

IN RE: PETITIONS FOR SPECIAL HEARING.	* BEFORE THE
SPECIAL EXCEPTION & VARIANCE	
NE/S Reisterstown Road, 330' S	* DEPUTY ZONING COMMISSIONER
of Walgrove Road	
(639 Main Street)	* OF BALTIMORE COUNTY
4th Election District	
3rd Councilmanic District	* Case No. 98-76-SPHXA
639 Main Street, LLC	*
Petitioners	

* * * * *

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, 639 Main Street LLC, by David Farrell, Manager, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners seek a special exception for a Class B Assisted Living Facility and approval that the gross area of the subject property complies with the density requirements of Section 432.5.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition to the Petitions for Special Hearing and Special Exception, the Petitioners seek variance relief from Section 1B01.2.C.1.a of the B.C.Z.R. to permit a side yard setback of 13 feet in lieu of the required 20 feet and a rear yard setback of 27 feet in lieu of the required 30 feet, and from Section 204.3.C.1 of the B.C.Z.R. to permit an illuminated identification sign of 20 sq.ft. per face (40 sq.ft. total) in lieu of the maximum permitted 15 sq.ft. per face and no illumination. 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 1.

Appearing at the hearing on behalf of the Petitions were David Farrell, a representative of 639 Main Street LLC, James Patton, Professional Engineer who prepared the site plan for this property, and Howard L.

ORDER RECEIVED FOR FILING

Date

By

10/11/97
[Signature]

Alderman, Jr., Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 1.02 acres, more or less, zoned R.O. and is improved with a three-story Class A Assisted Living Facility, known as the Newport Assisted Living Facility. The Petitioners are desirous of constructing a two-story addition to the second and third floors of the existing building to provide private rooms for some of its residents. Testimony revealed that the Newport Assisted Living Facility currently houses 15 residents, which number will not change by virtue of the proposed addition. The purpose of the addition is simply to add private rooms to the existing facility for those residents who wish not to share their room. As a result of the proposed addition, however, the use of the subject property becomes that of a Class B Assisted Living Facility and thus, a special exception is necessary. Furthermore, a special hearing is necessary to approve that the gross area of the property meets the density requirements of Section 432.5.A.2 of the B.C.Z.R. for a Class B Assisted Living Facility.

As to the request for variance, testimony revealed that the building has existed on the property for many years and that the Petitioners recently converted its use to a Class A Assisted Living Facility. Due to the location of the existing building and related parking area, the proposed addition will be located on the northeast side of the structure. While the proposed addition will not increase the footprint of the existing building, nor change existing setbacks on the property, the requested variance is necessary in order to proceed with the proposed improvements.

ORDER RECEIVED FOR FILING
Date 10/10/99
By [Signature]

that the sign has existed on the property since the Newport Assisted Living Facility opened several months ago and that the Petitioners merely wish to add a small light fixture at its base to illuminate same. Photographs of the property show that the sign is in keeping with other signs in the area.

It is clear that the B.C.Z.R. permits the use proposed in a R.O. 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. 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 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 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, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variances are not granted. As noted above, the subject property has a gross area of 1.02 acres and therefore, does satisfy the minimum 1.0 acre requirement of Section 432 of the B.C.Z.R. Furthermore, it has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

ORDER RECEIVED FOR FILING

Date

By

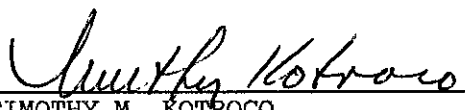
Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing, special exception and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of October, 1997 that the Petition for Special Exception for a Class B Assisted Living Facility, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the subject property complies with the density requirements of Section 432.5.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), and as such, the Petition for Special Hearing is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1.a of the B.C.Z.R. to permit a side yard setback of 13 feet in lieu of the required 20 feet and a rear yard setback of 27 feet in lieu of the required 30 feet, and from Section 204.3.C.1 of the B.C.Z.R. to permit an illuminated identification sign of 20 sq.ft. per face (40 sq.ft. total) in lieu of the maximum permitted 15 sq.ft. per face and no illumination, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their permits 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

ORDER RECEIVED FOR FILING

date

by



Baltimore County
Zoning Commissioner
Office of Planning

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

October 10, 1997

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
NE/S Reisterstown Road, 330' S of Walgrove Road
(639 Main Street)
4th Election District - 3rd Councilmanic District
Case No. 98-76-SPHXA

Dear Mr. Alderman:

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

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

Very truly yours,

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

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. David Farrell, Manager, 639 Main Street, LLC
639 Main Street, Reisterstown, Md. 21136

Mr. James S. Patton
305 W. Chesapeake Avenue, Suite 118, Towson, Md. 21204

People's Counsel; Case Files





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 639 Main Street, Reisterstown, Maryland

98-76-SPHX A

which is presently zoned R.O.

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

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

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

Contract Purchaser/Lessee:

N/A

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

Howard L. Alderman, Jr.

(Type or Print Name)

Signature

305 W. Chesapeake Ave., #113

Address

Towson, MD. 21204 (410) 321-0600

City

State

Zipcode

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

Legal Owner(s):

639 Main Street, LLC.

(Type or Print Name)

David Farrell, Manager

Signature

(Type or Print Name)

Signature

639 Main Street

(410) 298-9800 Ext. 223

Address

Phone No

Reisterstown, Maryland 21136

City

State

Zipcode

Name, Address and phone number of representative to be contacted

James S. Patton, P.E.

Name

305 W. Chesapeake Ave., #118 (410) 296-2140

Address

Towson, MD. 21204

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

ORDER RECEIVED FOR FILING

Date

Received 9/5/95

98-76-5PHXA

ATTACHMENT
PETITION FOR SPECIAL HEARING
639 MAIN STREET, REISTERSTOWN, MD.

THE GROSS SITE AREA OF 1.02 ACRES $\pm$ WITH NET SITE AREA OF 0.94 ACRES $\pm$
COMPLIES WITH THE DENSITY REQUIREMENT OF BCZR SECTION 432.5 A2.

ORDER RECEIVED FOR FILING
Date 10/10/97
By [Signature]

76



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at

639 Main Street, Reisterstown, Road

which is presently zoned R.O.

98-76-5 PHXA

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

Assisted Living Facility, Class "B"

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

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

Contract Purchaser/Lessee.

N/A

(Type or Print Name)

Signature

Address

City

State

Zip Code

Attorney for Petitioner.

Howard L. Alderman, Jr.

(Type or Print Name)

Howard L. Alderman, Jr.

