

IN THE MATTER OF
THE APPLICATION OF
KEY POINT HEALTH SERVICE, INC.
FOR A SPECIAL HEARING, SPECIAL
EXCEPTION AND VARIANCE ON
PROPERTY LOCATED AT
18 EGGES LANE

1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 00-322-SPHXA

* * * * *

ORDER OF DISMISSAL

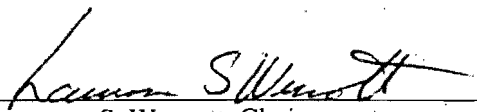
This matter comes to the Board of Appeals by way of an appeal filed by J. Carroll Holzer, Esquire, on behalf of Key Point Health Services, Inc. and Karl D. Weber, Chief Executive Officer (Petitioner), and an appeal filed by G. Macy Nelson, Esquire, on behalf of ReVisions, Inc., Appellant /Protestant, from a decision of the Zoning Commissioner dated May 19, 2000 in which the requested relief was granted in part and denied in part.

WHEREAS, the Board is in receipt of a letter of withdrawal of appeal filed February 20, 2001 by J. Carroll Holzer, Esquire, on behalf of Key Point Health Services, Inc., Appellant /Petitioner, and a letter of withdrawal of appeal filed February 22, 2001 by G. Macy Nelson, Esquire, on behalf of ReVisions, Inc., Appellant /Protestant (copies of which are attached hereto and made a part hereof); and

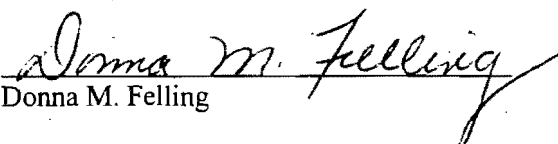
WHEREAS, said Counsel for Appellants request that all appeals taken in this matter be withdrawn and dismissed as of February 20, 2001 and February 22, 2001,

IT IS ORDERED this 28th day of February, 2001 by the County Board of Appeals of Baltimore County that the appeals taken in Case No. 00-322-SPHXA be and the same are hereby **DISMISSED**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott, Chairman


Charles L. Marks


Donna M. Felling

IN RE: PETITIONS FOR SPECIAL HEARING,	* BEFORE THE
SPECIAL EXCEPTION & VARIANCE -	
SE/Corner Egges Lane & Melrose Avenue	* ZONING COMMISSIONER
(18 Egges Lane)	
1 st Election District	* OF BALTIMORE COUNTY
1 st Councilmanic District	
	* Case No. 00-322-SPHXA
Key Point Health Services, Inc.	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by Key Point Health Services, Inc., by Karl D. Weber, Chief Executive Officer, through their attorney, J. Carroll Holzer, Esquire. The Petitioners request a special hearing seeking a determination that the activities proposed by Key Point Health Services, Inc. constitute a "Medical Clinic", which is permitted by right in the B.L. zone, pursuant to Section 230.9 of the Baltimore County Zoning Regulations (B.C.Z.R). In the alternative, the Petitioners request a special exception for a "Community Care Center", pursuant to Section 230.13 of the B.C.Z.R. Lastly, the Petitioners request variance relief from the B.C.Z.R. as follows: 1) From Section 409.6.A.1.2 to allow 3 parking spaces in lieu of the required 10 spaces; 2) from Section 232.2.b to permit a side yard setback to the street of 2 feet in lieu of the required 10 feet; and, 3) from Section 232.1 of the B.C.Z.R. to permit a front building setback to the street centerline of 34.7 feet in lieu of the required 40 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 8.

Appearing at the requisite public hearing in support of the requests were Karl D. Weber, Chief Executive Officer of Key Point Health Services, Inc., owners of the subject property, and several staff members and employees of that corporation. Also appearing on behalf of the Petitioners were William F. Kirwin, Landscape Architect, and J. Carroll Holzer, Esquire, attorney

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By

5/19/00

[Signature]

for the Petitioners. Additionally, a number of residents from the surrounding locale appeared and testified in support of the requests, including Brian Nippard, Rod Baker and Betty Anne Cornelius. Appearing as a Protestant in the matter was R. Scott Graham, the owner of Revisions Behavioral Health Services, Inc., a nearby competing business. Mr. Graham was represented by G. Macy Nelson, Esquire. Maureen Sweeney Smith, Executive Director of the Catonsville Chamber of Commerce, also appeared in opposition.

The subject property contains a gross area of approximately 0.174 acres, more or less, zoned B.L.-C.C.C., and is located on the southern corner of the intersection of Egges Lane and Melrose Avenue adjacent to the business district of "downtown" Catonsville. The property is improved with a one-story frame building that was constructed many years ago. Although no testimony was offered regarding the exact age of the building, it was apparently constructed before World War II. The property was previously owned by Baltimore County and operated as a clinic and resource center for the Catonsville community from the early 1940s. Testimony offered by Ms. Cornelius, a long-time resident of the area, provided a historic perspective on the use of this building. Apparently, the site was utilized as a clinic for children suffering from Downe's syndrome. In any event, the property continued to be owned and utilized by Baltimore County until 1996, at which time the County leased the property to the University of Maryland Medical System, who took over the operation of the clinic.

