

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & VARIANCE - *
N/S Maiden Choice Lane, 1300'NW * DEPUTY ZONING COMMISSIONER
of the c/l Wilkens Avenue *
(701 Maiden Choice Lane) * OF BALTIMORE COUNTY
1st Election District *
1st Councilmanic District * Case No. 98-71-SPHXA

St. Charles Assoc., Ltd., by *
Senior Campus Living, LLC *
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owners of the subject property, St. Charles Associates, LTD, by Brian Froelich, President, Senior Campus Living, LLC, a General Partner, through their attorney, Stephen J. Nolan, Esquire. The Petitioners seek approval of an amendment to the previously approved special exception granted in prior Case No. 91-351-SPHXA to permit the removal of 3.16 acres (Lot 2) from the subject property, and the addition of 3.16 acres to the special exception area, pursuant to Section 432 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, variance relief from Section 206.4.C.1 of the B.C.Z.R. is sought to permit a western lot line setback of 38 feet and a northern lot line setback of 62 feet in lieu of the required 80 feet for each for the Administration Building. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 4.

Appearing at the hearing on behalf of the Petitions were Richard A. Baummer, Director of Civil Engineering for Senior Campus Living, Ed Haile and Melanie Moser, representatives of Daft-McCune-Walker, Inc., who prepared the site plan for this property, and Stephen J. Nolan, Esquire,

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10/6/97

[Signature]

attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is the site of the Charlestown Retirement Community, which is a large elderly housing complex containing a nursing home, assisted living facility and related administrative and accessory buildings. The property has been the subject of numerous zoning hearings since its inception in 1982 and has undergone a number of improvements to expand its services since that time. The Petitioners now come before me seeking approval of an amendment to the site plan approved in prior Case No. 91-351-SPHXA to permit the removal of 3.16 acres, or Lot 2, from the previously approved special exception area, and the addition of another 3.16-acre parcel to the new special exception area defined on the site plan entered into evidence as Petitioner's Exhibit 1.

On behalf of the Petitioners, testimony was proffered by Melanie Moser, a representative of Daft-McCune-Walker, Inc., and Richard Baummer, a representative of Senior Campus Living. Ms. Moser described the Charlestown campus, the special exception area, and the requested zoning actions. She testified, as did Mr. Baummer, that no external change will be visible to the public as a result of the removal of Lot 2 from the special exception area, since no new construction is proposed. Mr. Baummer noted the fact that the Charlestown Retirement Community has been a tremendous success. As a result of this success, the management of Senior Campus Living has proceeded to develop other campuses, both within and outside the boundaries of Baltimore County. Within the Baltimore County boundary, the new community of Oak Crest Village has been developed in the Perry Hall area. Oak Crest Village has received a tremendous reception from Balti-

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more County and other senior citizens, and it has a waiting list, as does Charlestown.

Further testimony revealed that on the 1996 zoning maps, Lot 2 was placed in an O.R.2 zone. Lot 2 contains the historic Carriage House with associated parking areas and was originally included in the special exception area which supports the retirement community's density. Mr. Baummer further explained that the two-story office building on Lot 2 contains the development division offices for Senior Campus Living, LLC, which does not directly administer nor relate to the Charlestown campus. Rather, this office building and its occupants at Senior Campus Living are engaged in planning, developing and administering a number of retirement communities, including Oak Crest Village and others in other sections of the United States. Accordingly, Mr. Baummer pointed out that in order to more accurately reflect current use, and to support a restructuring of the financing of the Charlestown campus, Lot 2 is sought to be removed from the earlier special exception case by virtue of this special hearing.

Furthermore, in order to maintain the density approved for the retirement community, the Petitioners request the addition of another 3.16 acre parcel, located on the north side of the current special exception area, to the newly defined special exception area. Testimony indicated that this 3.16 acres contains the storm water management area for Charlestown, and it is within the Charlestown campus. This area was not previously used to support the density of Charlestown, nor will the approved density of the entire property change as a result of the requested actions.

Counsel for Senior Campus Living, Stephen J. Nolan, Esquire, explained that he had contacted the Kensington Improvement Association, which represents the townhouse community on the south side of Maiden

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Choice Lane, as well as the Little Sisters of the Poor, through their attorneys, with the Little Sisters occupying the property on the north side of Maiden Choice Lane adjoining Charlestown to the west. Neither of these groups appeared in protest, or indicated any opposition in writing.

After due consideration of the testimony and evidence presented, I am persuaded to grant the special hearing, special exception, and variance. The replacement of Lot 2 by an addition of 3.16 acres on the north end of the existing special exception area, which primarily consists of the storm water management area, will in no way affect the density, but will continue the requisite overall size of the special exception area. Furthermore, it is clear that the two-story office building and associated parking area that support it do not relate to Charlestown, but to the broader mission of Senior Campus Living.

As for the requested variances, it is to be noted that they are internal only and artificial in nature, given that a lot line cannot be discerned on the ground, and the buildings are located as they are, with no new construction planned or proposed. In fact, the boundary of Lot 2 follows the access road, and consists of landscaped areas, parking lots, the two-story Carriage House, formerly used as an administration building, and a 2.5 story residence. Furthermore, it is evident from the photographs and materials offered at the hearing that the former administration building, sometimes called the Carriage House, has been restored and upgraded by its recycled use as a part of Charlestown.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28
(1974).

After due consideration of the testimony and evidence presented, I am persuaded to grant the variance. The requirements of Section 307 are met in that the historic location of the chapel, the driveways and the two-story administration building all act to prevent compliance with the required 80-foot setback for Lot 2. It should be noted that all of these buildings were built prior to the establishment of the zoning regulations in 1945, much less, the more recent requirements for setbacks based upon height. It is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted since even more artificial lot lines will be required to be drawn, and this could have a potentially damaging effect upon the density requirements, and the setbacks for existing buildings, both old and new. Furthermore, the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding locale. For all of these reasons, the relief requested shall be granted.

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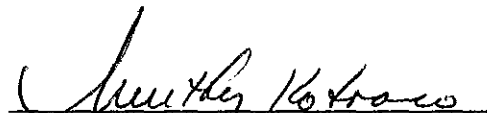
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing, special exception and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6th day of October, 1997 that the Petition for Special Hearing seeking approval of an amendment to the previously approved special exception granted in prior Case No. 91-351-SPHXA to permit the removal of 3.16 acres (Lot 2) from the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit the addition of 3.16 acres on the north side of the existing special exception area to the newly defined special exception area, pursuant to Section 432 of the Baltimore County Zoning Regulations (B.C.Z.R.), and in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 206.4.C.1 of the B.C.Z.R. to permit a western lot line setback of 38 feet and a northern lot line setback of 62 feet in lieu of the required 80-foot each for the Administration Building (the Carriage House) on Lot 2, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

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Date 10/6/97
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

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

October 6, 1997

Stephen J. Nolan, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue, Suite 700
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
N/S Maiden Choice Lane, 1300'NW of the c/l Wilkens Avenue
(701 Maiden Choice Lane)
1st Election District - 1st Councilmanic District
St. Charles Assoc., Ltd., by Senior Campus Living, LLC - Petitioners
Case No. 98-71-SPHXA

Dear Mr. Nolan:

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

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

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: ✓ Mr. Brian Froelich, President, Senior Campus Living
701 Maiden Choice Lane, Baltimore, Md. 21228

Mr. Richard Baummer, Senior Campus Living
703 Maiden Choice Lane, Baltimore, Md. 21228

Ms. Melanie Moser, Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue, Towson, Md. 21204

People's Counsel; Case Files





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Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Brian Froelich, President, Senior Campus Living
701 Maiden Choice Lane, Baltimore, Md. 21228

Mr. Richard Baummer, Senior Campus Living
703 Maiden Choice Lane, Baltimore, Md. 21228

Ms. Melanie Moser, Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue, Towson, Md. 21204

People's Counsel; Case Files





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 701 Maiden Choice Lane

98-71-SPHXA

which is presently zoned D.R. 5.5,
DR 10.5, DR 16 & OR-2

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, 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 an amendment to Special Exception 91-351-SPHXA removing 3.16 acres, being Lot 2 as shown on the plan, from the special exception area. (The addition of a new 3.16 acres to the special exception area to be approved by accompanying Special Exception Hearing).