Signature

305 W. Chesapeake Ave., #113 (410) 321-0600

Address

Towson, Maryland 21204

City

State

Zip Code

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

Legal Owner(s)

639 Main Street, LLC.

(Type or Print Name)

David Farrell, Manager

Signature

(Type or Print Name)

Signature

639 Main Street

(410) 298-9800 Ext. 223

Address

Reisterstown, Maryland 21136

Phone No

City

State

Zip Code

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

James S. Patton, P.E.

Name

305 W. Chesapeake Ave., #118 (410) 296-2140

Address

Towson, Maryland 21204

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

8/22/97

ORDER RECEIVED FOR FILING

Date

By



Petition for Variance

76

to the Zoning Commissioner of Baltimore County
for the property located at 639 Main St., Reisterstown, Maryland

98-76-SPHKA

which is presently zoned R.O.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

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:

N/A

(Type or Print Name)

Signature

Address

City

State

Zip code

Attorney for Petitioner

Howard L. Alderman, Jr.

(Type or Print Name)

Signature

(410) 321-0600

305 W. Chesapeake Ave., #113

Address

Phone No

Towson, Maryland 21204

City

State

Zip code

Legal Owner(s)

639 Main Street, LLC.

(Type or Print Name)

David Farrell, Manager

Signature

(Type or Print Name)

Signature

639 Main Street

(410) 298-9800 Ext 223

Address

Phone No

Reisterstown, Maryland 21136

City

State

Zip code

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

James S. Patton, P.E.

Name

305 W. Chesapeake Ave., #118 (410) 296-2140

Address

Towson, MD. 21204

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following date

Next Two Months

ALL

OTHER

REVIEWED BY

DATE

8/22/97

ORDER RECEIVED FOR FILING

Date

By

ATTACHMENT
PETITION FOR VARIANCE
639 MAIN STREET, REISTERSTOWN, MD.

FROM SECTION 1B01.2 C.1.a:

FROM SECTION 204.3 C.1 

98-76-SPHX'A

To approve a side yard setback of thirteen feet (13') in lieu of the required twenty feet (20') and a rear yard setback of twenty-seven feet (27') in lieu of the required thirty feet (30') based on the approval of the existing use as an Assisted Living Facility, Class "B".

TO PERMIT A SIGN OF 20 S.F. PER FACE IN LIEU OF THE MAX. 15 S.F. PER FACE.
WITH ILLUMINATION IN LIEU OF ADD ILLUMINATION. 
FOR THE FOLLOWING REASONS:

1. An irregular shaped lot;
2. No increase in the existing setback deficiency;
3. Anomallly based on the classification changing from the existing Assisted Living Facility, Class "A" to an Assisted Living Facility, Class "B"; and
4. Such other reasons presented at the time of the hearing.

ORDER RECEIVED FOR FILING

Date 10/10/07

By [signature]

PATTON

Patton
Consultants
Ltd.
Engineering
& Site
Planning

76

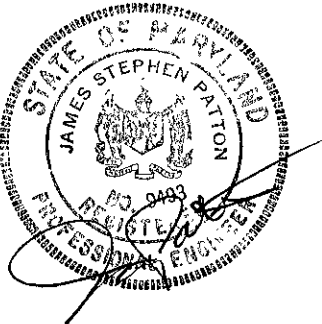
98-76-
SPHKA

ZONING DESCRIPTION 639 MAIN STREET REISTERSTOWN, MARYLAND

Beginning at a point on the north side of Reisterstown Road (MD. Rte 140) which is eighty feet (80') wide at a distance of three hundred and fifty feet (350') south of the centerline of Walgrove Road which is fifty feet (50') wide. Thence the following courses and distances.

- | | | |
|----|-------------------|---------|
| 1. | N 43° 20' 03" W - | 126.47' |
| 2. | N 46° 09' 57" E - | 175.00' |
| 3. | N 43° 20' 03" W - | 80.00' |
| 4. | N 46° 09' 57" E - | 143.05' |
| 5. | S 43° 20' 03" E - | 147.97' |
| 6. | S 45° 27' 37" W - | 183.04' |
| 7. | S 42° 44' 13" E - | 37.58' |
| 8. | S 16° 49' 07" W - | 38.09' |
| 9. | S 46° 09' 57" W - | 101.61' |

To the place of beginning as recorded in deed Liber 11916 Folio 247.



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: #98-76-SPHXA
639 Main Street
NE/S Reisterstown Road,
300' +/- S of Walgrove Road
4th Election District
3rd Councilmanic
Legal Owner(s): 639 Main
Street, LLC

Special Hearing: to approve the gross site area of 1.02 +/- acres with net site area of 94 +/- acres complies with the density requirement

Special Exception: for an Assisted Living Facility, Class "B"

Variance: to approve a side yard setback of 13 feet in lieu of the required 20 feet and a rear yard setback of 27 feet in lieu of the required 30 feet; and to permit a sign of 20 square feet per face in lieu of the maximum 15 square feet per face with illumination in lieu of no illumination

Hearing: Thursday, September 25, 1997 at 11:00 a.m., Room 407 Courts Bldg., 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.

9/078 Sept. 4 C170939

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. Henrichson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

043333

DATE

8/22/97

ACCOUNT

R0016150

AMOUNT

\$ 650.00

RECEIVED
FROM:

64 Reisterstown Rd LLC

FOR:

SPHYA

DISTRIBUTION

TE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS

ACTUAL

TIME

8/22/1997

8/22/1997

11:18:18

REG 0006

CASHIER KNCM KXM

DRAWER 6

MISCELLANEOUS CASH RECEIPT

Receipt #

015510

OFF N

CR NO. 043333

650.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

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

Petitioner/Developer:
(639 Main Str. LLC.)
Date of Hearing/Closing:
(Oct. 1, 1997)

Ladies and Gentleman:

639 Main Street Reisterstown Maryland 21136

Sincerely,

Sincerely,

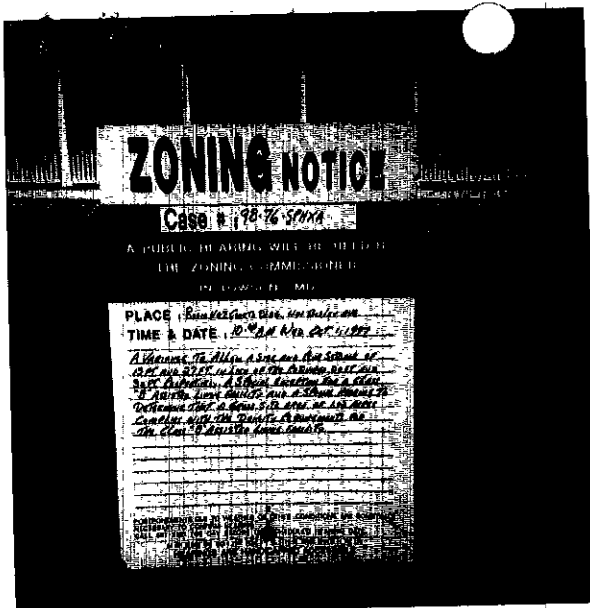

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)



