IN THE MATTER OF THE APPLICATION OF SHELTER DEVELOPMENT LLC - PETITIONER FOR A ZONING RECLASSIFICATION FROM D.R. 5.5 TO D.R. 16 ON PROPERTY LOCATED ON THE NE/S TAYLOR AVE, OPPOSITE HIGHVIEW AVENUE (4100 TAYLOR AVENUE) 14TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	* * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. CR-99-440-A (DOCUMENTED PLAN)

* * * * * * * * * *

O P I N I O N

This case comes before the Board of Appeals based on a Petition for Reclassification to change the subject property's zoning from D.R. 5.5 to D.R. 16 on a Documented Site Plan. Also accompanying the Petition are issues relative to (1) either a variance or waiver of the RTA buffer to allow an entrance to be located within the 50-foot RTA buffer; and (2) variance relief to allow a sign face of 45 square feet in lieu of the 25 square feet permitted, and to allow a sign height of 8.5 feet in lieu of the allowed 6 feet. A public hearing was held on Thursday, June 10, 1999. The Petitioner was represented by Robert A. Hoffman, Esquire, VENABLE, BAETJER & HOWARD. Peter Max Zimmerman, People's Counsel for Baltimore County, also participated in these proceedings.

Opening statements were initially made by Mr. Hoffman and Mr. Zimmerman. Mr. Hoffman outlined his client's position concerning the mistake in zoning by the County Council which he would attempt to prove during the hearing; and the need for the sign variance for identification of the proposed facility and for safety purposes, as well as a waiver of the RTA restrictions as permitted in Baltimore Zoning Regulations Section 432.4 (BCZR). Mr. Hoffman initially

offered two (2) exhibits to support the zoning reclassification out of cycle: Petitioner's Exhibit 1 - the Planning Board Certification letter; and Petitioner's Exhibit 2 - Resolution 20-99 of the Baltimore County Council.

Mr. Zimmerman outlined the People's Counsel's position that he supports the Comprehensive Zoning Map of 1996 but that the elderly housing cases have an unusual history which places them on a separate tract, and Baltimore County Code Section 2-356(j) allows expedited hearings. However, the Petitioner must still establish the element of mistake. There were no Protestants at the hearing in opposition to the project, and the file reflected no objections to the proposal. However, Ms. Jennifer Wagner, a neighboring resident living across the street who opposes the sign variance, attended the hearing. Because of the new sign regulations, People's Counsel opposes sign variances, and could see no reason why the project could not go forward without the sign variance.

The Petitioner offered the testimony of Jeffrey Hettleman to support the request for reclassification. Petitioner's Exhibit #3, a three-page development map, was admitted into evidence to assist in Mr. Hettleman's testimony. Mr. Hettleman is the vice president of Shelter Properties, Inc. His duties as vice president include running the development business and supervising others to review and find sites for development. He testified that Shelter Properties, Inc., owns, manages, and finances rental properties and apartment communities, and has been in the business for 20 years,

developing various rental units -- ranging from Section 8 housing to luxury apartments. During the last 10 years, this firm has specialized in affordable housing for the elderly. Mr. Hettleman stated that they have 17 of these facilities in Baltimore County with 4 in development, out of 15,000 facilities around the entire country.

Mr. Hettleman opined that Shelter Development was proposing to build a 100-unit housing facility for the elderly on the subject site which would provide affordable housing for one and two elderly householders with incomes under $25,000 per year for one and $29,000 per year for two, and that the present zoning of D.R. 5.5 would not permit the development of the site.

Mr. Hettleman described the site as a 5-acre lot with an existing house which will remain and three older vacant structures which will be torn down. He had met with and considered the desires of the local community groups. The building, to be constructed of brick and siding, would be set back from Taylor Avenue with parking and a landscaping buffer in the front. The building would appear from the street as a two-story building and from the rear as a three-story building. The west side of the site is Taylor Park Apartments, and the surrounding three sides are single-family houses.

Considerable factual testimony was given that in 1992-1993 Shelter Development focused on the Overlea-Fullerton area with a significant elderly population. Shelter Development opened their

nearby Fullerton site off Carwell Avenue in March 1996 which was fully occupied by June 1996, and which has a current waiting list of 95 units. With a low turnover of around 15 units within 2 years, Shelter Development realized a continuing need which was unmet in the immediate area.

Petitioner began looking for another site by talking to community groups, and identified potential sites in the area. They performed demographic and market analysis to gauge the need. In order to be a Class A Housing for the Elderly, they must be part of the tax credit program and must demonstrate the need. Their analysis concluded that in a 2, 3 and 5-mile range there existed 25 percent to 27 percent population over the age of 55, and 40 percent to 43 percent of this population had an income below what was being served. The site was based on being in the community where future residents currently lived so they wouldn't have to leave the area. The majority of the population is in the mid-70s range. The boundaries of the identified area are the Baltimore City line, Harford Road, Joppa Road, and west of Belair Road. The site had to accommodate 100 units and have 5 acres zoned at D.R. 16, since the economy of the site drives the project. The search started in 1998, and three sites were identified with two determined not to be suitable for this project.

In its search, Petitioner felt that the County Council erred in the Comprehensive Zoning Map of 1996 to allow for meeting the demand of senior housing by not providing sufficient land with

density zoning of approximately 3 to 5 acres in mature areas of the County where the seniors live. Petitioner worked with the County agencies, conversed with owners of adjacent apartments, and community associations. Petitioner's exhibits of letters referring to this testimony were submitted:

Petitioner's Exhibit #4 - Overlea Fullerton Senior Center
Petitioner's Exhibit #5 - Linover Improvement Association
Petitioner's Exhibit #6 - Overlea Community Association
Petitioner's Exhibit #7 - Overlea Fullerton Development Corp.
Petitioner's Exhibit #8 - Baltimore County Department of Aging
Petitioner's Exhibit #9 - Sixth District, County Council

Petitioner's Exhibit #10, a color printout, was also submitted at the same time to demonstrate how the building would appear.

Mr. Hettleman stated that the sign variance was being requested because of the uniqueness of the site as one specifically designated to accommodate the special needs and requirements of the County's senior citizen population, and the visibility needed for visitors and especially emergency vehicles. The sign would be of the same dimensions and layout as currently existing at the Fullerton site.

The request for the waiver of Residential Transition Buffer (RTA) was due to the fact that the property runs the entire width along Taylor Avenue, and the buffer would have to be pierced somewhere with this location chosen for the best sight distance.

Mr. George William Maynard, a member of the Board of Directors of Linover Improvement Association, also testified on behalf of the rezoning and sign variance. The Rule 8 papers (Petitioner's

Exhibit #11) from the Association, which consists of 1,500 families with 600 paying dues, were submitted to the Board. Mr. Maynard testified that the community found that in-fill projects were out of character with the area. He stated that Shelter Development, Inc., approached them on the Fullerton-Parkville project and were found to be forthright and willing to work with them, and they had a good experience with the Fullerton project. This project is in proximity to the other unit, and the Association gave its support based on comments of the elderly stating they wanted to stay in the area around family and friends. A townhouse project would increase the number of children in the school system with schools already at capacity as well as bring more traffic to the area. Mr. Maynard stated that the sign at the Fullerton project is well-landscaped and blends into the area. He observed that the Taylor West Apartments and the Maryland School for the Blind signs seemed to be the same size as the sign proposed by Petitioner.

Mr. Jeffrey Long, Section Chief of Development and Review of the Office of Planning of Baltimore County, also testified on behalf of the reclassification. He stated that affordable housing for the elderly with moderate incomes was important for the Fullerton area, and that his office was in support of the reclassification. The Office of Planning was not aware of the depth of the need during the 1996 Comprehensive Zoning Map Process. He further testified that the proposed project was consistent with the Master Plan, and would meet BCZR requirements.

Ms. Jennifer Wagner, a resident who resides across from the site on Taylor Avenue, testified in support of the project and understands the need, but was concerned about the necessity for the sign variance as to the effect it might have on property values. She also was concerned with the size and the illumination destroying the view out of her kitchen window. In her opinion, the 25 square feet would be an appropriate size.

Ms. Magda Westerhout, an architect with Marks Thomas, testified that the drawings in evidence were prepared under her supervision, and they would essentially be the same as the Fullerton facility with some amenities such as a front porch which would be sloped and extended. The outside construction materials would be brick and siding to blend into the neighborhood. She also testified that they foresaw no major changes and realize that they would have to come back to the Board of Appeals with any changes.

Mr. Robert H. Johnson, a licensed commercial real estate appraiser and market analyst with 15 years' experience specializing in elderly housing, was presented and accepted as an expert in market analysis for senior housing (Petitioner's Exhibit #12 - Johnson C.V.). Mr. Johnson had been retained by Shelter Development for a market analysis for the tax credit program. He studied existing facilities in the area in addition to Shelter's projects and testified to the strong demand for senior housing. Based on demographics, five competing sites within a 2 to 3-mile radius were fully leased, and there was empirical evidence of a

strong market need in this area.

Mr. Mickey A. Cornelius, vice president of The Traffic Group and a traffic engineer licensed in Maryland, was offered as an expert in traffic engineering with no objection (Petitioner's Exhibit #13 - Cornelius C.V.). He testified that he visited the site, and he discussed the impact, if any, if the property were reclassified from D.R. 5.5 to D.R. 16, and that the projected level of traffic for the proposed site would be a low-level generator versus if the site had townhouses built on D.R. 5.5. The sight distance was an issue due to the vertical curve west of Highview Avenue, and the crest of the curve near the property line. He wanted the access as far to the east as possible for best visibility. He also testified that a large sign was needed due to the limited sight distance.

Mr. George E. Gavrelis, vice president with Daft-McCune-Walker, Inc. (DMW), was offered and accepted as an expert planner (Petitioner's Exhibit #14 - Gavrelis C.V.). His firm was hired to do an independent analysis for Shelter Development. He reviewed the historical data and confirmed that the site was D.R. 16 prior to the change in 1984. He reviewed Mr. Johnson's data, compared with personal experiences being a resident in the area, and looked at the Proposed 2010 Master Plan. Mr. Johnson's data reflected 17.8 percent 65 years and older. The County census for 1990 shows 14 percent and the 1998 census shows 18.2 percent. Therefore, his summary shows more seniors in the area and proportionally more in

Baltimore County at large.

Petitioner's Exhibit #15, a computer tax map of owner parcels with property data superimposed on an aerial, was presented. DMW utilized this to identify improved areas and looked for vacant or underdeveloped property. They needed 76 density units for elderly housing as their formula to determine the amount of acreage required. They determined that they would require 14 acres of D.R. 5.5 or 8 acres of D.R. 10.5. Their search resulted in no sites for D.R. 16, no D.R. 10.5, and no D.R. 5.5 of 14 acres. Properties that could be developed for senior housing did not have the appropriate zoning. Mr. Gavrelis stated that the County Council erred in the 1996 comprehensive maps and did not accommodate for housing for seniors. He also believed that the needs were not known at the 1996 CZMP, and therefore the new classification is warranted as seen with the documented site plan. He stated that this Petition promises what is needed. The project in this area has availability of adequate transportation to serve the senior density, the adequacy of public water and sewerage, solid waste, school facilities, recreational facilities, park facilities and the compatibility with what were the present uses in the general area. Petitioner's Exhibit #16, an aerial photo with the site identified in white outline, was introduced to show the Taylor Park Apartments zoned D.R. 16 to the west and single-family homes of various sizes and architecture to the east, south and north. He also noted that Belair Road was commercial. He opined that he believed the

reclassification would be consistent with the Master Plan and was not dependent on any capital County project and would have no impact on the capital program.

Mr. Gavrelis also testified to the RTA access and that strict compliance would create an unreasonable hardship. The site is unique due to the product of the environment and that 100 feet west of the property line is a high point in the road which dramatically descends; therefore, the access must be as far removed as possible for safety. He also stated that the RTA must go through somewhere and cannot be straight to provide requisite screening for the neighbors. He also testified that the intrusion into the buffer would not be a detriment to the neighborhood nor violate any of the requirements of Section 502.1 of the BCZR.

Mr. Gavrelis further testified as to the sign variance that even though the sign included a lot of waste area, the component could not be rearranged for good visibility for seniors. There is not a lot of time to read and comprehend the information after cresting the hill, that advance warning is needed which justifies the need for the size requested, and the height provides opportunity for landscaping at the base. Upon cross-examination, Mr. Gavrelis stated that he was not sure if an in-depth study had been done to see if a smaller size is workable, and that he also was not familiar with the new sign regulations.

Closing statements were made by both Mr. Hoffman and Mr. Zimmerman. The Board recessed to individually and independently

consider the testimony and evidence submitted at the hearing. A public deliberation was held thereafter.

The Board, having considered all of the evidence and testimony presented at the proceeding, finds that the expert testimony provided supports a conclusion that a reclassification is justified pursuant to Section 2-356(j) of the Baltimore County Code, which provides a two-prong test that there has occurred a substantial change in the character of the neighborhood since the last zoning map process, or that the last classification of the property was in error; and that the requested reclassification is warranted.

While no evidence was submitted to indicate a substantial change in the character of the neighborhood, the test requirement as to error by the Council in the current zoning was satisfied. The burden of proof is very high in reclassification cases, and requires substantial evidence of error. The Board is convinced that the evidence and testimony was persuasive enough to indicate that the County Council was in error when the comprehensive maps were last approved, in that insufficient higher-density, residentially-zoned land was provided to accommodate a very critical need for affordable senior housing in the Parkville /Overlea community of Baltimore County. For this reason, the Board finds that the Petition for Reclassification should be granted and will so order.

As to the Petition for Special Exception, Section 432.4 of the BCZR sets forth the provisions for modifying or waiving the

residential transition area for elderly housing facility developments and relates to (a) unreasonable hardship to comply with all or part of the restrictions; (b) quality of site design and amenities to justify a modification or waiver; and (c) the development will not be a detriment to the use, peaceful enjoyment, economic value or development of surrounding properties and general neighborhood. Based on the expert testimony offered at the hearing, the Board concludes that the waiver should be granted since the Petitioner has more than adequately demonstrated the need for such modifications; and that the relief, if granted, would not have any greater impact at the proposed site than if located elsewhere within the zone (Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 [1981]). In fact, it would have less of an impact at the proposed site, than it would at any other site in the zone.

As to the variance request, the Board has a problem with granting a variance in light of new Baltimore County sign regulations, which were not in place for the original Shelter Development properties; where use would not be cumbersome or precluded. There was no evidence that a smaller sign would prevent the owner from use of the property and the curve was not found to be significant; therefore, the variance request shall be denied.

O R D E R

IT IS THEREFORE this 13th day of August, 1999 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Reclassification filed by

Shelter Development, LLC, requesting the reclassification of the property known as 4100 Taylor Avenue from D.R. 5.5 to D.R. 16 be and the same is hereby **GRANTED**, pursuant to the Documented Site Plan submitted; and it is further

ORDERED that the requested waiver from the RTA requirements to allow an entrance to be located within the 50-foot RTA buffer be and the same is hereby **GRANTED**; and it is further

ORDERED that the requested variance relief to permit a sign face of 45 square feet in lieu of the 25 square feet permitted, and to allow a sign height of 8.5 feet in lieu of the allowed 6 feet be and the same is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Charles L. Marks, Chairman

Lynn Barranger

Margaret Worrall

1 ORIG. PET. FORM (I HAVE 2)

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at NORTH SIDE OF TAYLOR AVENUE, WEST SIDE OF VIRGINIA AVENUE (4100 TAYLOR AVENUE)
which is presently zoned/districted DR 5.5

This Petition shall be filed with the Department of Permits and 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: (1) that the zoning/district status of the herein described property be reclassified, pursuant to the zoning law of Baltimore County from a DR 5.5 zone/district to a DR 16 zone/district, for the reasons given in the attached and (2) for a Special Exception under the zoning regulations of Baltimore County, to use the herein described property for

and (3) for the reasons given in the attached statement, a Variance from the following sections of the zoning regulations of Baltimore County:

Variance from Section 1B01.1.B.1.c.2 of the B.C.Z.R, and Section II-A, page 18 of the C.M.D.P. to allow an entrance drive to be located within 50 ft. R.T.A. Buffer

Variance from Section 450.4.Class 6 B.C.Z.R. to allow a sign face of 45 sf. in lieu of the 25 sf. permitted

Variance from Section 450.4.Class 6 B.C.Z.R. to allow a sign height of 8.25 ft. in lieu of the 6 ft. permitted.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded 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:

Shelter Development, LLC
Name - Type or Print

By: [signature]
Signature Jeffrey K. Hettleman, Vice President

218 NOrth Charles Street (410) 962-0595
Address Telephone No.

Baltimore MD 21201
City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print

[signature]
Signature

Venable, Baetjer & Howard, LLP
Company

210 Allegheny Avenue 410-494-6200
Address Telephone No.

Towson MD 21204
City State Zip Code

Legal Owner(s):

Paul A. Barth
Name - Type or Print

Paul A. Barth
Signature

Marie Lois Barth
Name - Type or Print

Marie Lois Barth
Signature

4100 Taylor Avenue 410-665-8702
Address Telephone No.

Baltimore MD 21236
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman
Venable, Baetjer & Howard
Name

210 Allegheny Avenue 410-494-6200
Address Telephone No.

Towson MD 21204
City State Zip Code

REV 9/18/98

CR-99-440-A

Baltimore County
Department of Permits and
Development Management

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

May 6, 1999

NOTICE OF ZONING RECLASSIFICATION HEARING

The County Board of Appeals of Baltimore County, by authority of the County Charter, Sec. 602.(e) and Sec. 603 and the County Code, Section 2-356(d), will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: CR-99-440-A
4100 Taylor Avenue
NE/S Taylor Avenue, opposite Highview Avenue
14th Election District – 6th Councilmanic District
Legal Owner: Marie Lois & Paul A. Barth
Contract Purchaser: Shelter Development, LLC

Reclassification from D.R.-5.5 to D.R.-16. Variance to allow an entrance drive to be located within the 50-foot RTA buffer; to allow a sign face of 45 square feet in lieu of the 25 square feet permitted; and to allow a sign height of 8.25 feet in lieu of the allowed 6 feet.

HEARING: Thursday, June 10, 1999 at 10:00 a.m. in Room 49 of the Old Courthouse, 400 Washington Avenue

Charles L Marks/scj

Charles L. Marks
Chairman

c: Robert A. Hoffman, Esquire
Marie & Paul Barth
Shelter Development, LLC

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3180.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3180.

Printed with Soybean Ink
on Recycled Paper

CASE NO.

CR-99-440A

PETITIONER:

Shelter Development, LLC

REQUESTED ACTION:

Reclassification to DR 16

EXISTING ZONING:

DR 5.5

LOCATION:

North side of Taylor Avenue, west side of Virginia Avenue (4100 Taylor Avenue)

AREA OF SITE:

5.1 acres

ZONING OF ADJACENT PROPERTY/USE:

Northeast:	DR 5.5	Single family detached residential
Southeast	DR 5.5	Single family detached residential
Southwest	DR 5.5	Single family detached residential
Northwest	DR 16	Multi-family residential and unimproved property

SITE DESCRIPTION:

The site, which has approximately 345 feet of frontage on Taylor Avenue, is improved with two dwellings, three sheds, a swimming pool, and a macadam driveway. A majority of the site is maintained as grass covered open field.

PROPERTIES IN THE VICINITY:

The surrounding area is residential. Adjacent properties to the northeast, southeast, and southwest are zoned DR 5.5 and are improved with well maintained single family detached dwellings. Adjacent land to the northwest is zoned DR 16 and is predominately used for multi-family dwellings.

WATER AND SEWERAGE:

The site is served by public water and public sewer and is designated W-1, S-1 (Existing Service Area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The site has direct access to Taylor Avenue. Taylor Avenue is a 2-lane minor arterial road.

The site is located within the travel shed of the Taylor Avenue and Belair Road signalized intersection which is identified as level of service "D" on the 1999 Basic Service Transportation Area Map.

ZONING HISTORY:

The subject site was rezoned from DR 16 to DR 5.5 in the 1984 Comprehensive Zoning Map Process.

MASTER PLAN:

The Proposed Land Use Map adopted by the Council on January 23, 1992 shows the site as being located within an area designated for single family detached residential use. Action #13 on page 37 of the 1989-2000 Baltimore County Master Plan states, "Permit planned retirement developments and other elderly housing facilities subject to appropriate design standards to achieve compatibility with existing neighborhoods. Housing for the elderly should be located in areas that have sufficient support services and should be dispersed to allow the elderly to remain in their communities."

PROPOSED vs. EXISTING ZONING:

Regulations for the zones can be found in Section 1B01.1A of the Baltimore County Zoning Regulations (BCZR). Section 432 of the BCZR addresses Elderly Housing Facilities in DR zones.

DOCUMENTED SITE PLAN:

The subject property is comprised of two lots zoned DR 5.5. The proposed elderly housing facility would require DR 16 in order to achieve the density necessary to develop the project.

Lot One:

Lot 1 is comprised of 4.539 acres and is currently improved with a house and three accessory structures that will be removed to accommodate the proposed elderly housing facility. The facility is proposed to be located to the rear of the subject site, in an existing

open area containing scattered trees along the northern edge of the property. The proposed parking area is located between the facility and Taylor Avenue in a location containing mature trees, which are not being retained.

The proposed 85 parking spaces exceed the minimum required 72 spaces. The parking lot is located outside the 75-foot required RTA setback and the 50-foot RTA buffer.

Access for the proposed development is located within the 50-foot RTA buffer to the far-east side of the property off Taylor Avenue. This location is necessary to avoid sight distance conflicts that would be present if the ingress/egress point is located further west along Taylor Avenue.

The grade of the property drops off to the rear of the site and it appears that two stories of the facility will be visible from Taylor Avenue and three stories will be visible from the east, west and north edges of the property.

While the plan shows planting along the perimeters, the proposed screening along the rears of the lots that adjoin the property along the easternmost edge should include a six foot board-on-board fence to minimize the impact of the proposed parking and structure on adjacent properties (4108 Taylor Ave and 7402, 7404, 7406, and 7408 Virginia Avenue).

A sidewalk link to Taylor Avenue should be provided to connect to the existing sidewalk system.

It appears that there is sufficient area in the northeast corner of the property to support an outdoor recreation area for the residents.

The length of the proposed building is 240 feet. If the final building design exceeds 240 feet, a modification of standards would be necessary. It appears that the design considerations enumerated in the CMDP (Residential Standards, page 26) would be met by the proposal as submitted.

Lot Two:

Lot two is .561 acres in size with one existing house that is to remain, and has subdivision potential for additional single family development.

OFFICE OF PLANNING RECOMMENDATION:

Recognizing the large concentration of elderly households in Baltimore County, the County has committed a substantial portion of its resources to assisting the development of affordable housing for its senior population over the past decade.

Development of such housing can have a tremendous positive impact on an older community as the development is seen as evidence of the continued desirability of the

neighborhood, and assures residents that there is housing which can meet the needs of a variety of family constellations, ages and income groups.

The Office of Planning supports the applicant's request for out-of-cycle rezoning of the subject property for the reasons as follows:

1. There is a need for housing affordable to moderate income seniors in this community.
2. The proposed project will contribute to the overall enhancement/conservation of the community, a priority action area under the Community Conservation program.

VARIANCE:

Sign face elevation indicates an attractive, reasonably sized informational sign. In order to call the attention of visitors and emergency vehicles, a larger sign is necessary considering the proposed use of the property.

The existing vertical rise on Taylor Avenue prevents the applicant from locating the access drive outside of the 50-foot RTA buffer; therefore, the Office of Planning supports the requested variances.

440

Description

To Accompany Reclassification and Variance Petition

5.0 Acre Parcel

Fourteenth Election District, Baltimore County, Maryland

DMW

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 the end of the second of the two following courses and distances measured from the intersection of the centerline of Highview Avenue with the centerline of Taylor Avenue (1) Northwesterly, along the centerline of Taylor Avenue, 116 feet, more or less, and thence (2) Northeasterly 12 feet, more or less, thence leaving said point of beginning and running for the three following courses and distances, viz: (1) North 35 degrees 10 minutes East 610.5 feet, thence (2) South 52 degrees 10 minutes East 386.1 feet, and thence (3) South 38 degrees 40 minutes West 608.85 feet to the northeast side of Taylor Avenue, thence binding thereon (4) North 52 degrees 10 minutes West 346.5 feet to the point of beginning; containing 5.0 acres of land, more or less.

