

IN RE: DEVELOPMENT PLAN HEARING and
PETITION FOR SPECIAL EXCEPTION
(Rodgers Forge Catered Living)
6909 Bellona Avenue
9th Election District
4th Councilmanic District

Estate of Francis A. Weiskittel, Owners;
The Strutt Group, Inc., Developer

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case Nos. IX-674 & 98-24-A
*

* * * * *

ORDER OF EXTENSION OF A DEVELOPMENT PLAN

WHEREAS, this matter originally came before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County as a requested approval of a Development Plan pursuant to the matter filed in Case No. IX-674. That request was approved by Order dated the 25th day of September, 1997.

WHEREAS, by letter dated August 23, 2002, the professional engineer who prepared the original Development Plan of the project, Richard E. Matz, has requested an extension of the Development Plan for an additional five (5) years, due to the fact that the current Development Plan is about to expire on September 25, 2002. Accordingly, and pursuant to Section 26-210 of the Baltimore County Code, the owners representative has properly requested an extension of time for the Development Plan in question.

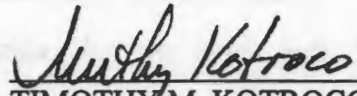
WHEREAS, Section 26-210 of the Baltimore County Code authorizes me, as Hearing Officer, to grant such an extension upon certification from the applicable Baltimore County reviewing agencies that the plan, as originally approved, continues to meet and comply with the development regulations of their respective agency.

WHEREAS, the letter submitted by Mr. Matz indicated compliance with all County agencies which was corroborated by comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) and the Department of Recreation and Parks.

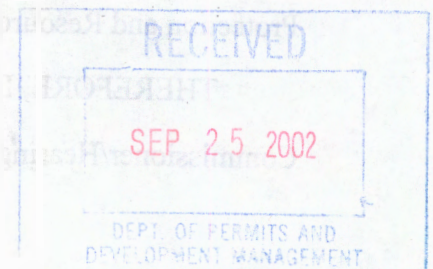
THEREFORE, IT IS ORDERED, this 16th day of September 2002, by the Deputy Zoning Commissioner/Hearing Officer for Baltimore County, that based on the letter and representations

of Mr. Richard Matz and the supporting documentation, as well as the lack of any opposition to this extension, I find, pursuant to Section 26-210 of the Baltimore County Code, that the Development Plan originally approved as the "Rodgers Forge Catered Living", be and is hereby EXTENDED an additional 5 years from the date of this Order.

IT IS FURTHER ORDERED, that any appeal of this extension shall be filed within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj



IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE
PETITION FOR SPECIAL EXCEPTION -
(Rodgers Forge Catered Living) * DEPUTY ZONING COMMISSIONER
6909 Bellona Avenue
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic District * Case Nos. IX-674 & 98-24-X
Estate of Francis A. Weiskittel, Owners;
The Strutt Group, Inc., Developer*

* * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer for consideration of a development plan prepared by Colbert Matz Rosenfelt, Inc., for the proposed development of the subject property by the Estate of Francis A. Weiskittel, Owners, c/o Sturtevant Ford Weiskittel, Personal Representative, and The Strutt Group, Inc., Developers, with an assisted living facility, in accordance with the development plan submitted into evidence as Developer's Exhibit 1. In addition to development plan approval, the Owners/Developers request a special exception to permit an assisted living facility to be located in a D.R.16/D.R.3.5 zone, a waiver/modification of the Residential Transition Area (RTA) standards to allow the existing dwelling on the property to remain as part of the assisted living facility and located within 67 feet of the property line in lieu of the required 75 feet, and to permit a height of 56 feet for the proposed facility in lieu of the maximum permitted 35 feet (if necessary). The Owners/Developers also request a waiver to allow a gazebo and arched driveways to exist within the RTA buffer. The subject property consists of a gross area of 6.15 acres, of which the majority (6.02 acres) are zoned D.R. 16. The remaining 0.13 acres is zoned D.R. 3.5 and is located along the southeast corner of the property. At the present time, the property is improved

ORDER RECEIVED FOR FILING

Date 9/25/97

By [Signature]

with a two-story dwelling, which is proposed to remain as part of this project, and several accessory outbuildings which are to be removed.

Appearing at the public hearing required for this project were Sturtevant Ford Weiskittel and Virginia Weiskittel Kelly, representatives of the Estate of Francis A. Weiskittel, owners of the subject property, Kim Strutt and Gary Raffel, representatives of The Strutt Group, Inc., Developers of the subject property, John Tansey, a representative of Constellation Senior Services, and Timmy Ruppertsberger, Esquire and Robert A. Hoffman, Esquire, attorneys for the Owners/Developers. Numerous representatives of the various Baltimore County reviewing agencies attended the hearing, including Ervin McDaniel and Bob Hewitt with the Office of Planning (OP), R. Bruce Seeley with the Department of Environmental Protection and Resource Management (DEPRM), David Flowers, Project Manager, and Joe Merrey and Bob Bowling, all representatives of the Department of Permits and Development Management (DPDM), and Lisa Keir, Aide to Councilman Douglas B. Riley, in whose district the subject property lies. Several residents from the surrounding locale appeared in support of this project, including J. Donald Gerding and Jean Duvall, representatives of the Rodgers Forge Community, Inc. Appearing as Protestants in the matter were several other residents of the Rodgers Forge Community, all of whom signed the Protestants Sign-In Sheet.

As to the history of this project, the concept plan conference for this development was conducted on March 10, 1997. As required, a community input meeting was held on April 15, 1997 at the Baltimore County Office Building. Subsequently, a development plan was submitted and a conference held thereon on August 20, 1997. Following the submission of that plan, the appropriate reviewing agencies of Baltimore County submit-

OFFICE OF PLANNING
DATE: 9/25/97
BY: [Signature]

ted comments and a revised development plan incorporating these comments was submitted at the hearing held before me on September 11, 1997.

As noted above, the subject property consists of a gross area of 6.15 acres, predominantly zoned D.R.16, with a small sliver of D.R.3.5. zoned land located in the southeast corner of the site. The property is located on the southeast corner of the intersection of Stevenson Lane and Bellona Avenue in Towson and is proposed to be developed with an assisted living facility. A four story building with accommodations for up to 127 beds is proposed, with 45 parking spaces on site, and 15 additional spaces available should the need arise for overflow parking. In addition to the proposed facility, the Owners/Developers propose to preserve and maintain the existing dwelling on the property for use as administrative offices.