98-76-SPHXA



Baltimore County
Department of Permits and
Development Management

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

September 12, 1997

NOTICE OF REASSIGNMENT

Rescheduled from 9/25/97
CASE NUMBER: 98-76-SPHXA
639 Main Street
NE/S Reisterstown Road, 300'+/- S of Walgrove Road
4th Election District - 3rd Councilmanic
Legal Owner(s): 639 Main Street, LLC

Special Hearing to approve the gross site area of 1.02+/- acres with net site area of .94+/- acres complies with the density requirement. Special Exception for an Assisted Living Facility, Class "B". Variance to approve a ised yard setback of 13 feet in lieu of the required 20 feet and a rear yard setback of 27 feet in lieu of the required 30 feet; and to permit a sign of 20 square feet per face in lieu of the maximum 15 square feet per face with illumination in lieu of no illumination.

HEAING: WEDNESDAY, OCTOBER 1, 1997 at 10:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a large, stylized "J" and "A".

ARNOLD JABLON
DIRECTOR

cc: Patton Consultants
639 Main Street, LLC
Howard L. Alderman, Jr., Esq.

PLEASE NOTE THAT THE ZONING SIGN ON THE PROPERTY MUST BE ALTERED TO GIVE NOTICE OF THE ABOVE HEARING ON OR BEFORE SEPTEMBER 16, 1997 AND CERTIFICATION OF SAME FILED WITH THIS OFFICE. PLEASE CONTACT THE SIGN VENDOR USED FOR THE ORIGINAL POSTING.



PATTON

Patton
Consultants
Ltd.
Engineering
& Site
Planning

September 2, 1997

9/4/97
cf
TO GS

Permits & Development Management
111 West Chesapeake Avenue, Room 109
Towson, Maryland 21204

Attention: Mr. Arnold Jablon, Deputy Zoning Commissioner

Re: 639 Main Street
Case #98-76-SPHXA
PCL #97005

Dear Mr. Jablon:

By copy of this, letter I hereby request a change of day and time for the above referenced project. This hearing was originally scheduled for Thursday, September 25th. @ 11:00 a.m., room 407, New Courts Building. Due to a previous commitments, neither David Farrell, the petitioner nor I would be able to attend this meeting as scheduled. Therefore, I await notification from you as to when this hearing will be re-scheduled.

Thank you.

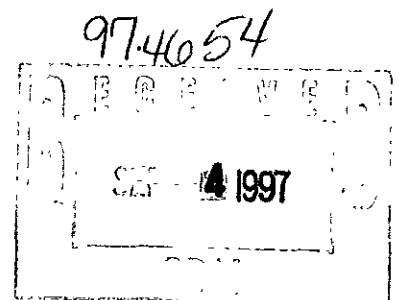
PATTON CONSULTANTS, LTD.

James S. Patton / m.e.t.

James S. Patton, PE.,
President

JSP/met

cc: Ms. Gwnedolyn Stephens



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.: 98-76-~~7~~ SPHXA

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

PLACE: *

DATE AND TIME: *

REQUEST: A VARIANCE TO ALLOW A SIDE AND REAR SETBACK OF 13 FT. AND 27 FT. IN LIEU OF
THE REQUIRED 20 FT. AND 30 FT. RESPECTIVELY. A SPECIAL EXCEPTION FOR A CLASS
"B" ASSISTED LIVING-FACILITY AND A SPECIAL HEARING TO DETERMINE THAT A
GROSS SITE AREA OF 1.02 ACRES COMPLIES WITH THE DENSITY REQUIREMENTS
~~SET~~ FOR THE CLASS "B" ASSISTED LIVING-FACILITY

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

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

HANDICAPPED ACCESSIBLE



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

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

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 76

Petitioner: 639 MAIN STREET, LLC

Location: 639 MAIN STREET, REISTERSTOWN, MD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: 639 MAIN ST. LLC ATTN: DAVID FARRELL, MANAGER

ADDRESS: 639 MAIN STREET

REISTERSTOWN, MD. 21136

PHONE NUMBER: (410) 298-9800 EXT 223

AJ:ggs

(Revised 04/09/93)



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: 98-76-SPHXA

639 Main Street

NE/S Reisterstown Road, 300' +/- S of Walgrove Road

4th Election District - 3rd Councilmanic

Legal Owner(s): 639 Main Street, LLC

Special Hearing to approve the gross site area of 1.02 +/- acres with net site area of .94 +/- acres complies with the density requirement.

Special Exception for an Assisted Living Facility, Class "B".

Variance to approve a ised yard setback of 13 feet in lieu of the required 20 feet and a rear yard setback of 27 feet in lieu of the required 30 feet; and to permit a sign of 20 square feet per face in lieu of the maximum 15 square feet per face with illumination in lieu of no illumination.

HEARING: THURSDAY, SEPTEMBER 25, 1997 at 11:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: 639 Main Street, LLC
Howard L. Alderman, Jr., Esq.
James S. Patton, P.E.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY SEPTEMBER 10, 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

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Ste. 113
Towson, MD 21204

RE: Item No.: 76
Case No.: 98-76-SPHXA
Petitioner: 639 Main Street, LLC

Dear Mr. Alderman:

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 22, 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 "Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)





Baltimore County
Fire Department

8

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

August 3, 1997

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

RE: Property Owner: LLC & STONERIDGE CONDOMINIUM, INC.
JOSEPH H. SEIPP, JR.
GLENN C. CAMPBELL & MELISSA H. DOWLING
639 MAIN STREET, LLC

Location: DISTRIBUTION MEETING OF SEPTEMBER 2, 1997

Item No.: 068, 069, 075, AND 076

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

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

cc: File



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

TO: PDM

DATE: 8/29/97

FROM: R. Bruce Seeley. *RN/yp*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Sept 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

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 MD 21204

RE: Baltimore County
Item No. 076 (JLL)

