, Sr.

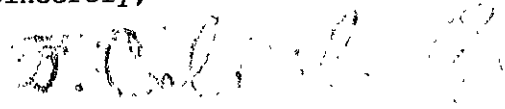
Dear Mr. Ayres:

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 December 17, 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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

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

RE: Baltimore County 12-31-91
Item No. 260 (MSK)

Dear Ms. Eubanks:

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 Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

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

ENCLOSURE

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

TO: PDM
FROM: R. Bruce Seeley
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: Dec 30, 96

DATE: 12/31/96

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

Item #'s: 258
259
260
261
263
265
266
267

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: January 2, 1997

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 246 260 and 264

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

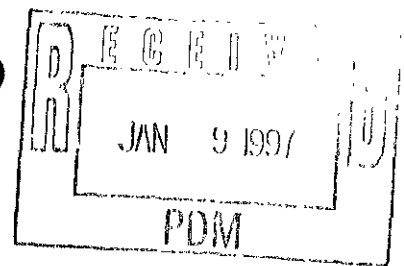
Jeffrey W. Long

Division Chief:

Pat Keller

PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 01/08/97

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

RE: Property Owner: APPRAISAL AND REALTY SERVICE CORPORATION

Location: N/S CHESACO AVE. 52' E OF CENTERLINE MCCORMICK AVE.

Item No.: 260

Zoning Agenda: 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.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



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

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
 Department of Permits & Development
 Management

Date: January 3, 1997

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for January 6, 1997
 Item No. 260

 The Development Plans Review Division has reviewed the subject
zoning item. This site is subject to all development regulations.

RWB:jrb

cc: File

ZONE44A

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

97-260-X

DATE: December 17, 1996

TO: Hearing Officer

FROM: Mitchell J. Kellman
Planner II, Zoning Review

SUBJECT: Item #260
Appraisal & Realty Service Corporation

attorney. I advised the engineer that a corporation must be represented by an

MJK:scj

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
N/S Chesaco Avenue, 52' E of c/l * ZONING COMMISSIONER
McCormick Avenue, 14th Election District, * OF BALTIMORE COUNTY
7th Councilmanic *
Appraisal and Realty Service Corporation * CASE NO. 97-260-X
Petitioner *

* * * * *

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 3rd day of February, 1997, a copy of the foregoing Entry of Appearance was mailed to Richard D. Ayres, Sr., Appraisal and Realty Service Corp., 7122 Sunshine Avenue, Kingsville, MD 21087, Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