Testimony offered by Mr. Weiskittel revealed that this property has been in his family since the 1920s and that the dwelling has existed on the property for over 100 years. As the result of his father's death, the property is now under contract to be sold from the Estate of Francis A. Weiskittel to the Developers in this case. Mr. Weiskittel testified that he has spent several years interviewing and soliciting development proposals from many Developers as to how best to utilize and develop the subject property. After rejecting many proposals, the Owners agreed to contract with Mr. Kim Strutt with The Strutt Group, Inc., and Mr. Gary Raffel, CEO of Raffel Health Care Group. Mr. Raffel testified that his organization owns and operates several nursing homes and assisted living facilities. However, they are attempting to concentrate more on assisted living facilities while fazing out the nursing home operation of their business. Mr. Raffel testified that the typical resident of the proposed facility would be in their early 80s who, for the most part, no longer

ORDER RECEIVED FOR FILING

Date

By

operates an automobile. These individuals are dependent upon a health care provider to supply their basic everyday living needs. The individual would rent, on a monthly basis, a private room containing a bath and small kitchenette area. The facility would provide three meals and snacks for the residents who reside on the property and dispense medication where necessary.

The Developer proposes two means of access to the site, the main entrance being off of Stevenson Lane, with an accessory entrance off of Bellona Avenue. The Weiskittel house, as noted above, would be utilized as administrative offices for the subject facility. In addition, extensive landscaping and walking areas are proposed, along with two gazebos where residents can sit and relax outdoors.

Mr. Weiskittel, as owner, and Messrs. Raffel and Strutt, as Developers of the proposed facility, have met and negotiated with representatives from the surrounding communities, namely Ms. Jean Duvall and Mr. Donald Gerding, who are representatives of the Rodgers Forge community, as well as other interested parties, and the Office of Planning as to the specific design of the proposed facility. The Developer has agreed to construct the building out of brick that is consistent with the color and type of brick used throughout the Rodgers Forge community. In addition, the Developer has agreed to match the color and type of roof also found to exist in the Rodgers Forge community. Moreover, the very design of the structure itself, which is shown on Developer's Exhibit 2, an architectural drawing of the proposed facility, has incorporated aspects from the surrounding community into this project. As stated previously, Mr. Weiskittel has spent several years discussing the development of this property with various community groups in this area, and he truly believes that the

ORDER RECEIVED FOR FILING
Date 9/25/97
By [Signature]

proposed facility offers the best use of his family's property. In addition, this facility will provide a much-needed residential alternative for older residents of the community, while still maintaining the Weiskittel family house and grounds to the fullest extent possible.

In order to proceed with the proposed development, however, a special exception is necessary to allow an assisted living facility to be located in the D.R.16/D.R.3.5 zone. Furthermore, given the RTA requirements imposed upon this site, several modifications to the RTA standards are being requested to allow the existing dwelling to remain on the property, to permit the proposed facility to be constructed at a height greater than the maximum permitted, and to permit the two gazebos proposed in the landscaping design to be located within the RTA buffer area.

It should be noted that at the preliminary stage of the hearing before me, several residents of the surrounding community voiced their opposition to the plan and raised various concerns as to the proposed project. However, after hearing the testimony presented by Mr. Weiskittel, Mr. Raffel and Mr. Matz, their engineer, as to the design, development, and operation of the proposed facility, the opposition voiced prior to the taking of this testimony basically dissipated. The residents who attended the hearing had many questions which were asked of the various witnesses who testified on behalf of the Owners/Developers. At the conclusion of the Developer's presentation of testimony and evidence, no citizens came forward to offer testimony in opposition to the project.

Many of these citizens were concerned over existing traffic in this area, and the additional traffic that will be generated by the proposed development. However, the development of an assisted living facility for 127 residents, all or most of whom will not own and maintain an automo-

ORDER RECEIVED FOR FILING
Date 9/26/97
By [Signature]

bile, will have a far less traffic impact than the 96 townhouses that could be built on the subject site, given its zoning classification and acreage. Furthermore, the intersections around the proposed development are all rated at acceptable levels. Therefore, I believe that the traffic that might be generated by the proposed facility will be minimal and will not have a detrimental effect upon the surrounding community.

In addition, some residents raised concern that the proposed facility will be a commercial operation. While it is true that the Rodgers Forge Catered Living facility is a commercial enterprise, it basically provides housing for elderly residents who have lived in this community all their life, but need assistance with everyday tasks. This facility will afford those residents an opportunity to remain in the Rodgers Forge community in a structured environment. This facility will not be much different than the apartment buildings which border the subject property to the east. Therefore, I believe that the proposed facility is in character and keeping with the surrounding communities, and thus, is an appropriate use of the subject site.

It is clear that the B.C.Z.R. permits the use proposed in a D.R.16/D.R.3.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest.

ORDER REC'D AND FILED
Date _____
By _____
9/23/97
KSP

The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After considering all of the testimony and evidence offered, I find that the development plan should be approved and the Petition for Special Exception granted. There were no issues raised by any of the citizens who attended in opposition to the request that would warrant a denial of the development plan. Furthermore, the Developer has satisfied all of the requirements of Section 502.1 of the B.C.Z.R. and thus, the special exception request should be granted. In addition, the request for a modification/waiver of the RTA standards to develop the site as proposed should be approved.

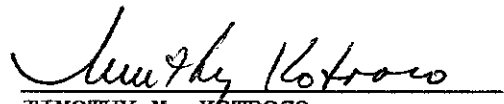
Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner/Hearing Officer for Baltimore County this 25th day of September, 1997 that the

development plan for Rodgers Forge Catered Living, identified herein as Developer's Exhibit 1, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to allow the proposed assisted living facility to be located in a D.R.16 and D.R.3.5 zone, a waiver/modification of the Residential Transition Area (RTA) standards to allow the existing dwelling on the property to remain as part of the assisted living facility within 67 feet of the property line in lieu of the required 75 feet, to permit a height of 56 feet for the proposed facility in lieu of the maximum permitted 35 feet, and a waiver to allow two gazebos and arched driveways to exist within the RTA buffer, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

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


TIMOTHY M. KOTROCO
Hearing Officer
for Baltimore County

TMK:bjs

ORDER RE-FILED
Date 10/22/07
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

September 25, 1997

Timmy Ruppertsberger, Esquire and Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING and PETITION FOR SPECIAL EXCEPTION
(Rodgers Forge Catered Living) 6909 Bellona Avenue
9th Election District - 4th Councilmanic District
Estate of Francis A. Weiskittel, Owners;
The Strutt Group, Inc., Developer
Case Nos. IX-674 & 98-24-X

Dear Messrs. Ruppertsberger & Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Development Plan has been approved and the Petition for Special Exception granted in accordance with the attached Order.