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval,
as a field inspection reveals the existing entrance ~~(#)~~ onto MD ~~140~~ # 140
(S) ~~are~~ acceptable to the State Highway Administration (SHA) and this development is not
affected by any SHA projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.
Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

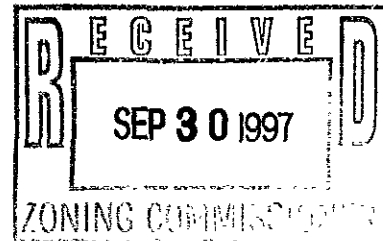
LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE



TO: Arnold Jablon, Director
Dept. of Permits & Development Management

Date: September 30, 1997

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

SUBJECT: 64 Main Street

INFORMATION

Item Number:

518

Petitioner:

Newport Assisted Living Facility

Zoning:

RO

Summary of Recommendations:

Section 432.5B.1.d of the Baltimore County Zoning Regulations requires a compatibility report for a Class B Assisted Living Facility under Section 26-282 of the Baltimore County Code. The applicant has submitted a written compatibility report which lacks architectural elevations and a landscape plan.

Staff has reviewed the written report and recommends that should this project be approved, the Zoning Commissioner should require that the applicant submit architectural elevations and a landscape plan to the Office of Planning for review and approval. In addition, we recommend that all signage be in conformance with the Baltimore County Zoning Regulations as there appear to be no unique site conditions that would justify such a request.

Prepared by:

Jeffrey W. Long

Division Chief:

Barry L. Kerns

AFK/JL

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR SPECIAL EXCEPTION *
PETITION FOR VARIANCE * ZONING COMMISSIONER
639 Main Street, NE/S Reisterstown Road, *
300'+/- S of Walgrove Road * OF BALTIMORE COUNTY
4th Election District, 3rd Councilmanic *
CASE NO. 98-76-SPHXA
Legal Owner(s): 639 Main Street, LLC *
Petitioner *

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of August, 1997, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., 305 W. Chesapeake Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Jim Patton

305 W. CHESAPEAKE AVE. SUITE 118 TOWSON MD

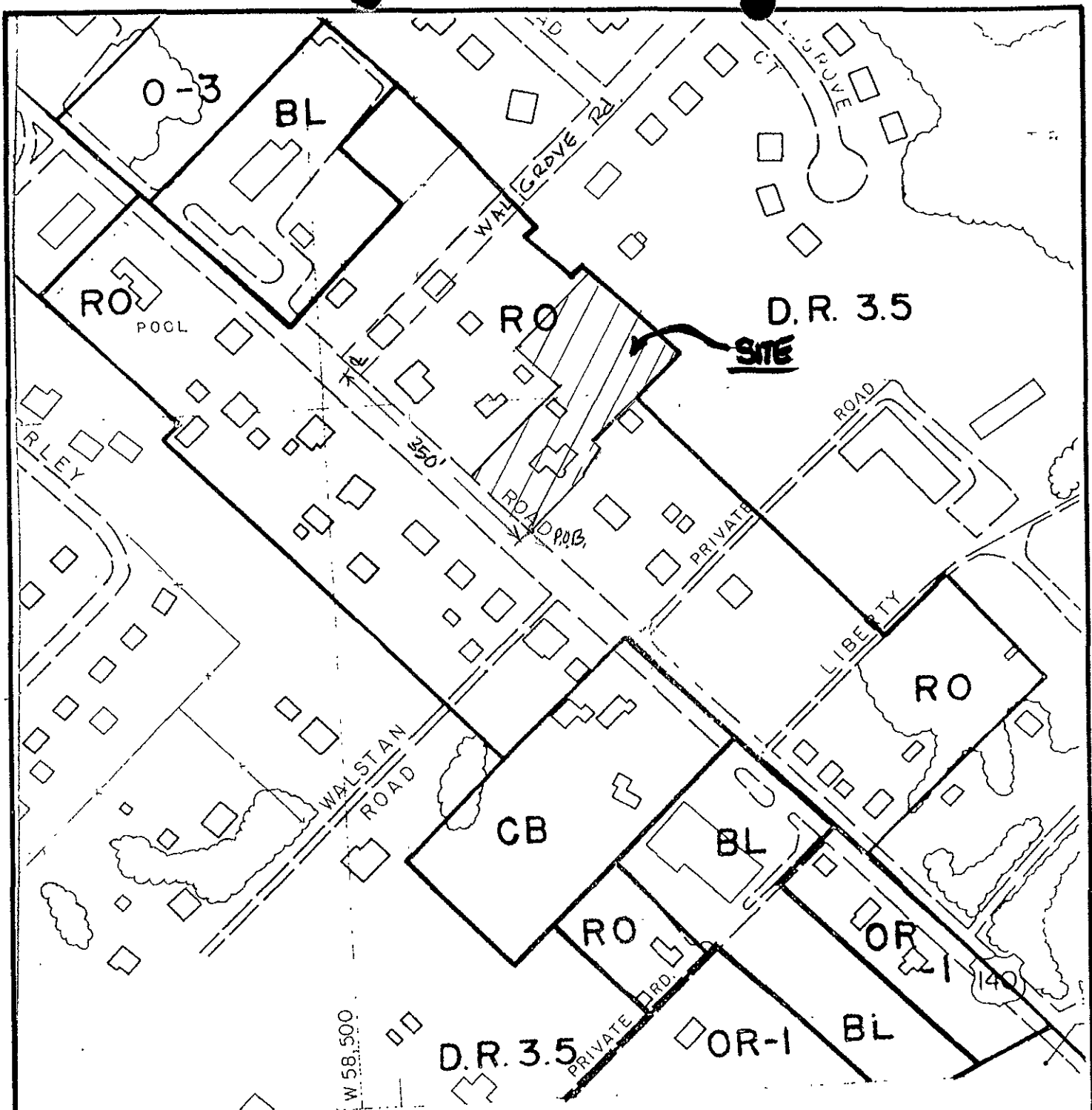
David Farrell

7000 Security Blvd., #302, Balt MD 21244

Howard L. Alderman Jr Esq

305 W. Chesapeake Avenue #113
TOWSON MD 21204





1996 COMPREHENSIVE ZONING MAP
 ADOPTED BY
 THE DALE PARSONS COUNTY COUNCIL
 OCTOBER 8, 1996

76
 98-76-SPHXA

PATTON

Patton Consultants Ltd., Engineering & Site Planning
 305 West Chesapeake Avenue, Suite 118
 Towson, Maryland 21204
 410-296-2140 Fax: 410-296-0419