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

April 28, 1999

Project No. 98096 (L98096)

STATE OF MARYLAND
PATRICK ARTHUR SLOAN
10917
REGISTERED
PROFESSIONAL LAND SURVEYOR
4/28/99

CR-99-440-A

NOTICE OF ZONING RECLASSIFICATION HEARING

The County Board of Appeals of Baltimore County, by authority of the County Charter, Sec. 602.(e) and Sec. 603 and the County Code, Section 2-358(d), will hold a public hearing in Towson, Maryland on the property identified herein as follows:

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4100 Taylor Avenue
NE/S Taylor Avenue, opposite Highview Avenue
14th Election District - 6th Councilmanic District
Legal Owner(s): Marie Lois & Paul A. Barth
Contract Purchaser: Shelter Development, LLC

Reclassification: from D.R.-5.5 to D.R.-16.

Variance: to allow an entrance drive to be located within the 50-foot RTA buffer; to allow a sign face of 45 square feet in lieu of the 25 square feet permitted; and to allow a sign height of 8.25 feet in lieu of the allowed 6 feet.

Hearing: Thursday, June 10, 1999 at 10:00 a.m. in Room 49 of the Old Courthouse, 400 Washington Avenue.

CHARLES L. MARKS
Chairman

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3180.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3180.

5/307 May 20 C313203

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/20/, 1999

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 5/20/, 1999.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT JLL 440 **No.** 067810

DATE 5/5/99 ACCOUNT R001 6150

AMOUNT $ 1,535.00

RECEIVED FROM: Shelter Dev. 1,250.00 VBH 250.00 + 35.00 filing

FOR: Out of cycle reclass, variance + sign posting

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
5/06/1999 5/05/1999 16:28:30
REG WS02 CASHIER LORI LXG DRAWER
Dept 5 520 ZONING VERIFICATION
Rec'pt # 091990 OFIN
CK NO. 067810
Recpt Tot 1,535.00
1,535.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

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Contract Purchaser: Shelter Development, LLC

Reclassification: from D.R.-5.5 to D.R.-16.

Variance: to allow an entrance drive to be located within the 50-foot RTA buffer; to allow a sign face of 45 square feet in lieu of the 25 square feet permitted; and to allow a sign height of 8.25 feet in lieu of the allowed 6 feet.

Hearing: Thursday, June 10, 1999 at 10:00 a.m. in Room 49 of the Old Courthouse, 400 Washington Avenue.

CHARLES L. MARKS
Chairman

NOTES: (1) Hearings are Handicapped Accessible; for Special Accommodations Please Call (410) 887-3180.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3180.

BR/5/417 May 26 C314869

CERTIFICATE OF PUBLICATION

5/27/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/26/, 1999.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

P. Wilkinson

LEGAL ADVERTISING

[redacted]

CERTIFICATE OF POSTING

RE: Case No.: CR-99-440-A

~~Petitioner/Developer~~ C.P.: Shelter Dev.

PARKVIEW @ TAYLOR

Date of Hearing/~~Closing~~: 6/10/99

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 4100 TAYLOR AVE.

The sign(s) were posted on 5/18/99
(Month, Day, Year)

Sincerely,

Gary Freund 5/18/99
(Signature of Sign Poster and Date)

GARY FREUND
(Printed Name)

Balto. Co. Code Enforcement
(Address)

(City, State, Zip Code)

(Telephone Number)

9/96
cert.doc

CR-99-440-A

440

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 440

Petitioner: Shelter Development LLC

Address or Location: 4100 Taylor Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barbara Ormond

Address: Venable, Baetjer + Howard LLP
210 Allegheny Avenue
Towson, Md 21204

Telephone Number: 410-494-6201

Revised 2/20/98 - SCJ

CR-99-440-A

TO: PATUXENT PUBLISHING COMPANY
May 26, 1999 Issue – Northeast Booster

Please forward billing to:
Barbara Ormord 410-494-6201
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

==========

NOTICE OF ZONING RECLASSIFICATION HEARING

The County Board of Appeals of Baltimore County, by authority of the County Charter, Sec. 602.(e) and Sec. 603 and the County Code, Section 2-356(d), will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: CR-99-440-A
4100 Taylor Avenue
NE/S Taylor Avenue, opposite Highview Avenue
14th Election District – 6th Councilmanic District
Legal Owner: Marie Lois & Paul A. Barth
Contract Purchaser: Shelter Development, LLC

Reclassification from D.R.-5.5 to D.R.-16. Variance to allow an entrance drive to be located within the 50-foot RTA buffer; to allow a sign face of 45 square feet in lieu of the 25 square feet permitted; and to allow a sign height of 8.25 feet in lieu of the allowed 6 feet.

HEARING: Thursday, June 10, 1999 at 10:00 a.m. in Room 49 of the Old Courthouse, 400 Washington Avenue

Charles L Marks /scj

Charles L. Marks
Chairman

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3180.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3180.

ZONING ADVISORY COMMITTEE AGENDA
DISTRIBUTION MEETING OF MAY 10, 1999

* Agenda Only
\+ Agenda and Petition
& Agenda and Plat
\# Agenda, Petition and Plat

Distribution:

#	Board of Appeals (Kathi Bianco); MS #2013
*	Zoning Commissioner's Office (Lawrence Schmidt); MS #2112
#	PDM, Zoning Review H.O. Hearing File (Sophia Jennings)
#	PDM, Zoning Review Work File (Gwendolyn Stephens)
*	PDM, Code Enforcement (Helene Kehring)
*	PDM, Building Inspection (Karen Hopkins)
&	PDM, Development Plans Review (Robert W. Bowling)
#	Planning Office (Jeffrey Long); *Director (Pat Keller)
*	Recreation and Parks (Jean Tansey); MS #52
#	DEPRM (Bruce Seeley) - 2 plats
&	State Highway Administration, Access Permits Division (Michael M. Lenhart)
&	PDM, Building Plans Review (Lt. Robert Sauerwald); MS #1102F
*	Economic Development Commission, Business Develop. (Robert Hannon); MS #2M07
*	Highways (Tim Burgess); MS #1003
*	Community Conservation (David Fields); MS #1102M
+	People's Counsel (Peter Zimmerman); MS #2010
*	Honorable McIntire, County Council, District 3; MS #2201
#	IF CRITICAL AREA, Maryland Office of Planning (Charles Armstrong)
#	IF FLOODPLAIN, Department of Natural Resources (John Joyce)
#	IF FLOODPLAIN, Public Works (David Thomas); MS #1315
*	IF FLOODPLAIN, Permits (John Reisinger)
*	IF FLOODPLAIN, Code Enforcement (Rick Wisnom)
#	IF ELDERLY HOUSING, Community Development; MS #1102M
#	IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
#	IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder); MS #1102E
*	IF TOWER, Tower Coordinator, c/o OIT; MS #2007

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with your office or department's code, standards or regulations. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" before the hearing date. If no written response is received by the committee before this hearing date, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number or case number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Gwendolyn Stephens. If you have any questions regarding these zoning petitions, please contact either Sophia Jennings or Carl Richards at 410-887-3391 (FAX - 410-887-5708).

Revised 2/11/99

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: May 6, 1999

TO: Baltimore County Zoning Advisory Committee

FROM: W. Carl Richards, Jr.
Zoning Review Supervisor (410-887-3391)

SUBJECT: Out-of-Cycle Documented Zoning Reclassification Petition
Case Number CR-99-440-A
Legal Owner: Marie Lois & Paul A. Barth
Contract Purchaser: Shelter Development, LLC
Address: 4100 Taylor Avenue
Description: NE/S Taylor Avenue, opposite Highview Avenue
14th Election District; 6th Councilmanic District

THE ABOVE REFERENCED PETITION HAS BEEN EXEMPTED FROM THE REGULAR CYCLICAL BI-YEARLY ZONING RECLASSIFICATION PROCEDURE BY CERTIFICATION OF THE BALTIMORE COUNTY PLANNING BOARD ON 3/18/99 AND BY RESOLUTION NO. 20-99 OF THE BALTIMORE COUNTY COUNCIL DATED 4/5/99 (ATTACHED). PURSUANT TO SECTION 2-356(I) OF THE BALTIMORE COUNTY CODE, THE COUNTY BOARD OF APPEALS HAS SET A VERY EARLY HEARING DATE OF 6/10/99. YOU ARE REQUESTED TO EXPEDITE YOUR REVIEW AND FORWARD YOUR COMMENTS TO THIS OFFICE UNDER THE ABOVE REFERENCE PRIOR TO THE HEARING DATE. IF YOU NEED ADDITIONAL MATERIALS TO COMPLETE YOUR COMMENTS, YOU SHOULD CONTACT THE ENGINEER, ATTORNEY, OR MYSELF IMMEDIATELY.

WCR:scj

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1999, Legislative Day No. 7

Resolution No. 20-99

Mr. Joseph Bartenfelder, Councilman

By the County Council, April 5, 1999

A RESOLUTION of the Baltimore County Council to approve the Planning Board's certification that the zoning reclassification petition filed by Shelter Development, LLC, for the property located at 4100 Taylor Avenue and situated in the Sixth Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

WHEREAS, the Planning Board, by Resolution dated March 18, 1999, has certified that early action on the Petition for Zoning Reclassification filed by Shelter Development, LLC, requesting a reclassification of the above described property is manifestly required in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-356(I), may approve said certification and exempt the Petition for Zoning Reclassification from the regular procedures of Section 2-356.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the certification by the Planning Board that early action on the zoning reclassification petition filed by Shelter Development, LLC, be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-356(I) of the Baltimore County Code.

r02099.res

READ AND PASSED this 5th day of April, 1999.

BY ORDER

Thomas J. Peddicord, Jr.

Thomas J. Peddicord, Jr.
Secretary

ITEM: Resolution 20-99

ZONING ADVISORY COMMITTEE
MEETING OF MAY 10, 1999

Case Number:	CR-99-440-A
Item Number:	440
Hearing Date/Time:	June 10, 1999 at 10:00 a.m.
Legal Owner:	Marie Lois & Paul A. Barth
Contract Purchaser:	Shelter Development, LLC
Location:	NE/S Taylor Avenue, opposite Highview Avenue (4100 Taylor Avenue)
Existing Zoning:	D.R.-5.5
Proposed Zoning:	D.R.-16. Variance to allow an entrance drive to be located within the 50-foot RTA buffer; to allow a sign face of 45 square feet in lieu of the 25 square feet permitted; and to allow a sign height of 8.25 feet in lieu of the allowed 6 feet.
Area:	5 acres
District:	14th Election District 6th Councilmanic District
Attorney:	Robert A. Hoffman
Miscellaneous:	Elderly Housing

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director **DATE:** October 14, 1999
Permits & Development Management

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed Files /Case Nos.:
CR-99-185-XA /1st Preference Mortgage Corp., et al
CR-99-440-A /Shelter Development, LLC

Since no appeals were taken from the Board's Orders in the above captioned cases, we are hereby closing the files and returning same to you herewith.

Attachment (Case No. CR-99-185-XA and CR-99-440-A)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Charles L. Marks
Baltimore County Board of Appeals

DATE: June 3, 1999

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

SUBJECT: Case No. CR-99-440-A
4100 Taylor Avenue

RECEIVED
COUNTY BOARD OF APPEALS
99 JUN - 4 AM 11: 13

At its regularly scheduled monthly meeting on March 18, 1999, the Baltimore County Planning Board voted in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the Petition for Zoning Reclassification of the subject property was manifestly required.

The County Council unanimously approved a Resolution approving the Planning Board's certification on April 5, 1999.

Enclosed herewith is a copy of the report of the Office of Planning.

Pat Keller

Arnold F. 'Pat' Keller, III

AFK:JL:kma

M:\DEVREV\Taylormemo.doc

Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

DATE: May 13, 1999

TO: ZONING ADVISORY COMM. AGENDA
DISTRIBUTION MEETING OF MAY 10, 1999

FROM: LIEUTENANT HERB TAYLOR
BALTIMORE COUNTY FIRE MARSHAL OFFICE
MAIL STOP-1102F, PHONE (410) 887-4881

SUBJECT: SUBDIVISION REVIEW COMMENTS

PROJECT NAME: 4100 TAYLOR AVE.

CASE NUMBER: CR-99 440 A

LOCATION: NE/S TAYLOR AVE., OPPOSITE HIGHVIEW AVE. 14TH ELECTION DISTRICT; 6TH COUNCILMANIC DIST.

COMMENTS:

3. PROPOSED BUILDINGS SHALL BE DESIGNED AND CONSTRUCTED SO AS TO MEET THE APPLICABLE PROVISIONS OF THE FIRE PREVENTION CODE AND THE NFPA 101 LIFE SAFETY CODE, 1994 EDITION.

5. IF THE PROPOSED BUILDING(S) REQUIRES THE INSTALLATION OF A "FIRE ALARM SYSTEM", THE DESIGN PACKAGE AS PRESENTED WITH THE BUILDING PLANS AT THE TIME OF BUILDING PERMIT APPLICATION, SHALL BE CERTIFIED BY A MARYLAND REGISTERED: LEVEL 3 OR 4 NICET ENGINEER, OR FIRE PROTECTION ENGINEER. STATING THE FIRE ALARM SYSTEM COMPLIES WITH ALL APPLICABLE CODES. ie NFPA 70, NFPA 72, NFPA 101, BOCA BUILDING CODE 1996 EDITION; BALTIMORE COUNTY BILL 167-93, AND THE BALTIMORE COUNTY FIRE PREVENTION CODE; BALTIMORE COUNTY BILL 017-91.

16. A CRUSHER RUN ROAD FOR ACCESS TO BUILDINGS AND REQUIRED WATER SUPPLIES SHALL BE AVAILABLE FOR AND USABLE BY EMERGENCY FIRE APPARATUS AND CAPABLE OF HANDLING EMERGENCY APPARATUS WEIGHING 50,000 LBS WHEN CONSTRUCTION OF ANY BUILDING IS UNDER ROOF. IN ACCORDANCE WITH THE BALTIMORE COUNTY FIRE PREVENTION CODE; SECTION F-517.11.

19. FIRE FLOW TEST IS REQUIRED TO BE CONDUCTED BY THE BALTIMORE CITY WATER DEPARTMENT AS CLOSE TO THE SITE AS POSSIBLE, SPECIFICALLY: NON SPECIFIC.
THESE RESULTS SHALL BE CERTIFIED BY A MARYLAND REGISTERED, FIRE PROTECTION ENGINEER ,OR OTHER PRE-QUALIFIED ENGINEER. STATING AVAILABLE FIRE FLOW AT THE SITE MEETS THE MINIMUM REQUIREMENTS FOR THE FIRE FLOW, AS SET FORTH IN APPENDIX IV "ESTIMATING FIRE FLOW REQUIREMENTS" OF THE "URBAN GUIDE FOR FIRE PREVENTION AND CONTROL MASTER

PLANNING". THIS CERTIFICATION SHALL BE SENT TO: LT. HERB TAYLOR, BALTIMORE COUNTY FIRE MARSHAL OFFICE, SUITE 200, 700 E. JOPPA RD., TOWSON MARYLAND 21286-5500. THE CERTIFIED RESULTS MUST REFERENCE THE "PROJECT NAME, LOCATION AND ASSIGNED NUMBER".

21. FIRE MAINS SHALL BE A MINIMUM OF 8 INCHES IN DIAMETER.

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

Inter-Office Correspondence

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

DATE: April 7, 1999

FROM: Kathleen C. Bianco
County Board of Appeals

SUBJECT: Out-of-Cycle Exemption
Request for Reclassification /Property located at 4100 Taylor Avenue 6th Councilmanic District
Petition filed by: Shelter Development, LLC
Approval by County Council April 5, 1999
Date for Hearing before the Board - 6/10/99 @ 10:00 a.m.

Pursuant to Section 2-356(i), the Board has scheduled the subject out-of-cycle reclassification petition for hearing on Thursday, June 10, 1999 at 10:00 a.m. in Room 49, Old Courthouse.

This petition for reclassification was approved for hearing out of cycle by the County Council at its April 5, 1999 meeting (a copy of Resolution 20-99 is attached for your information and file).

I have copied Sophie on this memorandum so that the necessary advertising and posting can be accomplished by your office and notices sent to the appropriate parties reflecting the hearing date of June 10, 1999.

Should you have any questions, please call me at extension 3180.

Attachment

cc: Carl Richards, Jr. /PDM
Sophie Jennings /PDM
Jeffrey Long /Planning
Office of People's Counsel
The Honorable Joseph Bartenfelder
Baltimore County Council

CR-99-440-A

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

Inter-Office Correspondence

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

DATE: April 7, 1999

FROM: Kathleen C. Bianco
County Board of Appeals

SUBJECT: Out-of-Cycle Exemption
Request for Reclassification /Property located at 4100 Taylor Avenue 6th Councilmanic District
Petition filed by: Shelter Development, LLC
Approval by County Council April 5, 1999
Date for Hearing before the Board - 6/10/99 @ 10:00 a.m.

Pursuant to Section 2-356(i), the Board has scheduled the subject out-of-cycle reclassification petition for hearing on Thursday, June 10, 1999 at 10:00 a.m. in Room 49, Old Courthouse.

This petition for reclassification was approved for hearing out of cycle by the County Council at its April 5, 1999 meeting (a copy of Resolution 20-99 is attached for your information and file).

I have copied Sophie on this memorandum so that the necessary advertising and posting can be accomplished by your office and notices sent to the appropriate parties reflecting the hearing date of June 10, 1999.

Should you have any questions, please call me at extension 3180.

Attachment

cc: Carl Richards, Jr. /PDM
Sophie Jennings /PDM
Jeffrey Long /Planning
Office of People's Counsel
The Honorable Joseph Bartenfelder
Baltimore County Council

Sophie: Please call me with the case number as soon as one has been assigned; also, forward a copy of the Notice of Hearing for our file and information.

Thanks
Kathi

Baltimore County
Office of Planning

401 Bosley Avenue
Towson, Maryland 21204
410-887-3211
Fax: 410-887-5862

Date: February 23, 1999

To: Baltimore County Planning Board

From: Arnold F. 'Pat' Keller, III

Re: Exemption from Cyclical Procedure – 4100 Taylor Avenue

The attached letter from Robert A. Hoffman, Esquire, requests certification by the Planning Board for out-of-cycle action on a zoning petition for reclassification of a portion of the above referenced property.

Section 2-356(I) of the Baltimore County Code authorizes the Planning Board to certify to the County Council that expedited scheduling of a reclassification hearing by the Board of Appeals "is manifestly required in the public interest or because of an emergency." Neither the certification by the Planning Board nor a concurrence by the County Council would constitute an opinion on the merits of the petition; the effect is simply to take the petition out of the normal cycle zoning schedule for an earlier hearing.

The subject request for certification has been reviewed by planning staff and without taking a position on the merits of the case, the Office of Planning recommends to the Planning Board that early action on this petition is required.

Sincerely,

Pat Keller

Arnold F. 'Pat' Keller, III
Director

AFK/JL
Attachment

Baltimore County
Department of Permits and
Development Management

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

August 14, 2000

Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21285-5517

Dear Mr. Hoffman:

RE: Zoning Case No. CR 99-440-A, 4100 Taylor Avenue, 14th Election District

You have requested a spirit and intent approval for minor changes to a approved documented site plan in Case No. CR 99-440-A.

The changes include an increase in the amount of exterior siding and minor design changes regarding placement of windows and doors all in keeping with plan note #8. You also state that Ms. Lanham of the Office of Planning has reviewed and supported the changes.

Based upon the above information, staff approves these changes as being within the spirit and intent of the Board of Appeals order.

Please document the response on all future plans.

I trust that the information set forth in this letter is sufficiently detailed and responsive. Please do not hesitate to contact me with any questions at 410-887-3391.

Sincerely,

John L. Lewis
Planner II
Zoning Review

cc: with approved plan to CR 99-440-A

Printed with Soybean Ink on Recycled Paper

County Board of Appeals of Baltimore County

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

August 13, 1999

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: In the Matter of Shelter Development LLC
Case No. CR-99-440-A

Dear Mr. Hoffman:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe /kcb

Kathleen C. Bianco
Administrator

Enclosure

cc: Jeffrey K. Hettleman, VP
Shelter Development LLC
Paul A. & Marie Lois Barth
Mr. Don Gerding (335 Old Trail 21212)
James Earl Kraft /Bd of Education
County Council (6th District)
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

VENABLE
ATTORNEYS AT LAW

OFFICES IN
MARYLAND
WASHINGTON, D.C.
VIRGINIA

ROBERT A. HOFFMAN
(410) 494-6262

rahoffman@venable.com

8/8/00
WCR
B. Jll 8/10/00 u ca
S+I & cashier

August 8, 2000

HAND-DELIVERED

Arnold Jablon, Director
Department of Permits and Development
Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Plan Refinement – Shelter Development, LLC
North Side of Taylor Avenue, West Side of Virginia Avenue

Dear Mr. Jablon:

This firm represents Shelter Development with regard to the construction of a Class A Elderly Housing Facility to be known as "Park View at Taylor Avenue." The facility, including other accessory uses, will be located at 4100 Taylor Avenue on a parcel of land containing 5.0 acres (hereafter, the "Property"). I am writing to confirm that certain changes to the design of the facility, as discussed below, are within the spirit and intent of an Order issued by the County Board of Appeals on August 13, 1999.

By way of brief history, Shelter Development received approval of its Documented Site Plan entitled "Documented Plan to Accompany Reclassification and Variance Petition" and its Petition for Reclassification requesting a rezoning of the Property from D.R. 5.5 to D.R. 16 to permit the elderly housing facility through the above-mentioned Order. I have enclosed a copy of the Order and the Documented Site Plan for you convenience. In the Order, the Board reiterated the testimony Jeffrey Hettleman, Vice-President of Shelter Properties, Inc., that "the building, to be constructed of brick and siding, would be set back from Taylor Avenue with parking and a landscape buffer in the front. The building would appear from the street as a two-story building and from the rear as a three-story building." (Board's Order, p. 3).

RECEIVED
00-2463
AUG - 8 2000

VENABLE
ATTORNEYS AT LAW

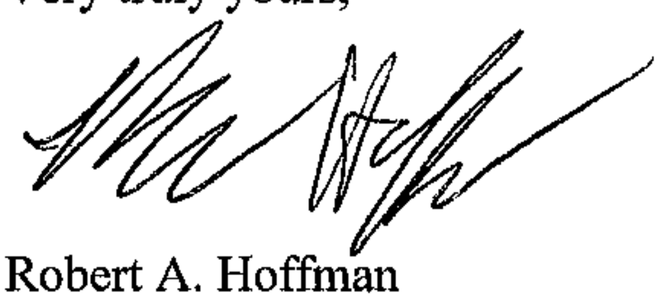
As I discussed in a recent meeting with Lynn Lanham of the Baltimore County Office of Planning, our client proposes only minor changes to the architectural design of the building exterior. Those changes include a slight increase in the percentage of siding on the exterior walls of the building and minor design changes regarding the placement of windows and doors. An examination of the original building elevations submitted to the Board, together with an examination of the revised building elevations, makes clear that these changes will not significantly alter the Documented Site Plan as it was presented at the Board's Hearing nor introduce any new building material types for the construction of the building. Ms. Lanham agreed that the changes would not significantly modify the building as it was depicted on the original building elevations. I have enclosed a copy of the revised building elevations for your review.

Most importantly, a reading of Note No. 8 of the Documented Site Plan entitled "architectural style, exterior materials" indicates that the above-mentioned changes to the Plan are permitted. Note No. 8 provides, "Architecture and exterior materials are as shown on the attached architectural drawings. Details are subject to modification as final plans and architecture are prepared and/or refined. Building footprints may be modified similarly. Materials may be siding, brick and/or stucco." As Note No. 8 permits the very changes our client proposes, we believe that the revised building elevations are within the spirit and intent of the Board's Order.

At this time I am requesting confirmation that the request made by Shelter Development for the above-described changes to the site is consistent with the spirit and intent of the Board's Order dated August 13, 1999, and, therefore, that the request does not require additional review by the Board.