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

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. S. F. Weiskittel, 6909 Bellona Ave., Baltimore, Md. 21212

Messrs. Kim Strutt and Gary Duvall, The Strutt Group, Inc.
54 Scott Adam Road, Hunt Valley, Md. 21030

Mr. Richard E. Matz, 3723 Old Court Road, #206, Baltimore, Md. 21208

Mr. J. Donald Gerding, 335 Old Trail Road, Baltimore, Md. 21212

Ms. Jean K. Duvall, 227 Murdock Road, Baltimore, Md. 21212

Mr. & Mrs. Andrew J. Krug, 6129 N. Charles Street, Baltimore, Md. 21212

Mr. James P. Burke, Jr., 6123 Haddon Hall Road, Baltimore, Md. 21212

Dave Flowers - Project Mgr., DPDM; DEPRM; DPW; People's Counsel; Files





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 6909 BELLONA AVENUE

98-24-X

which is presently zoned DR-16 &
DR 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

AN ASSISTED LIVING FACILITY IN A D.R. 16 & D.R. 3.5 ZONE.

A WAIVER/MODIFICATION OF RTA STANDARDS TO ALLOW THE EXISTING DWELLING TO REMAIN AS PART OF THE ASSISTED LIVING FACILITY WITHIN 67 FEET OF THE PROPERTY LINE IN LIEU OF THE REQUIRED 75 FEET; AND A HEIGHT OF 56 FEET FOR THE PROPOSED FACILITY IN LIEU OF THE PERMITTED 35 FEET (IF NECESSARY). *To allow a gazebo to exist within the RTA + the arched Driveways*

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:

KIM STRUTT

(Type or Print Name)

Signature

THE STRUTT GROUP, INC.

54 SCOTT ADAM ROAD

Address 410-628-2207

HUNT VALLEY, MD

21030

City

State

Zipcode

Attorney for Petitioner:

ROBERT A. HOFFMAN, ESQ.

(Type or Print Name)

Signature

VENABLE, BAETJER & HOWARD

210 ALLEGHENY AVE. 410-494-6262

Address

Phone No.

TOWSON, MD

21204

City

State

Zipcode

Legal Owner(s): ESTATE OF

FRANCIS A. WEISKITTEL

(Type or Print Name)

Signature

STURTEVANT FORD WEISKITTEL

(Type or Print Name)

STURTEVANT FORD WEISKITTEL
Signature PERSONAL REPRESENTATIVE

6909 BELLONA AVE. 410-377-9064

Address

Phone No.

BALTIMORE, MD

21212

City

State

Zipcode

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

RICHARD E. MATZ, P.E.

COLBERT MATZ ROSENFELT, INC.

Name

3723 OLD COURT RD #206

410-653-3838

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: SMJ

DATE

07-23-97

24

ORDER RECEIVED FOR FILING

Date

By



98-24-4

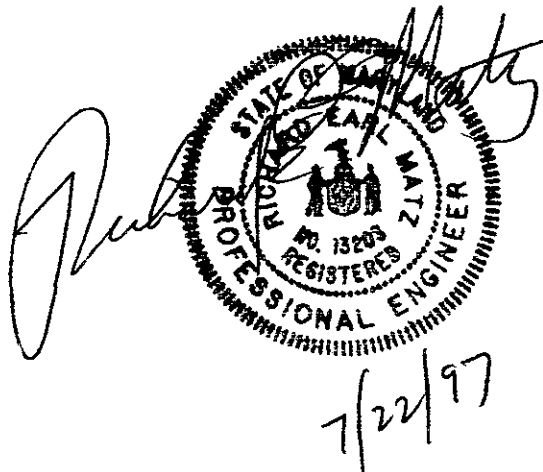
ZONING DESCRIPTION

BEGINNING AT A POINT AT THE SOUTHEAST CORNER OF THE INTERSECTION OF STEVENSON LANE WHICH IS 80 FEET WIDE AND BELLONA AVENUE WHICH IS 50 FEET WIDE. THENCE THE FOLLOWING COURSES AND DISTANCES: (1) NORTH 53 DEGREES 08 MINUTES 11 SECONDS EAST 519.39 FEET; (2) THENCE BY A CURVE TO THE RIGHT HAVING A RADIUS OF 1760 FEET AND A LENGTH OF THE CURVE 289.94 FEET (3) NORTH 62 DEGREES 34 MINUTES 31 SECONDS EAST 67.33 FEET; (4) SOUTH 20 DEGREES 56 MINUTES 12 SECONDS EAST 219.47 FEET; (5) SOUTH 49 DEGREES 52 MINUTES 48 SECONDS WEST 805.59 FEET; (6) NORTH 44 DEGREES 22 MINUTES 12 SECONDS WEST 265.68 FEET; (7) THENCE BY A CURVE TO THE RIGHT HAVING A RADIUS OF 25 FEET AND A LENGTH OF THE CURVE OF 42.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.1843 ACRES (225,830 S.F.).

ALSO KNOWN AS 6909 BELLONA AVENUE IN THE 9TH ELECTION DISTRICT.

96078DES.DOC



CERTIFICATE OF PUBLICATION

TOWSON, MD., August 14, 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 Aug 14, 1997.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioners of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #98-24-X
6909 Bellona Avenue
SEC Stevenson Lane
9th Election District
4th Councilmanic

Legal Owner(s):

Estate of Francis A. Weiskittel
Special Exception for an assisted living facility and a waiver/modification of RTA standards to allow the existing dwelling to remain as part of the assisted living facility within 67 feet of the property line in lieu of the required 75 feet and a height of 56 feet for the proposed facility in lieu of the permitted 35 feet (if necessary).