In 1999, the University of Maryland Medical Systems vacated the property and through a public auction, Baltimore County sold the property to Key Point Health Services, Inc. Key Point currently operates a clinic at a nearby property known as 10 Winters Lane, and has been providing services in the Catonsville community since the early 1960s. As is the case with the subject property, the clinic at 10 Winters Lane was originally a Baltimore County facility until the County privatized mental health services in 1996. Key Point Health Services, Inc. is a non-profit organization that was established in 1983 and has offices in Dundalk and Catonsville.

In acquiring the subject property, Key Point intends to utilize the site as an extension of its services offered at 10 Winters Lane. Testimony from Mr. Weber, its Director, indicated that

clients of the 10 Winters Lane facility would be seen at the subject site for follow-up counseling and services. The facility will offer a psycho/social rehabilitation program, and, on some occasions, physicians will be on site to treat, supervise and participate in the rehabilitative services offered on the property. Other services to be provided include a psychiatric rehabilitation program, including a rehabilitation assessment, basic rehabilitation enrichment and support, and case management. There will also be group activities on the site, such as a wood shop, computer class, domestic arts and health, communications, a newsletter, writing, poetry and social skills. It was also indicated that transportation for Key Point's clients to the site will be provided through a system of vans. Moreover, the staff persons who manage the program and physicians who use the site will generally park at 10 Winters Lane and walk to the property.

Generally, it appears that the community in which the subject property is located supports Key Point's acquisition and proposed use of the site. Brian Nippard, a community activist, testified that he supports the proposed operation and indicated that the clinic will be consistent with the historic use of the structure. Ms. Cornelius, an immediate neighbor, testified that she supports Key Point. She provided detailed testimony regarding the use of the site for the past 60 years.

In addition to this lay testimony, testimony was also received from William F. Kirwin, the Landscape Architect who prepared the site plan. Mr. Kirwin testified about the use of the subject site, and opined that same is a medical clinic and therefore, is permitted by right in the B.L. zone, pursuant to Section 230.9 of the B.C.Z.R. In the alternative, Mr. Kirwin also testified that the proposed use as a community care center meets the special exception requirements of Section 502.1 of the B.C.Z.R. Essentially, he believes that the use proposed will not be detrimental to the surrounding locale, and will not adversely affect adjacent properties. Mr. Kirwin also testified regarding the requested variances, and opined that they were legally justifiable and that the Petition for same should be granted.

The opposition came in the form of Mr. Graham, the owner/operator of Revisions. The testimony offered by this witness is contained in the record of this case and speaks for itself. The

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By [Signature]

Zoning Commissioner had the opportunity to personally observe witnesses who testified, including their demeanor, and adjudge their credibility. In my judgment, Mr. Graham's opposition to the request is primarily based on competitive concerns. He no doubt fears that Key Point's use of the subject site could be detrimental to his business. I have no hesitation in reaching such a conclusion, based upon his testimony and demeanor at the hearing. However, as is well-settled, land use matters which come before this Zoning Commissioner cannot be decided for competitive or economic reasons. Thus, the actual basis of Mr. Graham's opposition is irrelevant. Whether his business is harmed or helped by the proposed operation, from an economic standpoint, is of no regard. Rather, I must apply the standards set out in the B.C.Z.R. as same have been construed by case law. However, this is not to say that the Petitions must be granted because there is no credible opposition. The Petitioner has the burden of adducing testimony and evidence that the Petitions for Special Hearing, Special Exception and Variance should be granted. It is not the burden of the Protestants to show that the Petitions should be denied; rather, it is the burden of the applicant to demonstrate that the standards set out in the B.C.Z.R. are met.

It is also to be noted that the only other witness who appeared in opposition to the request was Maureen Sweeney Smith, the Executive Director of the Catonsville Chamber of Commerce. She is opposed to the use and expressed concern over its potential detrimental impacts on traffic and congested parking conditions in the area. However, it is to be noted that Mr. Graham serves as President of the Chamber of Commerce. This situation raises an obvious credibility question as to the testimony offered by Ms. Smith.

In any event, the testimony and evidence offered is contained within the record of this case. Numerous supporting documents were offered by both sides and they have been reviewed and considered by this Zoning Commissioner. I also conducted a site visit to the property. Additionally, I was afforded the opportunity to review the transcript of the testimony offered at the last day of hearing on this case on April 20, 2000. Finally, Counsel for both parties has provided well-written memoranda regarding the issues presented. It is this evidence and argument on which the following decision is rendered.

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By [Signature]

There are three issues presented. The first relates to the Petition for Special Hearing. As noted above, the property is zoned B.L.-C.C.C. Section 230.9 of the B.C.Z.R. contains those uses permitted by right in the B.L. zone. Among the enumerated uses therein is a medical clinic. Thus, if the proposed use is defined as a medical clinic, it is permitted on this property by right.