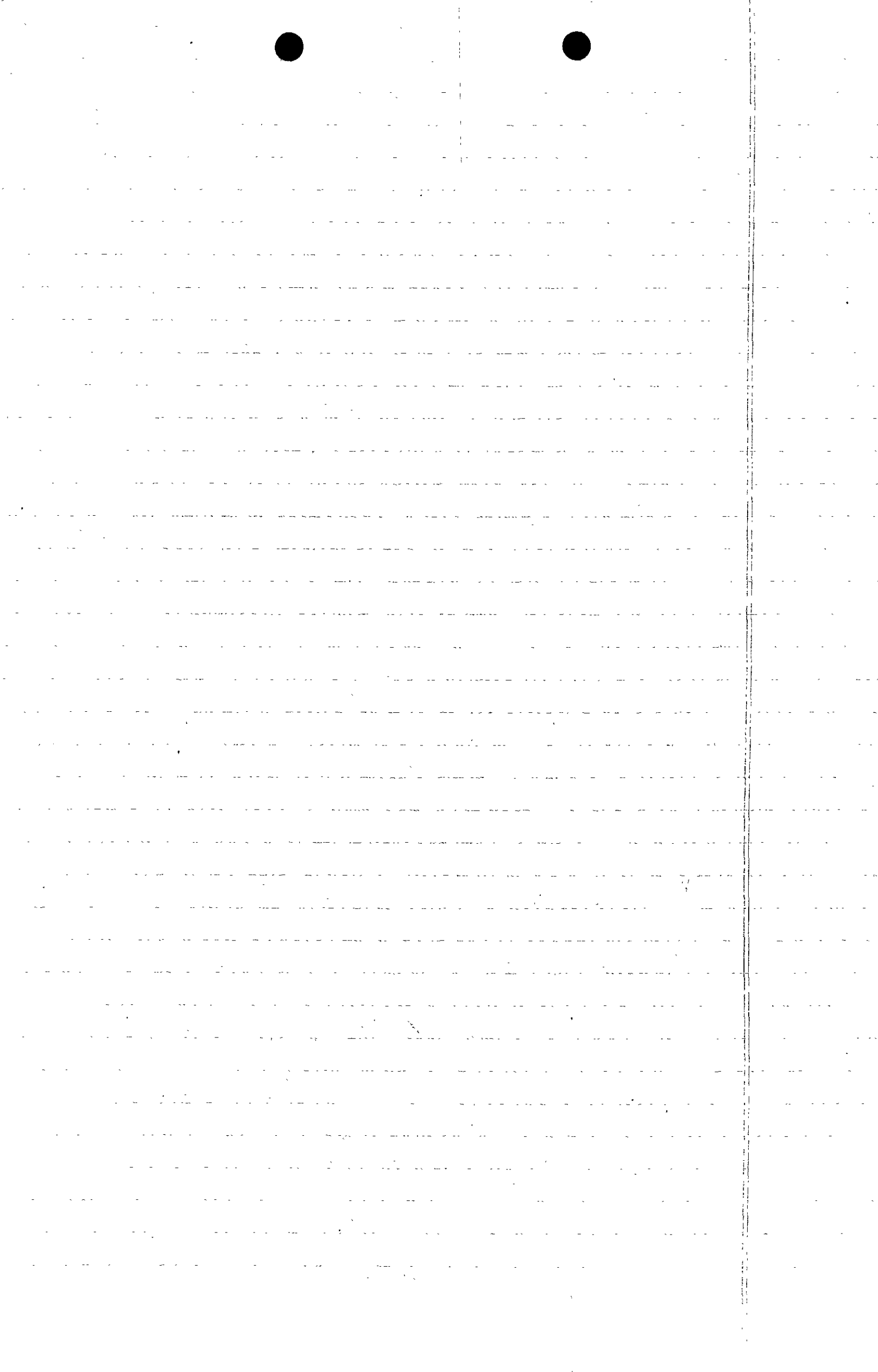
✓

See Larry S. 10:15
WED

Aes Pittler is requesting the
red lined changes shown on the
red lined zoning hearing plan.

Please let me know if you are
OK for S+I approval

Thanks
John Lewis



LESLIE M. PITTLER

ATTORNEY-AT-LAW

SUITE 610

29 WEST SUSQUEHANNA AVENUE

TOWSON, MARYLAND 21204

(410) 823-4455

FACSIMILE
(410) 583-2437

FEB - 8

February 8, 1999

Lawrence E. Schmidt, Esquire
Zoning Commissioner for Baltimore County
401 Bosley Avenue
Towson, Maryland 21204

Re: Spirit and Intent Letter, McCormick Place
As It Relates To Case# 97-260-X

Dear Commissioner Schmidt:

In regard to resolving the above-captioned S&I Letter, you had requested some time ago that the Petitioner obtain an indication from the community that they had no objection to Mr. Ayres changes to your previously approved decision, even though the community did not appear in opposition at the time of your hearing.

After a rather lengthy period of time the Hazelwood - Park East Civic Association, Inc. met on January 27, 1999, and voted overwhelming to support the project. I am furnishing to you a copy of their letter of support dated February 6, 1999 and signed by William A. Spiegel, Association President. In addition I am furnishing a copy of the original S&I Letter.

This should resolve all outstanding matters relative to the approving of the S&I Letter.

Many thanks.

Very truly yours,



Leslie M. Pittler

cc: Richard Ayres



Hazelwood - Park East Civic Association, Inc.

Incorporated the 10th Day of October 1963

5615 Daybreak Terrace
Baltimore, MD 21206
February 6, 1999

FEB - 8

To: Mr. Arnold "Pat" Keller, Director, Planning Office
Mr. Arnold Jablon, Director, Development Management
Mr. George Perdikakis, Director, Environmental Protection

Re: The proposed McCormick Place Senior Condominium Project
Mr. Richard Ayres, Owner & Developer

After many months of discussion, questions, meetings, debate, and soul-searching, The Hazelwood-Park East Civic Association, Inc. held a general membership meeting on January 27, 1999 to decide our position relative to the proposed McCormick Place Senior Condominium development. Eighty-five residents were in attendance. By a show of hands, 78 people voted to support the project.

At the same time, many who attended the meeting reiterated a long-time concern regarding the possibility that toxic or other dangerous material may be buried on the site, and we cannot ignore the testimonials of three neighbors who stated they observed the burial of 55-gallon drums many years ago.