With this letter, I have enclosed a check in the amount of $40.00 made payable to Baltimore County, Maryland to cover the administrative costs associated with your review. If you need any further information to complete your review, please feel free to give me a call.

Very truly yours,



Robert A. Hoffman

RAH/dhk
Enclosure

TO1DOCS1/DHK01/#103104 v1

COUNTY COUNCIL OF BALTIMORE COUNTY
COURT HOUSE, TOWSON, MARYLAND 21204

JOSEPH BARTENFELDER
COUNCILMAN, SIXTH DISTRICT

COUNCIL OFFICE: TOWSON 887-3388
DISTRICT OFFICE - FULLERTON 887-5223

June 3, 1999

COUNTY BOARD OF APPEALS
RECEIVED
99 JUN -7 AM 11:13

Charles L. Marks, Chairman
County Board of Appeals of Baltimore County
400 Washington Avenue, Room 49
Towson, Maryland 21204

Re: Petitions for Reclassification and Variance for
4100 Taylor Avenue
Petitioner: Shelter Development, LLC
County Board of Appeals No. : CR-99-440-A

Dear Mr. Marks:

As you know, Baltimore County Council passed Resolution No. 20-99 to allow Shelter Development to go forward with its request to rezone a 4½ acre piece of property located at 4011 Taylor Avenue. It is my understanding, from the information provided to the County Council, that it proposes to develop a 100 unit affordable elderly housing facility designed to serve seniors with a modest income living in the Parkville area. Shelter has worked with the local community associations to gain their support for the project as indicated by letters from both the Overlea Community Association and the Linover Improvement Association.

I have reviewed the request for reclassification and I am convinced that, prior to the filing period for the 1996 Map, the County Council was not and could not have been aware of the significant demand for the type of elderly housing that Shelter proposes to construct nor was the Council aware that sufficient density was not available in appropriate locations for such facilities in the Overlea and Linover areas. This demand did not come to light until Shelter opened its nearby Parkview at Fullerton project in March of 1996 and became oversubscribed after October 1996. It is my understanding that Shelter now has a 95-person waiting list for that facility.

To the extent that this is a factor in your determination of whether or not the property should be rezoned, I would ask that this correspondence be included in the record. I believe that the project should go forward as it will satisfy an urgent need in our community.

Sincerely,

Joseph Bartenfelder
Councilman, Sixth District

JB:pln
MARKS.LTR

COUNTY COUNCIL OF BALTIMORE COUNTY
COURT HOUSE, TOWSON, MARYLAND 21204

JOSEPH BARTENFELDER
COUNCILMAN, SIXTH DISTRICT

COUNCIL OFFICE: TOWSON 887-3388
DISTRICT OFFICE - FULLERTON 887-5223

June 2, 1999

Charles L. Marks, Chairman
County Board of Appeals of Baltimore County
400 Washington Avenue, Room 49
Towson, Maryland 21204

Re: Petitions for Reclassification and Variance for
4100 Taylor Avenue
Petitioner: Shelter Development, LLC
County Board of Appeals No. : CR-99-440-A

Dear Mr. Marks:

As you know, Baltimore County Council passed Resolution No. 20-99 to allow Shelter Development to go forward with its request to rezone a 4½ acre piece of property located at 4011 Taylor Avenue. It is my understanding, from the information provided to the County Council, that it proposes to develop a 100 unit affordable elderly housing facility designed to serve seniors with a modest income living in the Parkville area. Shelter has worked with the local community associations to gain their support for the project as indicated by letters from both the Overlea Community Association and the Linover Improvement Association.

I have reviewed the request for reclassification and I am convinced that, in 1996, the County Council was not and could not have been aware of the significant demand for the type of elderly housing that Shelter proposes to construct nor was the Council aware that sufficient density was not available in appropriate locations for such facilities in the Overlea and Conover areas. This demand did not come to light until Shelter opened its nearby Parkview at Fullerton project in March of 1997 and became oversubscribed after October 1996. It is my understanding that Shelter now has a 95-person waiting list for that facility.

To the extent that this is a factor in your determination of whether or not the property should be rezoned, I would ask that this correspondence be included in the record. I believe that the project should go forward as it will satisfy an urgent need in our community.

Sincerely,

Joseph Bartenfelder
Councilman, Sixth District

JB:pln
MARKS.LTR

Baltimore County
Department of Aging

611 Central Avenue
Towson, Maryland 21204
410-887-2594
Fax: 410-887-2159
TDD: 410-887-3787

May 28, 1999

Mr. Jeff Hettleman
218 North Charles Street, Suite 220
Baltimore, Maryland 21201

Re: Park View at Taylor

Dear Jeff:

It was a pleasure talking to you regarding your independent senior housing plans in the Parkville community. As you know, our department is very interested in seeing additional independent senior housing and senior assisted housing developed in Baltimore County. We are pleased, therefore, to provide you with this letter indicating a need for affordable, independent senior housing in Baltimore County.

According to our records, there are at least 2,500 people on waiting lists for affordable, independent housing opportunities, which re-enforces that this type of facility is important and in demand in Baltimore County. Likewise, according to our records, there is very limited access to this type of housing in the Parkville community. Also, it is important to note that Baltimore County's population includes over 135,000 older citizens.

While, as a department, we do not endorse any individual housing project, we can reaffirm the need for these types of facilities for the citizens of Baltimore County. If I can be of assistance to you in any other way, please feel free to contact me. Thank you.

Sincerely,

Charles L. Fisher, Jr.
Director

CLF/laa

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

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on Recycled Paper

PETITIONERS

P8

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: May 12, 1999

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

RE: Baltimore County
Item No. 440
Case No. CR-99-440-A

Dear. Ms Stephens:

This office has reviewed the referenced Zoning Reclassification and we have no objection to Approval.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Michael M. Lenhart, Chief
Engineering Access Permits Division

My telephone number is _____

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

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

6/10/99
10:00 a.m.

County Council of Baltimore County

Court House, Towson, Maryland 21204
410-887-3196
Fax 410-887-5791

S. G. Samuel Moxley
FIRST DISTRICT

Kevin Kamenetz
SECOND DISTRICT

T. Bryan McIntire
THIRD DISTRICT

Wayne M. Skinner
FOURTH DISTRICT

Vincent J. Gardina
FIFTH DISTRICT

Joseph Bartenfelder
SIXTH DISTRICT

John Olszewski, Sr.
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

April 6, 1999

Charles L. Marks, Chairman
Baltimore County Board of Appeals
Court House
Towson, Maryland 21204

Dear Mr. Marks:

Attached please find a copy Resolution 20-99 to approve the Planning Board's certification that the zoning reclassification petition filed by Shelter Development, LLC, for the property located at 4100 Taylor Avenue and situated in the Sixth Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

This Resolution was unanimously approved by the County Council at its April 5, 1999 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

99 APR -6 PM 1:25

TJP:dp
Enclosure

cc: Arnold F. Pat Keller

Baltimore County
Planning Board

401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3495
Fax: (410) 887-5862

3/25/99
8
w ok

March 22, 1999

The Hon. Kevin Kamenetz
Chairman, Baltimore County Council
County Courthouse
Towson, MD 21204

Re: Certification on Reclassification Petition -
Property at 4100 Taylor Avenue, Parkville

Dear Councilman Kamenetz:

At a regularly scheduled meeting on March 18, 1999, the Baltimore County Planning Board voted, in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the petition by Shelter Development Corporation for zoning reclassification of the property at 4100 Taylor Avenue is manifestly required in the public interest. The Board's vote was premised on the commitment by the developer that the petition will be filed with a documented site plan limiting use of the property to housing for the elderly.

Enclosed is the report on this matter by the Office of Planning, as accepted by the Planning Board. The Planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely,

Pat Keller

Arnold F. 'Pat' Keller, III
Secretary

AFK:TD:rlh

Enclosure

RECEIVED
MAR 25 1999
99-739
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

c: Members, Baltimore County Council
John Wasilisin, Administrative Officer
Thomas Peddicord, Legislative Counsel/Secretary
Brian Rowe, County Auditor
Patrick Roddy, Assistant County Attorney
Robert J. Barrett, Spec. Asst. to the Co. Executive
Charles L. Marks, Chairman, Board of Appeals
Peter M. Zimmerman, People's Counsel
Arnold Jablon, Director, Permits & Development Management
Robert Hoffman, Petitioner's Attorney

M:\PLANBRD\TIM\cert4100 Taylr.doc

CR-99-440-A

Printed with Soybean Ink

OVERLEA-FULLERTON SENIOR CENTER
4314 Fullerton Avenue, Baltimore, MD 21236
(410) 887-5220

March 4, 1999

Ms. Darlene Haslup
Development Director
Shelter Development L.L.C.
218 North Charles Street
Suite 220
Baltimore, Maryland 21201

Re: Park View at Taylor - Affordable Senior Housing Community

Dear Ms. Haslup:

Thank you for contacting us about the affordable elderly housing project your company plans to develop in the Overlea-Fullerton area. As you know, the Overlea-Fullerton Sr. Center is an organization dedicated to the health and well-being of our senior residents in the community. We are located less than 1/2 a mile away from the proposed facility you are planning.

The Overlea-Fullerton Senior Center welcomes your future residents to the neighborhood and supports your efforts in providing affordable housing for Overlea's elderly community. We are familiar with the Park View at Fullerton project located on Cardwell Avenue. This project leased up almost immediately after its opening. There is a strong continuing need in this community for affordable elderly housing. We would welcome another project by a developer that is already proven in the market. We look forward to working with your Property Manager to possibly have some of your residents participate in our many activities and functions. The Senior Center offers many programs including bingo, arts & crafts, and travel.

We appreciate your sharing your plans with us. Please keep me informed of your company's progress on this new development in Overlea. We look forward to working with you and to welcoming your new residents.

Sincerely,

Joan M Wrzesin

P4

POSITIONONS

OVERLEA FULLERTON
DEVELOPMENT CORPORATION
6721 BELAIR ROAD, BALTIMORE, MD 21206, PHONE: 301-665-4433

March 1, 1999

Mr. Jeff Hettleman
Vice President
Shelter Development Corporation
218 North Charles Street
Suite 220
Baltimore, MD 21201

RE: Taylor Avenue Affordable Senior Housing Project

Dear Mr. Hettleman:

The Overlea/Fullerton Development Corporation is an organization dedicated to fostering and promoting economic development of the Overlea and Fullerton communities of Baltimore County, Maryland. We understand that you are planning an affordable senior housing development in the Fullerton area. Our communities have a great need for senior housing on Taylor Avenue, and we fully support your efforts.

We look forward to working with you to integrate the project and its residents into the community. We expect to be able to facilitate the development of relationships between the project and the local business community. For example, we would be able to assist you in identifying appropriate businesses (such as tax preparation services, benefit consultants, pharmacies and other health related services) which could provide seminars at the project and directly market their services to the residents. Such outreach and marketing efforts could develop mutually beneficial economies of scale. In these ways, your project can serve the interests of both the residents of the project and our local businesses.

We wish you success in your efforts.

Sincerely,

Mark Taubenfeld
President

POSITIONS

P7

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Robert A. Hoffman
(410) 494-6262

February 23, 1999

HAND-DELIVERED

Mr. Jeffrey Long
Office of Planning and Zoning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Proposed Elderly Housing -- 4100 Taylor Avenue

Dear Mr. Long:

Our client, Shelter Development, LLC, proposes to develop an affordable apartment community for income qualified senior citizens on an approximately 4½ acre parcel of land located at 4100 Taylor Avenue in the Parkville area of Baltimore County. The project will be similar to seven other affordable elderly housing projects developed by Shelter Development in the County and will serve to meet the housing needs of moderate income, independent living seniors in the Parkville area. The project will serve seniors earning between $12,000 and $29,000 per year. The proposed development will consist of approximately 100 one and two bedroom in a U-shaped elevator building. The building will be three stories high and will be finished in a combination of brick and vinyl siding.

The property's D.R. 3.5 zoning classification, however, does not permit sufficient density to allow for the construction of this project. Shelter, therefore, proposes that the property be rezoned to D.R. 16 to accommodate the proposed development. On behalf of Shelter, we wish to file a Petition for Reclassification requesting that the property be rezoned to D.R. 16 as an out-of-cycle zoning request under Section 2-356(i) with a documented site plan showing the use of the property for elderly housing.

The Parkville area of Baltimore County is in serious need of affordable housing units for the elderly. The proposed 100 unit project will provide affordable units that will only begin to meet this need. Unfortunately, there is no land available in this area that

RECEIVED
FEB 23 1999
OFFICE OF PLANNING

LINOVER IMPROVEMENT ASSOCIATION
P.O. BOX 16952
BALTIMORE, MARYLAND 21206

February 16, 1999

The Honorable Joseph Bartenfelder
Councilman, Sixth District
Baltimore County Council
400 Washington Ave.
Towson, MD 21204

Re: Taylor Ave. Property

Dear Mr. Bartenfelder;

As you are aware the Shelter Corporation has proposed that a Senior Apartment Project, similar to the one on Cardwell Ave., be built on this parcel of land. Since the property is within the boundaries of the Linover Improvement Association we were asked to review the project and to voice any concerns that we might have with the project. After careful review of the project and knowing the past track record of the Shelter Corporation, the Linover Improvement Association has no objections to the project and in fact views this project, as viable alternative to other proposed usages of this parcel. We look forward to working with the Shelter Group as the plans for the development become more finalized. We have from past experience, found that the Shelter Group has been attentive to the needs of the surrounding community and has worked well with our association. Their existing project off Cardwell Ave., has been an asset in helping elderly members of our community, stay in the community, long after physical limitations make it difficult to maintain their homes. If you have any other questions please do not hesitate to contact us.

Sincerely,

George W. Maynard
Board of Directors
Linover Improvement Association

cc: Jeffery Hettlemen,
Shelter Group
Patty Champ,
President, LIA

Overlea Community Association

February 8, 1999

Mr. Jeffrey K. Hettleman
Shelter Development, LLC
Suite 220
218 North Charles Street
Baltimore, Maryland 21201

Re: Proposed Affordable Elderly Housing at 4100 Taylor Avenue

Dear Mr. Hettleman:

The Overlea Community Association is an active community group which gets involved in all matters affecting the quality of life in our community. The Association was formed in 1973 and represents over 1200 households, our goal is to insure that our community remains a safe and great place to live.

Thank you for coming to our January general membership meeting to present your plans for developing an affordable elderly housing community similar to the existing Park View at Fullerton property off Cardwell Avenue. The proposed site falls within our Association's boundaries, and we appreciate that you are keeping us informed and are willing to work with us as you move forward in the process.

Our Association supports your efforts to develop this property as you described to us at our meeting. We recognize that there is a strong need in this area for affordably priced senior housing, and we are satisfied that your proposal is a better and more compatible use of this site than alternative development schemes.

We are aware that you closely work with the Linover Improvement Association to make the Park View at Fullerton community so successful, and we look forward to working with you to make the Taylor Avenue property an asset for our community and our senior citizens.

Sincerely,

Joseph A. Grove
President

cc: Councilman Joseph Bartenfelder

RECEIVED
MAR 25 1999
DEPT OF PERMITS AND
DEVELOPMENT MANAGEMENT

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF:	Shelter Development, LLC, Contract Purchaser /Petitioner; Paul A. and Marie Lois Barth - Legal Owners (Out of Cycle Petition) Case No. CR-99-440-A	
DATE :	Thursday, June 10, 1999 at conclusion of hearing	
BOARD /PANEL :	Charles L. Marks	(CLM)
	Lynn Barranger	(LB)
	Margaret Worrall	(MW)
SECRETARY :	Kathleen C. Bianco Administrator	

PURPOSE --to deliberate issues in Case No. CR-99-440-A /Petition for Reclassification from D.R. 5.5 to D.R. 16 and variance relief as to sign.

Issue: Reclassification request from DR 5.5 to DR 16
Issue relative to RTA buffer -- either variance or waiver
Variance - size of the sign to be put in front of project

No problem with reclassification - Gavrelis' testimony supported by Johnson -- study as to need; waiting list; search for property available.

Burden of Petitioner - did County Council commit error in the 1996 Comprehensive Maps relative to this property -- The evidence was clear -- no property with appropriate zoning large enough to work.

Issue as to Error

The Master Plan supports elderly housing. In the CZMP 1996 - no correlation /recognition of need for zoning to make property available -- valid argument for reclassification.

Issue of RTA buffer

- 432.4 - modification or waiving RTA for elderly housing; appropriate way to go; fits well. Through Gavrelis (expert) -waiver of restriction (going through RTA with access and curved rather than straight)

- Testimony existed as to sight distance; safety issues satisfied

- Development will not be detrimental to surrounding properties; meets spirit and intent

Appropriate section for waiver

Issue of sign Variance

- 25 sf is limit for sign under legislation -- problem with variance request: no evidence produced that smaller sign had been attempted; no evidence that smaller sign would be a problem; smaller sign could be seen

- Option -- can they come back later for a variance if necessary? Attempt to comply with regulations first - sign regulations had much input from both sides of issue. If impossible -- request variance

As to neighbor's concern about the sign -- 25 sf v 45 sf is not the real issue; rather sign itself is issue. Possibly resolve concerns with Petitioner.

Conclusions:

- Reclassification is GRANTED; error proven
- RTA Buffer - waiver is appropriate way to go; no need for variance
- As to sign -- uniqueness not a problem - visibility and curve in hill; however, is sign variance necessary - would a smaller sign prevent use or render compliance with the law burdensome?

Decision: Smaller sign will not prevent use; smaller sign should be visible

Problem with granting variance in light of sign regulations, where use would not be cumbersome or precluded. Smaller sign does not prevent owner from use of property; does not find curve significant.

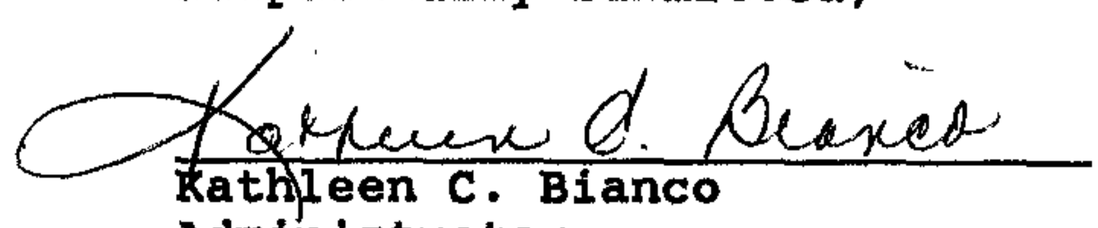
Order:

Reclassification complies	- unanimous GRANTED
Buffer waiver	- unanimous GRANTED
Sign variance	- unanimous DENIED; sign should meet sign regulations

Written Opinion and Order to be issued; appellate period runs from date of written order and not deliberation.

****

Respectfully submitted,



Kathleen C. Bianco
Administrator

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1999, Legislative Day No. 7

Resolution No. 20-99

Mr. Joseph Bartenfelder, Councilman

By the County Council, April 5, 1999

A RESOLUTION of the Baltimore County Council to approve the Planning Board's certification that the zoning reclassification petition filed by Shelter Development, LLC, for the property located at 4100 Taylor Avenue and situated in the Sixth Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

WHEREAS, the Planning Board, by Resolution dated March 18, 1999, has certified that early action on the Petition for Zoning Reclassification filed by Shelter Development, LLC, requesting a reclassification of the above described property is manifestly required in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-356(I), may approve said certification and exempt the Petition for Zoning Reclassification from the regular procedures of Section 2-356.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the certification by the Planning Board that early action on the zoning reclassification petition filed by Shelter Development, LLC, be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-356(I) of the Baltimore County Code.

r02099.res

READ AND PASSED this 5th day of April, 1999.

BY ORDER

Thomas J. Peddicord, Jr.

Thomas J. Peddicord, Jr.
Secretary

ITEM: Resolution 20-99

County Board of Appeals of Baltimore County

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

FACSIMILE COVER PAGE

DATE: April 27, 1999

TO : Barbara Ormord /Venable **FAX #: 410-821-0147**

TELEPHONE #:

FROM: Kathi Bianco /Board of Appeals

FAX NUMBER: 410-887-3182

TELEPHONE : 410-887-3180

TOTAL # OF PAGES (including this page): five (5)

ORIGINAL BY MAIL: Yes ____ No _X__

Barb:

Attached for your information is a copy of the memo sent from this office to Arnold Jablon regarding the hearing date for Shelter Development (out of cycle reclass) - scheduled for 6/10/99 at 10:00 a.m.

The notice of hearing will be sent from Arnold's office upon filing of petition /plans, etc.

Please call me if you have any questions.

WARNING: Unauthorized interception of this telephonic communication could be a violation of Maryland and Federal Law.

The documents accompanying this FAX contain information belonging to the sender. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, or have received this facsimile copy in error, please immediately notify us by telephone to arrange for return of the original documents to us.

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PAUL A. & MARIE LO[illegible] BARTH -LEGAL OWNERS; CR-99-440-A
SHELTER DEVELOPMENT, LLC -C.P. (O[illegible]-of-Cycle)
NE/s Taylor Avenue, opposite Highview
Avenue (4100 Taylor Avenue) 14th Election District
Documented Site Plan 6th Councilmanic District

From D.R. 5.5 to D.R. 16 /5.0 acres +/-
VAR -To allow entrance drive within 50' of RTA Buffer;
-To allow sign face of 45 sf ilo permitted 25 sf;
-To allow sign height of 8.25' ilo permitted 6'

March 18, 1999	Planning Board Meeting and recommendation for early action.
April 5	Approved by County Council.
May 5	Petition for Reclassification filed by Robert A. Hoffman, Esquire, Counsel for Shelter Development, LLC, Petitioners, on behalf of Petitioners - Shelter Development, LLC /C.P. and Paul A. & Marie Lois Barth /Legal Owners.

Robert A. Hoffman, Esquire — Counsel for Petitioners
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

Paul A. Y Marie Lois Barth — Petitioners /Legal Owners
4100 Taylor Avenue
Baltimore, MD 21236

Jeffrey K. Hettleman, Vice President — Petitioner /Contract Purchaser
Shelter Development, LLC
218 N. Charles Street
Baltimore, MD 21201

James Earl Kraft /Bd of Education

People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

6th /Bartenfelder

440

Environmental Impact Statement

Park View at Taylor
Baltimore County, Maryland

DMW Project No. 98096.A

April 1999

Prepared for:

Shelter Development, L.L.C.
218 North Charles Street
Baltimore, MD 21201

DMW

Prepared by:

Daft•McCune•Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705
dmw@dmw.com

CR-99-440-A

1.0 INTRODUCTION

The following Environmental Impact Statement was prepared to describe general site conditions and to analyze environmental effects of the proposed development of Park View at Taylor Avenue. This study has been prepared prior to final design, detailed analysis and modeling of site hydrology and other potential environmental impacts.

The site currently consists of two dwellings, three sheds, a swimming pool, and a macadam driveway; the majority of the site is currently maintained lawn with a few isolated landscape trees.

2.0 SITE CONDITIONS

2.1 Location

Shelter Taylor Avenue is a 5.1±-acre site located northwest of the intersection of Taylor and Virginia Avenues in the Overlea area of Baltimore County. The site is further identified as Parcel 29 of Grid 15 on Tax Map 81. The site is currently zoned D.R.5.5 with a pending zoning change to D.R.16. Surrounding lands are zoned D.R.5.5 except for a large tract of D.R.16 northwest of the property. Surrounding properties are all currently developed and used for single family homes and apartments. The proposed zoning change and development will be consistent with the current zoning and adjoining land use.

2.2 Geology

Information pertaining to the geology of the site was obtained from the Maryland Geologic Survey's *Geologic Map of the Towson Quadrangle, Maryland, 1974*. More specifically, the site is underlain by the sand and gravel facies of the Patuxent Formation of the Potomac Group. This is described as varying colors of sand and gravel with abrupt horizontal and vertical changes in lithology between these facies and the clay layers. Sand grains and gravel clasts are clay coated, and gravel clasts are friable.