SCALE 1" = 200'	LOCATION REISTERSTOWN AREA DELIGHT	SHEET N.W. 15-4
DATE OF PHOTOGRAPHY JANUARY 1986		
DRAWN:	CHECKED:	DATE:
JOB# 97003	SCALE: 1" = 200'	SHT. 1

Newport Assisted Living

*Experience the service and elegance
that Baltimore has come to expect
from Newport Assisted Living at our
newest Towson location.*

*64 Main Street
Reisterstown, Maryland 21136*

*639 Main Street
Reisterstown, Maryland 21136*

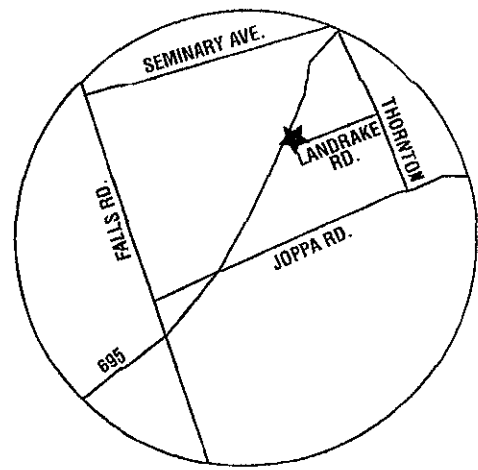
*1812 Landrake Road
Ruxton, Maryland 21204*

*For information or a tour please call
410-526-1400*

Introducing Ruxton's finest assisted living address. Opening in October 1997, this 12,000 square foot mansion will feature 15 private suites with elevator access on a beautifully landscaped setting.

Newport Assisted Living is a wonderful alternative to nursing home care. Each home provides the service and elegance of a bed and breakfast, combined with constant companionship and 24 hour medical oversight. Newport Assisted Living is not institutional care. Each home has a luxurious living and dining room, family room, kitchen, hardwood and marble floors, fireplaces and exquisite furnishings in a real home atmosphere.

For one monthly fee, residents can take advantage of a variety of personal services including 24 hour oversight, on-call physician and registered nurse, activities director and medication management. These amenities compliment our standard services which include daily housekeeping and linen services, personal laundry, all meals/snacks, special diets (as needed), transportation arrangements to doctors appointments and assistance in bathing, dressing and personal grooming.



1812 Landrake Road, Ruxton, MD

**639 MAIN STREET
REISTERSTOWN, MARYLAND
NEWPORT ASSISTED LIVING FACILITY
PROPOSED CLASS "B" ASSISTED LIVING FACILITY
COMPATIBILITY STATEMENT/STUDY**

Prepared for 639 Reisterstown Road, LLC.
c/o Mr. David Farrell, Manager
639 Main Street
Reisterstown, Maryland 21136

**PETITIONER'S
EXHIBIT 3**

Prepared by James S. Patton
Patton Consultants, Ltd.
305 W. Chesapeake Avenue
Suite 118
Towson, Maryland 21204
(410) 296-2140

**NEWPORT ASSISTED LIVING FACILITY
639 MAIN STREET/REISTERSTOWN ROAD
COMPATIBILITY STATEMENT/STUDY**

INTRODUCTION:

639 Main Street, Reisterstown, Maryland is a 1.02 acre site, located on the north east side of Main Street in Reisterstown south of Walgrove Road. At the present time, a three (3) story Assisted Living Facility Class "A" for fifteen (15) residents exists on the front of the site. Toward the rear of the site is a garage and behind that is open space and the on-lot septic reserve area. This site is split zoned, having most of the site in the RO zone with a small sliver of DR 3.5 in the rear. To the south is RO with office use. To the north of the site is RO with office use. To the east is DR 3.5 single family residential. The west is Reisterstown Road (MD Rte 140) with an 80' right-of-way. The open space on the site is composed of yard area with mature landscaping and parking area.

The proposed development of the site is to construct an addition on the 2nd and 3rd floors over an addition which was added when the structure was converted to a Class "A" Assisted Living Facility. The structure will continue to house the fifteen (15) assisted living residents. There will be four (4) "private rooms" instead of the existing two (2) "semi-private" rooms. No other changes are proposed for the structure

Architectural plans for the proposed structure have not been finalized as the requested variance, special hearing, and special exception petitions which were filed for this proposed development have not been granted. A Hearing is scheduled for _____ before the Zoning Commissioner.

The facade of the proposed addition to the structure will be Victorian with siding identical to the existing. It will be compatible with the existing Victorian design. Roof pitches will be similar to those that exist being compatible with the neighborhood and the existing structure. Parking on the site will continue as it is. No additional spaces are required as the total number of beds will not change.

NEIGHBORHOOD CONTEXT:
(Refer to Photos)

The proposed development is located in a strip RO zoned area of Reisterstown which has been converted from residence to offices. Primarily, one must focus on the fact that in this area of Reisterstown Road there have been modernization, non-conforming uses and basically conversion of larger residences to office/limited commercial use.

The width of the lot is approximately 127 to 147 feet, it widens out behind the garage. Toward the rear of the lot on the north east side it is surrounded by single family residences with the residences being approximately 40 plus feet from the common lot lines that abut the lot. These single family lots in the DR 3.5 zone are smaller lots. In summary, the proposed addition to the existing assisted living structure will not impact the surrounding neighborhood.

COMPATIBILITY OBJECTIVES:

In accordance with Section 26-282, Compatibility, of the Baltimore County Code, there are eight (8) compatibility objectives which need to be addressed:

- 1) **Site Improvements:** The proposed addition to the proposed Class "B" Assisted Living Facility which will be located in an RO zone will not change the footprint of the structure. The orientation of the proposed structure will not be changed.

The proposed 2nd and 3rd floor addition will slightly alter the appearance from Reisterstown Road. As it is in the rear of the building, it will hardly be apparent from any significant view. The fenestration and roof lines will be in keeping with the design context of the rest of the structure.

As to height, the maximum height of the structure will not change. The open space on the lot will not change as the addition is on the second and third floors, thus not altering the footprint.