A "medical clinic" is defined in Section 101 of the B.C.Z.R. The term includes "ambulatory care centers, diagnostic centers, birthing centers and dialysis satellite units." The term does not include "ambulatory surgical facilities." Also instructive is the definition of "medical office" as contained in Section 101 of the B.C.Z.R. A "medical office" is defined as "A place for the treatment of outpatients by one or more medical practitioners." The term does not include a veterinarian's office, medical clinic, ambulatory care center, diagnostic center, birthing center, or dialysis satellite unit, nor does it include ambulatory surgical facilities. Finally, the B.C.Z.R. defines a medical practitioner as a "physician, dentist, optometrist, chiropractor, podiatrist, psychologist, physical therapist, nurse, massage therapist, as defined in Section 24-441 of the Baltimore County Code, or similar health professional, licensed by the State."

In support of its Petition, the Petitioner offered testimony that the subject facility would be periodically staffed by "medical practitioners", as defined by the B.C.Z.R. However, under cross-examination from Protestants' Counsel and questioning by this Zoning Commissioner, it is clear that not all activities at the facility will be supervised by such professionals. Rather, certain activities will be supervised by non-medical practitioners, including counselors, social workers, and similar type employees. Although I do not demean those individuals nor their professions, the staffing by these individuals, in my judgment, mandates a finding that the proposed use is not a medical clinic. The medical clinic definition in Section 101 of the B.C.Z.R. infers that medical practitioners must be present on a full-time basis. The testimony offered was not persuasive that the proposed operation is that of a medical clinic.

This conclusion is buttressed by two additional factors. First, in support of its Petition for Special Hearing, the applicant cites Smith-Berch v. Baltimore County, 68 F Supp. 2nd 602 (1998) for the proposition that the proposed use is a medical clinic. That case, however, is

inapposite and is distinguished both legally and factually. Legally, that case was before the United States District Court in Baltimore on Motions to Dismiss and for Summary Judgment filed by Baltimore County. The issues presented and law applied are significantly different. During its recitation of the factual background, the Court observed certain relevant portions of the B.C.Z.R., including the definition of "medical clinic." The holding offered in that case cannot be construed to mandate that the use proposed in the instant case is a medical clinic. At best, the case can be construed to state that certain words and phrases in the B.C.Z.R. are subject to different interpretation.

As importantly, there is a significant factual distinction. In that case, suit was filed against Baltimore County for an alleged violation of the Americans with Disabilities Act and the County's prohibition of a methadone clinic. The activity described in that case (drug rehabilitation) is far different than what is proposed here. The individuals seeking assistance through Key Point are those individuals suffering from some form of mental illness other than drug addiction. Thus, Smith-Berch is factually distinct from the subject case.

Equally important is the definition of a community care building as found in the B.C.Z.R. As will be discussed hereinafter in considering the Petition for Special Exception, a "community care center" is defined in Section 101 of the B.C.Z.R. as a "small scale facility for the housing, counseling, supervision, or rehabilitation of mentally handicapped or abused individuals." The community care definition fits squarely upon the proposed use in this case. In that the use proposed is specifically identified and encompassed within a definition contained within the B.C.Z.R., there is no need to attempt to shoehorn a description of the activity in another definition. That is, one must not labor to find this use a medical clinic when the community care definition fits so well. For these reasons, I find that the proposed use is not a medical clinic and thus, the Petition for Special Hearing must be denied.

Having determined that the proposed use is not a medical clinic and thus, not permitted by right, attention is next turned to the special exception request. Based upon the definition of community care center as found in Section 101 of the B.C.Z.R., and the description of the

Date 5/14/00
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proposed use determined through the testimony and evidence offered, I am easily persuaded that the use proposed is that of a community care center. That use is permitted by special exception, only, pursuant to Section 230.13 of the B.C.Z.R.

In considering the Petition for Special Exception, this Zoning Commissioner must apply the standards set forth in Section 502.1 of the B.C.Z.R. That Section sets out the criteria which must be applied in determining the appropriateness of any special exception use. As has frequently been stated by the Appellate Courts of this State, the special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. (See Schultz v. Pritts, 291 Md. 1 (1981)). Moreover, "the special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible, absent any fact or circumstance negating the presumption." (Emphasis in original, Schultz, *infra*, Pg. 11). Other jurisdictions label special exceptions as "conditional uses", the inference being that they are presumptively proper, absent a finding that would negate that presumption.

Schultz is the seminal case in Maryland on special exceptions. In the opinion authored by the late Judge Rita Davidson, the Court comprehensively discussed the standards that must be applied in considering whether a proposed special exception should be granted. The Court specifically rejected the prior holding in Gowl v. Atlantic Richfield Co., 27 Md. App. 410 (1975).

In Gowl, the Court of Special Appeals compared the anticipated impacts associated with the proposed special exception use with those impacts which might arise from uses permitted by right. In Schultz, the Court rejected this argument. Instead, the Schultz Court stated that the appropriate standard to be used is for the zoning authority to determine the nature and extent of the anticipated impacts of the proposed special exception use. If the impacts of that use at a particular location are above and beyond those inherently associated with such a use, then the special exception must be denied.