2.3 Soils

Soils at the site are mapped as part of the Legore-Aldino-Neshaminy Association which is described as "gently sloping to steep, deep, well-drained soils that have a subsoil of silty clay loam or clay loam and level to moderately sloping, moderately well-drained soils that have a subsoil of silty clay loam and a fragipan; underlain by basic rock; known to occur on uplands". Chillum-Urban land complex, Beltsville-Urban land complex, and a small amount of Legore-Urban land complex are soils which are mapped on the site.

The following is a list of soil limitations according to the *Soil Survey, Baltimore County, Maryland*, however, with proper engineering practices, these soil limitations will not present an encumbrance to construction.

Mapped Soils	Sewerage Disposal	Homesites (3 stories or less)	Roads/ Parking	Reason for Limitation
Chillum-Urban land complex	slight/mod	slight	moderate	moderate permeability/ slope
Beltsville-Urban land complex	severe	moderate/ slight	severe	slow permeability/ seasonally perched water table/ slope
Legore-Urban land complex	slight	slight	moderate	slope

2.4 Topography and Hydrology

The site is relatively level with average slopes measuring approximately 7%. Site elevations range from approximately 240 feet above mean sea level in the north corner of the site to approximately 278 above mean sea level in the southwest corner of the site. No streams, nontidal wetlands, or 100-year floodplains exist on the property. No water resources exist in close proximity to the site which would cast a forest buffer onto the subject property..

2.5 Vegetation

Two dwellings, three sheds, a swimming pool, and a macadam driveway are located in the southwest portion of the site. The rest of the site is currently maintained lawn with a few isolated landscape trees. No forest resources exist on the property.

3.0 ENVIRONMENTAL EFFECTS

3.1 Proposed Action

The proposed action is to redevelop this former residential site into an approximately 100-unit elderly living facility with parking and a storm water management facility.

3.2 Probable Environmental Impact

The existing environmental matrix of the area surrounding the site is high density residential use, with transportation, sanitary sewer, water, and storm drain infrastructure. The environmental impacts from the additional traffic and other emanations from the site (including sound and other vibrations, dust, odors, gases, light, and heat) should be relatively insignificant when compared to surrounding conditions. There are approximately 100 proposed units in this elderly living facility, but due to the nature of this establishment, not every occupant will own a car, therefore significantly decreasing transportation density. Furthermore, environmental impacts on water quality resulting from a three-story building should not be significantly different from those permitted under existing zoning since a similar amount of impervious will be created.

3.3 Adverse Environmental Effects

The most significant adverse environmental effect which cannot be avoided is the creation of impervious surface. The existing lawn is of little to no wildlife value; loss of this lawn area would occur under any development scenario, and potentially to a greater degree under currently zoned D.R.5.5 development standards. The proposed 100-unit facility would consist of a three story structure, thus creating density vertically instead of horizontally. Similar amounts of impervious area would be created under each scenario.

3.4 Alternatives

1. No build
2. Build under current zoning (D.R.5.5)
3. Build under increased zoning (D.R.16)

Alternative 1, "no build", would leave the site intact until some other land use were to be proposed. The area already has public utility infrastructure and it represents an ideal development site. Hence, at best, "no build" represents a temporary delay in the loss of this lawn area. The proposed use, in all probability, will have similar impacts to uses permitted under current zoning.

Alternative 2, "build under current zoning", would allow the construction of approximately 25 single family dwellings. This would permit the retention of open space; however, this alternative is not economically feasible.

Alternative 3, "build under increased zoning", reflects the proposed design. The proposed 100-unit facility will consist of a three-story structure and similar parking density to that of the D.R.5.5 zoning, creating density vertically instead of horizontally. In addition, the elderly occupying these units are less likely to drive and own vehicles than a younger family in a single family home. As such, the construction of this facility should create no significant traffic impact. In

addition, this design allows approximately the same amount of impervious surface creation than that under the construction of 25 single family dwellings.

3.5 Cumulative Long Term Effects

The cumulative long term effect of the proposed development would be the loss of a lawn area which is of little to no habitat value, and the creation of new impervious surface. Extensive landscaping will be installed along the perimeter of the proposed facility, thereby creating more habitat potential than the existing condition.

3.5 Irreversible Commitment of Resources

There are no irreversible commitments of resources involved in the proposed development.

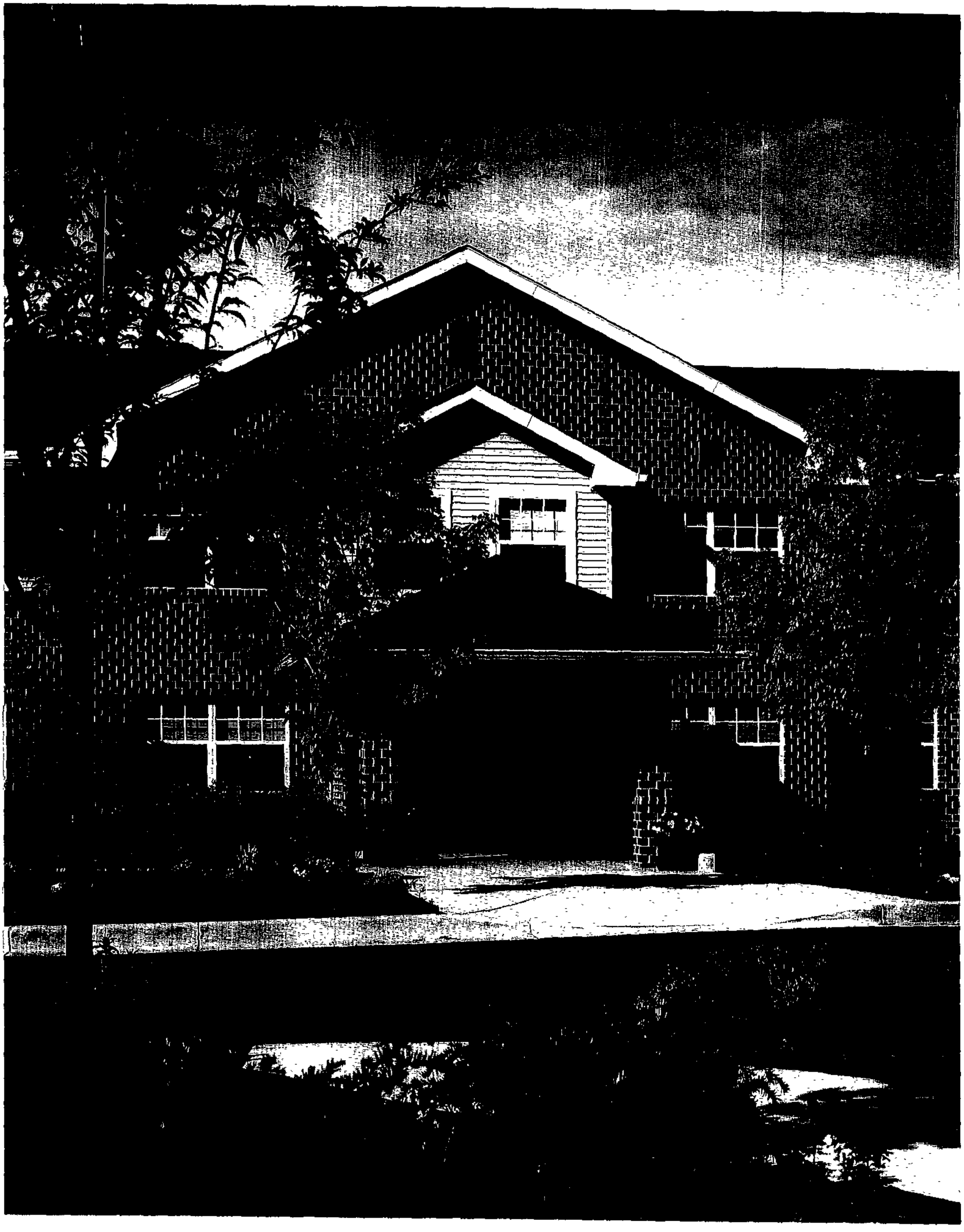
4.0 CONCLUSIONS

- The site currently exists as two dwellings, three sheds, a swimming pool, and a macadam driveway. The majority of the site is currently maintained lawn with a few isolated landscape trees. No forest resources, streams, or nontidal wetlands exist on the property. The natural resources on this site in its current state provide little to no habitat value. The environmental matrix of the area surrounding the site is high density residential, with transportation, sanitary sewer, water, and storm drain infrastructure.

- The proposed action is to redevelop this site into a 100-unit elderly living facility with parking and a storm water management facility.

- The environmental impacts from the additional traffic and other emanations from the site including sound and other vibrations, dust, odors, gases, light, and heat should be relatively insignificant when compared to surrounding conditions. Due to the proposed construction of a three-story building instead of single family homes, there is the potential of creating less impervious surface than under current zoning.

- Development of this site under the proposed density increase will cause little or no impact to the environment and will, in effect, result in a benefit to the public by providing a 100-unit elderly living facility. Since the proposed three-story facility will create density vertically thereby minimizing impervious area, and less vehicular traffic will be created to that of a 25-lot development, the proposed construction will create less environmental impact than that of a D.R.5.5-zoned subdivision.



POTITICÓN

PIO

LINOVER IMPROVEMENT ASSOCIATION

RESOLVED: That at the Board of Directors meeting of the Linover Improvement Association held on June 8, 1999, it was decided by the Association that responsibility for review and action on all zoning matters for the period June 1, 1999 through May 31, 2000 be placed in the Board of Directors and Executive Board consisting of the following members:

Patti Champ
Jay Franc
Greg Overcash
Tricia Mingioni-Butt
Bud Frank
Anita Bollino
Vikki Creswell
Bill Maynard
Terry Jones
Anne Niebaur
Lori Rivieri
Michelle Creswell

AS WITNESS OUR HANDS AND SEAL THIS 8 day of JUNE, 1999.

ATTEST:

Gregory L Overcash
Secretary

Linover Improvement Association

Patricia J. Champ
President

Petitioners

P 11 A

AFFIDAVIT

State of Maryland
Baltimore County, SS: George W. Maynard

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the Board of Directors of the Linover Improvement Association.

ATTEST:

Linover Improvement Association

Secretary

President

Petitioners

P 11 C

Petitioner

LICENSE, REGISTRATION, OR CERTIFICATION

PARRIS N. GLENDENING
Governor

State of Maryland

EUGENE A. CONTI, JR.
Secretary

DEPARTMENT OF LABOR, LICENSING AND REGULATION

MARYLAND REAL ESTATE APPRAISERS COMMISSION

CERTIFIES THAT

ROBERT HAXALL JOHNSON

SIGNATURE OF BEARER

IS AN AUTHORIZED CERTIFIED GENERAL

LIC. REG CERT. NO.	EXPIRATION DATE	EFFECTIVE DATE	CATEGORY
2428	1/17/2001	12/24/1997	04

WHERE REQUIRED BY LAW THIS MUST BE CONSPICUOUSLY DISPLAYED IN OFFICE TO WHICH IT APPLIES 2303964

P12

QUALIFICATIONS OF APPRAISER
Robert H. Johnson

EDUCATION AND EXPERIENCE

Harvard University - Bachelor of Arts Degrees, 1970
College of Financial Planning - CFP Courses, I-IV
General Partner, Rockland Village Partnership, renovation and redevelopment of historic homes in Baltimore County, 1977 to 1982
Management agent for residential properties in Baltimore County, 1977 to present
Financial consultant to various Baltimore developers involved in commercial and residential real estate development, 1981-1983
Independent Fee Appraiser - Colliers Pinkard, 1983-1996
Principal, Robert H. Johnson & Associates, 1997 to present
Certified General Appraiser - State of Maryland - License #2428

REAL ESTATE COURSES

Loyola College - Basic Real Estate Principles (1983)
AIREA - Real Estate Appraisal Principles (1985)
AIREA - Basic Valuation Procedures (1985)
AIREA - Real Estate Capitalization, Parts A & B (1986)
AIREA - Standards of Professional Practice (1987)
AIREA - Case Studies in Real Estate Valuation (1987)
AIREA - Valuation Analysis and Report Writing (1987)
AIREA - Discounted Cash Flow Analysis (1990)
Numerous local appraisal seminars and courses (1983-1997)

APPRAISAL ASSIGNMENTS INCLUDE:

Apartment complexes; life care facilities, assisted living facilities, retirement communities, nursing homes; commercial land; office buildings; LIHTC properties; warehouses; manufacturing and distribution facilities; feasibility studies and market surveys. Valuation of partial interests in property (facade easements, leased fee and leasehold estates).

REPRESENTATIVE CLIENTS:

AGM Financial Services, Inc.
Baptist Home of Maryland
CCRC Provider Services Corporation
Carrol Lutheran Village
Continental Wingate
Cooperative Services, Inc.
Crestar Bank
Equitable Life Assurance Society
Evergreens Retirement Home
First National Bank of Maryland
Greater Baltimore Medical Center
Insignia Mortgage
Internal Revenue Service
Jubilee Baltimore
Local attorneys, property owners, and developers
Life Care Services, Inc.
Martin P. Azola, Inc.
Maryland National Bank
Meridian Nursing Homes
Nationsbank
P. Fred Obrecht & Sons
Paine Webber Mortgage Finance
Patrician Mortgage
Provident Bank
Riggs Bank
Signet Bank
Sims Mortgage Company
Sovran Bank
Streuver Brothers, Eccles & Rouse
The Shelter Group
TRI Financial
Westminister Canterbury

PROFESSIONAL MEMBERSHIPS (REAL ESTATE RELATED)

The Appraisal Institute - Candidate
Licensed Real Estate Salesman - State of Maryland

REPRESENTATIVE ASSIGNMENTS BY PROPERTY TYPE
ROBERT H. JOHNSON

I. Continuing Care Retirement Communities

The appraisal of CCRC's (also called life care facilities) typically involves the analysis of vesting entrance fees, requiring an actuarial analysis of the various sub-populations (independent living, assisted living, and skilled nursing residents), as well as a careful modeling of revenue and expenses associated with each of the three sub-populations. These are typically large complex properties often sponsored by a non-profit organization and require careful consideration of market competitors, many of which have different entrance fee arrangements.

- Blakeburst, Towson, MD. Recently constructed 300 unit CCRC owned and operated by Life Care Services, undergoing an expansion of independent living units.

- Westminister Canterbury of the Blue Ridge, Charlottesville, VA. Non-profit sponsored newly constructed CCRC undergoing an expansion of its assisted living component.

- North Oaks, Pikesville, MD. Conversion of vacant mid-rise former hospital building to a CCRC, with extensive new construction associated with all levels of care.

- Collington, Largo, MD. A proposed campus-oriented CCRC sponsored by a non-profit church-affiliated group in the Maryland suburbs of Washington, DC.

- Roland Park Place, Baltimore, MD. High-rise CCRC seeking reduction in real estate taxes; all three approaches to value were developed.

- Charlestown, Catonsville, MD. In consort with the appraisal firm of Lipman, Frizzell & Mitchell, financial analysis and valuation of 1,600 unit CCRC having entry fee/monthly fee revenue stream.

II. Retirement Communities

Retirement communities are service-enriched facilities for the elderly, many of which provide all three levels of care (independent living, assisted living, and skilled nursing), but do not have entrance fees and hence do not require an actuarial analysis in order to model project revenues and expenses. These properties are typically for-profit developments, with separate per diem or monthly charges associated with each level of care.

- The Heartlands, Ellicott City, MD. Campus-style retirement community located in the western suburbs of Baltimore offering cottages and apartments for independent living residents, and formalizing a new assisted living component. Property is affiliated with a separately owned non-profit nursing home on the same campus.

- Carroll Lutheran Village, Westminister, MD. Campus-style retirement community located in a somewhat rural area of central Maryland, with a non-profit sponsorship. Property has successfully filled its independent living and skilled nursing units, and was experiencing the need for an assisted living expansion as residents aged in place.

- Aspenwood, Bethesda, MD. For-profit sponsored apartment style retirement community adjoining an affiliated but separately owned skilled nursing home, experiencing the need to convert some of the independent living unit apartments to assisted living, as residents aged in place.

- Brendonwood, Vorhees, NJ. For-profit sponsored independent living unit retirement community located in southern New Jersey. Appraisal was for construction financing with commercial lender.

III. Assisted Living Facilities

Assisted living facilities provide extensive non-medical support and services in a residential setting for the frail elderly; licensing and other restrictions (e.g., code requirements) vary by state. These assignments typically involve stand-alone assisted living facilities targeted at the middle and upper end of the socio-economic spectrum. Some assignments involve proposed construction, while others were an adaptive re-use of existing buildings or an expansion of an existing health care property.

- HeartFields at White Oak, Silver Spring, MD. Proposed single story 57,000 SF 79 unit (67 assisted living units and 12 dementia units) assisted living facility located on 4.76 acres of land at the intersection of Route 29 and New Hampshire Avenue in eastern Montgomery County. HUD 232 program.

- Colonial Manor, Severna Park, MD. Refinance and/or acquisition of existing 15 unit single story assisted living facility. Commercial lender.

- Colonial Manor, Bel Air, MD. Refinance and/or acquisition of existing 15 unit single story assisted living facility. Commercial lender.

- Colonial Manor, Crofton, MD. Refinance and/or acquisition of existing 15 unit single story assisted living facility. Commercial lender.

- Catered Living, Pikesville, MD. Refinance of new 3 story 64 unit/70 bed assisted living facility in early lease-up. Property is located in a heavily concentrated Jewish suburb of Baltimore and provides kosher meals and life style, with two segregated food preparation facilities. Commercial lender.

- Hearfields, Bowie, MD. Proposed single story 27,350 square foot 45 unit (30 assisted living and 15 dementia) assisted living facility located in a residential area of central Maryland. HUD 232 program.

- St. Stephens Assisted Living Facility, Gambrills, MD. Proposed expansion and renovation of drug/alcohol residential clinic to a 67 unit assisted living facility. Commercial lender.

- Colonial Manor, Easton, MD. Proposed 30 unit single story assisted living facility on Maryland's eastern shore. HUD 232 program.

- Colonial Manor, Elkton, MD. Proposed 30 unit single story assisted living facility located in the county seat of a rural Maryland county. HUD 232 program.

- Brightwood, Bel Air, MD. Proposed 74 unit 87 bed 3 story assisted living facility located in the greater Baltimore area. Commercial bank.

- Ruth Keeton House, Columbia, MD. Proposed 16 bed residential facility for chronically depressed elderly, with extensive ancillary adult day care program. Commercial bank.

- Owen Brown Assisted Living Facility, Columbia, MD. Proposed 3 story 77 unit/90 bed assisted living facility with 28 Alzheimer units in an upper middle income area of Howard County. HUD 232 program.

- Churchill Assisted Living Facility, Germantown, MD. Proposed 4 story 100± unit assisted living facility, part of a larger 300 unit senior housing complex. HUD 232 program, SAMA stage.

- Farmington Assisted Living Facility, Farmington, CT. Proposed 3 story, 84 unit assisted living facility located in an affluent suburb west of Hartford Connecticut. HUD 232 program.

- Sunrise of Alexandria, Alexandria, VA. Proposed 3 story, 75 unit assisted living facility with Alzheimer's component located in a suburban area of northern

Virginia proposed for a in-fill-site in an affluent suburb of Washington DC. Commercial bank.

- Colonial Manor, Odenton, MD. Proposed 30 unit, single story assisted living facility located in middle-income area between Baltimore and Washington. HUD 232 program.

- The Georgetown, Washington, DC. Very upscale existing combined independent/assisted living facility located in a very affluent neighborhood of Washington, DC. Client was a commercial bank.

- Chevy Chase House, Chevy Chase, MD. Existing 200 unit independent/assisted living facility contained within a converted apartment building located in the Chevy Chase section of northwest Washington, DC. Client was a commercial bank

- Gordon House, Gordonsville, VA. Older 60 unit assisted living facility contained within a former hospital building in a small town between Charlottesville, VA and Washington, DC. Property was being considered for acquisition by a local hospital.

IV. Skilled Nursing Homes

My experience in appraising skilled nursing homes ranges from 100% private-pay facilities to 100% Medicaid facilities in all types of locations (rural, inner city, suburban). Much of my appraisal work has been for HUD insured (Section 232) mortgage loans as well as for commercial lenders. I have worked with HUD offices in Hartford, Providence, Boston, Baltimore, Washington, Richmond, and Newark. Several of the properties were appraised for proposed expansions and/or rehabilitation. Representative assignments include:

Waldorf Health Care Center, Waldorf, MD. Proposed expansion of existing 71 bed comprehensive care facility with 22 assisted living units. Appraisal addressed

as-is value of property (71bed nursing home) with excess land, and after-completion value of the expanded property. HUD 232 program.

Reeder's Memorial Home, Boonsboro, MD. Appraisal of existing 167 bed comprehensive care nursing home (with 24 Alzheimer's units), proposed renovated with 13 additional beds, as 3-bed and 4-bed wards are converted to semi-private use. Appraisal included excess land associated with future development, and also included 16 unit apartment building with elderly-restricted tenancy. Property was appraised for market value (for-profit ownership assumption) and value in use (non-profit ownership assumption. Client was commercial lender.

- Hillhaven Nursing Home, Adelphi, MD. Existing 60 bed single story skilled nursing facility being expanded with a 3 story 62 bed assisted living facility. Commercial lender.

- Waldorf Health Center, Waldorf, MD. Existing 71 bed single story nursing home being enlarged with a 44 bed assisted living facility. HUD 232 program.

- Haven Nursing Home, Baltimore City, MD. Proposed 80 bed nursing home in inner city neighborhood of Baltimore, with 100% Medicaid utilization. HUD 232 program.

- Wicomico Nursing Home, Salisbury, MD. Proposed 20 bed expansion and renovation to existing 82 bed nursing home. Property owned by the County; expansion financed by commercial lender. As-is and after-expansion value estimates were developed. Commercial bank.

- Manokin Manor Nursing Home, Princess Anne, MD. 118 bed skilled nursing facility in a rural part of Maryland's Eastern Shore undergoing the conversion of 15 independent living units to 30 additional skilled nursing beds under MD CREEP law. Conversion/expansion financed under HUD 232 program.

- Brighton Manor Nursing Home, Baltimore, MD. Older single story 100% Medicaid 69 bed facility undergoing substantial rehabilitation through the Section 232 program. Inner city location. Commercial lender.

- Ridgeway Manor Nursing Home, Catonsville, MD. Existing 51 bed skilled nursing facility proposed to be enlarged by 10 beds. HUD 232 program.

- Carriage Hill Nursing Home, Bethesda, MD. 100% private pay 89 bed nursing home appraised for re-financing by a commercial bank.

- Eastpoint Nursing Home, Essex, MD. Older 192 bed primarily Medicaid nursing home subject to a land lease which was being re-negotiated.

- Chapel Hill Nursing Home, Randallstown, MD. 69 bed skilled nursing home being considered for disposition. Commercial bank.

- Golden Age Rest Home, Sykesville, MD. 40 bed skilled nursing home undergoing a 20± bed expansion. Commercial bank.

- Riverside Health Center, East Hartford, CT. Older 250 ± bed skilled nursing home being expanded and renovated under HUD 232 program. Facility was largely Medicaid, with significant TBI and AIDS populations.

- Deaton Hospital, Baltimore, MD. Inner-city nursing home/long term care hospital being considered for acquisition by a regional hospital.

V. Senior Housing Projects (also see next section)

These are age-restricted multi-family housing projects typically involve financing with Low Income Housing Tax Credits, requiring a demographic analysis of income-eligible elderly households within the appropriate market area in order to determine market need for the project, recognizing the income limitations associated with the tax credits as well as the restricted rent regime imposed by the State Housing Authority. An analysis of unrestricted market rents is also required in order to determine the relationship between restricted rents and market rents for the

various unit types. Most of these projects are new construction, although some developments have involved the adaptive reuse of existing buildings. An LIHTC appraisal assignment typically addresses the market value of the property as is and as proposed (under a market rate tenancy) as well as an analysis of the investment value of the property, which includes the value contributions associated with the tax credits and favorable financing which are typically offered by state or municipal agencies.

Churchill Senior Housing, Phase I. Germantown, MD Proposed first phase of 300 unit elderly apartments, consisting of 122 apartment units contained within a four story elevator served building located off Father Hurley Boulevard near Water's Landing Road in the I-270 corridor of Montgomery County. All units were subject to income-restrictions. LIHTC property: HUD 221-D-4 program.