With this in mind, we are relying on Baltimore County to monitor the project and to take every precaution to assure the safety and health of the condominium owners and the neighboring communities. We also ask the various county departments to advise our community of problems and concerns during the construction process.

In closing, we look with favor upon Mr. Ayres' proposal and wish him success. We trust he, as well as the county agencies, will keep our association apprised of progress along with any changes in his plan.

William A. Spiegel
William A. Spiegel
Association President

cc: The Honorable Joe Bartenfelder
Mr. Richard Ayres
Mr. Jerry Siewierski, Environmental Protection
Ms. Carol McEvoy, Planning
All Hazelwood-Park East Committee Members

LESLIE M. PITTLER
ATTORNEY-AT-LAW
SUITE 610
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 823-4455

OCTOBER 15, 1998

Mr. Arnold Jablon
Director
Department of Permits and Development Management
County Office Building
Towson, Maryland 21204

**Re: Spirit and Intent Letter for McCormick Place Project
As it relates to Case Number 97-260-X**

Dear Mr. Jablon:

The purpose of this letter is to request your Department's interpretation of Case Number 97-260X and the opinion rendered by the Zoning Commissioner therein.

I am enclosing for your review a copy of the opinion which was rendered by Commissioner Schmidt on February 6, 1997 along with a red-lined copy of the plan which shows the change which the Developer intends to make to the plan. The DRC has already granted the right to a refinement for the Developer's change to the plan.

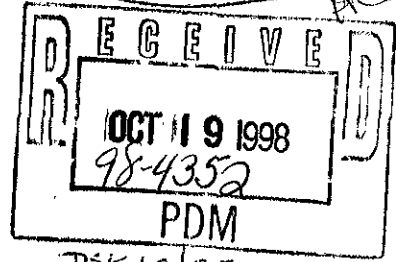
The question presented is as follows:

With the Developer making the changes as outlined by the red-lined plan thus eliminating certain buildings while adding certain buildings but **not** changing the use in question, i.e elderly housing and with the Zoning Commissioner's decision stating that: "Section 432.4 of the BCZR permits a waiver of the RTA requirements for proposed elderly housing facilities." And then holding that "In my judgement, it is clear that the elderly housing community proposed is appropriate for the property and the neighborhood." Do the proposed changes constitute a deviation from the Commissioner's opinion of the granting of the waiver as he so held on February 6, 1997. Or, having held as he did does the granting of the waiver still apply ?

It is my feeling that since the Commissioner's holding applies to the issue of elderly housing and that use remains the same, as well the changes taking place in the same location of the site, that the waiver applies to the changes made and does not necessitate another hearing which would in effect be redundant since the same facts still apply.

*I called Les Pittler
redlined him if he
got an OK from
adjacent community
cannot use would
approve as spirit +
intent
11/24/98*

*10/19/98
LOCA
f*



*DISK 10/22
CALLED LES P 10/23 MSG-
NEED REDLINED HEARING PLAN
SHOWING AN CHANGES INC.
PARK, ELEV, DTL, SETBACKS ET
TO ROAD + BETWEEN BLDGS ETC.
SPOKE 10/28 WIMMY*

October 15, 1998

I am enclosing the check for \$40.00 to cover the cost of the Spirit and Intent Letter.

Very truly yours, ,

A handwritten signature in black ink, appearing to read "Leslie M. Pittler". The signature is fluid and cursive, with a large, stylized initial "L" and "P".

Leslie M. Pittler

cc: Richard D. Ayres, Sr.
Joseph W. McGraw

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

JOSEPH W. McGRATH JR.
Richard D. Ayres Sr.
DANIEL AYRES

3812 MARY AVE. } engineer
7122 SUNSHINE AVE
7423 BRADSHAW ROAD



June 28, 1996

Robert J. Evans
President
Hazelwood - Park East Civic Assn., Inc.
5602 Daybreak Terrace
Baltimore, Maryland 21206

Mr. Donald W. Rascoe
Development Manager
Baltimore County Office of ZADM
County Office Building, Room 109
Towson, Maryland 21204

Re: DRC McCormick Place
CRG XIV 168

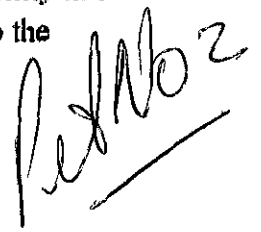
Dear Mr. Rascoe:

On June 27, 1996, the Officers and Board of Directors of the Hazelwood - Park East Civic Association, Inc. met with Messrs. Robert Evett and Ducky Ayres to discuss the proposed construction of senior condos on the property known as McCormick Place.