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

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

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

Contract Purchaser/Lessee:

Legal Owner(s):

(Type or Print Name)

(Type or Print Name)

Signature

BY: [Signature]
Signature Brian Froelich, President

Address

(Type or Print Name)

City State Zip Code

Signature

Attorney for Petitioner:

701 Maiden Choice Lane 410-242-2880
Address Phone No.

Stephen J. Nolan
Nolan Plumhoff & Williams
(Type or Print Name)

Catonsville MD 21228
City State Zip Code

Name, Address and phone number of representative to be contacted
Stephen J. Nolan
Nolan, Plumhoff & Williams, Chtd.

[Signature]
Signature
700 Nottingham Centre
502 Washington Avenue 410-823-7800
Address Phone No.
Towson MD 21204
City State Zip Code

Name
700 Nottingham Centre
502 Washington Avenue
Towson, MD 21204 410-823-7800
Address Phone No.

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By



Office Use Only
ESTIMATED LENGTH OF HEARING _____
unavailable for Hearing
the following dates _____ Next Two Months
ALL _____ OTHER _____
REVIEWED BY: JRF DATE 8/20/97

71



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 701 Maiden Choice Lane

which is presently zoned DR 5.5,
DR 10.5, DR 16 & OR-2

98-71-SPHXA

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, petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for as in Case No. 91-351-SPHXA, i.e. ~~deletion of 0.16 acres from Lot 2, and addition of new, 3.16 acre area to the special exception area, same net special exception area.~~ (deletion of 3.16 acres from Lot 2 to be approved by accompanying Special Hearing).

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:

(Type or Print Name)

Signature

Address

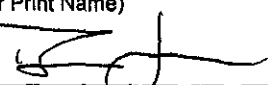
City State Zip Code

Attorney for Petitioner:

Stephen J. Nolan
(Type or Print Name)

Legal Owner(s):

St. Charles Associates, Ltd. by:
Senior Campus Living, LLC, General Partner
(Type or Print Name)

By: 
Signature Brian Froelich, President

(Type or Print Name)

Signature

701 Maiden Choice Lane, 410-242-2880
Address Phone No

Catonsville, MD 21228
City State Zip Code

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

Stephen J. Nolan
Nolan, Plumhoff & Williams, Chtd.

Name

700 Nottingham Centre
502 Washington Avenue
Towson, MD 21204 410-823-7800
Address Phone No.

Address Phone No.

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ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: JRF DATE 8/20/97

ORDER RECEIVED FOR FILING
Date 8/20/97
By [Signature]


Signature

700 Nottingham Centre
502 Washington Avenue 410-823-7800
Address Phone No.

Address Phone No.

Towson MD 21204
City State Zip Code



#71



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 701 Maiden Choice Lane (Lot 2)
which is presently zoned O.R. 2

98-71-SPHXA

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, petition for a Variance from Section(s) 206.4.C.1 to reduce the Administration Building Setback from the required 80 feet (2x building height) from residential zoned, 38 feet from western lot line, and 62 feet from northern lot line

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

See Attached

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zip Code

Attorney for Petitioner:

Stephen J. Nolan
Nolan, Plumhoff & Williams

(Type or Print Name)

Legal Owner(s):

St. Charles Associates, Ltd. by:
Senior Campus Living, LLC, General Partner

(Type or Print Name)

By: _____
Signature Brian Proelich, President

(Type or Print Name)

Signature

701 Maiden Choice Lane 410-242-2880
Address Phone No.

Catonsville MD 21228
City State Zip Code

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

Stephen J. Nolan
Nolan, Plumhoff & Williams, Chtd.

Name
700 Nottingham Centre
502 Washington Avenue
Towson, MD 21204 410-823-7800
Address Phone No.

Office Use Only

ESTIMATED LENGTH OF HEARING _____
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____
REVIEWED BY: JRP DATE 8/20/97

ORDER RECEIVED FOR FILING

Date _____
By _____

Signature: Stephen J. Nolan
700 Nottingham Centre
502 Washington Avenue 410-823-7800
Address Phone No.
Towson MD 21204
City State Zip Code



#71

Reasons for Requested Variances

98-71-SPHXA

1. These are internal, on site variances from internal lot lines.
2. The Administration Building Area is unique and has special circumstances as follows:
 - a. Internal Lot Lines;
 - b. Very peculiar border;
 - c. Bordered by public road and private road;
 - d. Existing, recycled, older building;
 - e. Raised above surroundings;
 - f. Overshadowed by nursing home;
 - g. Mature, large trees;
 - h. Located further from public road than nearby group homes;
 - i. Smaller in size than other, on site buildings; and
 - j. Comparable in size to nearby, offsite medical buildings.

Description
2.721 Acre Parcel

98-71-SPHXA

To Accompany Petition for Variance Hearing

Northeast Side of Maiden Choice Lane

Northwest of Wilkens Avenue (Maryland Route 372)

First Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

<http://www.dmw.com>

410 296 3333

Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at a point located at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Wilkens Avenue (Maryland Route 372) (variable width) with the centerline of Maiden Choice Lane (70 feet wide), (1) Northwestern along said centerline of Maiden Choice Lane 1333 feet, more or less, and thence with a line perpendicular to said first line, (2) Northeasterly 35 feet, more or less, to the point of beginning, thence leaving said point of beginning and binding on the northeast side of said Maiden Choice Lane, the two following courses and distances, viz: (1) Northwestern by a line curving to the left with a radius of 12035.00 feet for a distance of 26.58 feet (the arc of said curve being subtended by a chord bearing North 47 degrees 55 minutes 03 seconds West 26.58 feet and having a beginning tangent bearing of North 47 degrees 51 minutes 15 seconds West and a departing tangent bearing of North 47 degrees 58 minutes 52 seconds West), and thence (2) North 47 degrees 58 minutes 52 seconds West 610.83 feet, thence leaving said road and running the ten following courses and distance, viz: (3) North 41 degrees 35 minutes 13 seconds East 31.79 feet, thence (4) Northeasterly by a line curving to the right with a radius of 38.00 for distance of 58.72 feet (the arc of said curve being subtended by a chord bearing North 85 degrees 51 minutes 20 seconds East 53.05 feet and having a beginning tangent bearing of North 41 degrees 35 minutes 13 seconds East and a departing tangent bearing of South 49 degrees 52 minutes 33

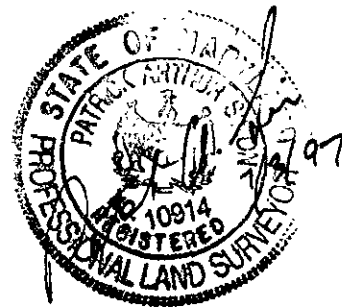
98-71-SPHXA

seconds East), thence (5) South 49 degrees 52 minutes 33 seconds East 40.18 feet, thence (6) North 40 degrees 05 minutes 40 seconds East 161.91 feet (7) Southeasterly by a line curving to the right with a radius of 167.78 feet for a distance of 273.94 feet (the arc of said curve being subtended by a chord bearing South 53 degrees 09 minutes 41 seconds East 244.51 feet and having a beginning tangent bearing of North 80 degrees 03 minutes 56 seconds East and a departing tangent bearing of South 06 degrees 23 minutes 18 seconds East), thence (8) South 06 degrees 23 minutes 18 seconds East 138.00 feet, thence (9) Southeasterly by a line curving to the right with a radius of 216.03 feet for a distance of 169.68 feet (the arc of said curve being subtended by a chord bearing South 28 degrees 53 minutes 20 seconds East 165.35 feet and having a beginning tangent bearing of South 06 degrees 23 minutes 18 seconds East and a departing tangent bearing of South 51 degrees 23 minutes 23 seconds East), thence (10) Southwesterly by a line curving to the right with a radius of 110.00 feet for a distance of 74.02 feet (the arc of said curve being subtended by a chord bearing South 01 degree 23 minutes 32 seconds West 72.63 feet and having a beginning tangent bearing of South 17 degrees 53 minutes 06 seconds East and a departing tangent bearing of South 20 degrees 40 minutes 10 seconds West), thence (11) South 20 degrees 40 minutes 10 seconds West 43.61 feet, and thence (12) South 41 degrees 49 minutes 19 seconds West 13.88 feet to the point of beginning; containing 2.721 acres of land, more or less.