Hearing: Thursday, September 11, 1997 at 10:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

8/145 Aug 14 C165276

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

041078

DATE

07-23-97

ACCOUNT

R-CC1-6150

AMOUNT

\$ 300.00

RECEIVED FROM:

The Security Group

FOR:

TAXI

CONTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

618-24-X

PAID RECEIPT

PROCESSED

DATE

TIME

7/23/1997 7/23/1997 14:48:03

REG 0602 CASHIER JRG JMR JRM

MISCELLANEOUS CASH RECEIPT

Receipt # 006260

CR NO. 041078

300.00 DOLLARS

Baltimore County, Maryland

CASHIER'S VALIDATION

RE: Case No.: 98-24-X

Petitioner/Developer: ESTATE OF F. WEISKOTTEL, ETAL

% RICHARD MATZ

Date of Hearing/Closing: 9/11/97

@ 10:00 AM

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 S.E. CORNER BELLONA AVE
@ STEVENSON RD, #6909 BELLONA AVE

The sign(s) were posted on 8/20/97
(Month, Day, Year)

Sincerely,

Patrick M O'Keefe 8/20/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

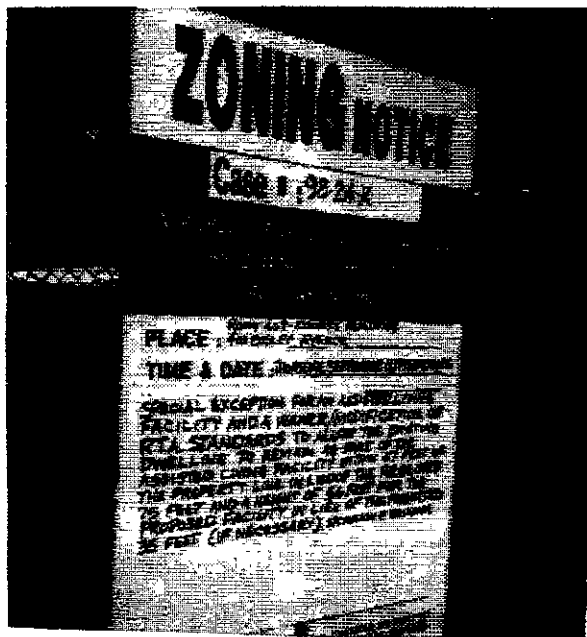
(Address)

Hunt Valley, MD 21030

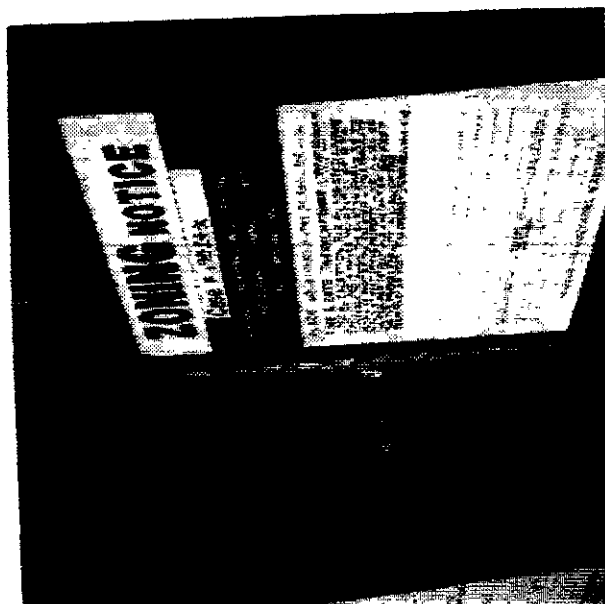
(City, State, Zip Code)

(410) 666-5366

905 8571
Page (410) 666-5366



98-24-X
RODGERS FORGE ASSISTED LIVING



98-24-X

H-84-97C10AM



Baltimore County
Department of Permits and
Development Management

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

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.: 24

Petitioner: THE STRUTT GROUP, INC.

Location: STEVENSON AND BELLONA

PLEASE FORWARD ADVERTISING BILL TO:

NAME: THE STRUTT GROUP.

ADDRESS: 54 SCOTT ADAM ROAD
HUNT VALLEY, MD 21030

PHONE NUMBER: 410-~~6~~628-2207.

AJ:ggs

(Revised 09/24/96)

24

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.: 98-24-X

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

PLACE: _____ *

DATE AND TIME: _____ *

REQUEST: ASSISTED LIVING FACILITY IN A DR. ZONE AND
WAIUGA/ MODIFICATION OF RTA TO ALLOW ASSISTED
LIVING FACILITIES W/IN 67 FT. SETBACK IN LIEU OF
75 FT. & HEIGHT OF 56 FT. IN LIEU OF 35 FT.

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
August 14, 1997 Issue - Jeffersonian

Please forward billing to:

The Strutt Group
54 Scott Adams Road
Hunt Valley, MD 21030
410-628-2207

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-24-X
6909 Bellona Avenue
SEC Stevenson Lane
9th Election District - 4th Councilmanic
Legal Owner(s): Estate of Francis A. Weiskittel

Special Exception for an assisted living facility and a waiver/modification of RTA standards to allow the existing dwelling to remain as part of the assisted living facility within 67 feet of the property line in lieu of the required 75 feet and a height of 56 feet for the proposed facility in lieu of the permitted 35 feet (if necessary).

HEARING: THURSDAY, SEPTEMBER 11, 1997 at 10:00 a.m. in Room 407 Courts Building, 401 Bosley Avenue

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

August 7, 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 in Towson, Maryland on the property identified herein as follows:

Project Number: IX-674
Project Name: Rodgers Forge Catered Living
Location: S/S Stevenson Lane, E/S Bellona Avenue
Acres: 0.474
Developer: The Strutt Group, Inc.
Proposal: 31.75 Assisted Living Units (127 beds)

and

CASE NUMBER: 98-24-X
6909 Bellona Avenue
SEC Stevenson Lane
9th Election District - 4th Councilmanic
Legal Owner(s): Estate of Francis A. Weiskittel

Special Exception for an assisted living facility and a waiver/modification of RTA standards to allow the exiting dwelling to remain as part of the assisted living facility within 67 feet of the property line in lieu of the required 75 feet and a height of 56 feet for the proposed facility in lieu of the permitted 35 feet (if necessary).

HEARING: THURSDAY, SEPTEMBER 11, 1997 at 10:00 a.m. in Room 407 Courts Building, 401 Rosley Avenue

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

Arnold Jablon
Director

cc: Sturtevant Weiskittel
Richard E. Matz, P.E.
The Strutt Group, Inc.
Robert A. Hoffman, Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY AUGUST 13, 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.





98-24-7

State of Maryland
LETTERS OF ADMINISTRATION

Estate No. **82596**

I certify that administration of the Estate of
Francis Anton Weiskittel A/K/A Francis A. Weiskittel
was granted on the **16th** day of **December, 1994**,
to **S. Ford Weiskittel A/K/A Sturtevant Ford Weiskittel**
as personal representative and the appointment is in effect
this **17th** day of **September, 1996**.

☒ Will probated **December 16, 1994**

☐ Intestate estate.



**Register of Wills
BALTIMORE COUNTY**

nl

VALID ONLY IF SEALED WITH THE SEAL OF THE COURT OR THE REGISTER

24.

BEFORE THE
ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 98-24-X

* * * * *

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.