This principle was cited in Mossberg v. Montgomery Co., 107 Md. App. 1 (1995). In that case, the applicant proposed the construction of a solid waste transfer station in Montgomery

County. In considering the issue, the Court opined, "The question in the case *sub judice*, therefore, is not whether a solid waste transfer station has adverse effects. It inherently has them. The question is also not whether the solid waste transfer station at issue here will have adverse effects at the proposed location. Certainly, it will and those adverse effects are contemplated by statute. The proper question is whether those adverse effects are above and beyond, i.e., *greater here* than they would generally be elsewhere within the areas of the County where they may be established..." (Mossberg, Pg. 9).

A similar approach was applied in Hayfields v. Valleys Planning Council, et al., 122 Md. App. 616 (1998). See also, Rockville Fuel & Feed Co. v. Board of Appeals, 257 Md. 183 (1970), People's Counsel v. Mangione, 85 Md. App. 738 (1991), and Anderson v. Sawyer, 23 Md. App. 612 (1974).

In the instant case, testimony was received from Mr. Weber providing a factual foundation as to the proposed use. Additionally, expert testimony was offered by Mr. Kirwin regarding the specific standards set forth in Section 502.1 of the B.C.Z.R. Finally, the testimony of the residents, particularly Ms. Cornelius, was instructive. The primary testimony in opposition to the request came from an economic competitor, Mr. Graham.

Under the broad purview of whether the use would be "detrimental to the health, safety and general welfare of the locale", Mr. Graham contends that the special exception should not be granted because the site is within proximity of similar community care centers. He contends that there are five community care centers in B.L. zones throughout the County, and that "it would be detrimental to the public health or welfare to over-saturate Catonsville with psychiatric rehabilitation centers and that adverse effect would not be experienced by communities now lacking such centers."

I find no credible foundation to support that conclusion. Baltimore County has not seen fit to enact legislation prohibiting one community care center to be located near another. There are certain uses (e.g., pawn shops) which the County, by regulation, has limited by number and/or by distance from one another. Other inherently objectionable uses (e.g. After Hours Clubs) must be

Date 5/14/11
By [Signature]

located a particular distance from residential zones, or from similar uses. The County has not adopted this position insofar as community care centers. That is, the Council has not recognized these uses as being in the nature of business/activities which need be separated from one another.

Mr. Graham's testimony in this regard is his opinion, which I do not find credible. He offered no treatise, study and/or authority to support his conclusion. His credibility is strained by the fact that he is an economic competitor of the proposed use, and further by the fact that he established his operation in this area when the existing County facility was already in place. That is, one might question why Revisions located in Catonsville when a similar County facility was existing on the subject site, if, as Mr. Graham contends, similar uses in the same area are inappropriate. For all of these reasons, I find no basis on which the special exception should be denied due to the proximity of other community care centers in the area.

Other complaints raised by the Protestant relate to traffic congestion and parking. These impacts indeed might normally be seen as problematic. However, the testimony and evidence offered in this case is that employees at this site will park at the existing Winters Lane facility and walk to the subject property. Thus, there will be few, if any, employees parking at the subject site. More importantly, the undisputed testimony on behalf of the Petitioners was that vans will be used to transport clients to and from the property. This is apparently a common component in the industry. Thus, there will be little traffic generated to the site in that a form of mass transportation will be employed. Indeed, the inherent impacts of the proposed use associated with traffic and parking will be less than what might be expected. In my judgment, based upon the testimony and evidence offered, I do not find that those impacts are worse here than elsewhere in the zone.

As to the balance of the criteria set out in Section 502.1 of the B.C.Z.R., the expert testimony of Mr. Kirwin and the lay testimony of Ms. Cornelius was persuasive. Ms. Cornelius, in particular, as an immediate neighbor and long-time resident of the area, was able to offer specific testimony about the subject property and surrounding community. She opined that the proposed use as described would not cause detrimental impacts to the surrounding locale. I find this

testimony particularly persuasive and Mr. Kirwin's expert testimony is also relevant. Finally, the fact that this property has been used for a similar purpose for many years is instructive. If the operation of a community care center was particularly detrimental here, one would expect residents of the community to appear in large number to object to a continuation of its use, albeit by a new operator. The fact that the residents in the immediate area are supportive lends further weight to the argument that the proposed use here is appropriate.

Lastly, attention is turned to the variances that are being requested. There are three variances sought, one from the parking requirements set out in Section 409.6 of the B.C.Z.R. and two from the setback regulations.

Indeed, the Court of Special Appeals has stated that "variances are rarely appropriate" (see Cromwell v. Ward, 102 Md. App. 619 (1996)). Nonetheless, the fact that the variance process remains in place suggests that there are circumstances which exist where variance relief should be granted. In my judgment, those circumstances exist here.