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

June 25, 1997

Project No. 82028.K (L82028.K)



Description

90.189 Acre Parcel 98-71-SPHXA

To Accompany Petition for Special Exception and Special Hearing

Northeast Side of Maiden Choice Lane

Northwest of Wilkens Avenue (Maryland Route 372)

First Election District, Baltimore County, Maryland



Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

<http://www.dmw.com>

410 296 3333

Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at a point located at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Wilkens Avenue (Maryland Route 372) (variable width) with the centerline of Maiden Choice Lane (70 feet wide), (1) Northwestern along said centerline of Maiden Choice Lane 1300 feet, more or less, and thence with a line perpendicular to said first line, (2) Northeasterly 35 feet, more or less, to the point of beginning, thence leaving said point of beginning and binding on the northeast side of Maiden Choice Lane (1) Northwestern by a line curving to the left with a radius of 12035.00 feet for a distance of 33.42 feet (the arc of said curve being subtended by a chord bearing North 47 degrees 46 minutes 29 seconds West 33.42 feet and having a beginning tangent bearing of North 47 degrees 41 minutes 43 seconds West and a departing tangent bearing of North 47 degrees 51 minutes 15 seconds West), thence leaving said road and running the ten following courses and distances, viz: (2) North 41 degrees 49 minutes 19 seconds East 13.88 feet, thence (3) North 20 degrees 40 minutes 10 seconds East 43.61 feet, thence (4) Northwestern by a line curving to the left with a radius of 110.00 feet for a distance of 74.02 feet (the arc of said curve being subtended by a chord bearing North 01 degrees 23 minutes 32 seconds East 72.63 feet and having a beginning tangent bearing of South 20 degrees 40 minutes 10 seconds West and a departing tangent bearing of North 17

98-71-SPHXA

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98-71-SPHX A

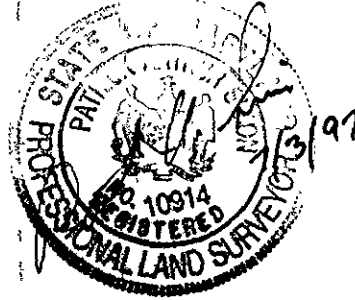
East 777.55 feet, thence (17) North 73 degrees 43 minutes 08 seconds East 69.12 feet, thence (18) North 59 degrees 31 minutes 49 seconds East 102.80 feet, thence (19) North 72 degrees 40 minutes 22 seconds East 47.00 feet, thence (20) North 78 degrees 47 minutes 32 seconds East 53.39 feet, thence (21) North 80 degrees 46 minutes 57 seconds East 17.06 feet, thence (22) North 81 degrees 37 minutes 31 seconds East 84.07 feet, thence (23) North 81 degrees 22 minutes 28 seconds East 54.77 feet, thence (24) North 73 degrees 32 minutes 31 seconds East 25.67 feet, thence (25) North 75 degrees 12 minutes 43 seconds East 25.67 feet, thence (26) North 64 degrees 38 minutes 47 seconds East 53.04 feet, thence (27) North 57 degrees 12 minutes 55 seconds East 56.67 feet, thence (28) North 64 degrees 43 minutes 48 seconds East 17.58 feet, thence (29) South 79 degrees 26 minutes 19 seconds East 91.80 feet, thence (30) South 87 degrees 04 minutes 59 seconds East 103.69 feet, thence (31) South 87 degrees 31 minutes 24 seconds East 103.29 feet and South 83 degrees 14 minutes 54 seconds East 20.27 feet, thence (32) South 60 degrees 34 minutes 32 seconds East 979.34 feet, thence (33) South 15 degrees 51 minutes 57 seconds East 1063.65 feet, thence (34) South 66 degrees 52 minutes 10 seconds West 773.20 feet, thence (35) South 23 degrees 07 minutes 50 seconds East 661.00 feet, thence (36) South 88 degrees 19 minutes 27 seconds West 32.23 feet, thence (37) North 23 degrees 07 minutes 50 seconds West 489.21 feet, thence (38) South 66 degrees 21 minutes 10 seconds West 275.31 feet, thence (39) North 23 degrees 07 minutes 50 seconds West 500.00 feet, and thence (40) South 66 degrees 21 minutes 10 seconds West 1182.79 feet, to the point of beginning; containing 90.189 acres of land, more or less.

98-71-SPHXA

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

June 25, 1997

Project No. 82028.K (L82028.K.1)



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: #98-71-SPHXA
701 Maiden Choice Lane
N/S Maiden Choice Lane,
1300' +/- from c/l
Wilkens Avenue
Charlestown Retirement
Community
N/S Maiden Choice Lane,
1300' +/- from c/l
Wilkens Avenue
1st Election District
1st Councilmanic
Legal Owner(s):
St. Charles Associates, Llc
by Senior Campus Living
LLC, General Partner

Special Hearing: to approve an amendment to special exception 91-351-SPHXA (moving 3.16 acres, being 2. from the special exception area. Special Exception: fr as in case no. 91-351-SPHXA; i.e. addition of new 3.16 acre area to the special exception area, same as special exception area. Variance: to reduce the administration building setback from the required 80 feet from residential zoned, 38 feet from western lot line, and 62 feet from northern lot line.

Hearing: Tuesday, September 23, 1997 at 2:30 p.m., Room 407 Courts Bldg., 401 Bastley 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.

9/072 Sept. 4 C170909

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept. 4, 19 97

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 Sept. 4, 19 97.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **043330**

DATE 8/20/97 ACCOUNT R-001-615-000

AMOUNT \$ 650.00

RECEIVED FROM: DMW

FOR: 020 VOUCHER } Max. 650 Taken by JRF
010 SPN } Item # 71
050 X

701 MAIDEN CHOICE LN.

CONTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
8/20/1997 8/20/1997 09:19:09
REG 0903 CASHIER UNTIL ULM BRANCO
MISCELLANEOUS CASH RECEIPT
Receipt # 015127
OR # 043330

650.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 98-71 SPHXA

Petitioner/Developer: CHARLESTOWN RETIREM'T, ETAL
% D.M.W. - LINDA JONES

Date of Hearing/Closing: 9/23/97
2:30 P.M.

RM. 407 COURTS

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 #701 MAIDEN CHOICE LA.

The sign(s) were posted on 9/8/97
(Month, Day, Year)

Sincerely,

Patrick M O'Keefe 9/9/97

(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

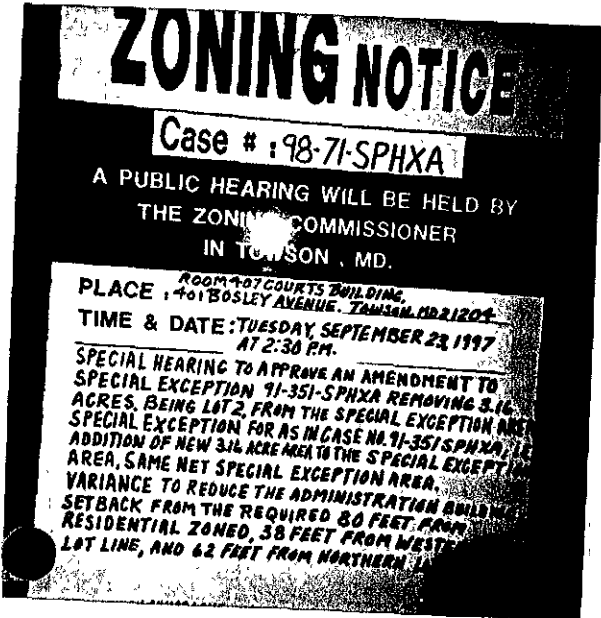
Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

(Telephone Number)

Pager (410) ~~666-5366~~ 905-8571



98-71-SPHXA
#701-MAIDEN CHOICE LA.
CHARLESTOWN RETIREMENT COMM
STEVE NOLAN, ESQ.
9/8/97 DMW H 9/23/97

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.: 98-71-SPH XA

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

PLACE: *

DATE AND TIME: *

REQUEST: Special Exception for addition of new 3.16 acre area to the special exception area, same net special exception area (deletion of 3.16 acres from Lot 2, to be approved by accompanying Special ~~Exception~~ ^{Hearing}); Special Hearing for an amendment to Special Exception 91-351-SPHXA removing 3.16 acres, being Lot 2, as shown on the plan, from the special exception area. (The addition of a new 3.16 acres to the special exception area to be approved by accompanying
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.

TO CONFIRM HEARING CALL 887-3391.

Special Exception Hearing). Variance to reduce the Administration Building setback from the required 80 feet (2x building height) from residential zone, 38 feet from the western lot line, and 62 feet from northern lot line.
HANDICAPPED ACCESSIBLE



ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (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.: 71

Petitioner: ST. CHARLES ASSOCIATES, LTD.

Location: 701 MAIDEN CHOICE LANE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: SENIOR CAMPUS LIVING, LLC

ADDRESS: 701 Maiden Choice La.