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

I HEREBY CERTIFY that on this 15th day of August, 1997, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Sign
9/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: September 2, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: 6909 Bellona Avenue

INFORMATION

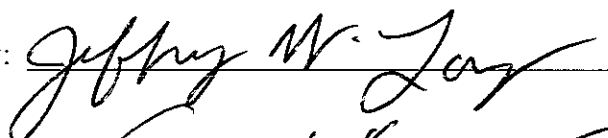
Item Number: 24
Petitioner: Estate of Francis A. Weiskittel Property
Zoning: DR 16
Requested Action: Special Exception

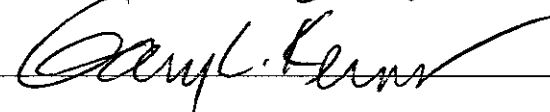
Summary of Recommendations:

The Office of Planning's position regarding the subject property is outlined in the August 20, 1997 report to Arnold Jablon (see attached). In addition to the recommendations provided in the attached report, this office acknowledges two additional concerns expressed by representatives of the Rodgers Forge Community Association:

- 1) That the exterior be of a deep red and burnt red color, in keeping with the color of brick used throughout the majority of the Rodgers Forge Community and;
- 2) The proposed standing seam metal roof be of a dark gray or charcoal gray color, also in keeping with the character of the neighborhood.

This office supports these additional comments and feels that these color considerations will enhance the over-all appearance of this project.

Prepared by: 

Division Chief: 

AFK/JL

The Rodgers Forge Community, Inc.

AN ORGANIZATION OF THE RESIDENTS OF RODGERS FORGE
BALTIMORE, MD. 21212

335 Abt Trail, 21212

Case # 98-24-X Special Exception - assisted living facility waiver to allow facility within 67' of property line in lieu of requested 75 and a height of 56' in lieu of permitted 35' - if necessary.

September 11, 1997

Comments by:
J. Donald Gerding
Chair: External Affairs Comm.
Rodgers Forge Community, Inc.
on behalf of the president
and the Board of Governors

The Rodgers Forge Community for the most part - from the inception of the idea dating from record of October 1995 and throughout the entire process has embraced the concept of senior assisted living for this specific property - 6909 Bellona Avenue - located at Stevenson Lane and Bellona Avenue, which many consider contiguous to our community.

The Board of Governors of R.F.C. Inc. voted - on May 8 1996 - 11 to 2 with 2 abstaining - the following:

"The Board of Governors of the Rodgers Forge Community, Inc. will not oppose the appropriate zoning needed for the development of senior assisted living on the Wieskettel Property."

This position continues today in understanding the need for the requested Special Exception as listed by the petitioners.

Copy of the Minutes of the Meeting
8 May, 1996 attached

**Meeting of Rodgers Forge
Board of Governors**

**Minutes of the Meeting
8 May 1996**

6-11-96

Attendance

Present: Janice Moore, Don Gerding, Honey Holston, Kevin Roddy, Barbara Vona, Herb Lodder, Ellen Harbinson, Tony South, Phil Recknor, Brian Blum, Doug Campbell, Ed Swoboda, Richard Young, Tom McMaster, Ginny Golden, Jean Duvall, William Frank

Absent (excused): Dominic Seraphin, Joe Guzinski, Seth Hammer

Absent (unexcused): Keith Persinger, Dave Hoeckel, Norma O'Hara

I. Call to Order: The meeting was called to order by President Janice Moore at 7:40 P.M. Preceding the call to order, the second of two work sessions to review the Association's Constitution and By-Laws was concluded. The proposed revisions to the Constitution will be published for review of the general membership in the July newsletter and presented for approval at the September Annual Meeting. The By-Laws were approved by a majority of the members present and voting.

II. Secretary's Report: (Janice Moore) Janice announced that John Bartels will be unable to complete his term as Secretary and requested a volunteer to assume his duties. Kevin Roddy agreed to serve the remainder of the year until elections of new officers were held the 3rd Wednesday in September, 1996.

1. February Minutes: Barbara Vona stated that despite best efforts, it was impossible to reconstruct her notes of the February 13, 1996 meeting.
2. April Minutes: Minutes of the 10/96 meeting were distributed, no corrections were made, and the April minutes were approved.

III. Treasurer's Report: (Keith Persinger) The Treasurer was absent and no monthly report was presented.

IV. Report of Committees:

1. Historic Designation: No report.
2. Membership Services: Annual Summer Picnic June 8, 1996 - volunteers needed.

3. External Affairs: Jean Duvall presented update of zoning issues relating to the Wieskittel Property and a request of the Baltimore County Office of Planning to support whatever zoning need for senior assisted living. Additionally, Jean presented a concept plan received from a development concern from Phila., Pa. After discussion, the following Motion was made and seconded:

“The Board of Governors of the Rodgers Forge Community, Inc. will not oppose the appropriate zoning needed for the development of senior assisted living on the Wieskittel Property.”

The motion passed with 11 in favor, 2 opposed and 2 abstained.

4. Architectural Committee: Tony South submitted the attached report and requested that the Board provide guidance concerning two issues:

- a. 7034 Heathfield Rd. Motion was made and seconded to affirm the action taken by the committee regarding the request from this property owner. The motion passed with 14 in favor, 1 opposed and 1 abstained.
- b. 406 Old Trail Motion was made and seconded to affirm the action taken by the committee regarding the request from this property owner. The motion passed with 16 in favor.

*see
attachment
Report*

5. Newsletter: No report
6. Greening: Herb Lodder submitted his resignation from the Board due to his moving out of the neighborhood. Janice Moore noted his efforts and hard work will be missed and wished him the best of luck for the future.
7. Health and Safety: No report

V. Unfinished Business: none

VI. New Business:

Community Conservation Action Grant Janice introduced Beth Crabtree, a member of the community who made a presentation to the Board regarding application for a Community Conservation Action Grant from Baltimore County. Beth requested that the application fund a new swing set for the Rodgers Forge Tot Lot. Janice also suggested that landscaping for the Stevenson Lane triangle be included in the request.

Motion was made and seconded that the association apply for funds to landscape the Stevenson Lane triangle. The motion passed with 10 in favor, 1 opposed and 1 abstained.

Motion was made and seconded that the association apply for funds to improve the tot lot with a new swing set. The motion passed with 11 in favor, 4 opposed and 1 abstained.

Nominating Committee Janice requested volunteers for the Nominating Committee. Honey Holston, Jean Duvall and Tom McMaster were nominated and approved unanimously.

IV. Announcements: none

The meeting was adjourned at 10:35 P.M.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 10, 1999

S. Ford Weiskittel
803 South Main Street
Geneva, NY 14456

Dear Mr. Weiskittel:

RE: 6909 Bellona Avenue, Case Nos. IX-674 and 98-24-X, 9th Election District

Thank you for your letter of May 28, 1999 to Arnold Jablon, Director of Permits and Development Management. This correspondence has been referred to me reply.