Our understanding is that Mr. Ayres intends to construct fifteen 4-unit condos along with a service type building. The condos will be sold to people age 62 or older.

While numerous details must still be resolved, our association wishes to inform your office that we look with favor upon Mr. Ayres proposal and would welcome a first-class senior facility in our neighborhood. The vote by those in attendance at the June 27 meeting was unanimous to the effect.

If you have any question, please call me at (410)866-5530.

A handwritten signature in dark ink, appearing to read "Red No 2", is written over the bottom right portion of the letter's body text.

Very truly yours,

Robert J. Evans
Association President

cc: Joe Bartenfelder, Sixth District Councilman
Mr. Robert W. Evett

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 Jablon, Director
 Permits and Development
 Management

DATE: January 2, 1997

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 246 (260) and 264

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

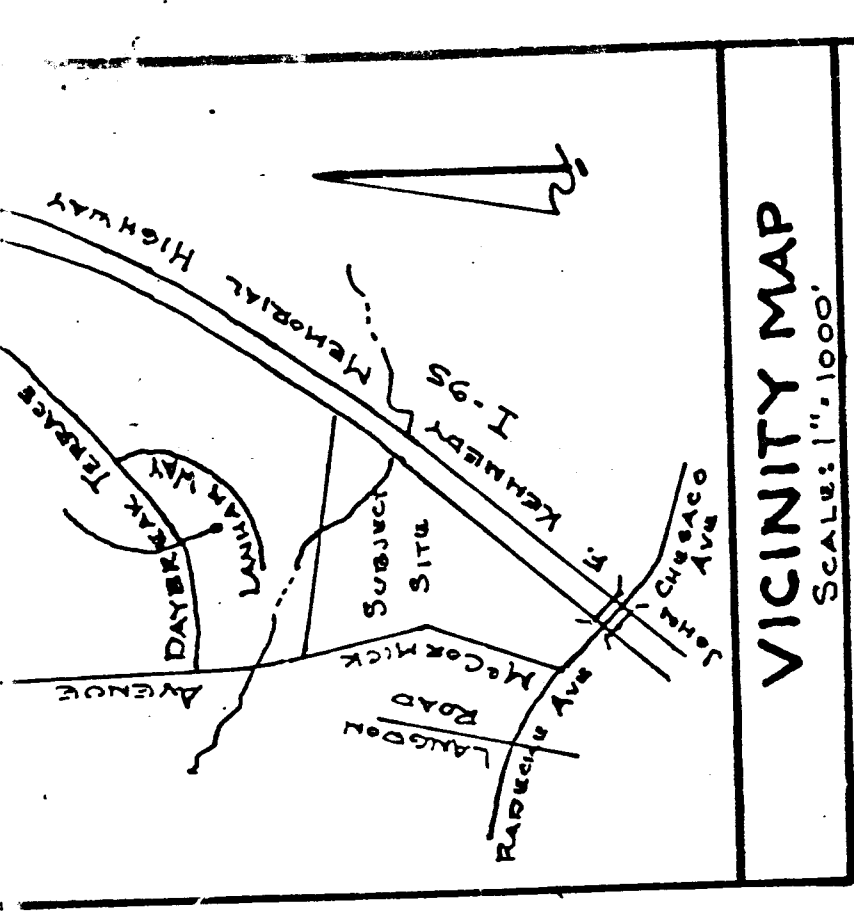
Prepared by:

Jeffrey W. Long

Division Chief:

Edna L. Kerns

PK/JL



VICINITY MAP
SCALE: 1"=1000'

DENSITY NOTES:
ACREAGE: Gross - 13.756 Acres, (593,224.35 SF)
Net - 11.724 Acres, (513,666.014 SF)
HUMAN VOLUME: 11784 Ac. (513,280.825 SF)
S.M. RESERVATIONS - 11784 Ac. (513,280.825 SF)
Net - 11.724 Ac. (513,666.014 SF)