Catonsville, MD 21228

PHONE NUMBER: 410-242-2880

AJ:ggs

(Revised 09/24/96)



Baltimore County
Department of Permits and
Development Management

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

August 29, 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:

CASE NUMBER: 98-71-SPHXA

701 Maiden Choice Lane

N/S Maiden Choice Lane, 1300'+/- from c/l Wilkens Avenue

Charlestown Retirement Community

N/S Maiden Choice Lane, 1300'+/- from c/l Wilkens Avenue

Legal owner(s): St. Charles Associates, Ltd. by Senior Campus Living, LLC, General Partner

Special Hearing to approve an amendment to special exception 91-351-SPHXA removing 3.16 acres, being Lot 2, from the special exception area.

Special Exception for as in case no. 91-351-SPHXA; i.e, addition of new 3.16 acre area to the special exception area, same net special exception area.

Variance to reduce the administration building setback from the required 80 feet from residential zoned, 38 feet from western lot line, and 62 feet from northern lot line.

HEARING: TUESDAY, SEPTEMBER 23, 1997 at 2:30 p.m., Room 407 Courts Building, 401 Bosley Avenue.

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon
Director

cc: Senior Campus Living, LLC
Stephen J. Nolan, Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY SEPTEMBER 8, 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

September 22, 1997

Stephen J. Nolan, Esquire
700 Nottingham Centre
502 Washington Avenue
Towson, MD 21204

RE: Item No.: 71
Case No.: 98-71-SPHXA
Petitioner: St. Charles Assoc., Ltd

Dear Mr. Nolan:

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 August 20, 1997.

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 (410-887-3391).

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



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

TO: PDM

DATE: 8/29/97

FROM: R. Bruce Seeley. *RBS/gp*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: sep 2, 97

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

Item #'s:	66	74
	67	75
	69	76
	71	77
	72	
	73	

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

2 35

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

DATE: August 26, 1997

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

SUBJECT: Zoning Advisory Petitions

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

Item Nos. 67, 71 & 75

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns


AFK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: Sept. 8, 1997

FROM:  Robert W. Bowling, Chief
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for September 8, 1997
Item Nos. 066, 068, 070, 071, 072,
074, 075, 076, and 077

The Bureau of Developer's Plans Review has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

9-5-97

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


RE: Baltimore County
Item No. 071 (JRF)

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval, as the proposed development is not located on a State roadway and there are no impacts to any SHA facilities.

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

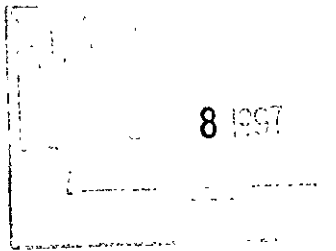
My telephone number is _____

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



Baltimore County
Fire Department



Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF SEPTEMBER 2, 1997

Item No.: Zoning Agendas

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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

066, 070, 071, 072, 074

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

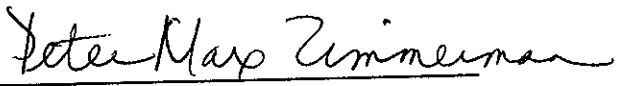
cc: File




RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR SPECIAL EXCEPTION	*	ZONING COMMISSIONER
PETITION FOR VARIANCE	*	
701 Maiden Choice Lane (Charlestown Retirement Community), N/S Maiden Choice Lane, 1300'+/- from c/l Wilkens Avenue;	*	OF BALTIMORE COUNTY
N/S Maiden Choice Lane, 1300'+/- from c/l Wilkens Avenue	*	CASE NO. 98-71-SPHXA
	*	
St. Charles Associates, Ltd., by Senior Campus Living, LLC, G.P.	*	
Petitioner	*	
* * * * *		

ENTRY OF APPEARANCE

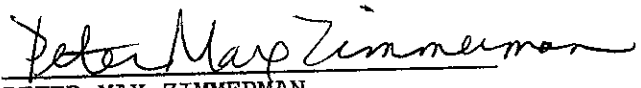
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County


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 18th day of August, 1997, a copy of the foregoing Entry of Appearance was mailed to Stephen J. Nolan, Esq., Nolan, Plumhoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioners.


PETER MAX ZIMMERMAN

PETITIONERS
EXHIBIT 2

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION AND VARIANCE - *
NE/S Maiden Choice Lane, 2,385' * ZONING COMMISSIONER
NW of the c/l of Wilkens Lane *
(711 Maiden Choice Lane) * OF BALTIMORE COUNTY
1st Election District *
1st Councilmanic District * Case No. 91-351-SPHXA

St. Charles Associates, Inc. *
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the previously approved site plan and Order issued in Case No. 91-85-SPHA; a special exception to permit Class A or Class B elderly housing facilities on the subject property and to permit an increase of residential density units to 1,437 total (16 density units per acre), including a proposed 140-unit assisted living facility, pursuant to Section 432.3 of the Baltimore County Zoning Regulations (B.C.Z.R.); and variances from Section 1B02.2.A to permit a maximum height of 80 feet in lieu of the permitted 50 feet for a six-story building, from Section 1B01.2.B.2 to permit a maximum building width and length of 1525 feet and 2200 feet, more or less, in lieu of the 1525 feet and 1600 feet granted in Case No. 91-85-SPHA, and from Section 409.6 to permit 1,340 parking spaces in lieu of those required by the B.C.Z.R., all as more particularly described on Petitioner's Exhibit 13.

The Petitioners, by John Erickson, appeared, testified and were represented by J. Carroll Holzer, Esquire. Also appearing on behalf of the Petitioners were Paul Marks, Architect, George Frizzell, Real Estate Appraiser, Jeffrey Frank, Land Planner, Andrew Solberg, Health Care Planning Consultant, Michael Martin, Traffic Consultant, Kevin Glover, Wayne Rush and Paul Erickson. The Broadfield Homeowners' Association, Inc. en-

tered their appearance as Protestants and were represented by Bruce Brown, Esquire. Numerous individuals entered their appearance as Protestants as indicated on the Protestant's Sign-In Sheet. Phyllis Friedman, People's Counsel, appeared on behalf of the Kensington Community Association, Inc., and generally assisted the Protestants with their case.

Testimony indicated that the subject property, known as 711 Maiden Choice Lane, consists of 89.82 acres more or less, split zoned D.R. 5.5, D.R. 10.5, D.R. 16 and D.R. 0-2, and is the site of a retirement community known as Charlestown. John Erickson, President, Retirement Health Services Corporation, indicated that in view of the cost to provide the current services offered at Charlestown, the Petitioners are desirous of expanding their existing facilities to insure that Charlestown remains economically stable. Mr. Erickson described Petitioners' proposal which is graphically illustrated in Petitioner's Exhibits 6, 7, 9, 16, 17 and 18. Mr. Erickson generally discussed the proposed parking layout, traffic impact, stream crossings, ingress and egress points, and planned security measures.

Paul Marks, Architect, generally discussed the site layout. He testified at length regarding the various proposals that were considered for the layout of this site and indicated why all were inappropriate except for the one presented at this hearing. He testified that the instant plan is sensitive to environmental concerns and provides the shortest pedestrian distances for the residents of Charlestown. He indicated that existing buffers will be well-preserved and will act as a buffer to the surrounding residential communities. The totality of Petitioners' testimony indicated that it would suffer an undue hardship and practical difficulty should the requested height, width and length variances be denied.

George Frizzell, Real Estate Appraiser, testified regarding the study he conducted relative to the economic impact, if any, the proposed project will have on surrounding properties. Mr. Frizzell concluded, based on his research of the area and in light of Petitioners' proposal, that there would be no significant economic impact on surrounding properties if the relief requested were granted.

Jeffrey Frank, Land Planner, discussed at length the layout of the subject site and the parking requirements for both a Class A and Class B elderly housing facility. Mr. Frank concluded, based on his study, that Charlestown has adequate parking to accommodate the demand should the requested relief be granted. He indicated that should additional parking be required, there is adequate open space to provide the necessary parking. He indicated that of the 89.82 acres, approximately 69% will remain as open space after the proposed project is completed.

Andrew Solberg, Health Care Planning Consultant, testified briefly to the impact the Petitioners' proposal would have on local hospitals. Mr. Solberg concluded that the impact on local hospitals, particularly St. Agnes Hospital, will be insignificant.

Michael Martin, Traffic Consultant and Professional Engineer, testified that he applied the national standards in his evaluation of the subject site relative to traffic and parking. Mr. Martin testified specifically to the trip counts estimated for this site and indicated that Petitioners' proposal would have no detrimental impact on the surrounding community.