Please be advised that, pursuant to Section 502.3 of the Baltimore County Zoning Regulations (BCZR), a special exception which has not been utilized within a period of two years from the date of the final order granting same, or such a longer period not exceeding five years, as may have been specified therein, shall thereafter be void. The Zoning Commissioner or Board of Appeals shall fix within the foregoing limit (5 years), the time period for its utilization. After a final order granting a special exception, the Zoning Commissioner, at any time prior to expiration of the period of time authorized for its utilization, may grant one or more extensions of such period, provided that a maximum time for utilization is not extended for a period more than five years. Extensions approved by the Zoning Commissioner must be completed by the public hearing process. You may apply for a special hearing to extend Special Exception 98-24-X as that special exception was granted for only two years.

Special exceptions differ from the granting of a development plan which lasts for five years and may be extended by the Director of Permits and Development, administratively.

Pursuant to Section 502.3 of the BCZR, a special exception which requires construction for its utilization shall be deemed to have been used within its authorized time if such construction shall have commenced during the authorized period.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

S. Ford Weiskittel
June 10, 1999
Page 2

Your option at this point is either start construction to utilize the granted use or file for a special hearing to extend the special exception.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,



Mitchell Kellman
Planner II
Zoning Review

MJK:ggs

c: Zoning case 98-24-X

803 South Main Street
Geneva, New York 14456
(315) 789-7716

fax: (315) 789-2215
e-mail: trireme@epix.net

99-1450
6/1/99
To: attach
see me
6/1/99
To work
please report - na
no # needed

May 28, 1999

Mr. Arnold Jablon
Director
→ Department of Environmental Protection and Resource Management
County Office Building
111 Chesapeake Avenue
Towson, MD 21204

RE: Case Nos. IX-674 & 98-24-X
Approval of Development Plan and Special-Use Variance
6909 Bellona Avenue, Baltimore, Maryland

Dear Mr. Jablon,

I am writing to request an extension for a further three years of the approvals for the above cases, granted by order September 25, 1997. Approvals were granted for

- (1) a development plan for Rodgers Forge Catered Living, identified as Exhibit 1 in the original order;
- (2) a Petition for Special Exception to permit an assisted living facility in a D.R.16 and D.R.3.5 zone;
- (3) a waiver/modification of the Residential Transition Area (RTA) standards to allow the existing dwelling on the property to remain as part of the assisted living facility within 67 feet of the property line in lieu of the required 75 feet;
- (4) a height variance to permit a height of 56 feet for the proposed facility in lieu of the maximum permitted 35 feet;
- (5) a waiver to allow two gazebos and arched driveways to exist within the RTA buffer, in accordance with Exhibit 1 in the original order.

Please let me know if you need further information.

Yours sincerely,

S. Ford Weiskittel

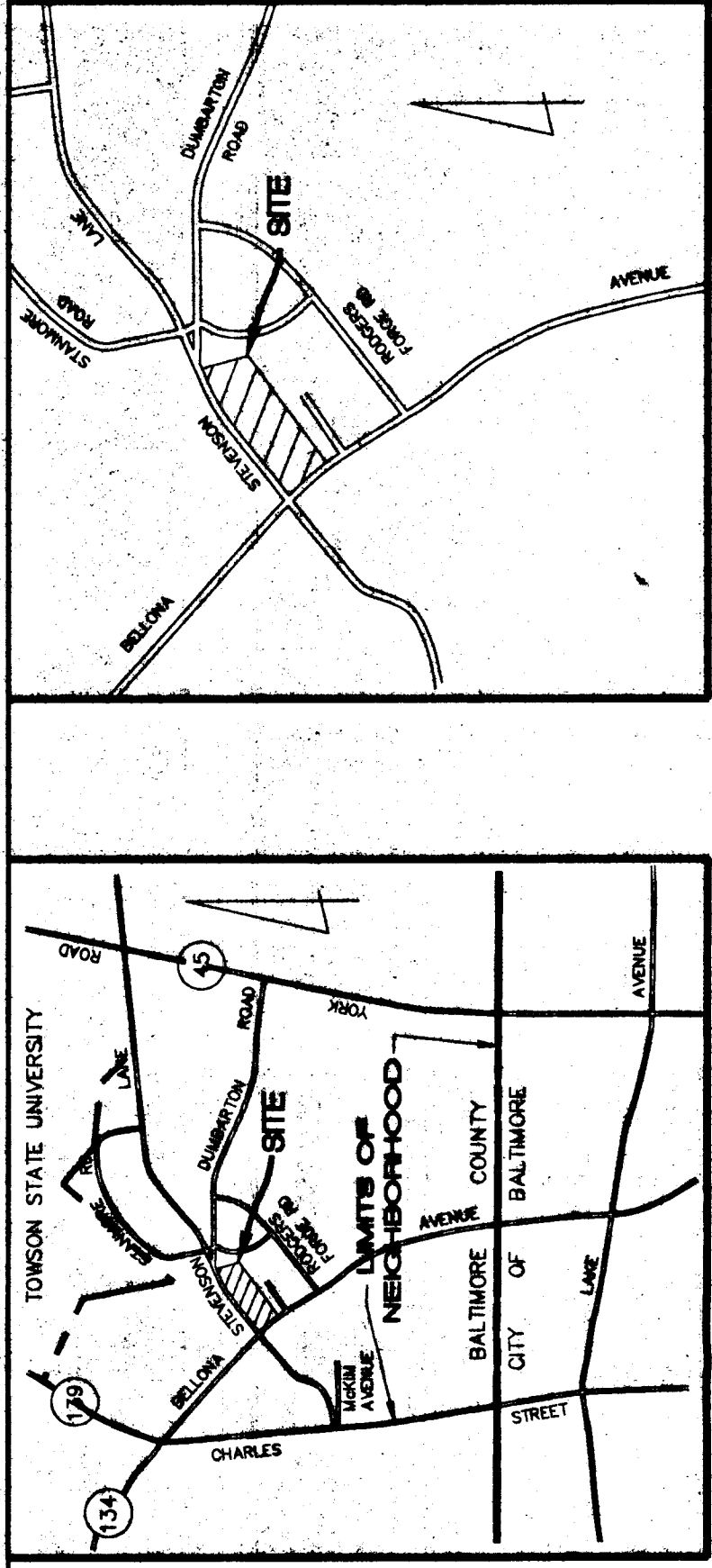
S. Ford Weiskittel

Copies: Pat Keller, Director of Planning
Jean Duvall, Rodgers Forge Community Association
Arnold Greenspun, President, Rodgers Forge Community Association

NOTES (CONTINUED)

10. There are no underground tanks or hazardous materials on this site, to the best of our knowledge.
11. There are no existing well or septic areas on this site.
12. All trees shown hereon are to be retained unless labeled "To Be Removed" (T.B.R.).
13. All on-site lighting will be directed downward and will not impact on adjoining residential properties, with a maximum pole height of 14 feet.
14. I 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 or contract services on behalf of the proposed development.