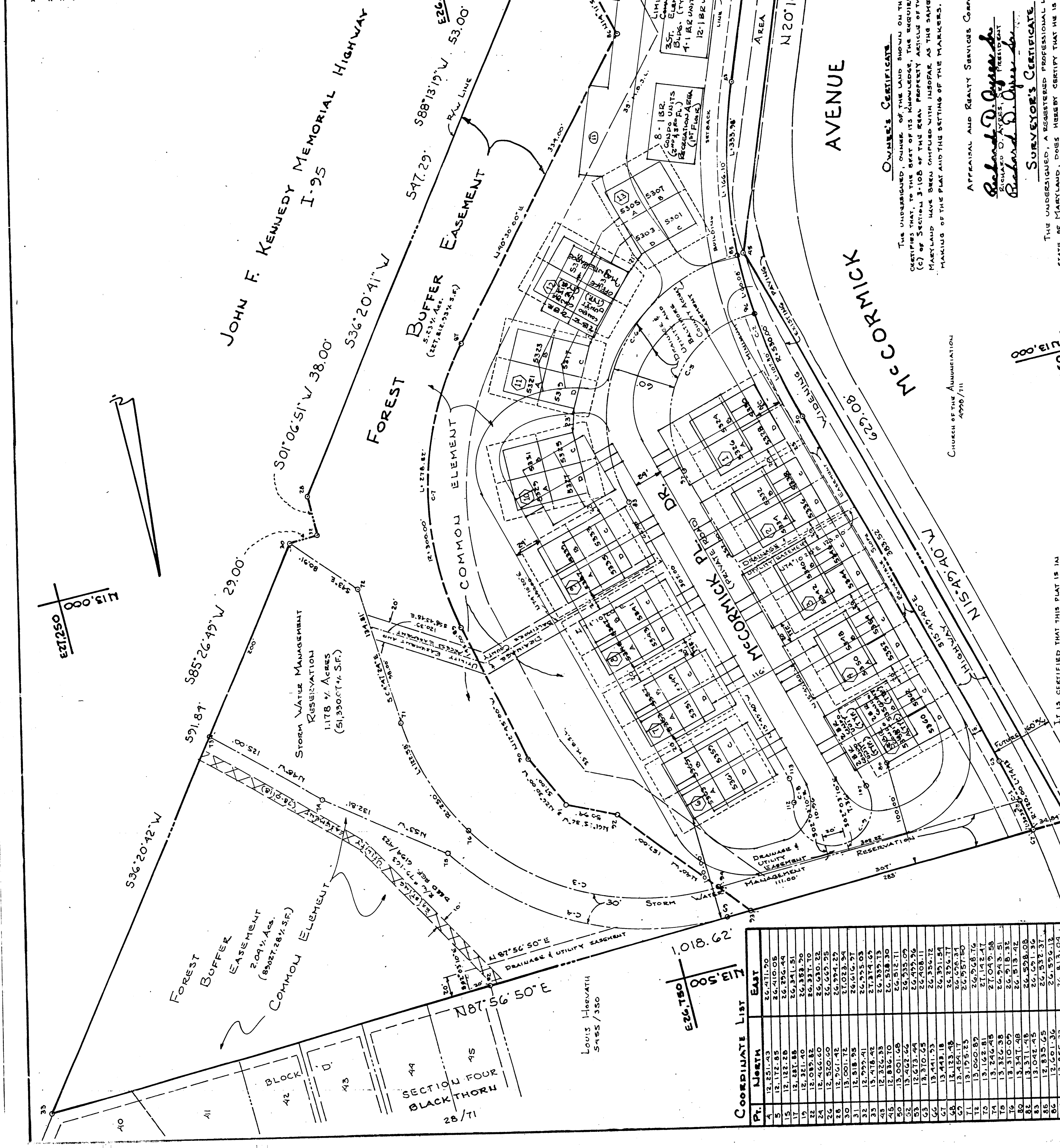
EXISTING ZONING: D.R. 3.5
DENSITY UNITS ALLOWED:
13756 x 5.5 = 75,678 UNITS

DENSITY UNITS PROPOSED: 75,678
42: 28 UNITS (3 BEDROOMS/CONDO)
33: 44 UNITS (1 BEDROOM/CONDO)
PARKING REQUIRED PER UNIT: 1.1
GO TOTAL
PARKING PROPOSED: 83,246 SPACES

DEED REFERENCE: Tax Account #
8603/721-----14-01-074523
6228/375-----14-06-058500
6228/402-----14-19-033951
14-01-074522

GENERAL NOTES:

- 1.) The recording of this plat does not constitute an implied warranty of the County of any services, materials, or workmanship shown on this plat.
- 2.) This plat is subject to the provisions of the County of Baltimore, Maryland, and the State of Maryland.
- 3.) The Baltimore County Department of Planning and Development, and the State of Maryland, are hereby notified that the plat is subject to the provisions of the County of Baltimore, Maryland, and the State of Maryland.
- 4.) The plat is subject to the provisions of the County of Baltimore, Maryland, and the State of Maryland.
- 5.) The plat is subject to the provisions of the County of Baltimore, Maryland, and the State of Maryland.
- 6.) The plat is subject to the provisions of the County of Baltimore, Maryland, and the State of Maryland.
- 7.) The plat is subject to the provisions of the County of Baltimore, Maryland, and the State of Maryland.
- 8.) The plat is subject to the provisions of the County of Baltimore, Maryland, and the State of Maryland.
- 9.) The plat is subject to the provisions of the County of Baltimore, Maryland, and the State of Maryland.
- 10.) The plat is subject to the provisions of the County of Baltimore, Maryland, and the State of Maryland.
- 11.) The plat is subject to the provisions of the County of Baltimore, Maryland, and the State of Maryland.
- 12.) The plat is subject to the provisions of the County of Baltimore, Maryland, and the State of Maryland.
- 13.) The plat is subject to the provisions of the County of Baltimore, Maryland, and the State of Maryland.
- 14.) The plat is subject to the provisions of the County of Baltimore, Maryland, and the State of Maryland.
- 15.) The plat is subject to the provisions of the County of Baltimore, Maryland, and the State of Maryland.
- 16.) The plat is subject to the provisions of the County of Baltimore, Maryland, and the State of Maryland.
- 17.) The plat is subject to the provisions of the County of Baltimore, Maryland, and the State of Maryland.
- 18.) The plat is subject to the provisions of the County of Baltimore, Maryland, and the State of Maryland.
- 19.) The plat is subject to the provisions of the County of Baltimore, Maryland, and the State of Maryland.
- 20.) The plat is subject to the provisions of the County of Baltimore, Maryland, and the State of Maryland.



APPROVED:
DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT
DATE: 3-5-97

APPROVED: By the Director of Permits
AND DEVELOPMENT MANAGEMENT PURSUANT
TO SEC. 20-215 (c), BALTO. CO. CODE
DATE: 3-5-97

APPROVED: By the Director of Permits
AND DEVELOPMENT MANAGEMENT PURSUANT
TO SEC. 20-215 (c), BALTO. CO. CODE
DATE: 3-5-97

OWNER'S CERTIFICATE
THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, HEREBY
CERTIFIES THAT, TO THE BEST OF HIS KNOWLEDGE, THE REQUIREMENTS OF SUBSECTION
(C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF
MARYLAND HAVE BEEN COMPLIED WITH INsofar AS THE SAME CONCERN THE
MAKING OF THE PLAT AND THE SETTING OF THE MARKERS.

SURVEYOR'S CERTIFICATE
THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE
STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR UNDER
WHOSE SUPERVISION THIS PLAT WAS PREPARED, AND THAT THE PLAT WAS PREPARED
IN COMPLIANCE WITH SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY
ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND THAT HE HAS NO KNOWLEDGE
OF ANY VIOLATION OF THE SAME CONCERNING THE MAKING OF THE PLAT AND THE
SETTING OF THE MARKERS.

APPRaisal AND REALTY SERVICES CORPORATION
Richard D. Oyster, Jr.
Richard D. Oyster, Jr.