Bruce Brown, Esquire, appeared and testified on behalf of the Broadfield Homeowners' Association, Inc., and submitted the Position Statement by said Association marked Protestant's Exhibit 2. The Broadfield

Homeowners' Association is primarily concerned with the negative traffic impact that it anticipates will result if the requested relief is granted. Generally, they believe that the relief requested will have a negative impact on the health, safety and general welfare of their community and requested that the Petitions be denied. Protestant's Exhibit 2 is a four-page position statement and speaks for itself.

Beverly Sanderson appeared and testified in opposition to the relief requested. Ms. Sanderson testified she was against the transfer of any State property to Petitioners that would facilitate the construction of the proposed access road as indicated on Petitioner's Exhibit 13.

David Grochmal appeared and testified as a Protestant. He testified that he has lived in this community for approximately 7 years and is concerned that the proposed access road onto Warwick Avenue will increase traffic throughout the adjoining residential community. Mr. Grochmal was also concerned about the maintenance building being located in such close proximity to the adjoining residential community and believes it will increase noise and adversely affect property values. Mr. Grochmal was also concerned regarding the possible use of the maintenance facility for the storage of pesticides and other chemicals.

George Kenney, a resident of the Charlestown community, argued that the proposed density is too great for this community. He was concerned that the proposed improvements may put the residents of Charlestown in some financial jeopardy in the event new residents do not occupy the proposed units in a timely manner.

Otto Hirsch, also a resident of Charlestown, indicated his opposition to the granting of the requested relief.

Eugene Epper testified that he is generally in support of Petitioners' proposal but requested that construction traffic related to the proposed additions be kept to a minimum near the historic chapel on the subject property.

Charles R. Harrison appeared on behalf of the Kensington Community Association and voiced that Associations' opposition to the Petitioners' request (See Protestants' Exhibit 4).

The Protestants' concerns centered around their belief that the proposed project will result in an increase in traffic and overcrowding of their community. Section 432 of the B.C.Z.R. was enacted to permit the development of elderly housing facilities in D.R. zones. In fact, Section 432 was developed for purposes of allowing for additional density inasmuch as increased traffic is not generally associated with such use. In the opinion of the Zoning Commissioner, there was no evidence that would indicate that the current operation has created traffic problems or that the proposed expansion will result in any increase in traffic through the surrounding community.

The real issue is whether or not the proposed project complies with the requirements set forth in Section 432.A through H. It is clear from the testimony and evidence presented that the relief requested meets the requirements of Section 432 and that the use proposed fulfills the standards set forth therein.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special condi-

tions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

It is clear that the B.C.Z.R. permits the use proposed in the subject D.R. zones 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. In fact, 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, with the exception of the proposed placement of the maintenance facility. In the opinion of the Zoning Commissioner, a more appropriate location for the maintenance facility is that area located within the hatched line indicated on Zoning Commissioner's Exhibit 1 attached hereto. In so doing, the maintenance facility will be placed behind the existing shopping center where it will have little, if any, impact on the surrounding residential community. Otherwise, the facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 13 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 Protestants raise legitimate concerns regarding the proposed placement of the subject maintenance facility and its close proximity to the Kensington residential community. In the opinion of the Zoning Commissioner, a more appropriate location for the maintenance facility would be

in that area behind the shopping center indicated on Attachment 1 appended to this Order.

Additionally, many concerns were raised by the Protestants concerning the proposed emergency road accessing Warwick Avenue and whether or not a second stream crossing will be permitted. The Protestants would like the Zoning Commissioner to prohibit the Petitioners from either purchasing or leasing the small parcel of land adjacent to the subject site which is owned by the State to provide a second access. It was explained at the hearing that such issue is out of the jurisdiction of the Zoning Commissioner. Further, it appears at this writing that the Petitioners will be receiving approval from the appropriate State and County agencies to construct a second crossing over the stream thereby alleviating the need for the aforementioned access, and as such, the issue of the Warwick Avenue access may be rendered moot. However, Petitioners shall obtain written documentation from the appropriate State and/or County agencies indicating whether or not the subject second stream crossing will be permitted. A copy of said documentation must be submitted to this Office for inclusion in the case file as a condition of this Order.

In consideration of the above, it is the opinion of the Zoning Commissioner that the use proposed 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.

Additionally, the Petitioners have established that the proposed use is a Class A elderly housing facility, as defined in Section 101 of the B.C.Z.R. and as such, have met the parking space requirements set

forth in Section 409.6. Therefore, this portion of the variance relief requested shall be dismissed.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances, as modified, are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special hearing, special exception, and variances, as modified, should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of June, 1991 that the Petition for Special Hearing to approve an amendment to the Order and site plan in previous Case No. 91-85-SPHA, in accordance with Petitioner's Exhibit 13, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED, pursuant to the relief requested in the Petition for Special Exception, that Petitioners may use the subject property for a Class A elderly housing facility and may increase the number of residential density units to 1,437 total, including a proposed 140-unit assisted living facility (16 density units per acre) pursuant to Section 432.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 13, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variances to permit a variance from Section 1B02.2.A to permit a maximum height of 80 feet in lieu of the permitted 50 feet for a six-story building and from Section 1B01.2.B.2 to permit a maximum building width and length of 1,525 feet and 2200 feet, more or less, in lieu of the 1,525 feet and 1600 feet granted in Case No. 91-85-SPHA, in accordance with Petitioner's Exhibit 13, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:


- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

- 2) Petitioners shall attempt to acquire permission from the appropriate agency(ies) to cross the subject stream indicated on Petitioner's Exhibit 13, a second time to avoid accessing Warwick Avenue on the north-

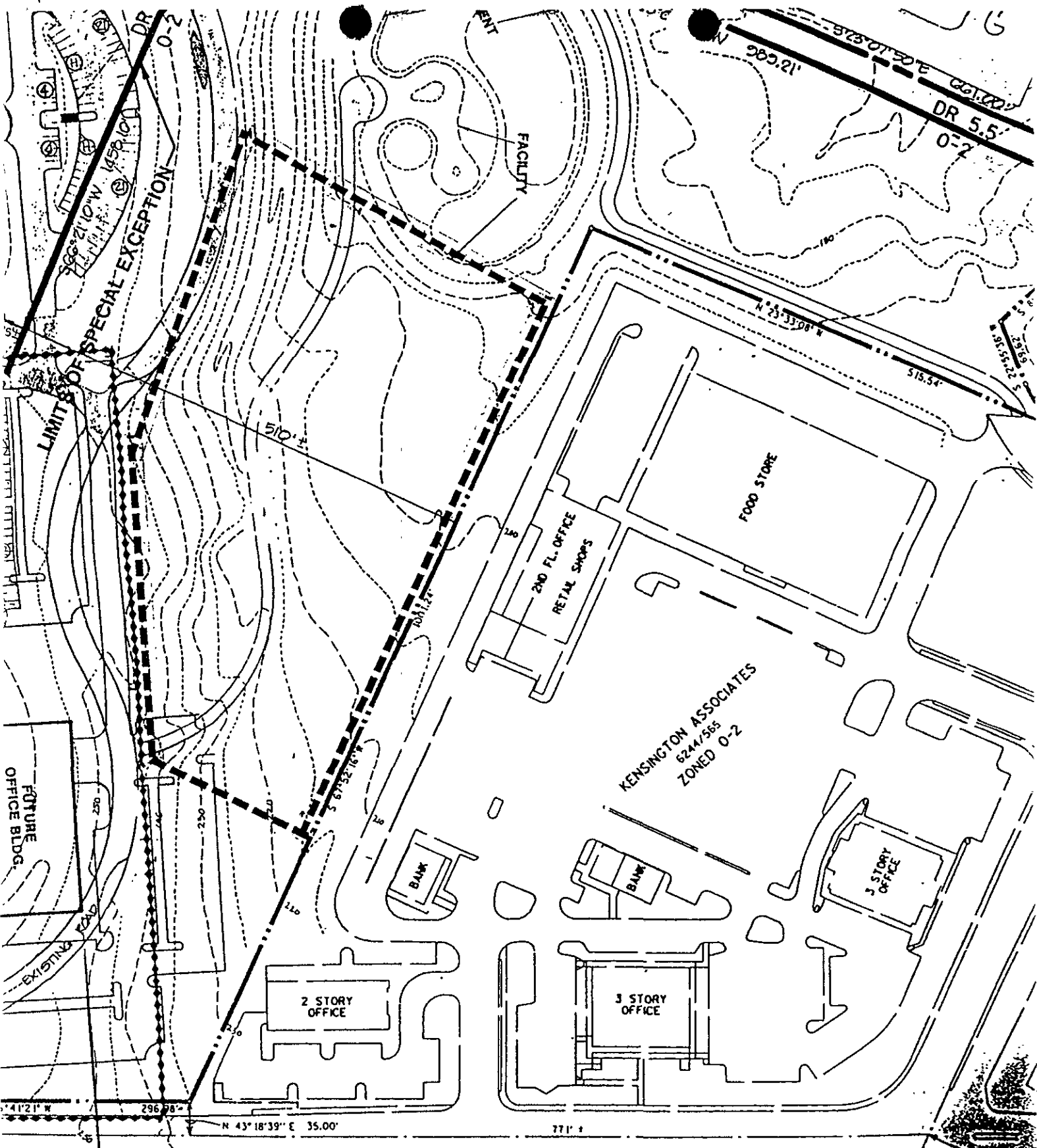
east side of the property as indicated. Petitioners may not extend the subject access road to Warwick Avenue until such time as Petitioners receive, in writing, a denial of their request to cross said stream a second time from the appropriate State or County agency(ies).