- 2) **Parking Lots, Street Scape Patterns:** Placement of parking for the facility existed prior to 1993. Landscaping is proposed to screen the parking. Landscaping is also proposed to enhance the proposed addition by softening the first floor in that area. The parking layout is a continuation of the existing parking pattern which is perpendicular to the existing driveway which runs the depth on the north side of the lot. As the frontage on Reisterstown Road is 126 feet $\pm$, the impact on the streetscape will not be altered as the front yard and the existing front building will not be changed.
- 3) **Proposed Streets and Sidewalks:** No new streets or sidewalks are proposed for this development.
- 4) **Open Spaces:** The amenity open spaces/open spaces in accordance with the RO zones greatly exceed what is required by zoning. As there is no impact, the impact on the open space by the proposed development and open space relative to the neighborhood will not be changed. The existing open space is complimentary to the existing open space of the yards and adjoining office/RO properties.

- 5) Significant Features: The proposed addition to the structure on the site has been integrated into the site design. Vistas from the site are essentially non-existent. The rear yards/open space areas of the adjoining lots will not be impacted by the addition as no views will be obstructed.
- 6) Proposed Landscape Design: As the existing parcel has mature landscaping and mature trees, the placement of supplemental landscape buffering will be done to complement and supplement the existing landscaping where required. The adjoining lots to the north and east are essentially lawns/open yards with established trees and shrubs. No additional in fill of landscaping is needed. Because of the assisted living use a "minimalist" approach to the landscaping is highly desirable for the continuing monitoring of resident's activities when in the yard area.
- 7) Exterior Signs, Site Lighting and Accessory Structures: The only accessory structure (garage) will continue. Proposed site lighting will be adequate to provide ground lighting for pedestrian movement. Lighting will be in accordance with zoning regulations. The only exterior sign will be the "Newport Assisted Living" sign which presently exists facing Reisterstown Road/Main Street. This sign is proposed to be softly illuminated if the requested variance is granted.
- 8) Proportion to Existing Neighborhood: By constructing the additions on the 2nd and 3rd floors, the scale, proportion, massing and detail will not impact the proportions which presently exist in the neighborhood. Also, due to topography and the location of the proposed addition the height and mass of the building as perceived from the neighboring single family homes will not be impacted with the exception of the single family immediately to the rear which is in the RO zone. With the landscaping proposed, the massing and height of the proposed building will be softened even further.

SUMMARY:

In summary, the proposed addition to the structure will have minimum impact on the neighborhood. In fact by converting the two existing "semi-private" rooms (4 people) to four "private rooms" (4 people), a recognized need of the neighborhood will be met. There has been an unmet demand for the private rooms in lieu of the "semi-private" at this Assisted Living Facility (Class "A") since the time this facility was available to be occupied by residents.