CURVE TABLE

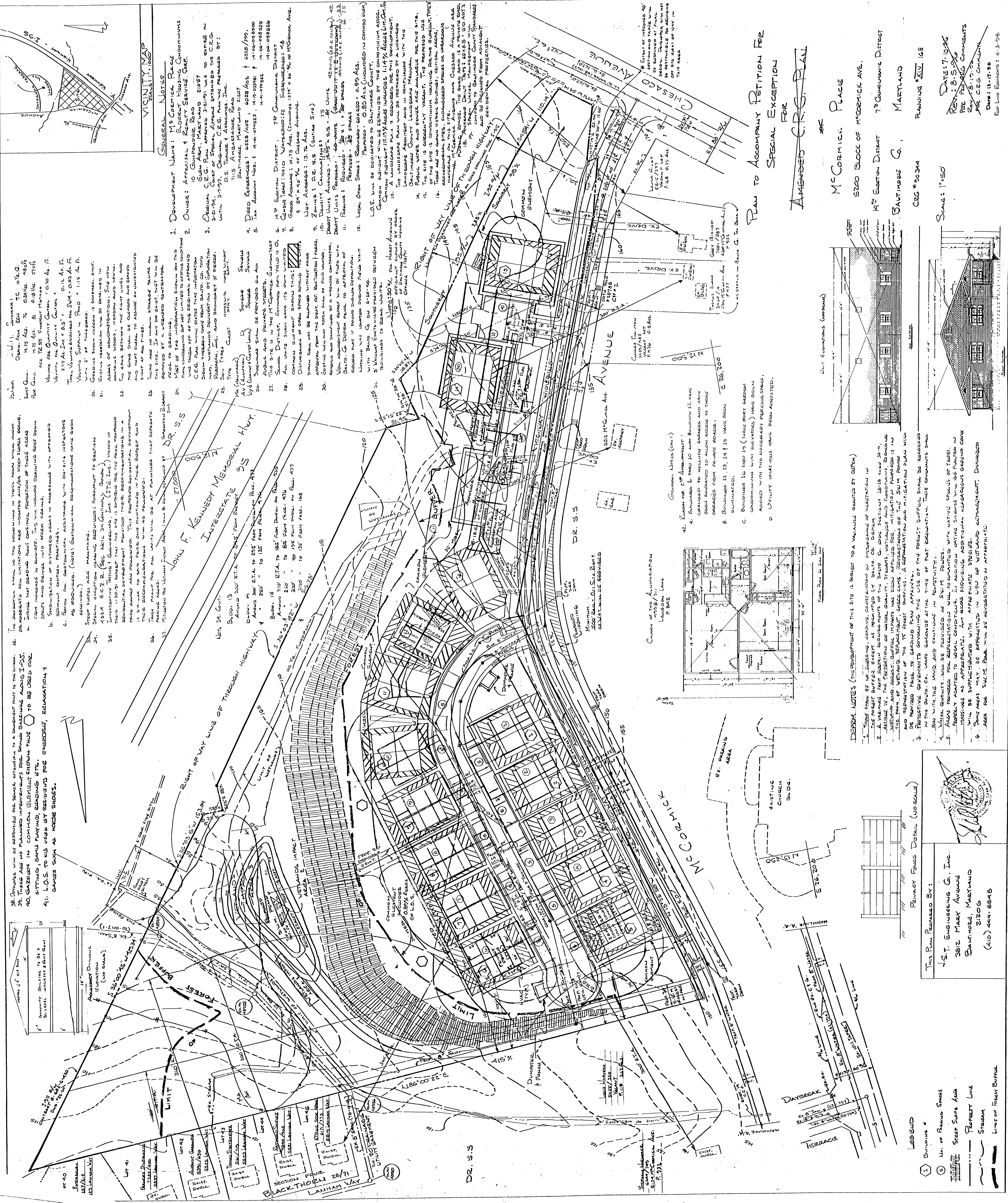
W	RADIUS	LENGTH	DELTA	TANGENT	CHORD BEARING
C-1	720.00	74.43	5-55-22	37.25	S12°51'59"E 74.40'
C-2	530.00	333.98	36-06-19	172.75	S02°13'30"W 328.48'
C-3	250.00	258.17	59-10-09	141.93	N02°28'06"W 246.85'
C-4	280.00	285.16	59-10-09	158.96	S62°28'06"E 276.48'
C-5	102.50	192.92	107-51-14	140.70	S38°05'57"W 165.70'
C-6	162.50	302.76	106-45-48	218.66	N37°33'14"E 260.85'
C-7	300.00	278.82	53-15-00	150.39	N13°52'50"E 268.89'

PLAN PREPARED BY:
J.S.T. ENGINEERING CO., INC.
3812 MARY AVENUE
BALTIMORE, MARYLAND
21206
(410) 494-0840

**IT IS CERTIFIED THAT THIS PLAT IS IN
COMPLIANCE WITH THE REAL PROPERTY
ARTICLE OF THE ANNOTATED CODE OF
MARYLAND, AND THAT THE PLAT WAS
PREPARED IN COMPLIANCE WITH THE
COUNTY COMMENTS ATTACHED THEREON.**