3) The subject maintenance facility shall be relocated to that area within the hatched line indicated on Zoning Commissioner's Exhibit 1 attached hereto. Prior to the issuance of any building permits for said maintenance facility, Petitioners shall submit for approval by the Zoning Commissioner a revised site plan depicting the new location for said maintenance facility.

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit a variance from Section 409.6 to permit 1,340 parking spaces in lieu of those required by the B.C.Z.R., be and is hereby DISMISSED as moot.


J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs



CHOICE

RUTH
BROOKS
911/233

RES.

LANE

SECTION 28
BROADFIELD, INC.
6269/591

**PETITIONER'S
EXHIBIT**

SECTION 2C
BROADFIELD, INC.
6269/591

ZONING COMMISSIONER'S EXHBT. NO. 1

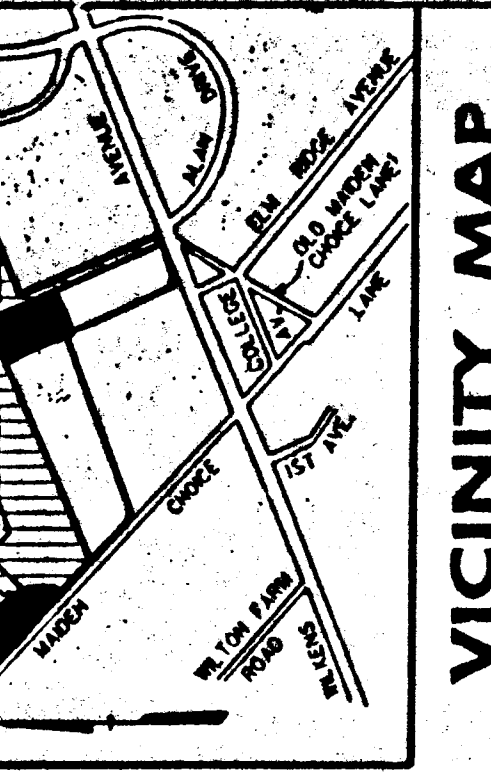


ZONING HISTORY

- A. 10-8-84
- B. 10-8-84
- C. 10-8-84
- D. 10-8-84

VICINITY MAP

SCALE: 1" = 1000'


GENERAL NOTES

1. The proposed project is shown in a hatched pattern. All areas to be removed from the project are shown in a cross-hatched pattern.

2. The site coverage does not include changes and temporary projects. Changes are indicated by a dotted line.

3. All areas to be removed from the project are shown in a cross-hatched pattern.

4. The proposed project is shown in a hatched pattern.

5. The site coverage does not include changes and temporary projects.

6. All areas to be removed from the project are shown in a cross-hatched pattern.

REGULAR EXCEPTIONAL HEARING REQUEST

To amend the previously granted special exception use by the Board of Appeals, the applicant hereby requests the Board to amend the previous decision. The proposed changes are indicated by a dotted line.

FOR PREPARATION OF AMENDED SPECIAL EXCEPTION PLAN ONLY.

DMW
DOWNEY, MARYLAND, INC.
14100 DEER CREEK ROAD, #200
DOWNEY, MARYLAND 21202
TEL: 410-326-2353

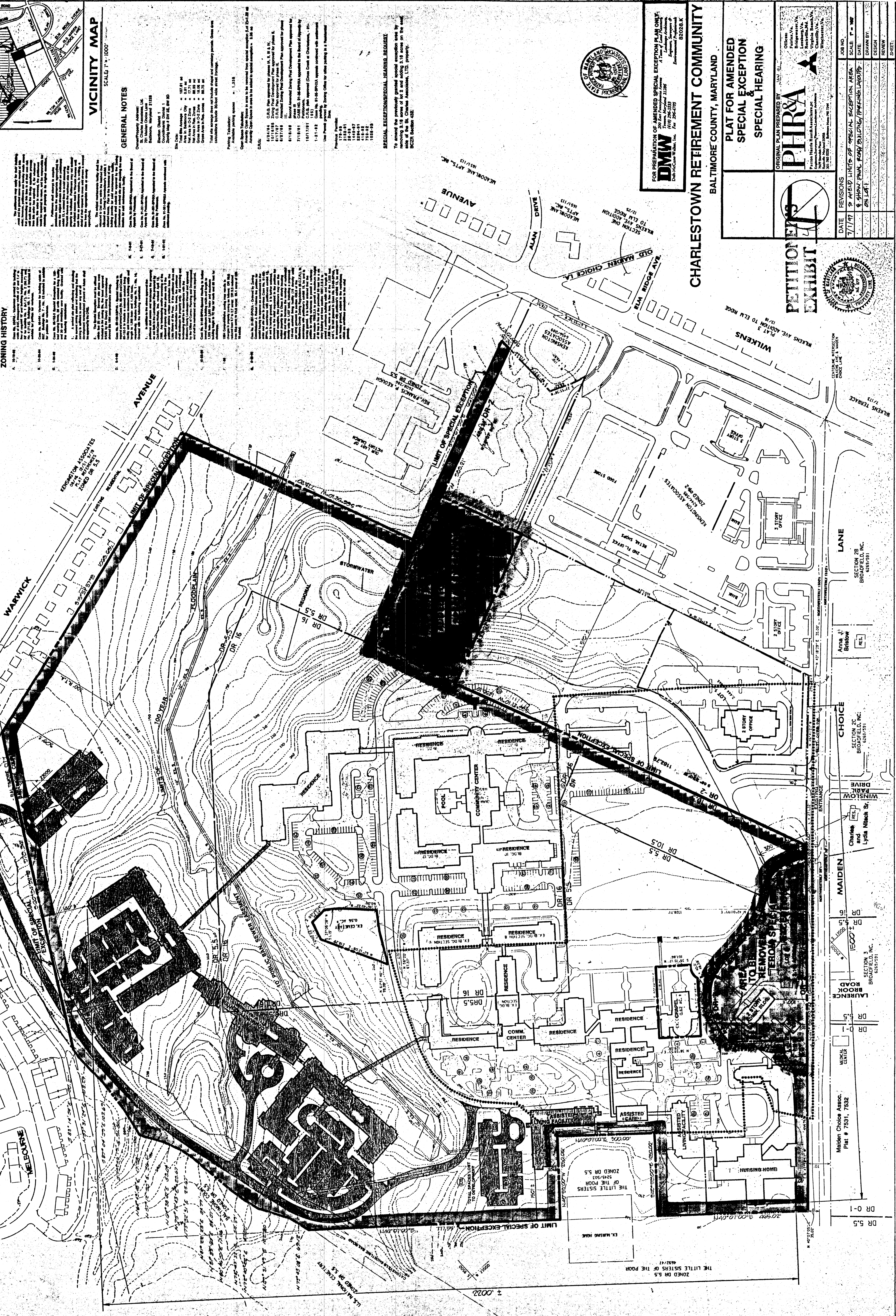
CHARLESTOWN RETIREMENT COMMUNITY
BALTIMORE COUNTY, MARYLAND

PLAT FOR AMENDED SPECIAL EXCEPTION & SPECIAL HEARING

ORIGINAL PLAN PREPARED BY
PHIRA
Professional Engineers, Inc.
10000 WILKENS AVENUE, SUITE 100
BALTIMORE, MARYLAND 21286
TEL: 410-286-1000