VIEW FROM SOUTHWEST - 639 MAIN STREET
NOTE: ONE-STORY ADDITION TO THE RIGHT
PROPOSED ADDITION ABOVE - BEHIND TREE



VIEW FROM SOUTHWEST - 639 MAIN STREET
ADDITION WOULD BE HIDDEN BY
TREE FOLIAGE



VIEW FROM SOUTHEAST - 639 MAIN STREET

**NOTE: ADDITION TO BE ABOVE FIRST
FLOOR AND WINDOW AREA**

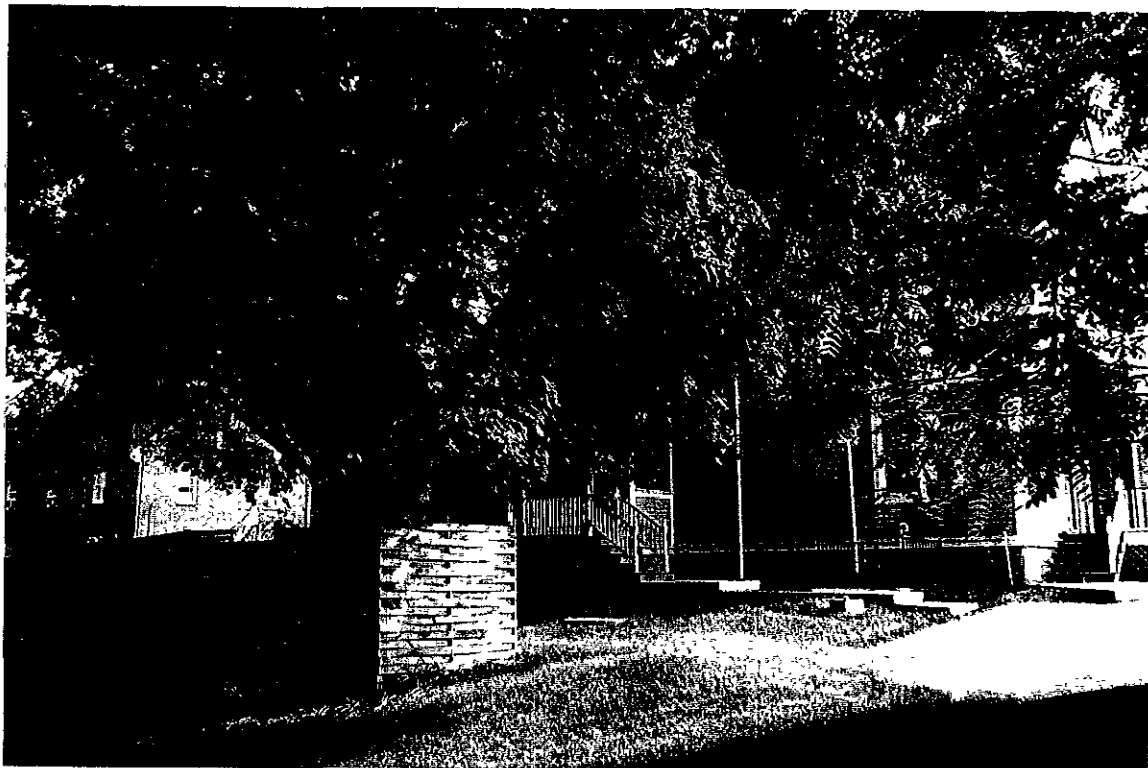


VIEW FROM THE SOUTH - 639 MAIN STREET

**NOTE: ADDITION AREA HIDDEN BY
MATURE VEGETATION**

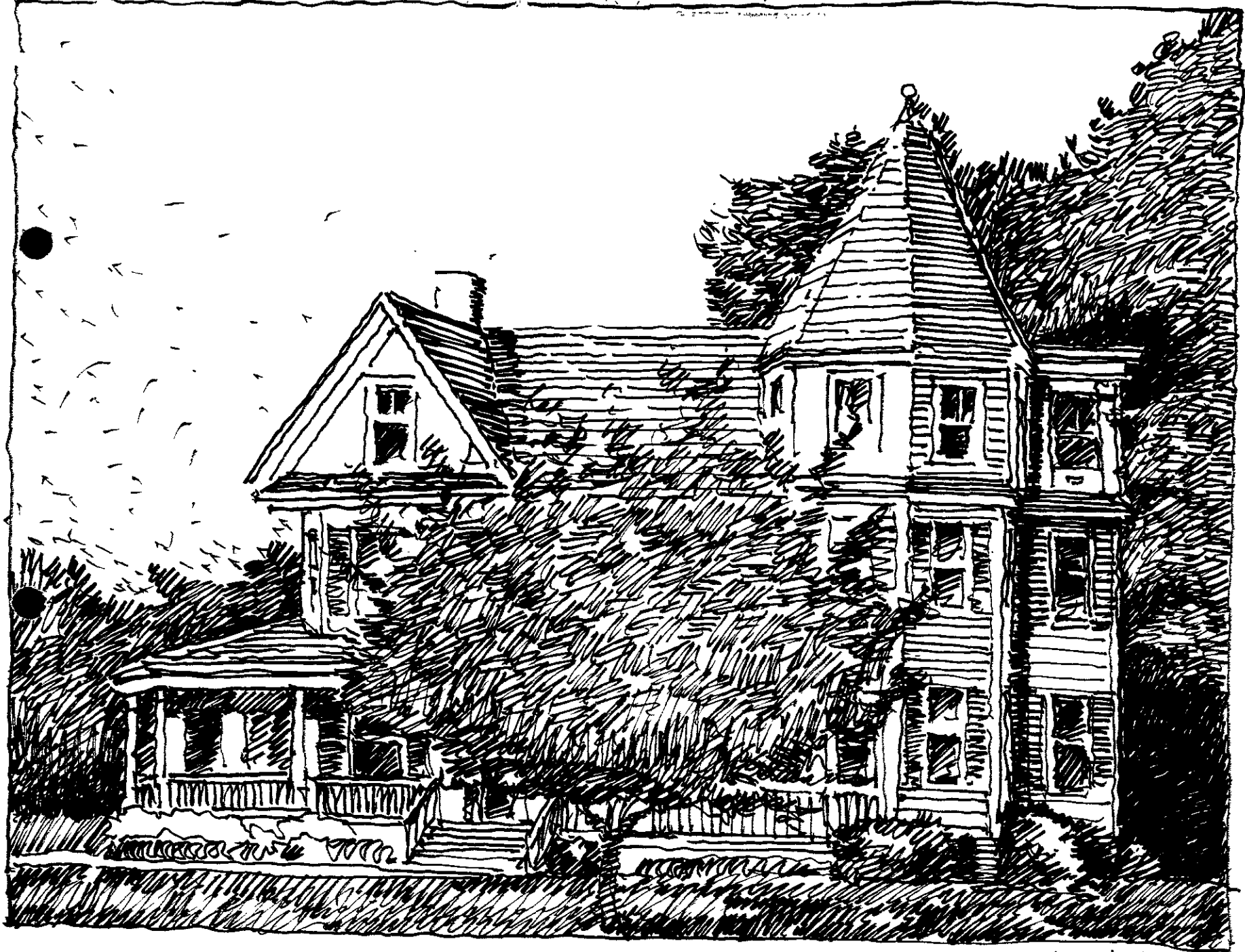


VIEW FROM NORTHWEST - 639 MAIN STREET
NOTE: ADDITION IN REAR CANNOT BE SEEN



VIEW FROM NORTHEAST - 639 MAIN STREET
NOTE: ADDITION AREA BEHIND TREE

4



600 Main Street

Pettitioner's
Exhibits 2A-2G

(photographs)

98-76-SPNXA



1+619U 9596

PETITIONER'S EXHIBIT 2 F

Looking Northwest - 3 window area is portion to
receive 2nd & 3rd floor addition

<No. 180>

4N+19AU 9596

PETITIONER'S EXHIBIT 2 G

Looking at rear of subject property with area to receive
2nd & 3rd floor addition on l/h side of photo

<No. 160>



-129U 9596

PETITIONER'S EXHIBIT 2 **A**

Looking East at Existing Building

<No. 164>

-139U 9596

PETITIONER'S EXHIBIT 2 **B**

Looking Southeast showing subject property, existing
sign and property to South

<No. 18>



219U 9596

PETITIONER'S EXHIBIT **C**

Looking South Along Main Street - Existing Sign
Shown

(No. 0A) R

I-159U 9596

PETITIONER'S EXHIBIT **D**

Looking Northeast w/ hedge separating subject
property from RO property to the South

(No. 12A)