Kim Scott, President
The Strutt Group



NEIGHBORHOOD MAP
SCALE: 1" = 200'

VICINITY MAP
SCALE: 1" = 1000'

NOTES:

1. Owner: Estate of Francis A. Weiskittel, Personal Representative
6008 Bellona Avenue
Baltimore, Md. 21212
2. Developer: The Strutt Group, Inc.
54 Scott Adam Road
Hunt Valley, Md. 21030
3. Case No: 4908.02
4. Watershed: 23
5. Subwatershed: 54
6. Tax Account No: 0923153650
7. Dead Reference: 635/784
8. A fee-in-lieu for the forest conservation requirement has been approved by DEPRM, per letter dated June 17, 1997.
9. Private Amenity Open Space will be provided on-site, for use of residents and owned by Rodgers Forge Catered Living. This Local Open Space includes 0.48 acres, with amenities as shown.
10. All off-site dwellings and small lots of record (less than 2 ac) that create a RTA on-site are shown with the required 150 ft distance dimensions and 100 foot RTA.
11. A recommendation for modification of standards will be requested from the Director of Planning to allow a building length greater than 200 feet and less than 300 feet.
12. A modification/waiver of RTA restrictions will be requested under Section 432.4 of the BCZR to allow a building height greater than 35 feet. The proposed facility for the proposed development is a 68 foot high building. The proposed RTA buffer line is a modification of the 50-foot landscaped RTA buffer in the area adjacent to the existing house.
13. A combined hearing for a Special Exception has been applied for.
14. There are no streams, wooded areas, floodplains or wetlands on this site.
15. There are no significant historic or archaeological sites on the property, to the best of our knowledge. The site is the location of the Henry Gwyn House, BA 1720 on the Maryland Historic Trust Inventory.

PETITIONER'S
EXHIBIT

DEVELOPMENT PLAN AND PLAN TO
ACCOMPANY SPECIAL EXCEPTION

RODGERS FORGE
CATERED LIVING

PDM No. IX-674

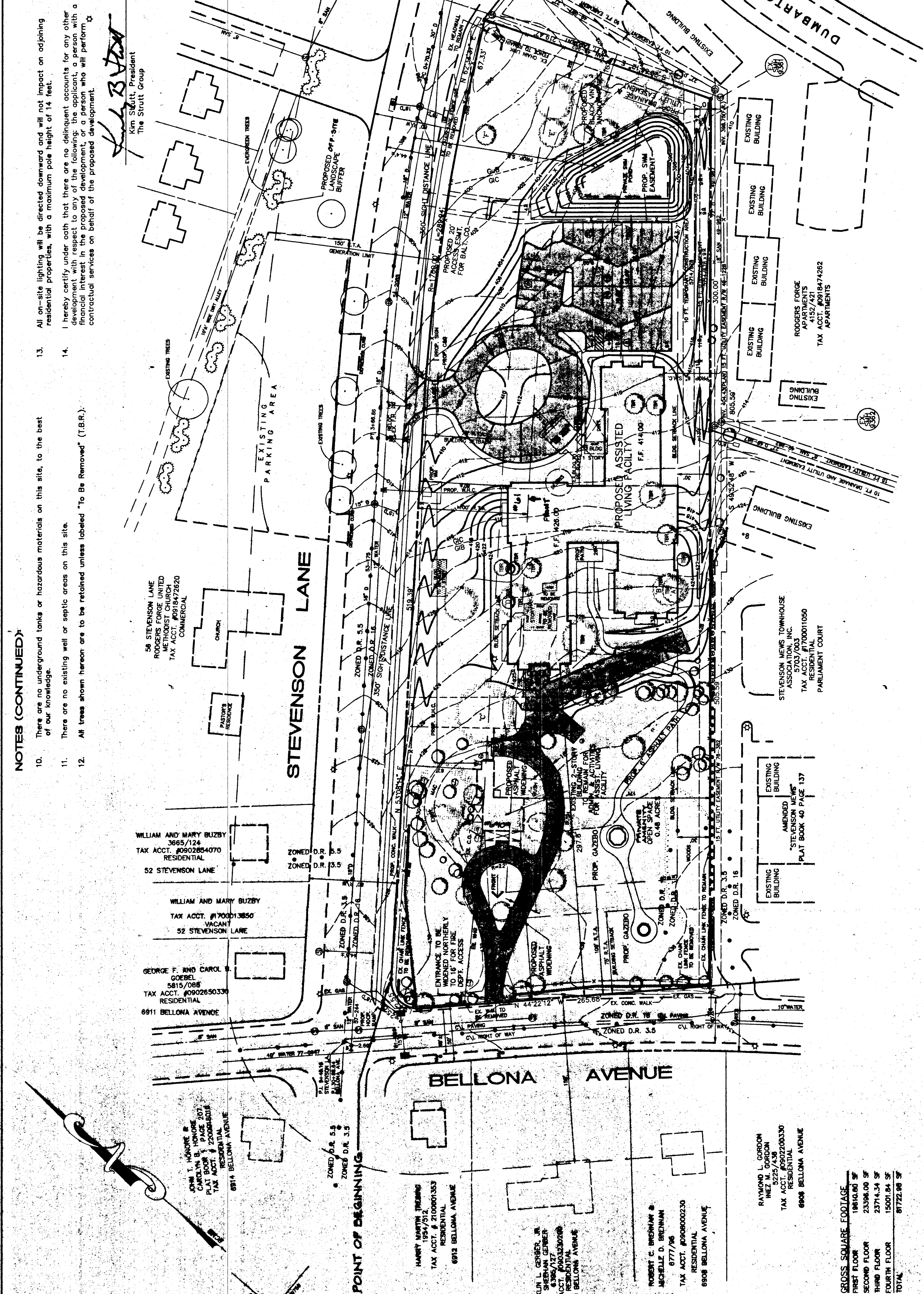
9th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Colbert Matz Rosenfelt, Inc.