PETITIONER'S EXHIBIT

DATE	REVISIONS	JOB NO.
7/1/97	1. SHOW FINAL BOARDING/PARKING LAYOUTS	100
	2. ON LOT	



WILKENS AVENUE ADJOINING TO ELK RIDGE

SECTION 2B BROADFIELD, INC. 625/751

CHOICE SECTION 2C BROADFIELD, INC. 625/751

WILSON DRIVE CHARLES and LYDIA NITASK St. SECTION 3 BROADFIELD, INC. 625/751

MAIDEN DR 5.5 SECTION 3 BROADFIELD, INC. 625/751

DR 5.5 SECTION 3 BROADFIELD, INC. 625/751

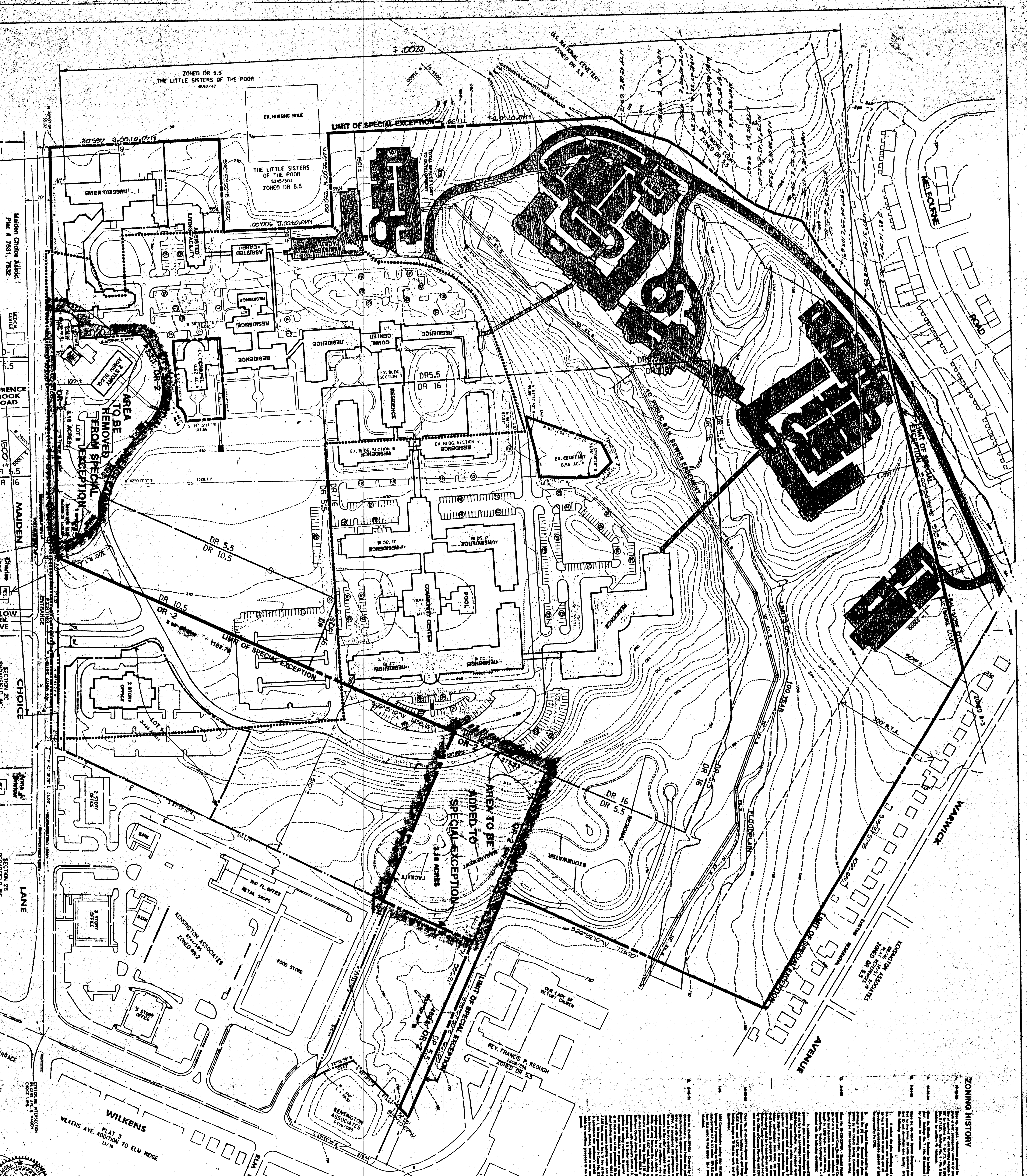
DR 5.5 SECTION 3 BROADFIELD, INC. 625/751

DR 5.5 SECTION 3 BROADFIELD, INC. 625/751

MAIDEN Choice Assoc. Plat # 7501, 7502 MEDICAL CENTER

DR 5.5 SECTION 3 BROADFIELD, INC. 625/751

DR 5.5 SECTION 3 BROADFIELD, INC. 625/751



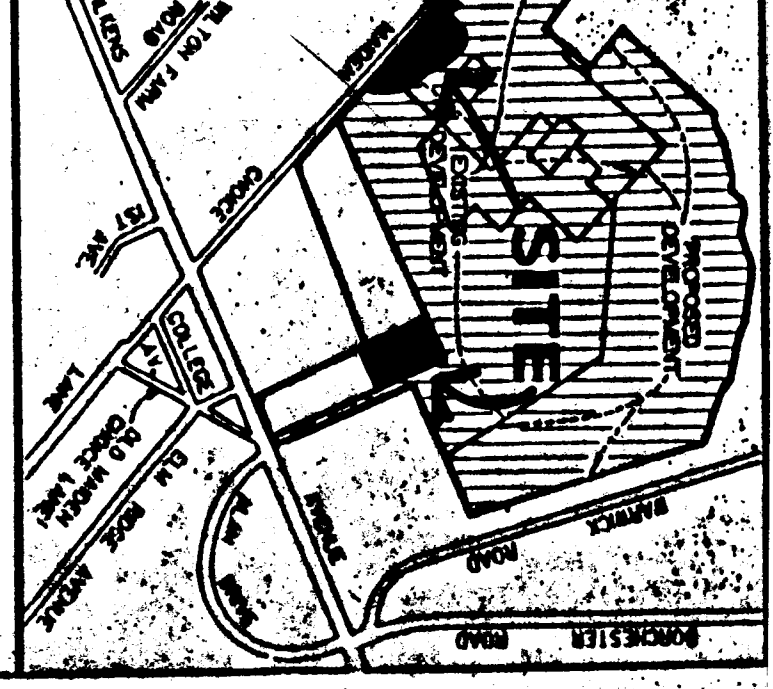
ZONING HISTORY

The following zoning history information was obtained from the Baltimore County Department of Planning and Zoning. It is provided for informational purposes only and does not constitute a legal opinion. The zoning history information is based on the zoning map as of the date of the hearing. The zoning map is subject to change without notice.

GENERAL NOTES

The information contained herein is based on the information provided to the consultant and is not intended to be a legal opinion. The consultant is not responsible for the accuracy or completeness of the information provided.

VICINITY MAP



LEGEND
 Limits of Special Exception
 Limits of Historic District

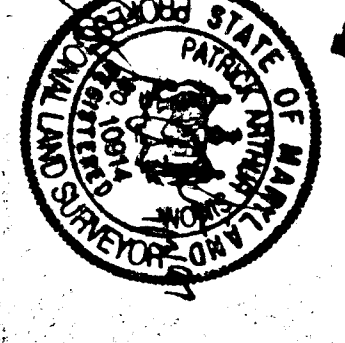
SPECIAL EXEMPTION
 The following information was obtained from the Baltimore County Department of Planning and Zoning. It is provided for informational purposes only and does not constitute a legal opinion. The special exemption information is based on the zoning map as of the date of the hearing. The zoning map is subject to change without notice.

1-1-18 The following information was obtained from the Baltimore County Department of Planning and Zoning. It is provided for informational purposes only and does not constitute a legal opinion. The special exemption information is based on the zoning map as of the date of the hearing. The zoning map is subject to change without notice.