Testimony and evidence offered was that the building on the subject property has existed in its present location since its construction. Although there was no definitive date established as to the date the building was constructed, it is clear that same was constructed prior to the adoption of the initial zoning regulations enacted in Baltimore County in 1945. As to the deficient setbacks, the issue is compounded by the reservation of Baltimore County of approximately 1700 sq.ft. of the property for potential road improvements to Melrose Avenue and Egges Lane. That is, when Baltimore County sold the property at auction to the Petitioners, the County retained certain land to provide areas of right-of-way and/or widening for those public roads. In that the required setbacks are measured from the property line, the deficient side yard setback was aggravated by Baltimore County's retention of that 1700 sq.ft. area.

As stated in Cromwell, supra, there are three tests that the Petitioner must satisfy in order for a variance to be granted. First, the Petitioner must demonstrate that the property is unique and that such uniqueness drives the need for the variance. Second, it must be shown that the Petitioner would suffer a practical difficulty if variance relief were denied. Third, Section 307

of the B.C.Z.R. mandates that the grant of variance relief cannot cause an adverse impact on adjacent properties.

The uniqueness of the site, in my judgment, is found through Mr. Kirwin's testimony. This is an old lot, which was laid out many years ago. The location of the building and its proximity to the property lines and public roads that abut this site on two sides has existed for many years. The site is further constrained by the County's reservation of the 1700 sq.ft. area adjacent to the public roads as described above. Thus, the property's configuration, its location adjacent to two public roads, its historic use, character and improvements thereon, and the County's retention of property, are all factors which justify a finding that the property is unique.

Having determined its uniqueness, I also find that the Petitioner would suffer a practical difficulty if relief were denied. If variance relief were not granted, the building need be torn down and there would be little useable area on this site to accommodate construction of any building. That is, if all required setbacks were maintained, the size of the resulting structure would be of little practical use. Finally, as discussed above in context with the Petition for Special Exception, I find that the proposed use and location of the existing structure are not detrimental to surrounding properties.

For these reasons, I believe that the Petition for Variance relief relative to deficient setbacks should be granted. The same factors apply to the parking variance. Relief is warranted here in view of the arrangements made to transport clients to the property. As noted above, the property owner will provide van transportation for clients to the site and employees will walk to the site from the nearby facility. These arrangements are persuasive to a finding that a reduction in the number of parking spaces provided on site will not cause a spillage of parking onto adjacent public streets. As importantly, the site is simply not large enough to accommodate the required number of spaces.

Based upon the testimony and evidence offered, I am persuaded to grant the Petitions for Special Hearing and Variance. In my judgment, the Petitioners have met the legal requirements as set out in Sections 502.1 and 307 of the B.C.Z.R. Mr. Graham's disguised

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Date 5/19/00
By [Signature]

economic objections to the proposed use are not compelling. The proposal represents a needed facility which is located on a site in this community which has traditionally housed such a use. Thus, the Petition for Special Exception and Variance will be granted.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the Petition for Special Hearing shall be denied, and the Petitions for Special Exception and Variance relief shall be granted.

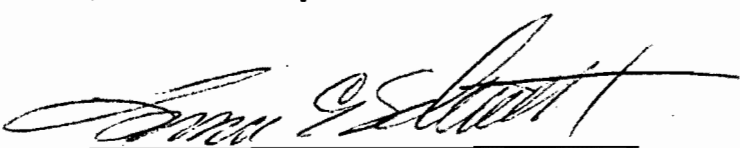
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of May, 2000 that the Petition for Special Exception for a "Community Care Center", pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), and in accordance with Petitioner's Exhibit 8, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: 1) From Section 409.6.A.1.2 to allow 3 parking spaces in lieu of the required 10 spaces; 2) from Section 232.2.b to permit a side yard setback to the street of 2 feet in lieu of the required 10 feet; and, 3) from Section 232.1 of the B.C.Z.R. to permit a front building setback to the street centerline of 34.7 feet in lieu of the required 40 feet, in accordance with Petitioner's Exhibit 8, be and is hereby GRANTED, subject to the following restriction:

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

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval that the activities proposed by the Key Point Health Services, Inc. constitute a "Medical Clinic", which is permitted by right, pursuant to Section 230 of the Baltimore County Zoning Regulations (B.C.Z.R.), and more specifically, Section 230.9 thereof, be and is hereby DENIED.

LES:bjs


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 16 Eggen Lane
Melrose Ave. and Egges Lane
which is presently zoned BL - CCC
16 Eggen Lane

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 for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

(see supplemental sheet)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Key Point Health Services, Inc.

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 00-322-SPH XA

Reviewed By JRF Date 12-7-00

REV 9/15/98

PETITION FOR SPECIAL HEARING – 18 Egges Lane

Special Hearing – to determine that the activities proposed by the Key Point Health Services, Inc. constitute a “Medical Clinic” as permitted by right pursuant to Sec. 230 of the Baltimore County Zoning Regulations, and more particularly, Sec. 230.9.