- Burnt Mills Crossing, Silver Spring, MD. Proposed Phase II (40 units) of 136 unit apartment/townhouse property for low/moderate income tenants. LIHTC property; HUD 221-D-4.

- Gateway Village, Salisbury, MD. Proposed 62 unit senior LIHTC apartment complex (Phase II of 120 unit development) located in the county seat of an agricultural area. LIHTC appraisal for debt and equity investors.

- Polish National Alliance Senior Housing, Fells Point, Baltimore, MD. Renovation of top two floors of 4 story institutional building (former Catholic school) to 22 one bedroom apartments for low and moderate income seniors. LIHTC development by a local non-profit.

- Golden Ring Cooperative, White Marsh, MD. Non-profit sponsored 3 story, 160 unit senior-restricted LIHTC property located in a older blue collar residential area of Baltimore County, just northeast of Baltimore City.

- Bowley's Lane Cooperative, Baltimore, MD. 3 story senior LIHTC property located in a blue collar neighborhood of east Baltimore City on an in-fill parcel.

- Highlandtown Cooperative, Baltimore, MD. 65 unit senior-restricted LIHTC property resulting from the redevelopment of a vacant trolley car repair facility (quasi-industrial building) located in a blue collar neighborhood of eastern Baltimore City with strong ethnic (southern European) affinities.

- Randolph Village, Glenmont, MD. Proposed 3 story senior-restricted LIHTC property in a relatively affluent Maryland suburb of Washington, DC.

- Fairbrooke Senior Housing, Aberdeen, MD. Proposed 3 story, 120 unit senior-restricted LIHTC property located in a relatively rural part of northeast Maryland half way between Baltimore and Wilmington.

- Russett Center, Laurel, MD. Proposed 100 ± unit senior-restricted LIHTC property located in a developing residential subdivision outside of Laurel.

VI. More typical multi-family properties

In addition to the above somewhat specialized property types, I have extensive experience in appraising more traditional multi-family properties, ranging from high rise apartment buildings to garden style projects. Assignments have ranged from project-based Section 8 properties (valued with and without the Section 8 HAP contracts in place) to newly developed luxury-oriented garden apartment projects with extensive project amenities. Assignments include:

- Barnaby Manor Apartments, Anacostia, Washington, DC. Appraisal of "shell" 122 unit apartment complex proposed to be fully renovated and occupied by a combination of market rate and restricted-income families. Property located near the PG/DC line. Client was the developer. Appraisal addressed value of as-is value, market value, and investment value (including value contribution of LIHTC's.)

- Fairway Village Apartments, St. Charles, MD. Proposed 204 unit 2 story apartment and townhouse project located in a developing planned community in southern Maryland. HUD 221-D-4 program.

- Reservoir Hill Cooperative, Reservoir Hill, MD. Refinance and renovations of 186 cooperative apartment units in scattered sites in older inner city area of Baltimore. Combination of private (commercial lender) and public (City of Baltimore) financing.

  Washington Hill Cooperative, Baltimore City, MD. Refinance and renovations to 218 cooperative apartment units in scattered sites in the Fells Point/Oldtown area of Baltimore City. Client was a commercial lender financing the renovation program.

- Glen Burnie Apartments, Glen Burnie, MD. Proposed 4 story 64 unit apartment building on an in-fill PUD parcel in an older blue collar area. SAMA stage HUD 221-D-4 program.

- Marwood Senior Housing, Upper Marlboro, MD. Proposed 154 unit elevator-served apartment building for seniors; market rate project. HUD 221-D-4 program.

- Churchill Senior Housing, Phase I, Germantown, MD. Proposed 122 unit elevator-served apartment building for seniors; market rate project. Phase I of three phase 300 unit senior housing project. HUD 221-D-4 program.

- Oakcrest Senior Housing, Bowie, MD. Proposed 110 unit elevator-served apartment building for seniors; market rate project. HUD 221-D-4 program.

- Beacon Place, Kentlands, MD. Newly constructed luxury apartment complex located in affluent Maryland suburbs of Washington, DC. Portfolio valuation assignment.

- Hunters Glen, Upper Marlboro, MD. Newly constructed luxury apartment complex located in affluent Maryland suburbs of Washington, DC. Portfolio valuation assignment.

- Keswick Park Apartments, Crofton, MD. Recently constructed luxury apartment complex located half way between Baltimore and Washington. Portfolio valuation assignment.

- Saddlebrook Apartments, Frederick, MD. Newly constructed luxury garden apartment project located in Frederick, MD. Portfolio valuation assignment.

- South Dakota Apartments, Washington, DC. 100 unit, 3 story walk up garden apartment project located in middle-income neighborhood of northeast Washington, DC, proposed for extensive renovation. Fannie Mae DUS assignment.

- Hampshire Towers, Takoma Park, MD. Approximately 300 apartment units contained within 2 older high rise buildings scheduled for extensive renovation. HUD 223 F program.

- Sutton Place, Baltimore, MD. 150 unit high rise apartment building located in Baltimore City, with two floors of retail and office space and attached restaurant. Fannie Mae DUS assignment.

- Marlboro Apartments, Baltimore, MD. 120 unit partially project-based Section 8 elderly restricted apartment building in an historic section of Baltimore City. Appraisal assignment included analysis of Section 8 HAP contracts, existing Section 236 mortgage (with bought-down interest rate), historic tax credits, and anticipated favorable financing by State and City. Financing of extensive renovations for tax credit syndicator, commercial lender, and CDA.

- Loch Raven Apartments, Baltimore, MD. C. 350 unit apartment complex in northeast Baltimore City appraised for state-insured financing.

- Burleith/Dolfield Apartments, Baltimore City, MD. Two older, largely vacant apartment complexes in northwest Baltimore scheduled for extensive renovation. Fannie Mae DUS assignment.

- St. Georges/Blue Fountain, Baltimore, MD. Two smaller older apartment projects in northeast and northwest Baltimore City being considered for re-finance by a commercial bank.

- Carlyle Station, Manassas, VA. Luxury-oriented garden apartment complex being considered for re-finance by a commercial bank.

- Four garden apartment projects, Cherry Hill, Baltimore, MD. Approximately 1,000 garden apartment and townhouse units contained within four somewhat different multi-family properties located in a depressed inner city neighborhood of south Baltimore City. Refinance by a commercial lender.

VII. LIHPRHA Appraisals.

I have appraised a number of existing apartment projects for the purposes of establishing market value under the LIHPRHA (Low Income Housing Preservation and Resident Homeownership Act of October 1990) program. These include:

- Edgewood Apartments, Edgewood, MD
- Garrison Forest Apartments, Phases I and II, Owings Mills, MD
- Town & Country Apartments, Richmond, VA
- Fox Glen Apartments, Reston, VA

VIII. Other consulting services:

A) Medicaid Cost Appeals. An important portion of a Maryland nursing home's reimbursement for Medicaid patients is the capital cost category, which is based on a modified appraisal (Cost Approach only) prepared on behalf of the state every three years. Some owners feel that their facility is undervalued in these appraisals, and I have represented a number of owners in appealing the State's valuation. Several cases have gone to Administrative Hearing procedures, but most have been "settled" out of court. Clients include:

- Old Court Nursing Home, Randallstown, Baltimore County, MD.

- Riverview Nursing Home, Essex, Baltimore County, MD.
- Regency Nursing Home, Forestville, Prince George's County, MD.
- Bradford Oaks Nursing Home, Clinton, Prince George's County, MD.
- Fairmount Nursing Home, Baltimore City, MD.
- Hartley Hall Nursing Home, Pocomoke City, Worcester County, MD.
- University Nursing Home, Bethesda, Montgomery County, MD.
- Lincoln Convalescent, Baltimore City, MD.
- Greater Laurel Nursing Home, Laurel, Prince George's County, MD.
- Cuppett & Weeks Nursing Home, Oakland, Garrett County, MD.

B) Appraisal Review. I am the review appraiser for Enterprise Mortgage Investment (Columbia, MD) for all of its property appraisals performed by others for both Enterprise's mortgage (Fannie Mae DUS lender) and equity (tax credit syndication) functions. Review assignments include new construction, renovation, and refinance properties. Specific assignments included:

- Park Vista Apartments, Racine, WI, 96 units.
- Maroon Creek Apartments, Aspen, CO, 42 units.
- Vista Linda Apartments, Santa Fe, NM, 109 units.
- Forest Edge Apartments, Orlando, FL, 48 units.
- Buena Vista Apartments, Lee Township, MI, 40 units.
- Westwind Apartments, Jupiter, FL, 126 units.
- Parkside Terraces, Chicago, IL, 62 units.
- Kirkwood Apartments, Atlanta, GA, 40 units.
- Luther Haus, Toledo, OH, 90 units.
- Gateway Village Apartments, Salisbury, MD, 58 units.
- The Meadows, Loveland, CO, 60 units.

C) Real estate tax appeal assignments. Represent clients who feel their properties have been over-assessed.

D) Site selection and evaluation, acquisition/disposition consultations; market analysis. These self-explanatory assignments have involved nursing homes,

assisted living facilities, and other specialized property types. One atypical assignment involved the gathering of market data to ascertain whether a proposed assisted living facility would have an influence on the value of surrounding homes. A related assignment addressed the same question for a proposed low/moderate income LIHTC apartment complex.

E) Major consulting assignment to the Baltimore HUD office addressing the need for additional nursing home beds in Baltimore City and the 5 surrounding counties in order to provide guidance for the market need for project applications under the 232 Program. Report addressed existing nursing home inventories, occupancies, payor utilization, Maryland's CON process, and trends in long term care in the region, as well as a thorough presentation of pertinent programs overseen by HRPC (Maryland Health Resources Planning Commission), State Office on Aging, and other regulatory agencies.

MICKEY A. CORNELIUS
VICE PRESIDENT

The Traffic Group

Mickey Cornelius is Vice President of the firm, responsible for managing all aspects of the firm's traffic engineering and transportation planning studies. He is experienced in all aspects of traffic engineering and transportation planning, including traffic analysis, traffic forecasting and associated modeling, development of traffic control plans, and transportation systems management.

Mr. Cornelius is a registered Professional Engineer, with more than (12) years experience in the highway transportation and traffic engineering profession. His experience in both the public and private sectors has provided him with a broad range of expertise.
Mr. Cornelius has conducted hundreds of traffic studies and needs analyses and has served as a transportation planner for the development of Master Plans for both private firms and public agencies.

Mr. Cornelius' educational and professional background have qualified him as an expert in the field of traffic engineering and transportation planning before numerous County and Municipal Planning and Zoning Boards in Maryland and also in Pennsylvania, New Jersey and New York.

JOB HISTORY

1987 to Present
The Traffic Group, Inc.

1984-1987
Traffic Engineering Consultant

1982-1984
Civil Engineer, Highway Construction

EDUCATIONAL BACKGROUND
B.S. in Civil Engineering with emphasis in Transportation - The Pennsylvania State University
Traffic Engineering Courses: Northwestern University Traffic Institute, Polytechnic Institute of New York

AFFILIATIONS

Registered Professional Engineer (P.E.)
Institute of Transportation Engineers (I.T.E)
National Society of Professional Engineers (N.S.P.E)
Urban Land Institute (U.L.I.)
Maryland Association of Engineers (M.A.E.)
Consulting Engineers Council of Pennsylvania (CEC/PA)
American Society of Civil Engineers (A.S.C.E.)

PLACES WHERE MR. CORNELIUS HAS QUALIFIED AS AN EXPERT WITNESS

MARYLAND
City of Annapolis - City Council
Anne Arundel County - Board of Appeals; Zoning Hearing Examiner
City of Baltimore - City Council; Planning Commission
Baltimore County - County Review Group, Zoning Commissioner, Board of Appeals; Circuit Court; District Court
Town of Bel Air - Planning Board; Town Commissioners; Zoning Hearing Examiner
City of Bowie - Planning Advisory Board; Mayor and City Council
Cecil County - Technical Advisory Committee
Charles County - Board of Appeals
Dorchester County - Board of Appeals
Frederick County - Planning Board; County Commissioners; Board of Appeals
Howard County - Planning Board ; Zoning Board; Board of Appeals
Town of Indian Head - Planning Commission
Montgomery County - Planning Board; Zoning Hearing Examiner; Board of Appeals
Town of North East - Planning Commission
Prince George's County - Planning Board; County Council
Washington County - Board of Appeals
City of Westminster - Mayor and Common Council
Wicomico County - Board of Zoning Appeals

NEW JERSEY
State Court of Administrative Law
Cumberland County - Manchester Township Zoning Hearing Board;
City of Millville Planning Commission

PENNSYLVANIA
York County - Manchester Township Zoning Hearing Board; Planning Commission of Shrewsbury Borough

NEW YORK
Town of East Hampton - Planning Commission

The Traffic Group, Inc. Suite 600 40 W. Chesapeake Avenue Towson, Maryland 21204 (410) 583-8405 Fax (410) 321-8458

Petitioners

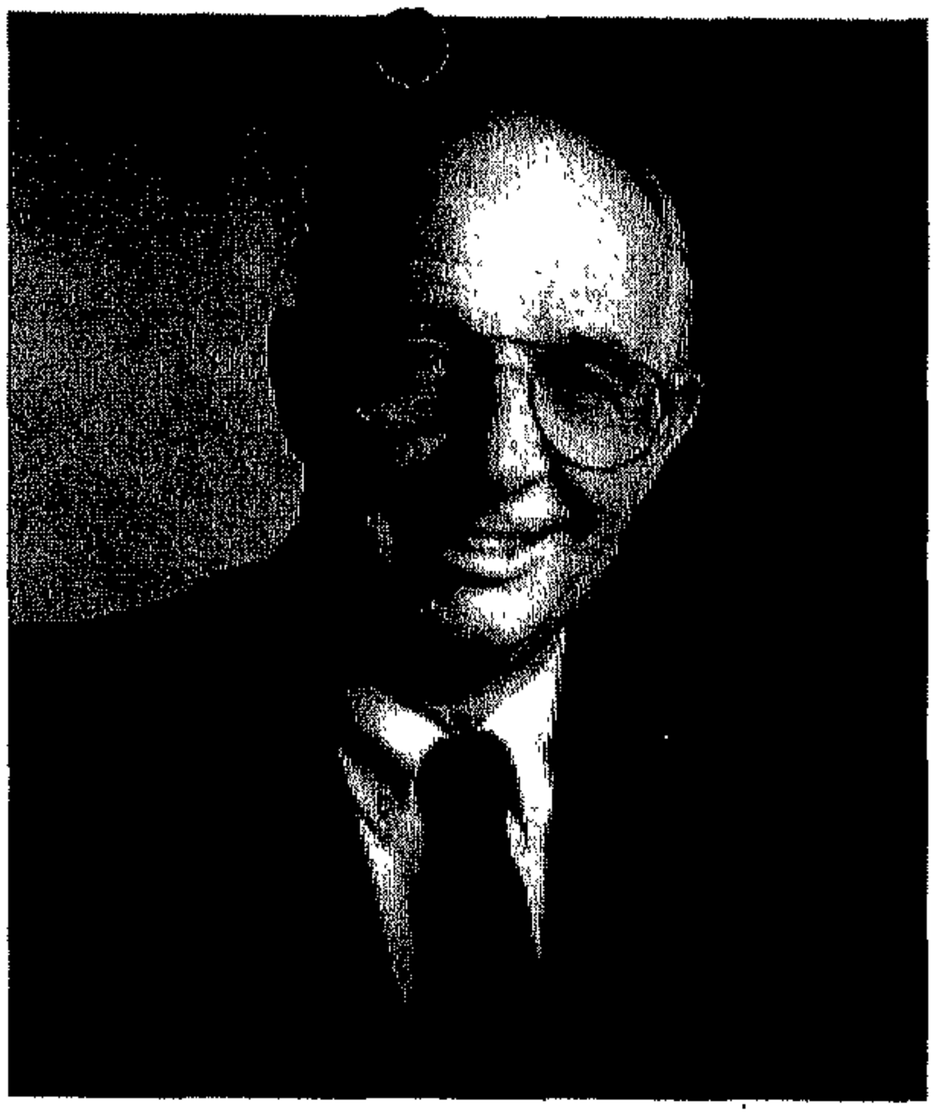
George E. Gavrelis
Vice President

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21204
Phone 410 296 3333
Fax 410 296 4705
ggavrelis@dmw.com

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals



George Gavrelis is DMW's senior specialist in local planning and zoning. With extensive public-sector leadership service, he has complete knowledge of planning and zoning procedures, as well as detailed requirements and standards of zoning and development regulations. His expertise assures that projects comply with applicable standards and move expediently through the approval process.

George is recognized as an expert witness in Baltimore County planning, zoning, and land use issues, and testifies before the Zoning Commissioner, Board of Appeals, and circuit court.

Significant Projects

Towson Commons
Towson, Maryland

Mays Chapel North
Planned Unit Development
Timonium, Maryland

Caves Valley Golf Club
Baltimore County, Maryland

Hayfields
Baltimore County, Maryland

Land Owners Council,
Reciprocal Regional
Development Agreement
Owings Mills Growth Area
Baltimore County, Maryland

New Density
Residential Zones
Baltimore County, Maryland

The Guide Plan for
Baltimore County, Maryland

Professional Background

Daft-McCune-Walker, Inc.
Towson, Maryland
1984 - Present

Private Planning
Consultant
Towson, Maryland
1982 - 1984

Developers General Corp.
Towson, Maryland
1972 - 1982

Office of Planning and
Zoning, Baltimore County,
Maryland
1951 - 1972
Director, 1963 - 1972

Education

M.A. - City Planning
Harvard University
Graduate School of Design

A.B. - Architectural Sciences
Harvard College

Associations

American Institute of
Certified Planners
Charter Member

American Planning Assoc.

Civic Involvement

The Towson Partnership
Urban Design and Towson
Core Subcommittees

Baltimore County Master
Plan, Strategic Plan 2000
Executive Steering
Committee

Trinity Episcopal Church
Long Range Planning
Committee

1992 Comprehensive
Zoning Map Guidelines
Advisory Group

Petitioner

CR-99-440-A /Paul A. & Marie Lois Barth -Legal Owners; Shelter Development LLC -Contract Purchaser
4100 Taylor Avenue
Out of Cycle
Documented Site Plan
14th Election District; 6th Councilmanic District

4/05/99 -Out of Cycle Exemption approved by County Council by resolution 20-99.

4/07/99 -Copy of Resolution to PDM; holding date of Thursday, June 10, 1999 at 10:00 a.m. for hearing in this matter pursuant to Section 2-356 of the Code (60 to 90 days for hearing from date of Council approval for out of cycle).

5/07/99 -Entry of Appearance filed by People's Counsel.

6/07/99 -Letter from J. Bartenfelder re Resolution No. 20-99.
- Report from the Office of Planning received from P Keller, Planning Director - in support of request.

6/10/99 -Hearing concluded; deliberated this date after brief luncheon recess. Reclass -GRANTED; request for waiver /RTA buffer -GRANTED; request for sign variance -DENIED. (Marks, Barranger, Worrall)

RE: PETITION FOR ZONING RECLASSIFICATION PETITION FOR VARIANCE	*	BEFORE THE
4100 Taylor Avenue, NE/S Taylor Ave, opposite Highview Ave, 14th Election District,	*	COUNTY BOARD OF APPEALS
6th Councilmanic	*	FOR
Legal Owners: Paul A. and Marie L. Barth Contract Purchaser: Shelter Development, LLC	*	BALTIMORE COUNTY
Petitioner(s)	*	Case Number: CR-99-440-A
	*	

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

99 MAY -7 AM 11:42
PEOPLE'S COUNSEL

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 of 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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

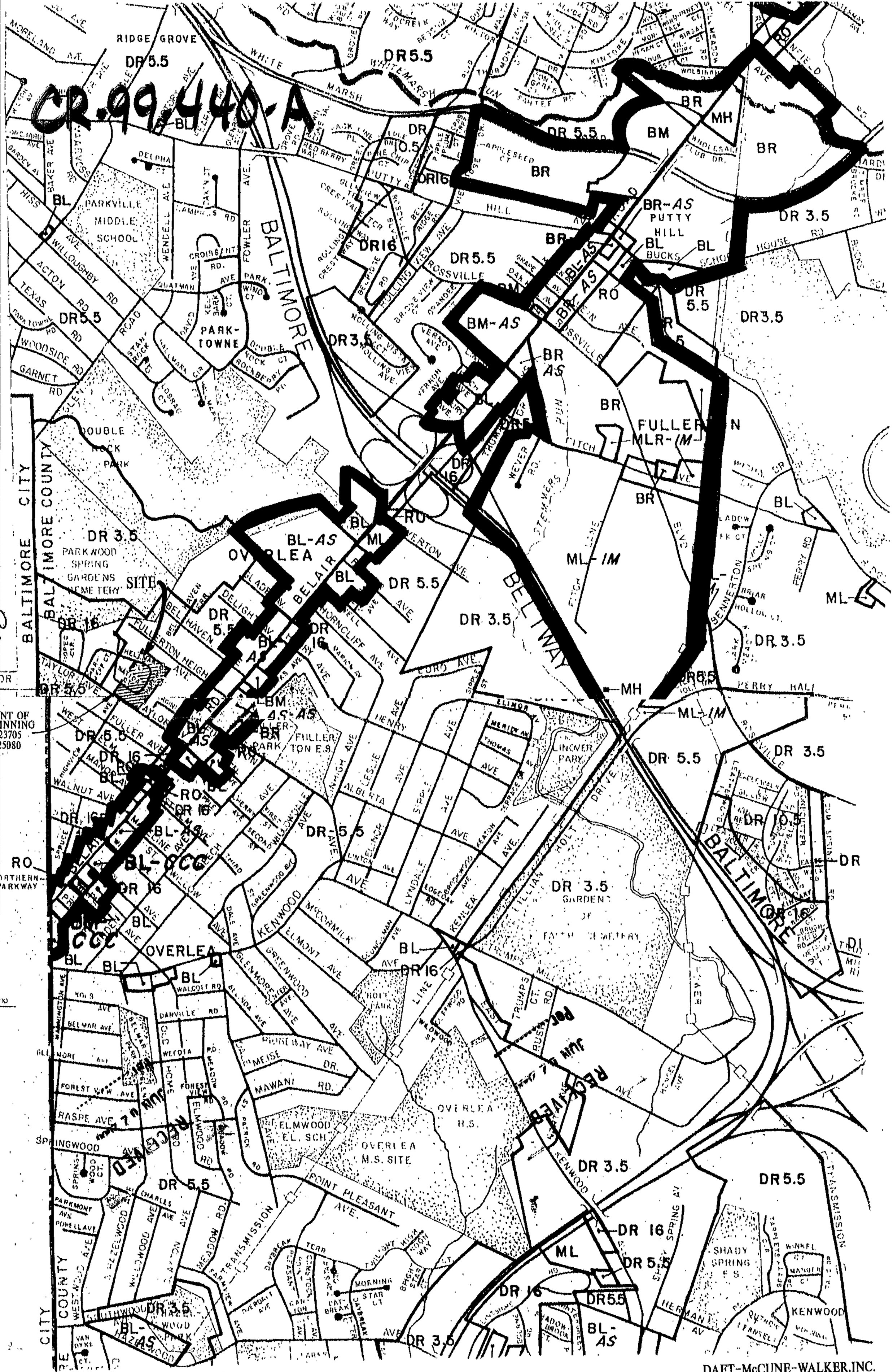
I HEREBY CERTIFY that on this 7th day of May, 1999, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