COORDINATE LIST

PT.	NORTH	EAST
1	12,251.43	26,411.50
2	12,172.85	26,410.08
3	12,172.85	26,410.08
4	12,172.85	26,410.08
5	12,172.85	26,410.08
6	12,172.85	26,410.08
7	12,172.85	26,410.08
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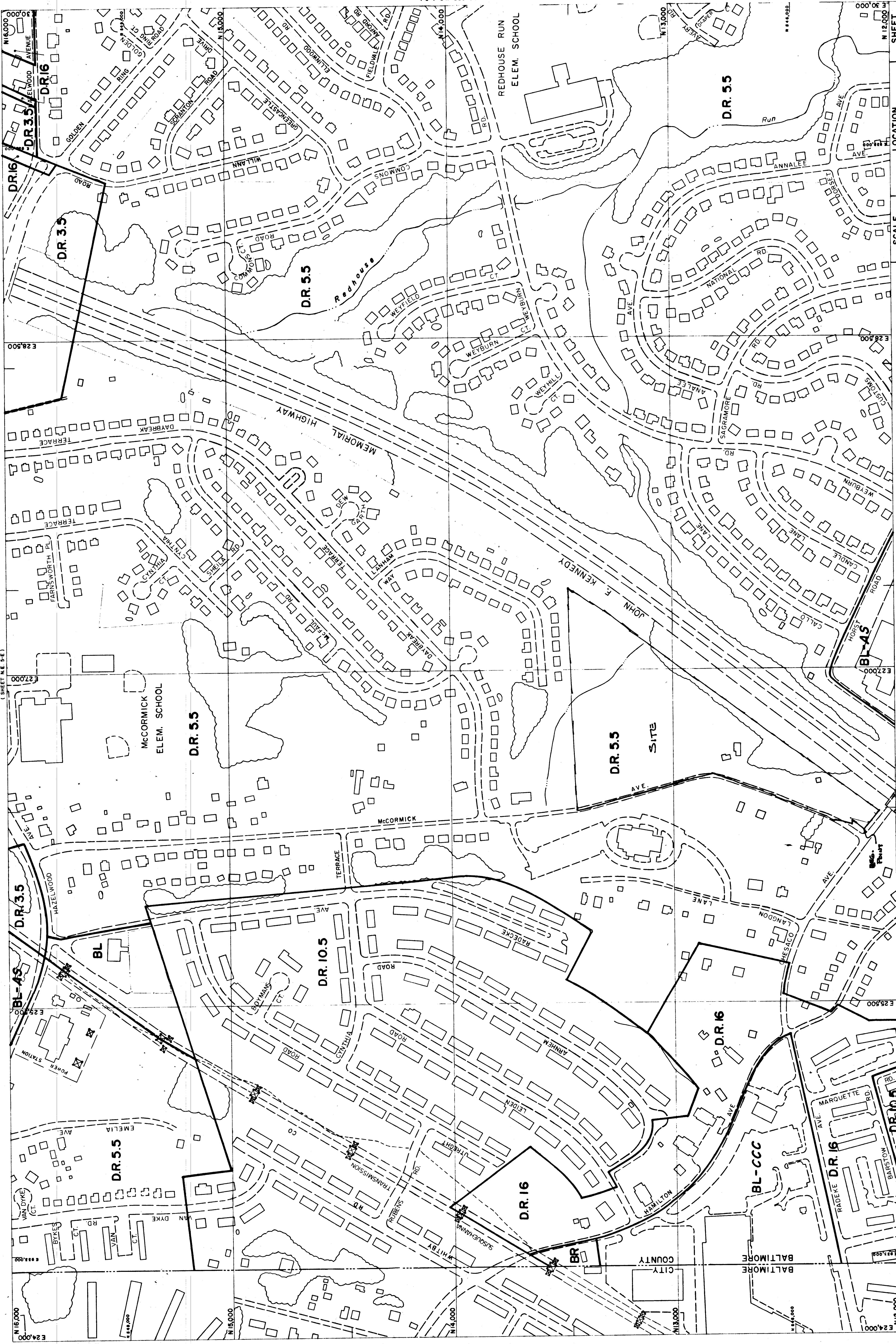


PLAN TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION
FOR
~~AMENDED C.R.S. PLAN~~

5200 BLOCK OF MCCORMICK AVE.
 15TH ELECTION DISTRICT
 BALTIMORE CO.,
 MARYLAND
 REG # 20344
 DRAWING # XIV 168
 7TH CONGRESSIONAL DISTRICT

~~DATE: 7-10-96~~
~~REV: 8-5-96~~
~~PER PEG COMMENTS~~
~~Rev: 8-10-96~~
~~PER C.E.G. COMMENTS~~

DATE: 12-17-96
RED LINE REVISIONS: 11-3-98



**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

1996 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

J-NE 1-NW

(SHEET N.E. 3-E 1)

SCALE
1" = 200' ±

LOCATION

SHEET
N.E.
4-E

DATE OF
PHOTOGRAPHY
JANUARY
1986

ROSEDALE
#260

MICROFILMED

97-260-X