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

18 Egges Lane

for the property located at Melrose Ave. and Egges Lane

which is presently zoned BL-CCC

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 for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

(see supplemental sheet)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JRF

Date 2-7-00

Case No. 00-322-SPHYA

PETITION FOR SPECIAL EXCEPTION – 18 Egges Lane

Special Exception – to determine in the alternative, if the activities proposed by the Key Point Health Services, Inc. constitute a “Community Care Center” as permitted by a Special Exception pursuant to Section 230.13 of the Baltimore County Zoning Regulations.



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Melrose Ave. and Egges Lane
which is presently zoned BL-CCR
18 Egges Lane

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 for a Variance from Section(s)

(see supplemental sheet)

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

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

J. Carroll Holzer

Name - Type or Print

Signature

Holzer and Lee

Company

508 Fairmount Ave.

410-825-6961

Address

Telephone No.

Towson

MD

21286

City

State

Zip Code

Legal Owner(s):

Key Point Health Services, Inc.

Name - Type or Print

Signature

Karl D. Weber

Name - Type or Print

Signature

116 Hays Street

410-803-0901

Address

Telephone No.

Bel Air

MD

21014

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JRP

Date 2-7-00

Case No. 00-322-SPH XA

REU 9/15/98

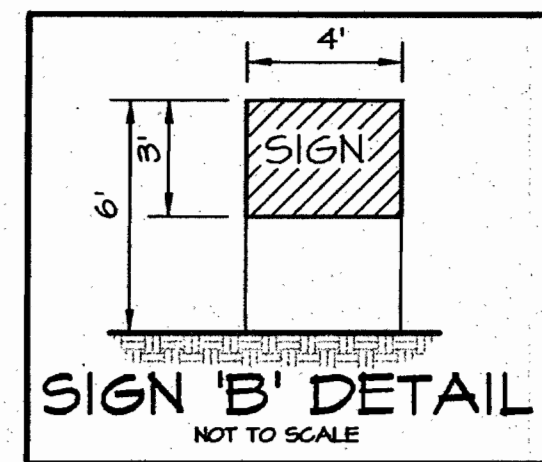
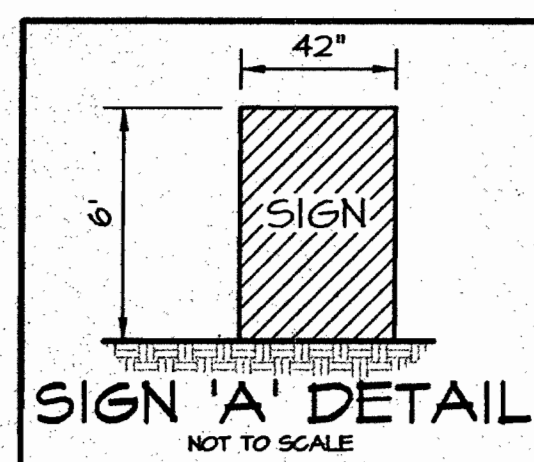
PETITION FOR VARIANCE – 18 Egges Lane

VARIANCES TO BE REQUESTED:

**SECTION 409.6.A.1.2 TO ALLOW 3 PARKING SPACES IN LIEU OF THE
REQUIRED 10 PARKING SPACES.**

**SECTION 232.2.b. TO ALLOW A SIDEYARD ON THE STREET SIDE OF 2 FEET IN
LIEU OF THE REQUIRED 10 FEET.**

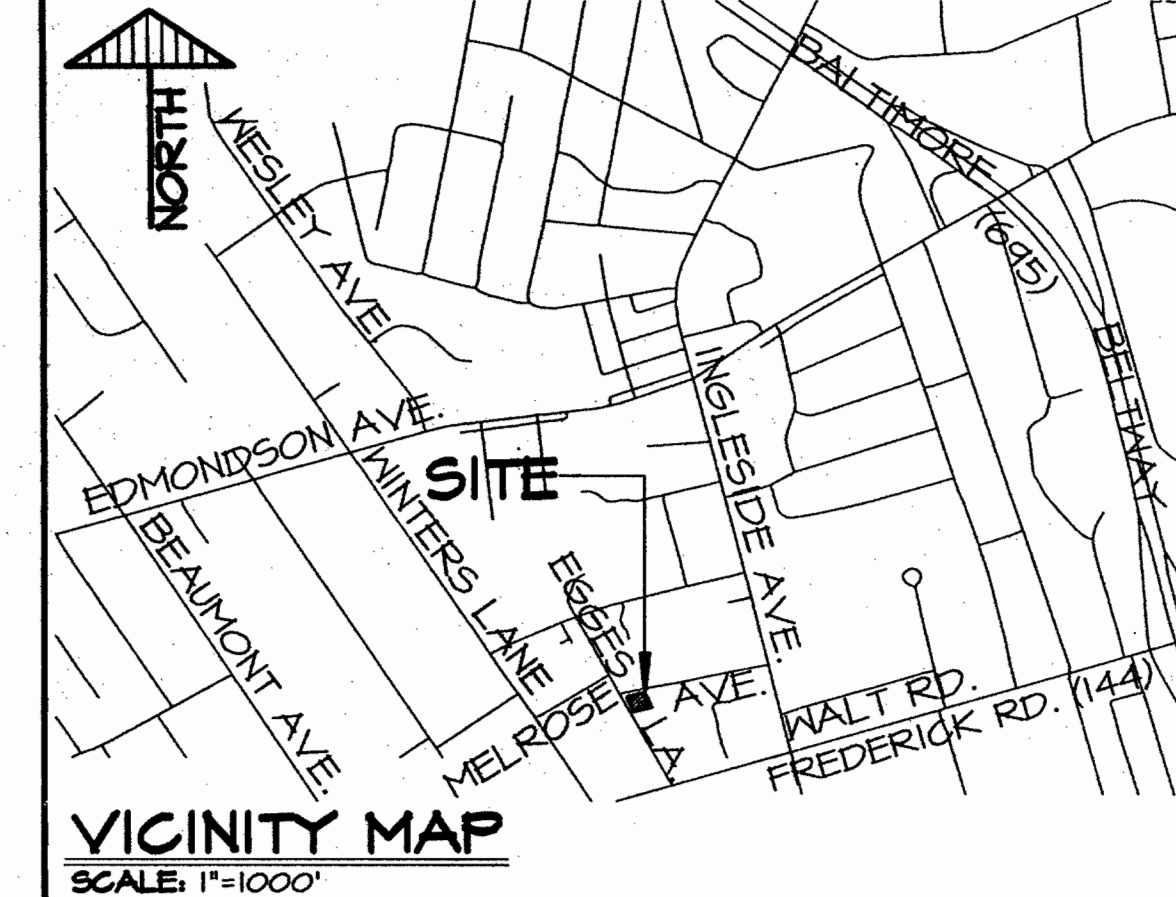
**SECTION 232.1 TO ALLOW A FRONT BUILDING SETBACK TO THE CENTER
LINE OF THE STREET OF 34.7 FEET IN LIEU OF THE REQUIRED 40 FEET.**



EXISTING SIGNAGE:			SIZE	AREA/FACE
SIGN 'A'	ONE SIDED	FREESTANDING	42" x 6"	21 S.F.
SIGN 'B'	DOUBLE SIDED	FREESTANDING	3' x 4'	12 S.F.

GENERAL NOTES:

1. BALTIMORE COUNTY (PREVIOUS OWNER) HAS OWNED AND OPERATED THIS SITE AND BUILDING AS A MEDICAL CLINIC.
2. PARKING AS SHOWN HAS BEEN OPERATED BY BALTIMORE COUNTY.
3. NO PRIOR ZONING HISTORY ON THIS SITE.
4. NO C.R.G. CASE ON THIS SITE.
5. NO PREVIOUS COMMERCIAL PERMIT ON THIS SITE.



SITE DATA:

NET SITE AREA: 7579# = 0.174 AC.
EXISTING ZONING: BL-CCC
ZONING MAP: SN, 3-F

FLOOR AREA RATIO:

FLOOR AREA RATIO ALLOWED: 4.0
EXISTING FLOOR AREA RATIO: 0.3

AMENITY OPEN SPACE:

MINIMUM REQUIRED RATIO: 0.2
2,234# GROSS BUILDING AREA x 0.2 = 447# REQUIRED OPEN SPACE.
OPEN SPACE PROVIDED = 525#

PARKING CALCULATIONS:

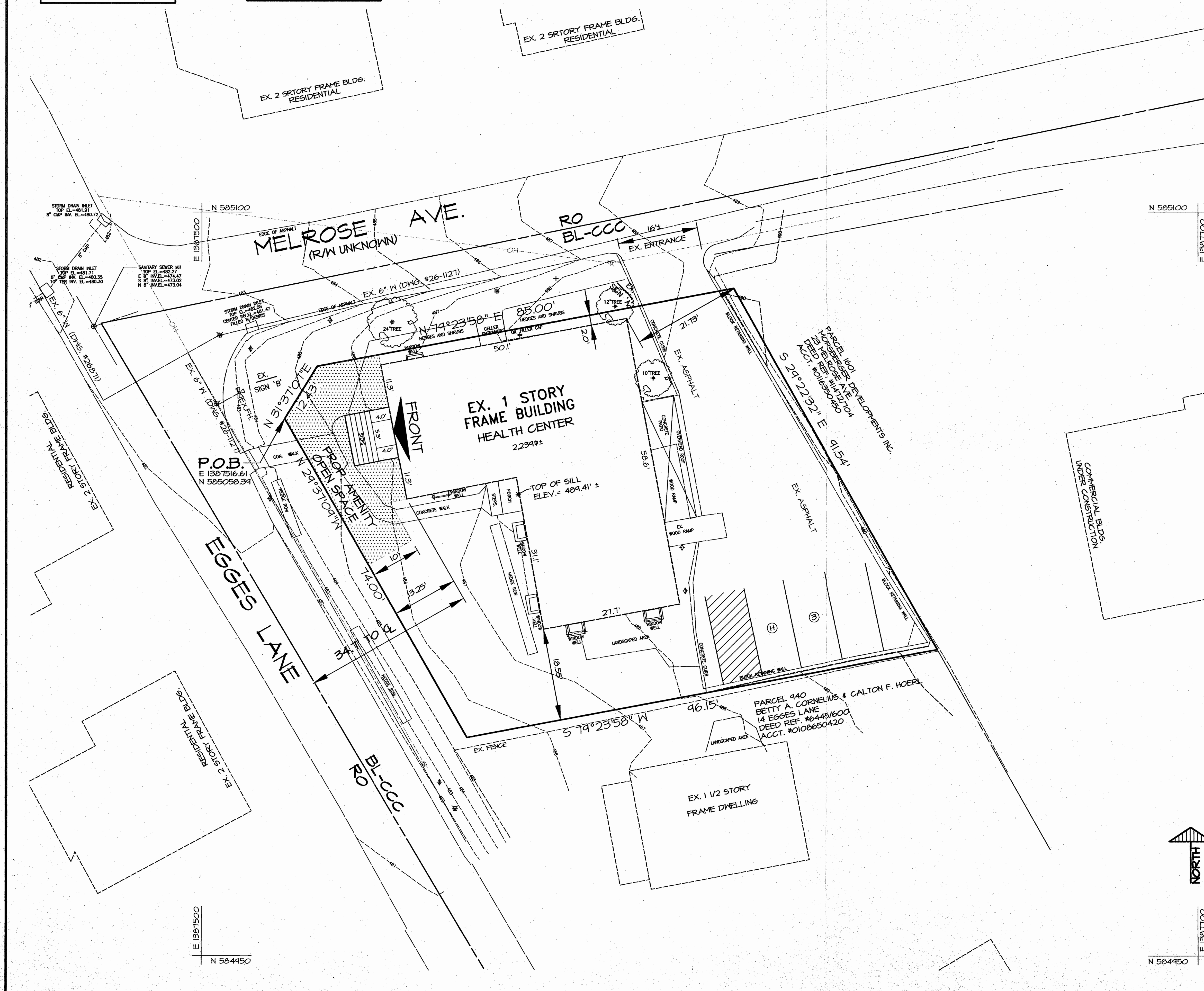
REQUIRED PARKING:
2,234 SF FLOOR AREA @ 4.5 SPACES/1000 SF = 10 PARKING SPACE
PROVIDED PARKING:
3 PARKING SPACES INCLUDING ONE HANDICAP ACCESSIBLE SPACE.

ZONING RELIEF REQUESTED:

SPECIAL EXCEPTION:
TO DETERMINE IN THE ALTERNATIVE, IF THE ACTIVITIES PROPOSED BY THE KEY POINT HEALTH SERVICES, INC. CONSTITUTE A "COMMUNITY CARE CENTER" AS PERMITTED BY A SPECIAL EXCEPTION PURSUANT TO SECTION 230.13 OF THE BALTIMORE COUNTY ZONING REGULATIONS.

SPECIAL HEARING:
TO DETERMINE THAT THE ACTIVITIES PROPOSED BY THE KEY POINT HEALTH SERVICES, INC. CONSTITUTE A "MEDICAL CLINIC" AS PERMITTED BY RIGHT, PURSUANT TO SEC. 230 OF THE BALTIMORE COUNTY ZONING REGULATIONS, AND MORE PARTICULARLY, SECTION 230.4.

- VARIANCES:**
1. SECTION 409.6.A.1.2 TO ALLOW 3 PARKING SPACES IN LIEU OF THE REQUIRED 10 PARKING SPACES.
 2. SECTION 232.2.B. TO ALLOW A SIDEYARD ON THE STREET SIDE OF 2' IN LIEU OF THE REQUIRED 10'.
 3. SECTION 232.1 TO ALLOW A FRONT BUILDING SETBACK TO THE CENTER LINE OF THE STREET OF 34.7' IN LIEU OF THE REQUIRED 40'.



OWNER:
KEY POINT HEALTH SERVICES, INC.
CARL WEBBER, CEO
116 HAYS STREET
BELAIR, MD 21014
410-803-0901
DEED REF. #14168/234



SITE PLAN TO ACCOMPANY
PETITION FOR ZONING VARIANCES,
SPECIAL HEARING AND SPECIAL EXCEPTION

EGGES LANE PROPERTY
18 EGGES LANE

TAX MAP #101, GRID #8, PARCEL 1604
ELECTION DISTRICT: 01 COUNCILMANIC DISTRICT: 01
BALTIMORE COUNTY, MD

WILLIAM F. KIRWIN, INC.
IN ASSOCIATION WITH
THOMAS J. HOFF, INC.

Land Development
Consultants
and Landscape
Architects

28 E. SUSQUEHANNA AVE.
TOWSON, MD 21286
410-337-0075

REVISIONS:

SCALE: 1"= 10'	DATE: 2/2/2000
JOB NO.: 380-01	DESIGNED: -
DRAWN: SL	CHECKED:
DRAWING NUMBER:	
ZON-1	
SHEET OF	
C:\PROJECTS\1\380.DWG	

00-322-SPHXA 322