CR-99-440-A

8

7



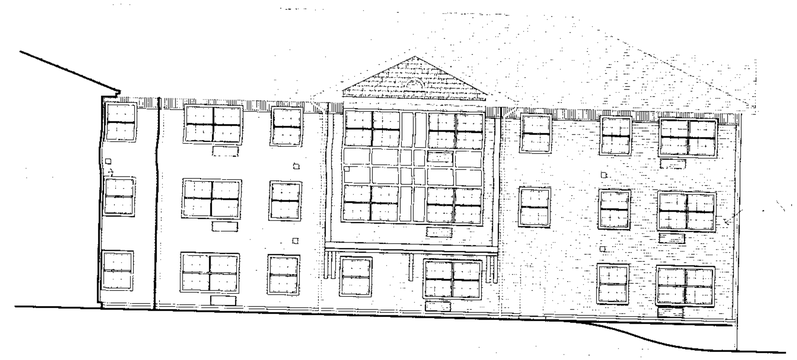
PORTION OF BALTIMORE COUNTY
1"= 1,000' ZONING MAPS
4B & 4C ADOPTED MAY 5, 1997

TAYLOR AVE.-SHELTER

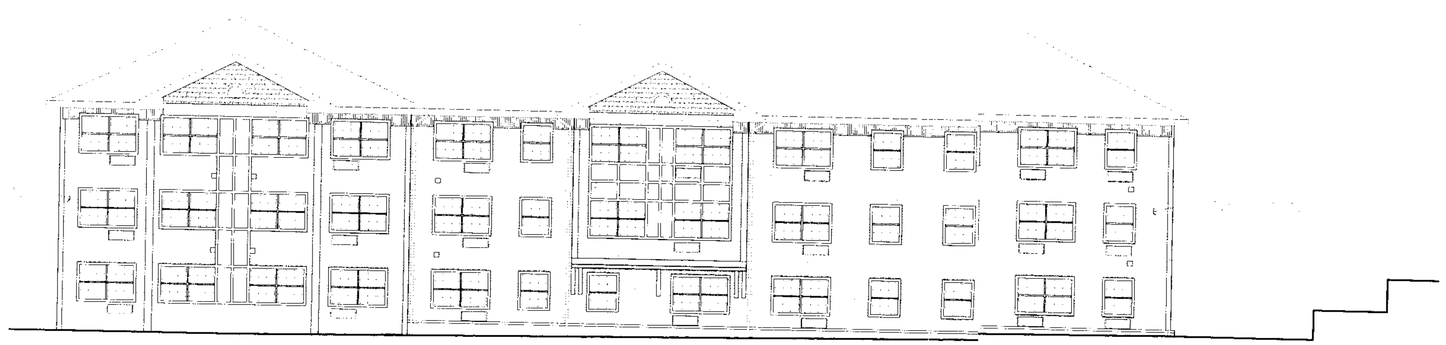
DAFT-McCUNE-WALKER,INC.
J.O. 98096 MAY 5,1999
SCALE: 1"=1,000'

1A 31.02 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

5A 31.02 EAST COURTYARD ELEVATION
SCALE: 1/8" = 1'-0"



5E 31.02 WEST COURTYARD ELEVATION
SCALE: 1/8" = 1'-0"



7A 31.02 WEST ELEVATION
SCALE: 1/8" = 1'-0"

CONTRACT 99-476 A

APPROVED FOR
FUNDING AND PLACEMENT
ON THE AGENDA
BY THE BOARD OF
APPROPRIATIONS

3A/31.02
5A/31.02
5E/31.02
7A/31.02

MARKS, THOMAS AND ASSOCIATES INC.
ARCHITECTURE · INTERIORS · PLANNING · URBAN DESIGN
3200 NORTH CHARLES STREET · BALTIMORE, MARYLAND 21218 · (410) 467-8000

CERTIFIED

Shelter Housing

PARK VIEW AT TAYLOR AVENUE

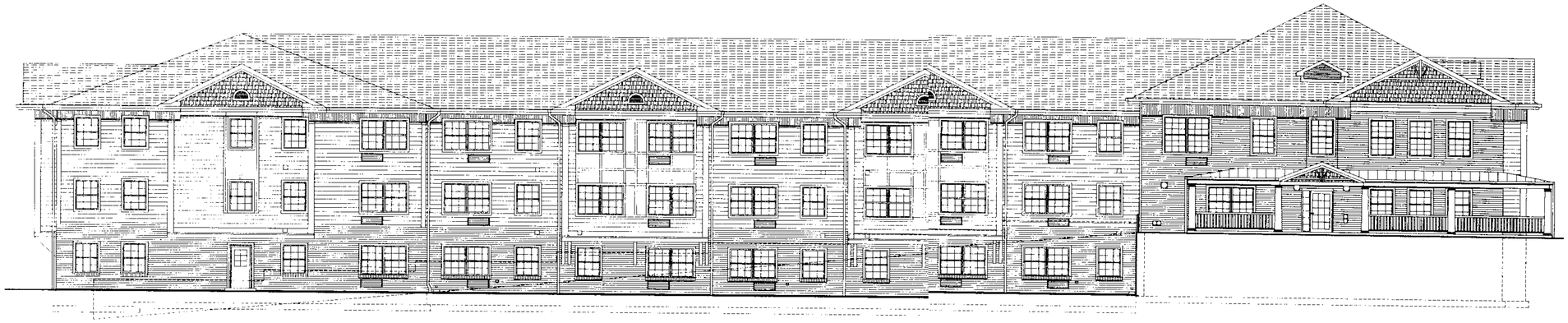
Retirement Community
Baltimore County, Maryland

SHEET TITLE
ELEVATIONS

JOB	DATE
DRN	CHKD

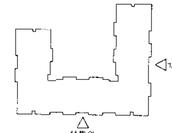
REVISIONS
100% CONSTRUCTION DOCUMENTS 4/20/00

31.02



4A 3101 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

7A 3101 EAST ELEVATION
SCALE: 1/8" = 1'-0"



MARKS, THOMAS AND ASSOCIATES INC.
ARCHITECTURE • INTERIORS • PLANNING • URBAN DESIGN
2300 NORTH CHARLES STREET • BALTIMORE, MARYLAND 21218 • (410) 467-8600

CERTIFIED

Shelter Housing

PARK VIEW AT TAYLOR AVENUE

Retirement Community
Baltimore County, Maryland

SHEET TITLE

JOB 99203	DATE 3/24/00
DRN DD	CHKD CDW

REVISIONS
100% CONSTRUCTION DOCUMENTS 4/20/00

BRICK: 33@50
SIDING: 35@65
TRIM: 8@15

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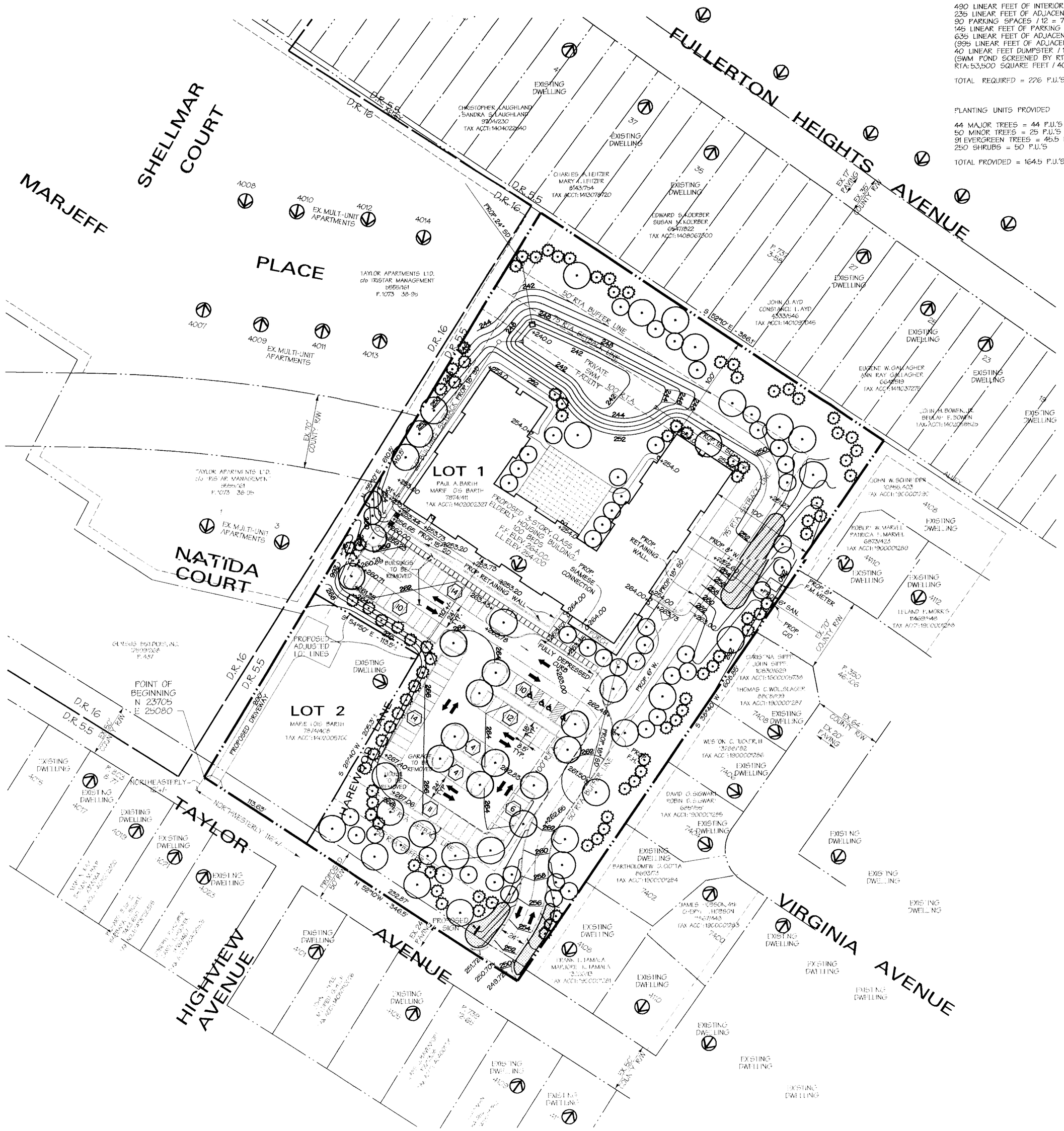


PLANT TABULATION

PLANTING UNITS REQUIRED

490 LINEAR FEET OF INTERIOR ROAD / 20 = 24.5 P.U.'S
236 LINEAR FEET OF ADJACENT ROAD / 40 = 5.9 P.U.'S
90 PARKING SPACES / 12 = 7.5 P.U.'S
146 LINEAR FEET OF PARKING LOT ADJACENT TO R.O.W. / 15 = 9.6 P.U.'S
635 LINEAR FEET OF ADJACENT RESIDENTIAL / 15 = 42.3 P.U.'S
(995 LINEAR FEET OF ADJACENT RESIDENTIAL COINCIDES WITH RTA)
40 LINEAR FEET DUMPSTER / 15 = 2.6 P.U.'S
(SWM POND SCREENED BY RTA)
RTA: 53,500 SQUARE FEET / 400 = 133.75 P.U.'S

TOTAL REQUIRED = 276 P.U.'S

PLANTING UNITS PROVIDED

44 MAJOR TREES = 44 P.U.'S
50 MINOR TREES = 25 P.U.'S
91 EVERGREEN TREES = 45.5 P.U.'S
250 SHRUBS = 50 P.U.'S

TOTAL PROVIDED = 164.5 P.U.'S

PROPOSED PLANTS

MAJOR DECIDUOUS TREES
MINOR DECIDUOUS TREES
EVERGREEN TREES
SHRUBS

LEGEND

TRACT BOUNDARY
ADJACENT PROPERTY LINE
ZONING DISTRICT
EXISTING WATER LINE
EXISTING SEWER LINE
EXISTING STORM LINE
EXISTING GAS LINE
EXISTING CONTOUR
PROPOSED BUILDING
444 — PROPOSED CONTOUR
PROPOSED UTILITY
PROPOSED C & G
PROPOSED PAVING
PROPOSED CONCRETE

NOTES:

1. EXISTING ZONING IS D.R. 5.5 (MAP NE6E & NE7E).

2. PROPOSED ZONING IS D.R. 16.0.

3. EXISTING USE - SITE IS DEVELOPED WITH TWO SINGLE FAMILY STRUCTURES; ONE WILL REMAIN.

4. PROPOSED PRINCIPAL USE - CLASS A ELDERLY HOUSING WITH NO ASSISTED LIVING OR NURSING UNITS; 24 HOUR RESIDENTIAL USE WITH A MAXIMUM OF 5 EMPLOYEES. HEIGHT TO BE LESS THAN 60 FEET.

5. PROPOSED ACCESSORY USES - IN ACCORDANCE WITH THE PROVISIONS OF SECTION 432.1B, BCZR, THE FOLLOWING ACCESSORY USES ARE CONTEMPLATED:
   A. ADMINISTRATION, MANAGEMENT, BUILDING AND GROUND MAINTENANCE, AND LAUNDRY FACILITIES.
   B. COMMON RECREATION/MEETING ROOM WITH WARMING KITCHEN.
   C. LOUNGES, CARD AND GAME ROOMS, AND OTHER COMMON FACILITIES FOR FOR THE USE OF RESIDENTS AND THEIR GUESTS.
   D. SEPARATE STORAGE SPACE FOR THE USE OF RESIDENTS OUTSIDE OF THEIR APARTMENTS.

6. DENSITY CALCULATIONS, MAXIMUM NUMBER OF DWELLING UNITS
   A. NET SITE AREA 6.00 ACRES± = 277,800 sq.ft.±
   (AREA TO BE RECLASSIFIED) 5.10 ACRES± = 222,156 sq.ft.±
   B. GROSS SITE AREA (INCLUDES 125 FEET OF TAYLOR AVENUE) 8.600
   C. MAXIMUM PERMITTED DENSITY AT D.R. 16 8,600
   D. DENSITY CALCULATIONS - PRELIMINARY HOUSING MIX
   LOT 2 (0.561 GROSS ACRES)
   1 EX. SINGLE FAMILY DWELLING = 1.5 DENSITY UNITS
   1 FUTURE SINGLE FAMILY DWELLING = 1.5 DENSITY UNITS
   TOTAL LOT 2 = 3.0 DENSITY UNITS
   LOT 1 (4.539 GROSS ACRES)

UNIT TYPE	No. UNITS	FACTOR	No. DENSITY UNITS (Rnd.)
2 BEDROOM	4	1.0	4
1 BEDROOM	96	0.75	72
			76 (Rnd.)

   TOTAL LOT 1 =

   E. THE MIX OF DWELLING UNIT TYPES AND DENSITY UNITS IS BASED ON EXPECTED DEMAND BASED ON CURRENT TRENDS. THIS MIX MAY BE MODIFIED IF THE TOTAL NUMBER OF PROPOSED DENSITY UNITS DOES NOT EXCEED THE MAXIMUM 8,600 DENSITY UNITS PERMITTED BY THE REQUESTED D.R. 16 ZONING OR IS NOT BELOW 79 DENSITY UNITS. ANY RESIDUAL DENSITY ASSOCIATED WITH THE REZONING OF LOTS 1 & 2 WILL BELONG TO LOT 1. PROPOSED LOT 2 SHALL RETAIN DENSITY FOR 2 DWELLING UNITS OF 3 BEDROOMS OR MORE EACH AND MAY BE SUB-DIVIDED INTO 2 LOTS FOR SINGLE FAMILY DWELLINGS SUBJECT TO COMPLIANCE WITH THE BALTIMORE COUNTY DEVELOPMENT REGULATIONS FOR THE PURPOSE OF CONSTRUCTION OF SINGLE FAMILY DWELLINGS. NO FURTHER DIVISIONS TO THIS PLAN WILL BE REQUIRED.

7. OFF-STREET PARKING (LOT 2)
   2 SPACES FOR EACH DWELLING UNIT = 2 SPACES PROVIDED
   OFF-STREET PARKING (LOT 1)
   A. CLASS A ELDERLY HOUSING REQUIREMENTS
   1 SPACE FOR EACH 1 1/2 DWELLING UNITS
   B. MAXIMUM PROPOSED UNITS 108 UNITS
   C. REQUIRED PARKING 72 SPACES MIN.
   D. SPACES TO BE PROVIDED 95 SPACES
   E. PAVING WILL BE OF A DURABLE, DUSTLESS SURFACE WHICH SHALL BE PROPERLY DRAINED TO NOT CREATE ANY UNDESIRABLE CONDITIONS.
   F. ON-SITE LIGHTING WILL BE ARRANGED TO REFLECT LIGHT AWAY FROM ADJOINING PREMISES AND TO NOT SHINE INTO THE PATH OF ONCOMING CARS.
   G. ALL PARKING SPACES WILL BE PERMANENTLY STRIPED IN TRAFFIC WHITE.
   H. LOADING AREA IS AS SHOWN.
   I. ALL PARKING SPACES TO BE 8.5' X 18'. FOUR HANDICAPPED SPACES ARE PROVIDED.

8. ARCHITECTURAL STYLE, EXTERIOR MATERIALS
   ARCHITECTURE AND EXTERIOR MATERIALS ARE AS SHOWN ON THE ATTACHED ARCHITECTURAL DRAWINGS. DETAILS ARE SUBJECT TO MODIFICATION AS FINAL PLANS AND ARCHITECTURE ARE PREPARED AND/OR REFINED. BUILDING FOOTPRINTS MAY BE MODIFIED SLIGHTLY. MATERIALS MAY BE SIDING, BRICK, AND/OR STUCCO.

9. STREET RIGHT-OF-WAY - PROPOSED RIGHT-OF-WAY IS SHOWN FOR TAYLOR AVENUE. IT IS BASED ON PRELIMINARY PLANS BY BALTIMORE COUNTY AND IS SUBJECT TO MODIFICATIONS AS PLANS ARE REVIEWED, OR AS MAY BE MODIFIED BY WAIVER.

10. THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.

11. THERE ARE NO 100-YEAR FLOODPLAIN, STREAMS, OR WETLANDS ON OR ADJACENT TO THIS SITE.

12. FUTURE ACTIONS - AT SUCH TIME AS THE PROPOSED D.R. 16.0 DOCUMENTED SITE PLAN RECLASSIFICATION IS RESOLVED, A PLAN SHALL BE SUBMITTED FOR REVIEW AND APPROVAL. THIS DOCUMENTED SITE PLAN AND ITS DETAILS ARE CONCEPTUAL AND ARE SUBJECT TO MODIFICATION. IN NO CASE SHALL THE NUMBER OF DWELLING UNITS EXCEED 108 UNITS, THE NUMBER OF REQUIRED PARKING SPACES BE GREATER THAN 95 SPACES, OR THE LOCATION OF THE BUILDING AND ACCESSORY PARKING BE BEYOND THE MAXIMUM BUILDING ENVELOPE SHOWN ON THE PLAN.

13. VEGETATION IN OPEN SPACE MAY BE MAINTAINED TO PROVIDE RECREATIONAL OPPORTUNITIES FOR THE RESIDENTS OF THIS PROJECT.

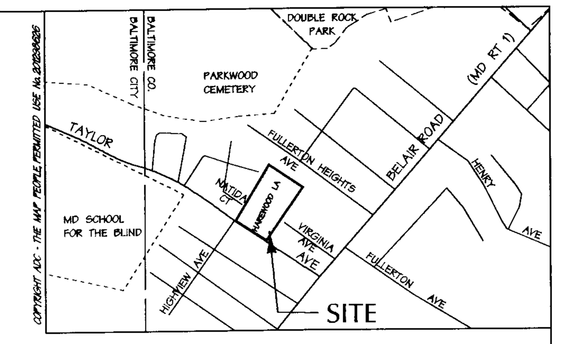
14. ALL BOUNDARY INFORMATION SHOWN HEREON IS BASED ON DEED REFERENCES AND NOT A FIELD BOUNDARY SURVEY.

15. THE SITE IS SERVED BY EXISTING PUBLIC WATER AND SEWER. THEIR LOCATIONS ARE AS SHOWN.

16. THIS PLAN SHOWS ALL CONDITIONS, DWELLINGS AND LOTS OF RECORD WHICH CREATE AN RTA ON SITE WITH THE ATTENDANT 150-FOOT DIMENSION AND 100-FOOT RTA LINES WITH SETBACKS AND BUFFERS.

17. THE ENVIRONMENTAL IMPACTS FROM THE ADDITIONAL TRAFFIC AND OTHER EMANATIONS FROM THE SITE (INCLUDING SIGHT AND OTHER VIBRATIONS, NOISE, DEPRESSIVE LIGHT AND HEAT) WILL BE NON-TOXICAL.

18. OTHER PERMIT REQUESTS:
   VARIANCE FROM SECTION 1B01.1.B.1.C.1 TO ALLOW A SIGN FACE OF 48 SQ. FT. IN LIEU OF THE ALLOWED 12 SQ. FT. PERMITTED.
   VARIANCE FROM SECTION 1B01.1.B.1.C.1 TO ALLOW A SIGN FACE OF 48 SQ. FT. IN LIEU OF THE ALLOWED 12 SQ. FT. PERMITTED.



VICINITY MAP

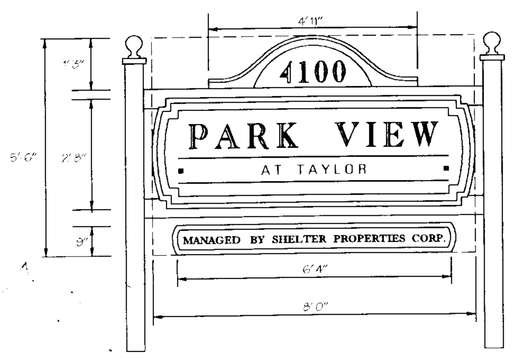
SCALE: 1" = 1000'

OWNERS:

PAUL A. BARTH &
MARIE LOIS BARTH
4100 TAYLOR AVENUE
BALTIMORE, MARYLAND 21236
DEED REF.: 7874/408 & 7874/411
TAX ID NO.: 1402005760 & 1402002327

CONTRACT PURCHASER:

SHELTER DEVELOPMENT, L.L.C.
218 NORTH CHARLES STREET
BALTIMORE, MD 21201



DETAIL OF PROPOSED IDENTIFICATION SIGN

NOT TO SCALE

NOTE: SIGN TO BE DOUBLE-SIDED, APPROXIMATELY 46 SQ.FT. IN SIZE AND ILLUMINATED IN ACCORDANCE WITH BCZR SECTION 450.6.B.

DATA SOURCES:

BOUNDARY INFORMATION SHOWN HEREON WAS COMPILED FROM DEEDS AND RECORD PLATS.

HORIZONTAL AND VERTICAL DATA SHOWN HEREON WAS WERE PRODUCED BY THE BALTIMORE COUNTY OFFICE OF INFORMATION TECHNOLOGY GIS SERVICES UNIT (DATA CAPTURE: MARCH 1995).