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



SCALE: 1" = 50'	1" = 50'
DATE: 03-14-97	03-14-97
JOB NO.: 98078	98078
DESIGNER: DRN / MEX	DRN / MEX
CHECKED: REM	REM
FILE: 98078EVDWG	98078EVDWG
PROJECT NUMBER: D-1	D-1
BY: SHEET 1 OF 2	2



LEGEND

- EX. TREES TO BE REMOVED
- EX. TREES TO REMAIN
- EX. SPEC. TREES
- EXISTING LIGHT POLE
- EX. FIRE HYDRANT
- PROP. FIRE HYDRANT
- EX. CURB & GUTTER
- PROP. CURB & GUTTER
- EX. DRAIN MANHOLE
- EX. S.W. MANHOLE
- OFF-SITE EXISTING TREE

STORMWATER MANAGEMENT DATA

EXISTING CONDITIONS:	Area = 6.18 Acres
AREA	2.28
2-YR	8.20
10-YR	16.10
100-YR	16.10
PROPOSED CONDITIONS:	Area = 6.18 Acres
AREA	2.28
2-YR	8.20
10-YR	16.10
100-YR	16.10
Bygone A	1.13
Bygone B	2.87
Bygone C	2.87
Bygone D	2.87
Bygone E	2.87
Bygone F	2.87
Bygone G	2.87
Bygone H	2.87
Bygone I	2.87
Bygone J	2.87
Bygone K	2.87
Bygone L	2.87
Bygone M	2.87
Bygone N	2.87
Bygone O	2.87
Bygone P	2.87
Bygone Q	2.87
Bygone R	2.87
Bygone S	2.87
Bygone T	2.87
Bygone U	2.87
Bygone V	2.87
Bygone W	2.87
Bygone X	2.87
Bygone Y	2.87
Bygone Z	2.87
To Pond	5.16
Storage Volume	11.17
Required (C.T.)	13.039
Actual	13.039
Release Rate	0.12
Drainage Area to Pond	2.02
Drainage Area to Pond	3.44 ACRES

Specimen Tree Table

ID	Species	DBH(C)	Condition
A	Acer negundo	30	Fair
B	Acer negundo	35	Fair
C	Carya sp (twin)	60	Poor
D	Acer saccharinum	37	Good
E	Plantanus occidentalis	34	Fair
F	Robinia pseudo-acacia	32	Fair

NET TRACT AREA:

9.1849 Acres &
225,080 S.F.

SITE DATA

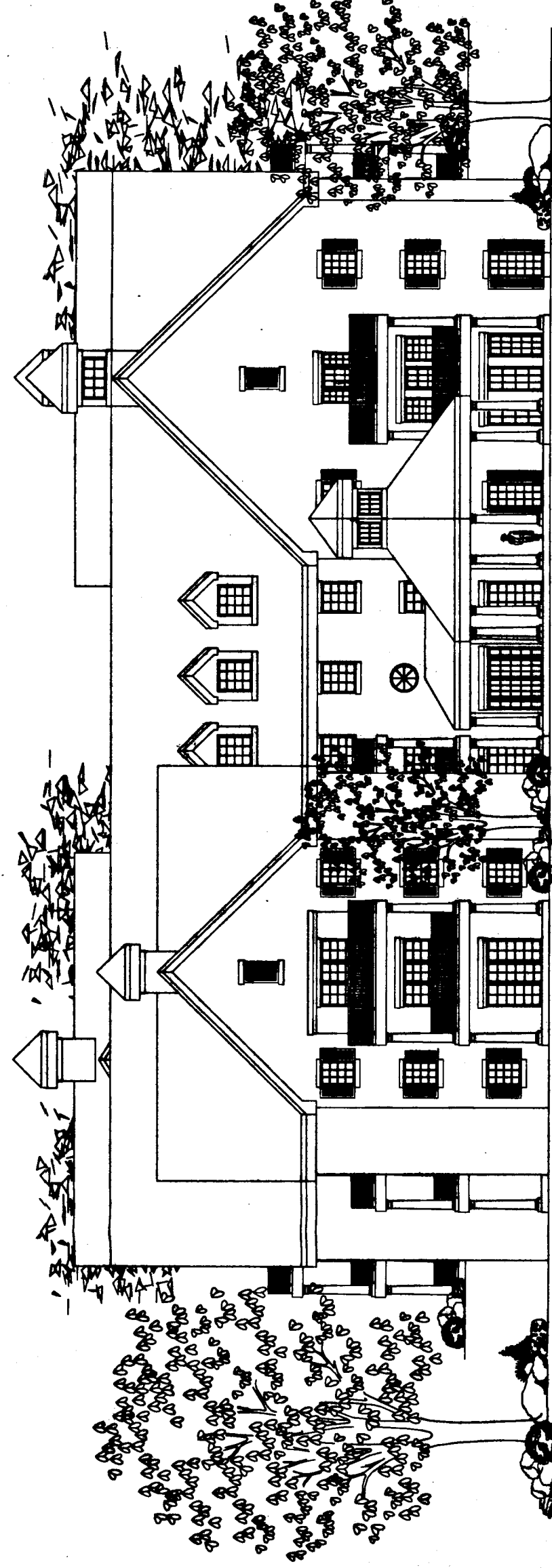
ZONE	ACRES	UNITS ALLOWED	ASSORTED LIVING UNITS ALLOWED	ASSORTED LIVING UNITS PROPOSED
D.R. 16	0.02	98	354	127
D.R. 3.5	0.13	0	0	0
TOTAL	6.15	98	354	127

SITE DEVELOPMENT PROPOSAL

DWELLING TYPE	PROPOSED UNITS	PARKING REQUIRED	OPEN SPACE REQUIRED	OPEN SPACE PROVIDED	AVERAGE DAILY TRIPS	PHASE	DEVELOPMENT SCHEDULE
Assisted Living	3175 (127 Units)	43	474 AC.	474 AC.	445		
TOTAL	3175 (127 Units)	43	474 AC.	474 AC.	445		

GROSS SQUARE FOOTAGE

FIRST FLOOR	18610.00 SF
SECOND FLOOR	23396.00 SF
THIRD FLOOR	23714.34 SF
FOURTH FLOOR	15007.94 SF
TOTAL	80728.28 SF



NO.		DATE	REVISIONS	BY	SHEET 2 OF 2
DRAWING NUMBER		D-2			
FILED		840-2801 (ONE)			
CHECKED					
DRAWN		DRI / MEK			
DESIGNED		DRI / MEK			
JOB NO.		34078			
DATE		07-14-87			
SCALE		N.T.S.			

98-24-X



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

RODGERS FORGE
DATE OF PHOTOGRAPH
JANUARY 1956
SCALE
1" = 200'

Robert L. ...
...
...