CHARLESTOWN RETIREMENT COMMUNITY
 BALTIMORE COUNTY, MARYLAND

PLAT FOR AMENDED SPECIAL EXCEPTION SPECIAL HEARING

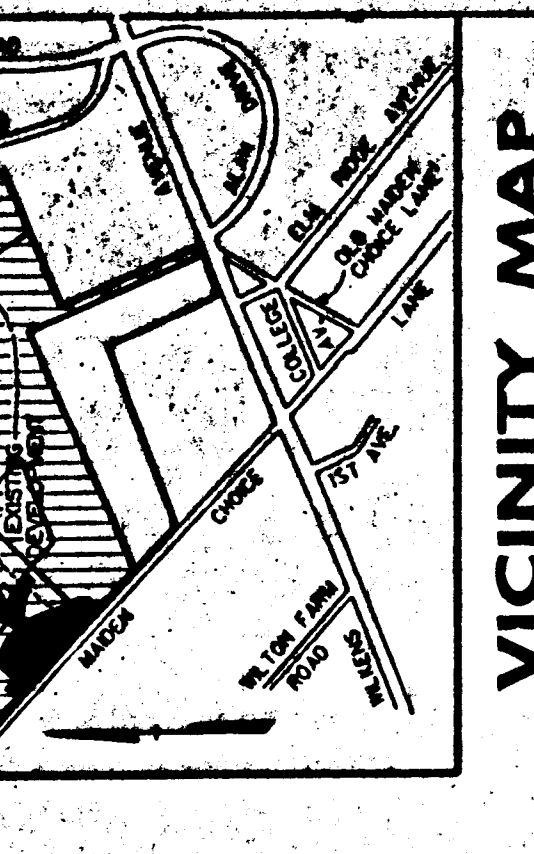
PETITIONER'S EXHIBIT
 98-71-SPHXA



FOR INFORMATION OF AMENDED SPECIAL EXCEPTION PLAN ONLY
DWM
 300 East Pratt Street
 Baltimore, Maryland 21202
 Tel: 410-206-5515
 Fax: 410-206-5515

DATE	REVISIONS	JOB NO.
7/17/97	AS PER PLAT OF SPECIAL EXCEPTION AREA, AS SHOWN FINAL, POND BUILDING/RETAINED LANDSCAPE	98-71-SPHXA





GENERAL NOTES

1. The applicant has provided a copy of the zoning code for the project location.
2. The applicant has provided a copy of the site plan for the project.
3. The applicant has provided a copy of the site plan for the project.
4. The applicant has provided a copy of the site plan for the project.
5. The applicant has provided a copy of the site plan for the project.
6. The applicant has provided a copy of the site plan for the project.
7. The applicant has provided a copy of the site plan for the project.
8. The applicant has provided a copy of the site plan for the project.
9. The applicant has provided a copy of the site plan for the project.
10. The applicant has provided a copy of the site plan for the project.

ZONING HISTORY

1. 1968 - Zoned R-1

2. 1972 - Zoned R-2

3. 1978 - Zoned R-3

4. 1982 - Zoned R-4

5. 1988 - Zoned R-5

6. 1992 - Zoned R-6

7. 1998 - Zoned R-7

8. 2002 - Zoned R-8

9. 2008 - Zoned R-9

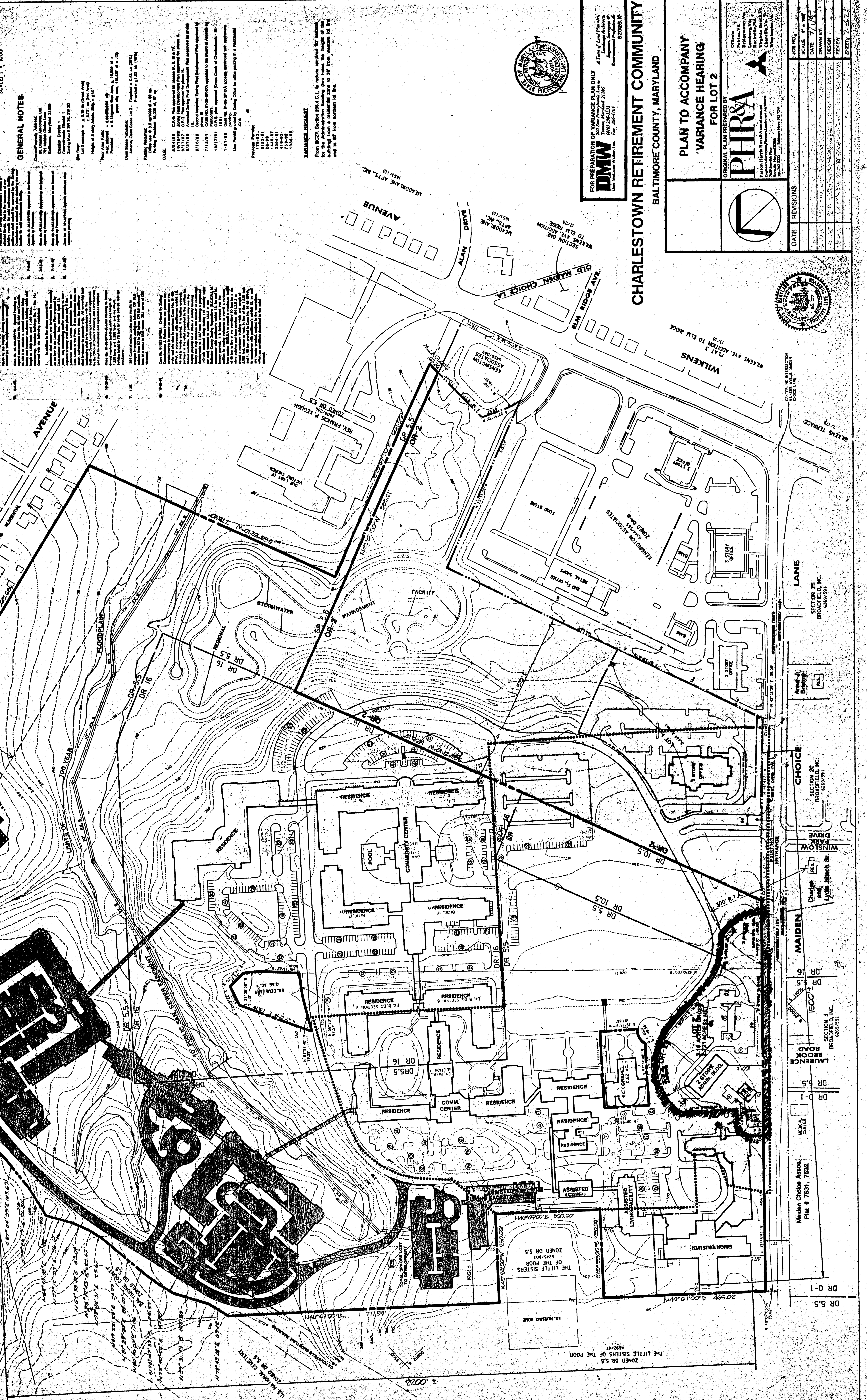
10. 2012 - Zoned R-10

GENERAL NOTES (Continued)

11. The applicant has provided a copy of the site plan for the project.
12. The applicant has provided a copy of the site plan for the project.
13. The applicant has provided a copy of the site plan for the project.
14. The applicant has provided a copy of the site plan for the project.
15. The applicant has provided a copy of the site plan for the project.
16. The applicant has provided a copy of the site plan for the project.
17. The applicant has provided a copy of the site plan for the project.
18. The applicant has provided a copy of the site plan for the project.
19. The applicant has provided a copy of the site plan for the project.
20. The applicant has provided a copy of the site plan for the project.

VARIANCE REQUEST

From RCZB Section 206.4.1.1, to reduce required set-backs for the Administration Building from 10 feet to 5 feet on the east side of the building. The building is 10 feet from the east side of the lot.



PROPOSED PLAN

FOR PREPARATION OF VARIANCE PLAN ONLY

DMW DESIGN MANAGEMENT WORKS, INC.
1000 W. WILKENS AVENUE, SUITE 100
BALTIMORE, MARYLAND 21206
TEL: 410-551-7777
FAX: 410-551-7778
WWW.DMW.COM

CHARLESTOWN RETIREMENT COMMUNITY
BALTIMORE COUNTY, MARYLAND

PLAN TO ACCOMPANY VARIANCE HEARING FOR LOT 2

ORIGINAL PLAN PREPARED BY **PH&A**

Office: 1000 W. Wilmens Avenue, Suite 100, Baltimore, MD 21206
Phone: 410-551-7777
Fax: 410-551-7778
www.pha.com

DATE | REVISIONS

DATE	REVISIONS
7/1/14	1.00
7/1/14	1.01
7/1/14	1.02
7/1/14	1.03
7/1/14	1.04
7/1/14	1.05
7/1/14	1.06
7/1/14	1.07
7/1/14	1.08
7/1/14	1.09
7/1/14	1.10
7/1/14	1.11
7/1/14	1.12
7/1/14	1.13
7/1/14	1.14
7/1/14	1.15
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7/1/14	1.96
7/1/14	1.97
7/1/14	1.98
7/1/14	1.99
7/1/14	2.00

11/14/14