DMW

Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

DOCUMENTED PLAN TO ACCOMPANY RECLASSIFICATION AND VARIANCE PETITION

Park View at Taylor

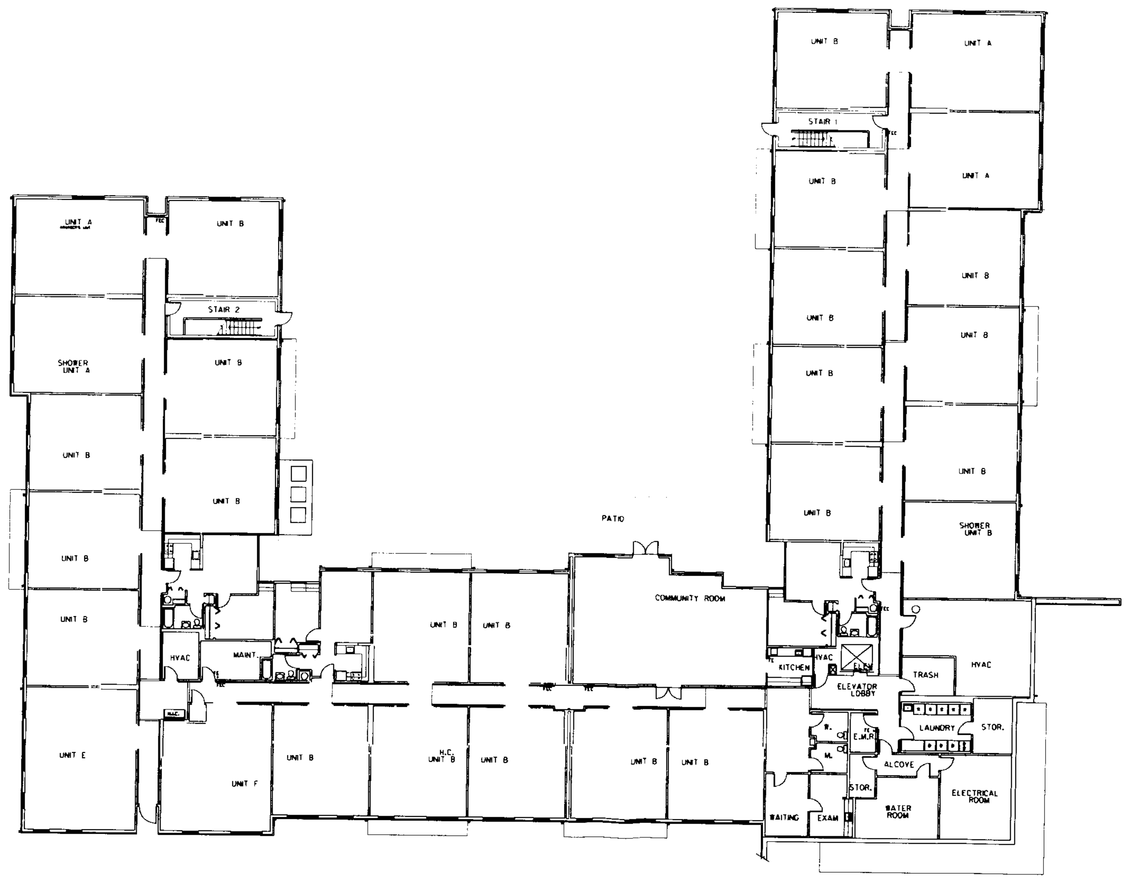
4100 Taylor Avenue

ELECTION DISTRICT 14 — COUNCILMANIC DISTRICT 6
BALTIMORE COUNTY, MARYLAND

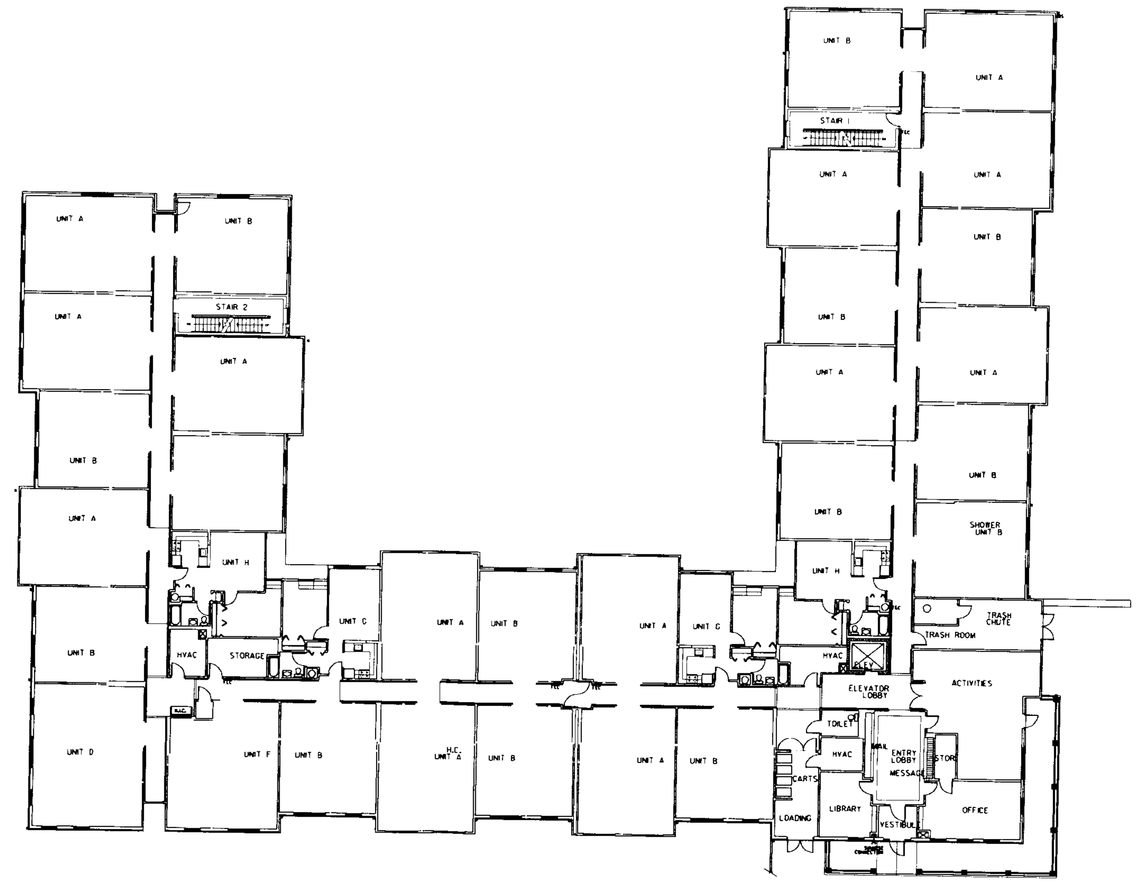
DATE	BY	REVISIONS

CR-99-446-A

ISSUE DATES			
REVIEW		BASE:	
BID		DRAWN:	
PERMIT		DESIGNED:	
CONSTRUCTION		CHECKED BY:	
		DATE CHECKED	
SCALE		DRAWING	
PROJECT NO.		1 OF 3	



1 FIRST FLOOR PLAN
SCALE: 1/16"=1'-0"



2 SECOND FLOOR PLAN
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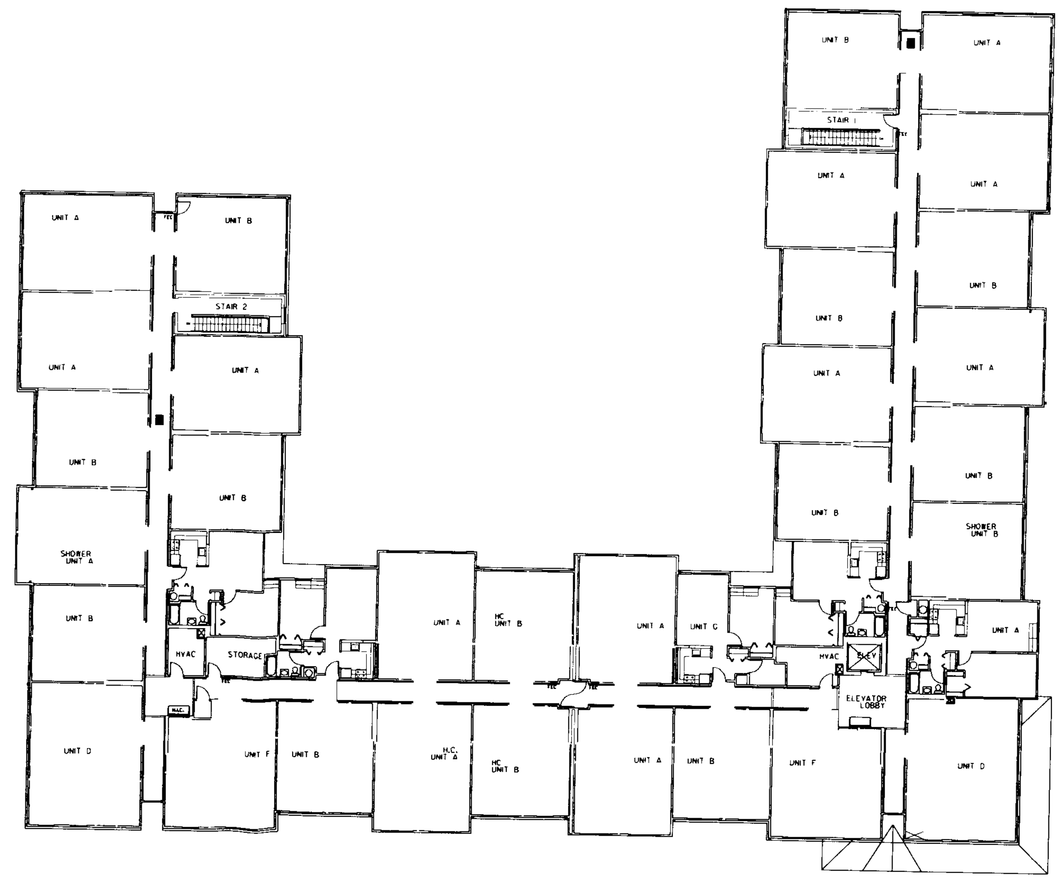
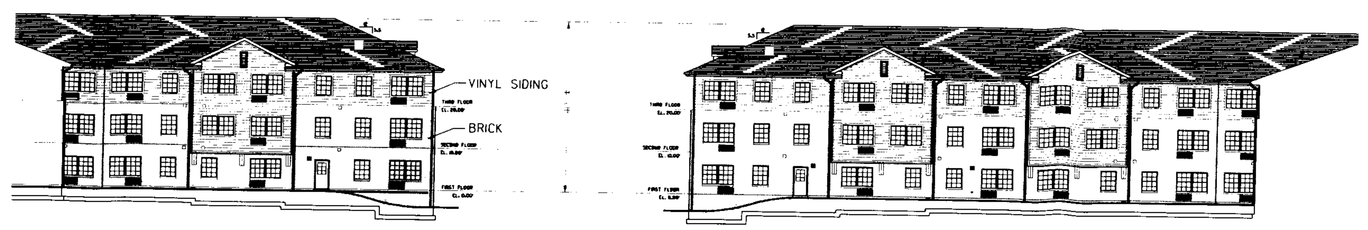


3 THIRD FLOOR PLAN
SCALE: 1/16"=1'-0"

4 SOUTH ELEVATION
SCALE: 1"=1'-0"



5 WEST COURTYARD ELEVATION
SCALE: 1"=1'-0"

6 EAST COURTYARD ELEVATION
SCALE: 1"=1'-0"

7 NORTH ELEVATION
SCALE: 1"=1'-0"

8 EAST ELEVATION
SCALE: 1"=1'-0"

9 WEST ELEVATION
SCALE: 1"=1'-0"

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MAY 03 1999
DAFT-McCUNE-WALKER, INC.

DMW
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

DOCUMENTED PLAN TO ACCOMPANY RECLASSIFICATION AND VARIANCE PETITION

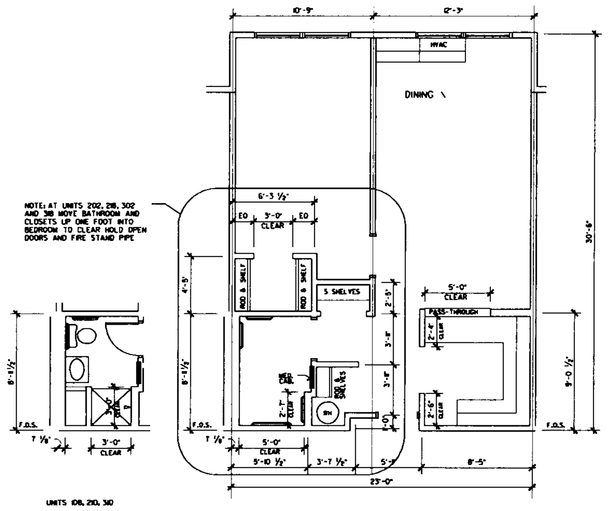
Park View at Taylor

4100 Taylor Avenue

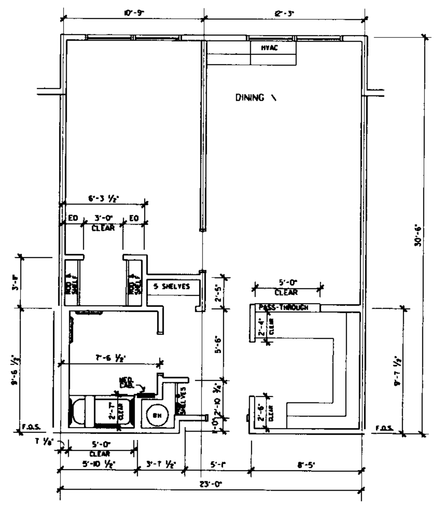
ELECTION DISTRICT 14 — COUNCILMANIC DISTRICT 6
BALTIMORE COUNTY, MARYLAND

DATE	BY	REVISIONS

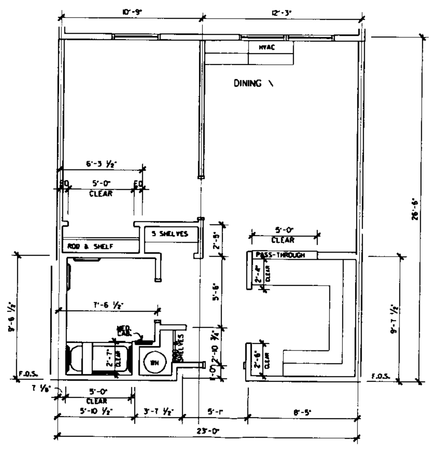
ISSUE DATES			
REVIEW:	[illegible]	BASE:	WDE
BID:		DRAWN:	WDE
PERMIT:		DESIGNED:	
CONSTRUCTION:		CHECKED BY:	
SCALE:	NOTED	DATE CHECKED:	
PROJECT NO.:	[illegible]	DRAWING:	2 OF 3



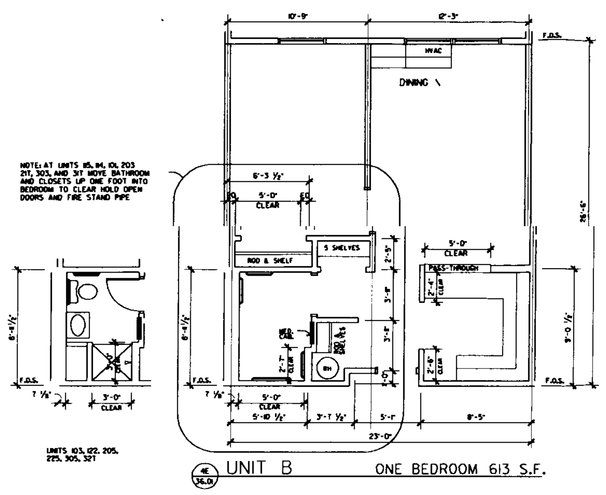
UNIT A ONE BEDROOM LARGE 705 S.F.



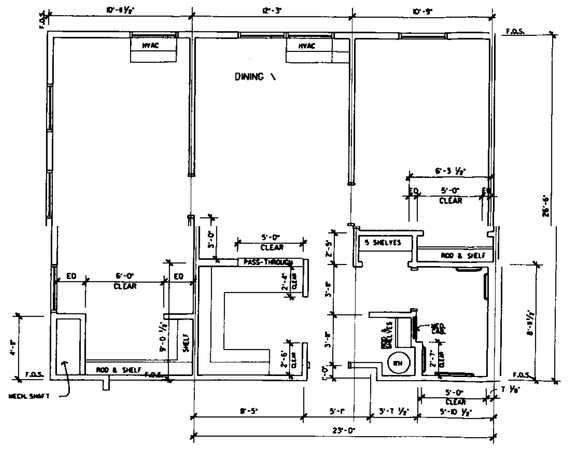
H.C. UNIT A ONE BEDROOM LARGE 705 S.F.



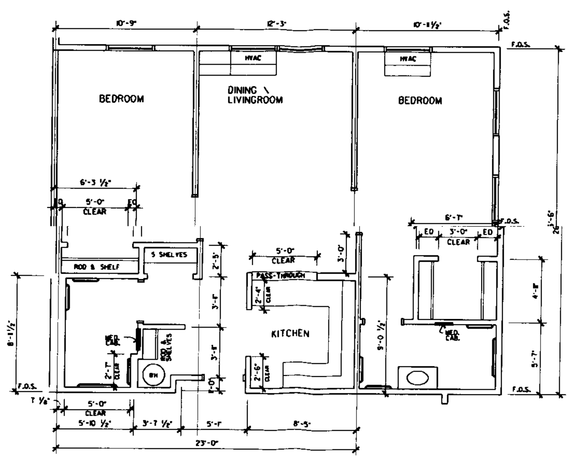
H.C. UNIT B ONE BEDROOM 613 S.F.



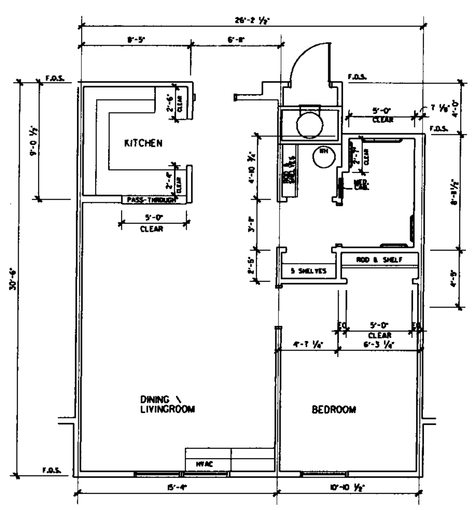
UNIT B ONE BEDROOM 613 S.F.



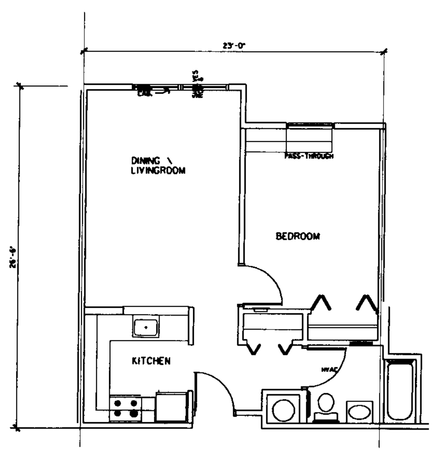
UNIT D TWO BED ONE BATH 909 S.F.



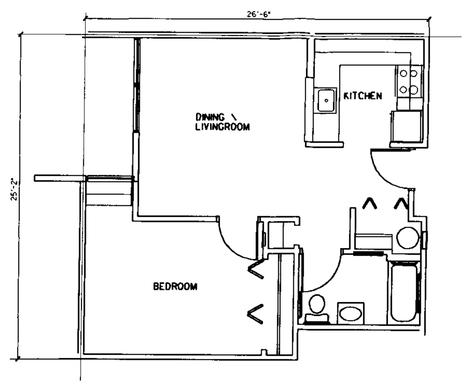
UNIT E TWO BED TWO BATH 908 SF



UNIT F ONE BEDROOM LARGE 758 SF



UNIT G ONE BED ONE BATH 601SF



UNIT H ONE BED ONE BATH 600 SF

POSSIBLE TYPICAL FLOOR PLANS

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MAY 03 1999

DAFT-McCUNE-WALKER, INC.

DMW

Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

DOCUMENTED PLAN TO ACCOMPANY RECLASSIFICATION AND VARIANCE PETITION

Park View at Taylor

4100 Taylor Avenue

ELECTION DISTRICT 14 COUNCILMANIC DISTRICT 6

BALTIMORE COUNTY, MARYLAND

DATE	BY	REVISIONS

ISSUE DATES			
REVIEW:	4-30-99	BASE:	WDE
BID:		DRAWN:	WDE
PERMIT:		DESIGNED:	
CONSTRUCTION:		CHECKED BY:	
SCALE:	1/8" = 1'-0"	DATE CHECKED:	
PROJECT NO.:	98096	DRAWING:	3 OF 3

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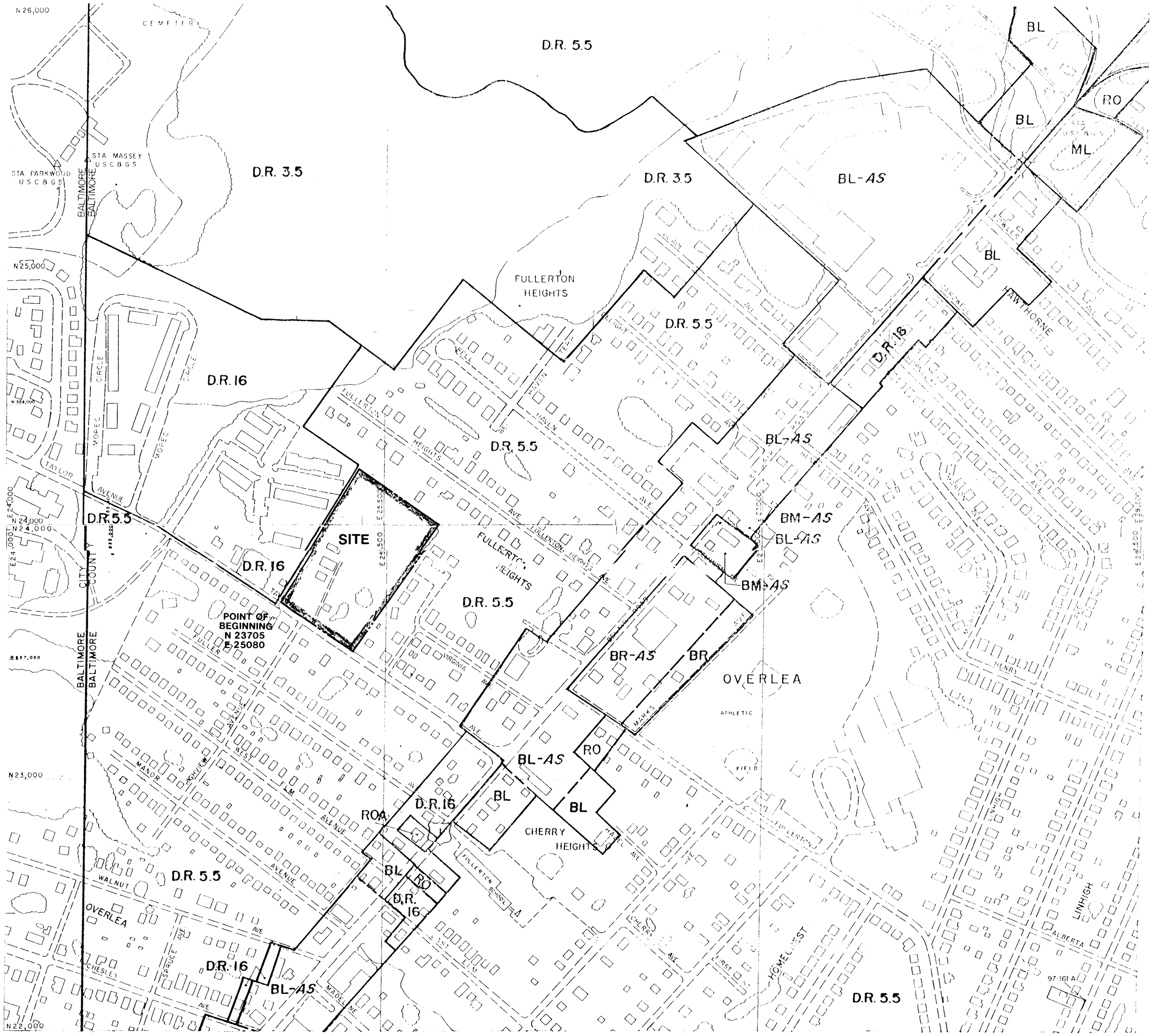