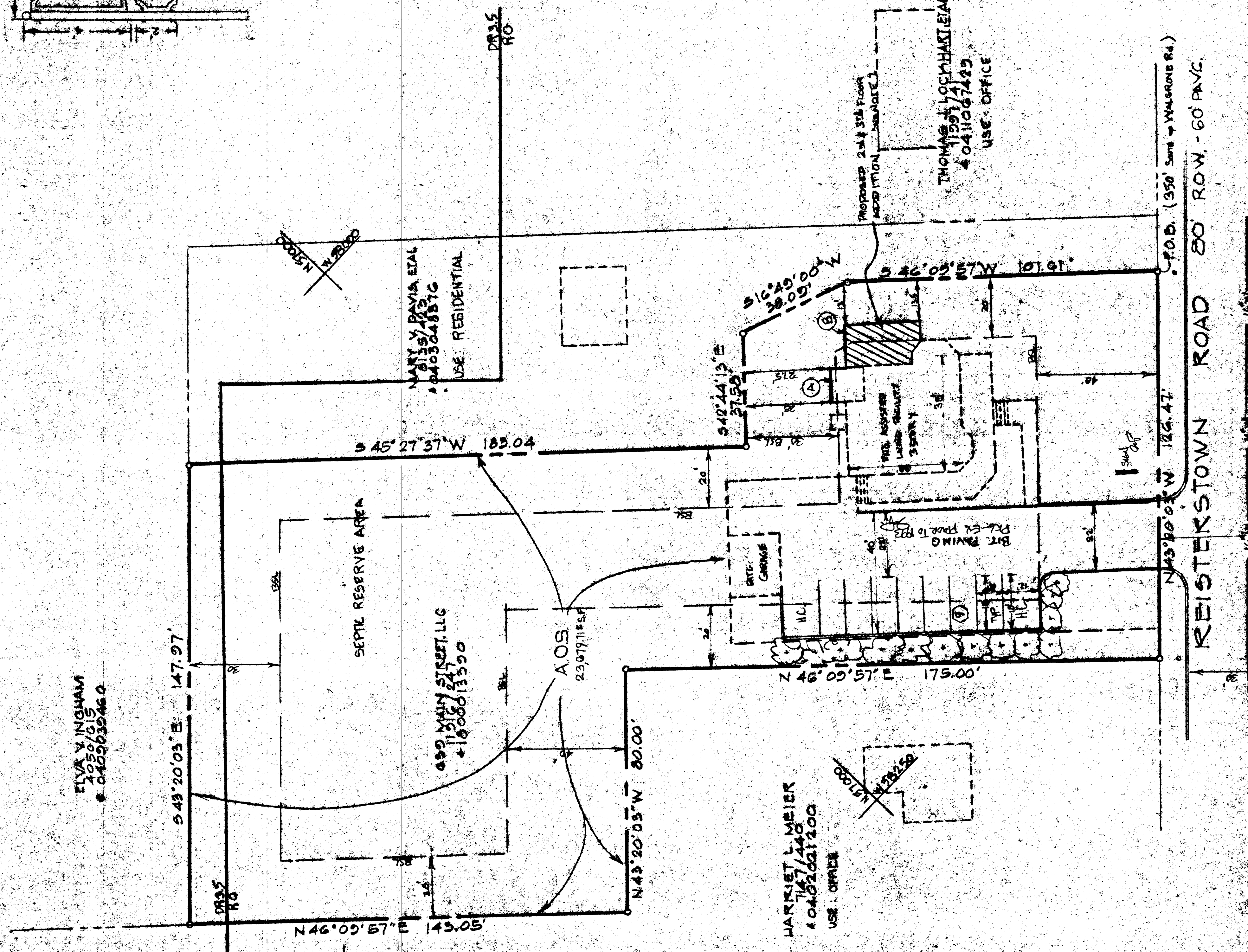
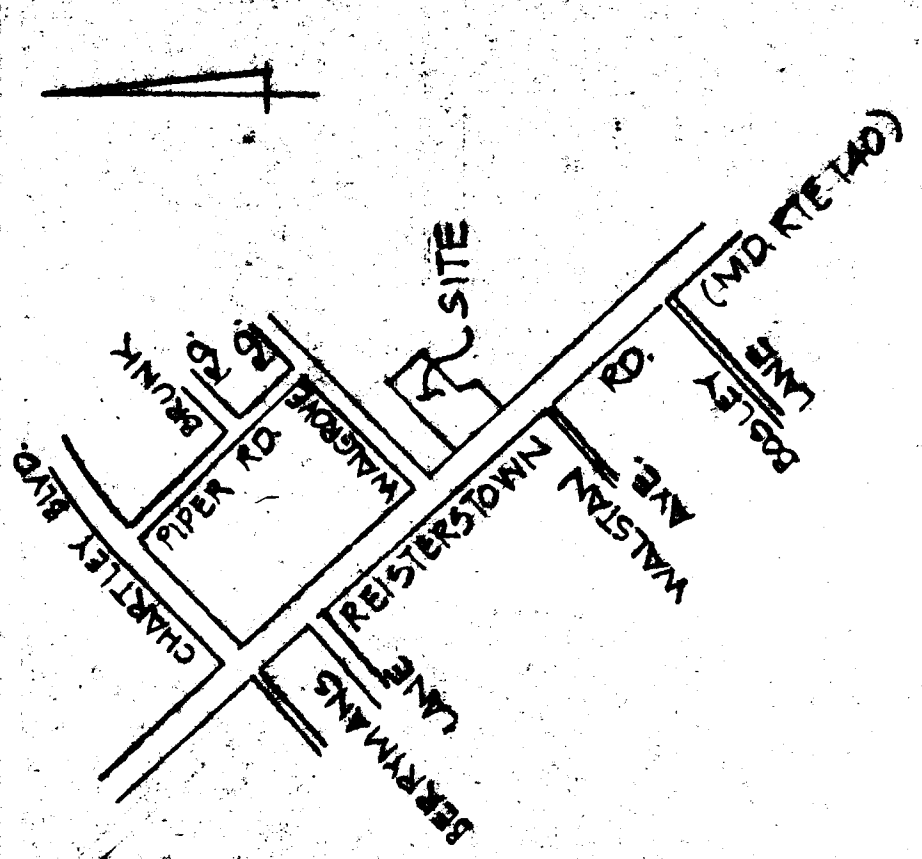


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PETITIONER'S EXHIBIT 2 E

Looking Northeast from southern portion of adjoining
RO property

33
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ELVA Y INGLAM
4050/315
0402632460

M. JOANN FRANKLIN, ETAL
11041/591
040200627

~~457250 W58250~~

WARRIET L. MEIER
7147/440
#0402021200
USE : OFFICE

ROOM 2nd & 3rd Floor
EXPOSITION SQUARE
THOMAS L. JOCHUMSKI
1591751
60410061423
USE OFFICE

ZONING DESCRIPTION
639 MAIN STREET
BOSTON, MASSACHUSETTS

Beginning at a point on the north side of Robertson Road (RD. No. 143) which is sixty feet (60') wide at a distance of three hundred and fifty feet (350') south of the intersection of Weigrove Road which is fifty feet (50') wide. Thence the following courses and distances

1.	N 45° 20' 00" W	128.47
2.	N 40° 08' 57" E	175.00
3.	N 43° 30' 00" W	80.00
4.	N 40° 00' 57" E	143.00
5.	S 45° 20' 00" E	149.98
6.	S 45° 27' 37" W	103.00
7.	S 45° 44' 13" E	35.50
8.	S 16° 49' 07" W	30.00
9.	S 40° 00' 57" W	101.41

To the place of Beginning as returned in said Liber 119/4 Folio 231

LOCATION PLAN
SCALE 1"=600'

98-76-SPIXA

76 PETITIONER'S EXHIBIT 1
 PRINTED
 NOV 24 1997
 ROMAN CONSUMERS, LTD.

PATTON

305 West Chesapeake Avenue, Suite 118, Towson, Maryland 21204
410-296-2149 Fax 410-296-0449
SBO MATTINGLY NINEALE

632 MAIN STREET - REISTERSTOWN, MD.

PLAT TO ACCOMPANY VARIANCE & SPECIAL HEARING	DATE	6/97
	CASE#	

COUNTY: RAY	TO: 4	ELECTION DATE: 4	PROJECT #: 27005	SCALE: 1"=20'	OF
--------------------	--------------	-------------------------	-------------------------	----------------------	----