PORTION OF ZONING MAPS NE6E & NE7E

AAO

DMW

Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

ZONING MAP TO ACCOMPANY RECLASSIFICATION AND VARIANCE REQUEST

Park View at Taylor

4100 Taylor Avenue

ELECTION DISTRICT 14 COUNCILMANIC DISTRICT 6

BALTIMORE COUNTY, MARYLAND

CR-99-440-A

DATE	BY	REVISIONS

ISSUE DATES			
REVIEW:	4-19-99	BASE:	RGB
BID:		DRAWN:	RGB
PERMIT:		DESIGNED:	
CONSTRUCTION:		CHECKED BY:	
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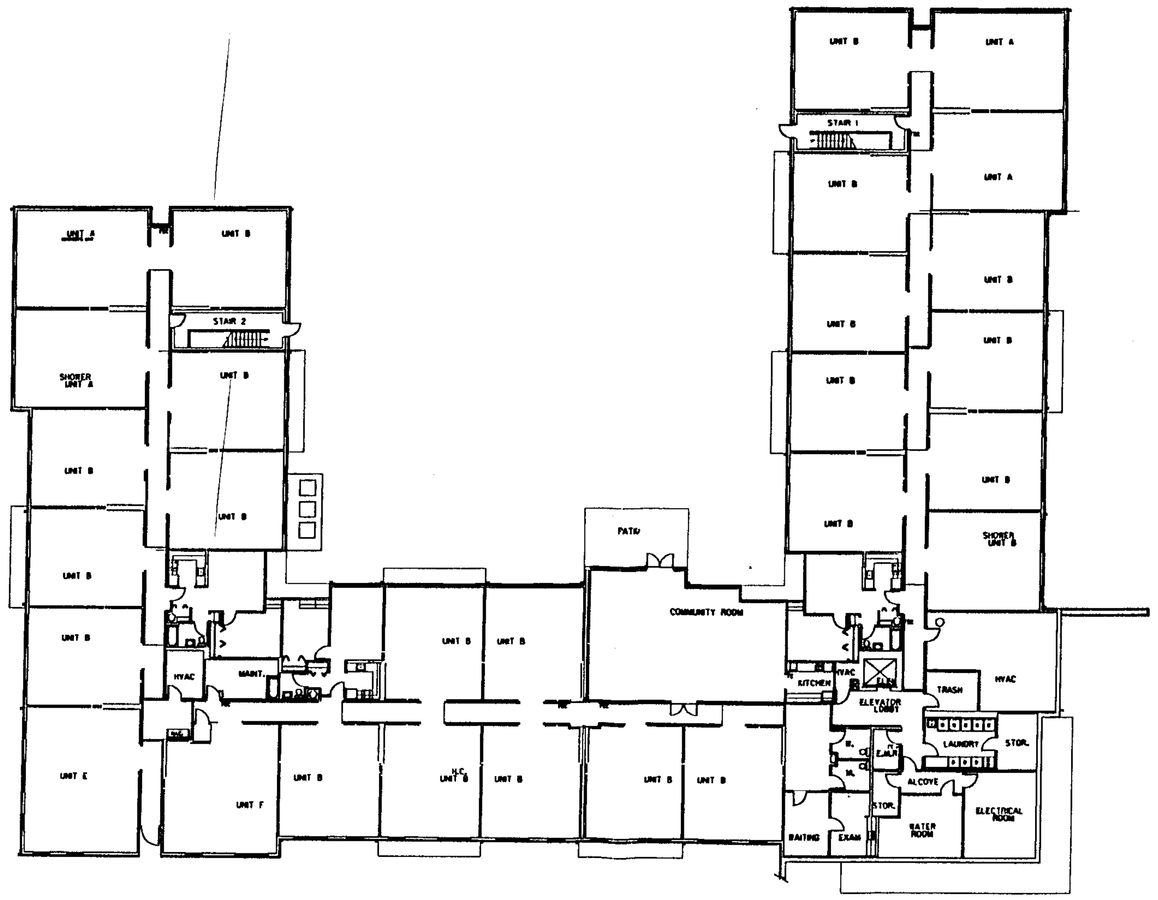
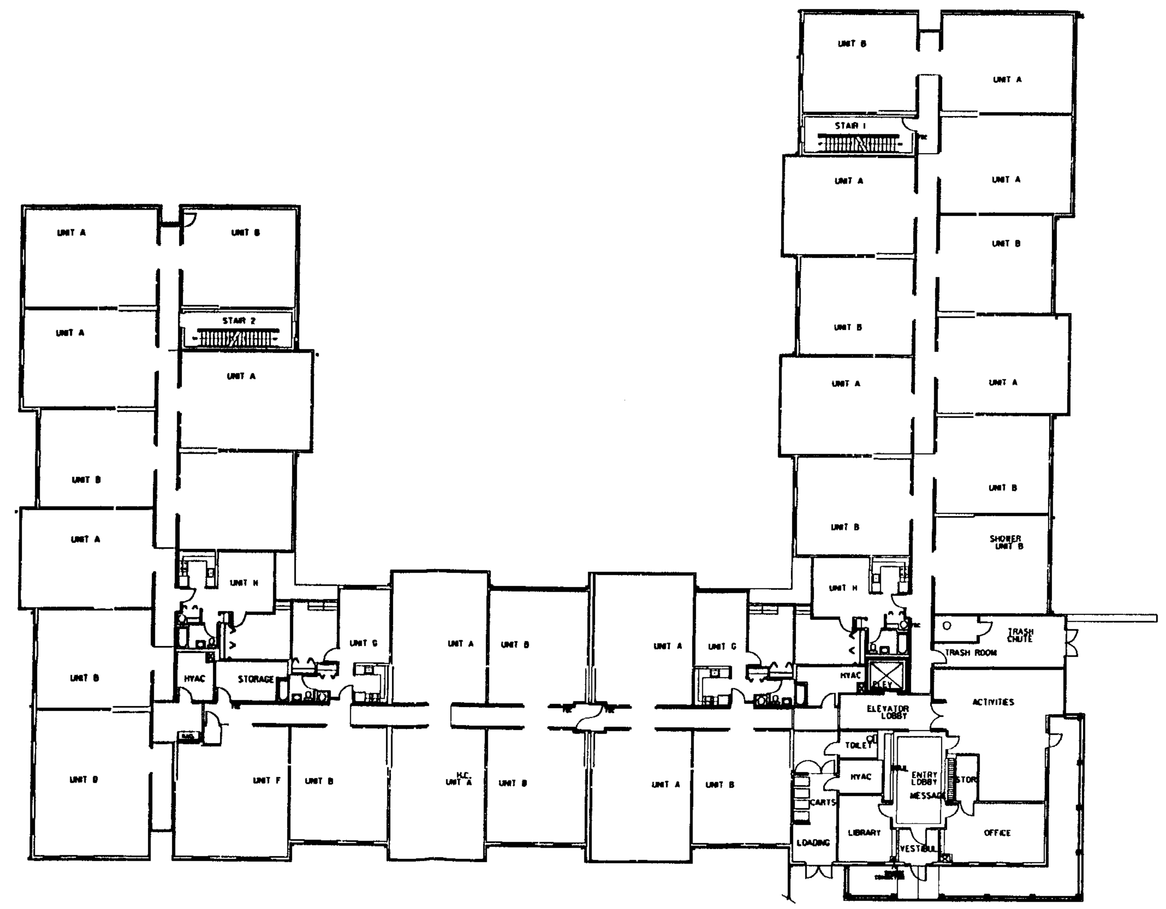
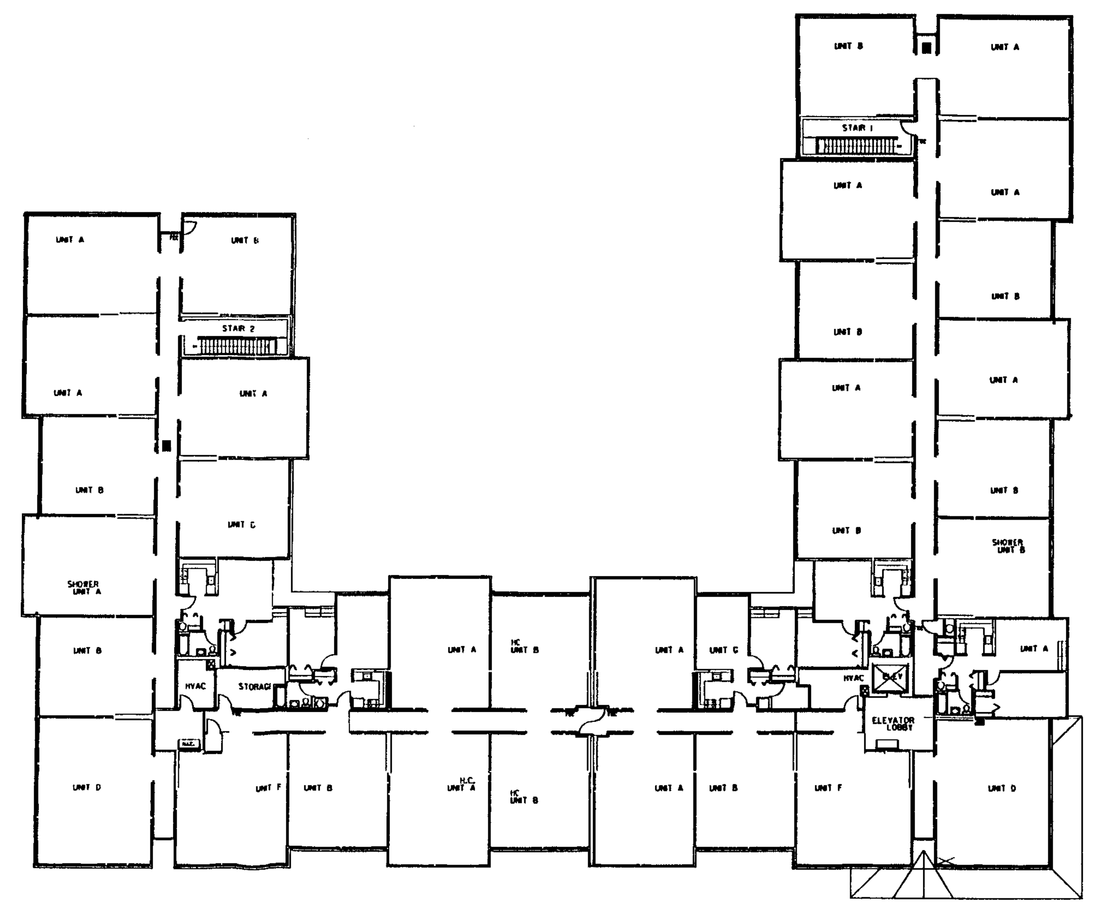
PROJECT NO.:	98036	DRAWING:	1 OF 1



FIRST FLOOR PLAN 84,705 S.F.

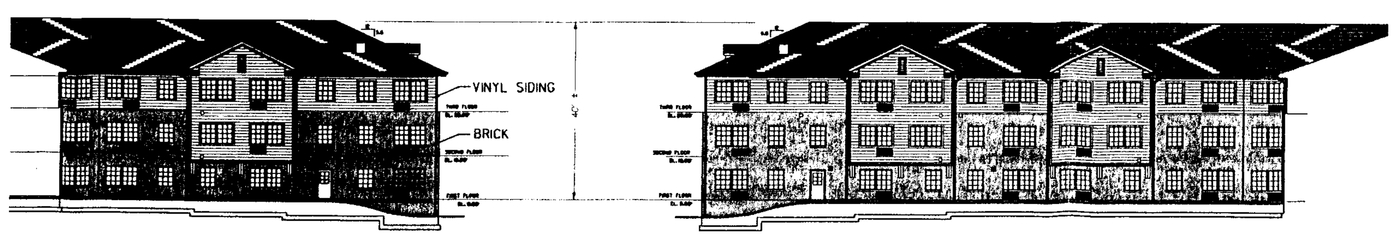


SECOND FLOOR PLAN 28,458 S.F. 84,705 S.F.



THIRD FLOOR PLAN 28,458 S.F. 84,705 S.F.

SOUTH ELEVATION



WEST COURTYARD ELEVATION

EAST COURTYARD ELEVATION

NORTH ELEVATION

EAST ELEVATION

WEST ELEVATION

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MAY 03 1999

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DOCUMENTED PLAN TO ACCOMPANY RECLASSIFICATION AND VARIANCE PETITION

Park View at Taylor

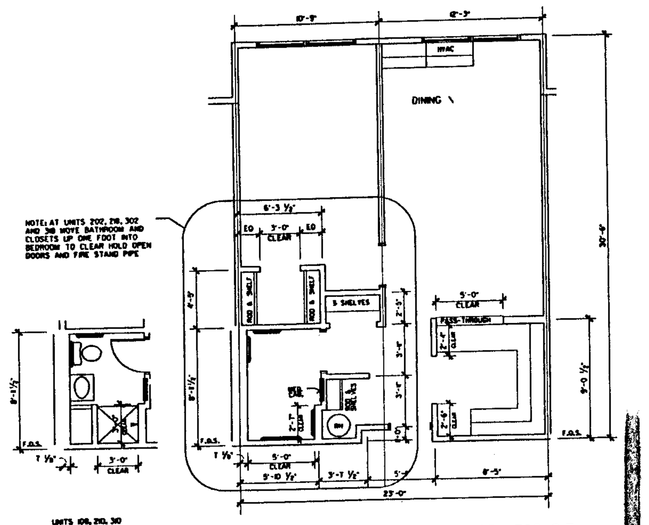
4100 Taylor Avenue

ELECTION DISTRICT 14 — COUNCILMANIC DISTRICT 6

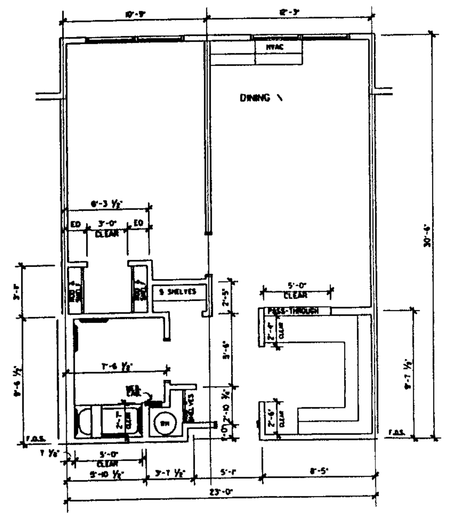
BALTIMORE COUNTY, MARYLAND

DATE	BY	REVISIONS

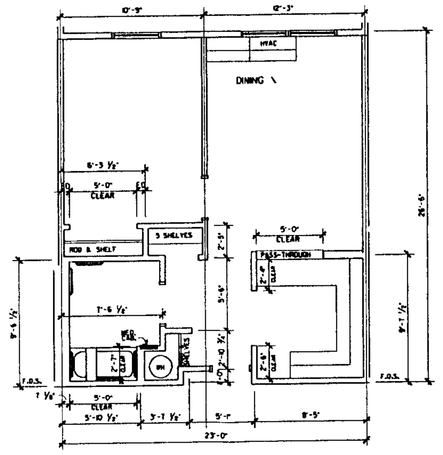
ISSUE DATES			
REVIEW:	4-30-99	BASE:	WDE
BID:		DRAWN:	WDE
PERMIT:		DESIGNED:	
CONSTRUCTION:		CHECKED BY:	
		DATE CHECKED:	
SCALE:	NONE	DRAWING:	2 OF 3
PROJECT NO.:	98096		



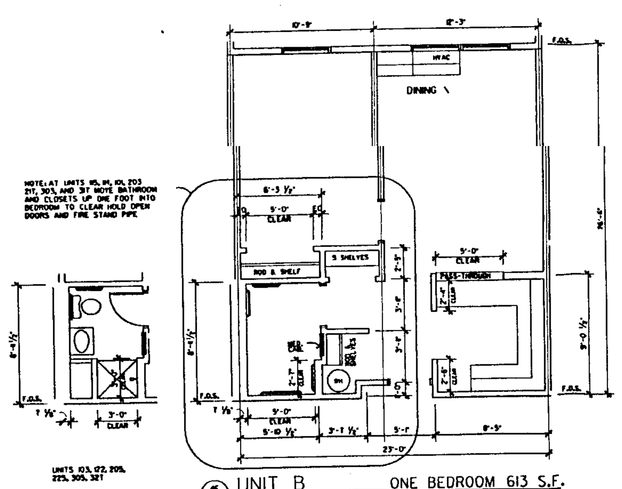
UNIT A ONE BEDROOM LARGE 705 S.F.



H.C. UNIT A ONE BEDROOM LARGE 705 S.F.



H.C. UNIT B ONE BEDROOM 613 S.F.



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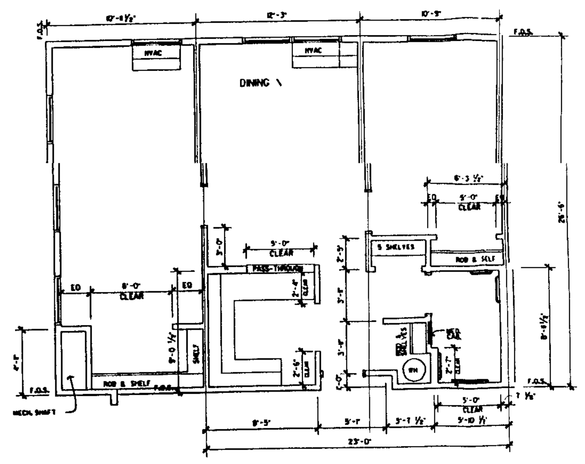
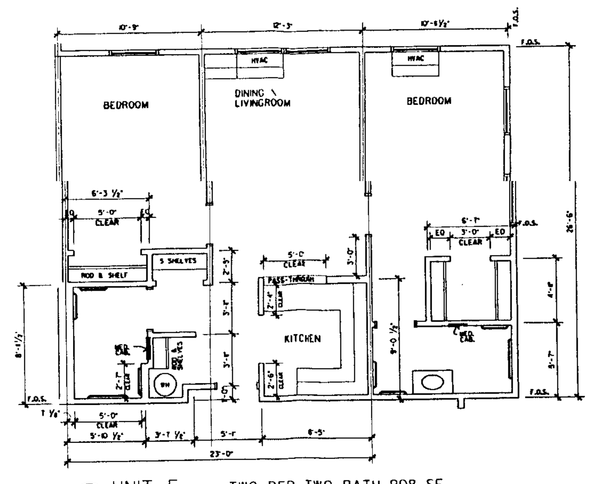
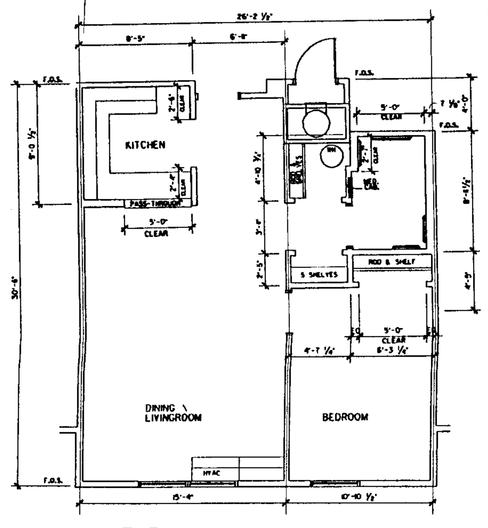


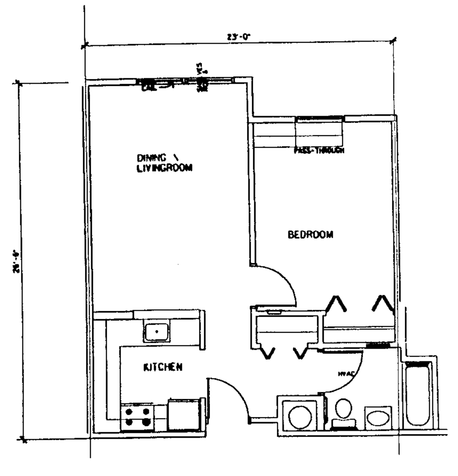
UNIT D TWO BED ONE BATH 909 S.F.



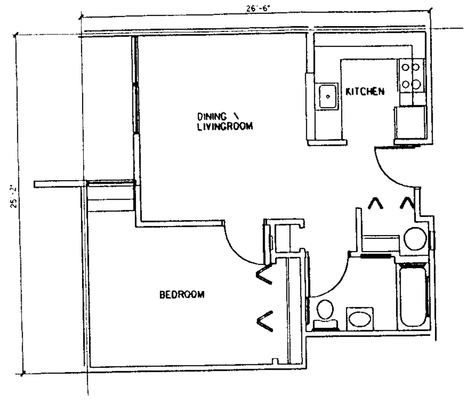
UNIT E TWO BED TWO BATH 908 SF



UNIT F ONE BEDROOM LARGE 758 SF



UNIT G ONE BED ONE BATH 601SF



UNIT H ONE BED ONE BATH 600 SF

POSSIBLE TYPICAL FLOOR PLANS

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DAFT-McCUNE-WALKER, INC.

DMW

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ELECTION DISTRICT 14 — COUNCILMANIC DISTRICT 6

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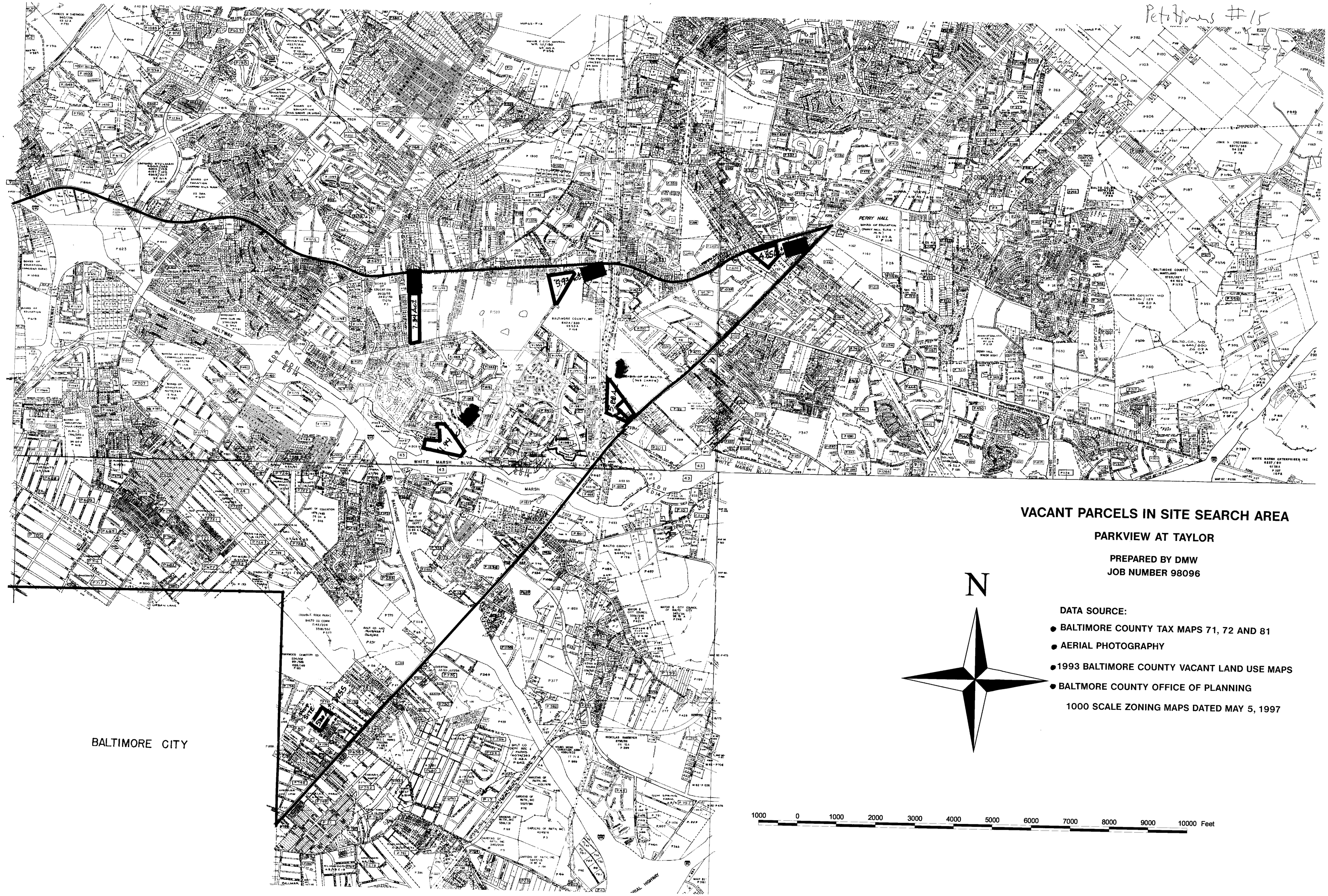
SCALE:	1/8" = 1'-0"	DATE CHECKED:	
PROJECT NO:	98096	DRAWING:	3 OF 3

File No 30 03.3009 099 c:\projects\98096\98096.dc4

Petitioners #15



VACANT PARCELS IN SITE SEARCH AREA

PARKVIEW AT TAYLOR

PREPARED BY DMW
JOB NUMBER 98096

DATA SOURCE:

- BALTIMORE COUNTY TAX MAPS 71, 72 AND 81
- AERIAL PHOTOGRAPHY
- 1993 BALTIMORE COUNTY VACANT LAND USE MAPS
- BALTMORE COUNTY OFFICE OF PLANNING

1000 SCALE ZONING MAPS DATED MAY 5, 1997