

IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCE -
E/S Bellona Avenue, N of Joppa Road,
4200' W of the c/l Charles Street
(8101 Bellona Avenue)
9th Election District
4th Council District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 01-441-SPHXA

ManorCare 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 the owners of the subject property, ManorCare Health Services, Inc., by David B. Lanning, Vice President, through their attorney, Benjamin Bronstein, Esquire. The Petitioners request a special hearing to confirm that a variance granted in prior Case No. 99-159-XA for a non-residential principal use will remain in force for the proposed community building, and to approve an amendment to the site plan and Order issued in the prior case to reflect the proposed use. In addition, the Petitioners request a special exception for a community building, pursuant to Section 1B01.1.B.1.g(10), and to approve that the improvements are planned to the extent possible to comply with Residential Transition Area (RTA) use requirements and are compatible with the character and general welfare of the surrounding residential premises. Lastly, the Petitioners request variance relief from Section 409 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 2 parking spaces in lieu of the required 5 spaces; and, from Section 1B01.2.C.1.a to permit a front yard setback of 4 feet in lieu of the required 50 feet, a side yard setback of 8 feet in lieu of the required 20 feet, and, a rear yard setback of 17 feet in lieu of the required 30 feet for the proposed community building. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING

Date

By

Appearing at the requisite public hearing in support of the request were Benjamin Bronstein, Esquire, attorney for the Petitioners, and Peggy Squitieri and Biff Hearn, representatives of the Ruxton-Riderwood-Lake Roland Area Improvement Association (RRLRAIA). There were no Protestants or other interested persons present.

The subject property is an irregular shaped parcel located on the east side of Bellona Avenue, just north of its intersection with Joppa Road in Towson, and consists of a gross area of 3.94 acres, more or less, split zoned D.R.2 (3.61 acres) and D.R.3.5 (.33 acres). The property is improved with an assisted living facility, known as Arden Courts, pursuant to the combined development plan and zoning relief granted by Deputy Zoning Commissioner Timothy M. Kotroco in prior Cases Nos. IX-681 and 99-159-XA. To the extent applicable, the terms and conditions of the Order issued in that matter on January 6, 1999 are incorporated herein. Within his decision, Deputy Commissioner Kotroco approved development of the subject property with a 60-bed assisted living facility and granted special exception and variance relief for the proposed improvements and an existing dwelling located thereon. The assisted living facility and accessory parking lot have since been constructed, and are more particularly shown on the site plan submitted into evidence as Petitioner's Exhibit 1.

As noted in the prior opinion, the dwelling has existed on the property for many years and is known as the "Yellow House". The building, which was constructed in 1878, was actually the residence of the prior owners of this entire tract when the parcel was undeveloped. For many years, the mistress of the Post Office, which is located immediately across from the subject site, resided in this dwelling. Although not presently designated as a historic dwelling or located on any historic preservation list, the house may very well be eligible for such designation. Apparently, discussions recently arose between the operator of Arden Courts and the leadership of the Ruxton-Riderwood-Lake Roland Area Improvement Association (RRLRAIA) regarding the future of the "Yellow House" and its use by the Association as a meeting place. As a result, the Petitioners propose to convey the Yellow House and a portion of ground around same to the RRLRAIA for use as a community building. It is specifically anticipated that the offices of the Association will

be permanently located in the house and that it will be used for meetings, social functions and other matters relative to the Association. Thus, the special hearing and special exception relief are necessary in order to proceed with the proposed conveyance. In my view, the proposal actually represents a win-win proposition in that it retains a structure that may have historic significance, but also provides the community association with a needed meeting place and storage space.

As for the parking variance, the regulations require that a minimum of 5 parking spaces be provided for the subject community building; however, only 2 have been designated as shown on the site plan. Testimony indicated that the Association meetings and functions typically take place during the evening on weekdays, after regular business hours. Thus, it is believed that the 2 parking spaces provided will be sufficient. In addition, the Petitioners have entered into a written agreement with the operators of the nursing home that allows the Association to use its parking lot after business hours, Monday through Saturday. A copy of that agreement was entered into evidence as Petitioner's Exhibit 2. Moreover, additional parking is available, if needed, at the Post Office across the street, and the shopping center.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. In my view, the proposed use of the dwelling as a community building is appropriate in this instance and will not be detrimental to the surrounding locale. Thus, the requested special hearing and special exception should be granted to allow the proposed conversion. Moreover, the variance requests are necessary to legitimize the location of the existing dwelling and its proposed use as a community building, and will not result in any detriment to the health, safety or general welfare of the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

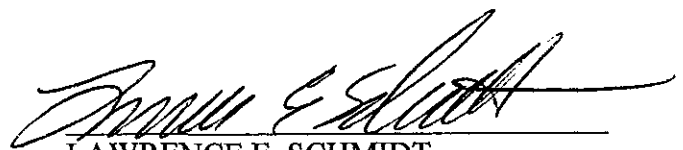
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of June, 2001 that the Petition for Special Hearing to confirm that a variance granted in prior Case No. 99-159-XA for a non-residential principal use will remain in force for

the proposed community building, and to approve an amendment to the site plan and Order issued in the prior case, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception for a community building, pursuant to Section 1B01.1.B.1.g(10), and to approve that the improvements are planned to the extent possible to comply with Residential Transition Area (RTA) use requirements and are compatible with the character and general welfare of the surrounding residential premises, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409 the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 2 parking spaces in lieu of the required 5 spaces, and, from Section 1B01.2.C.1.a to permit a front yard setback of 4 feet in lieu of the required 50 feet, a side yard setback of 8 feet in lieu of the required 20 feet, and, a rear yard setback of 17 feet in lieu of the required 30 feet for the proposed community building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The 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.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 6/26/11
By [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

June 26, 2001

Benjamin Bronstein, Esquire
George & Bronstein
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
E/S Bellona Avenue, N of Joppa Road, 4200' W of the c/l Charles Street
(8101 Bellona Avenue)
9th Election District - 4th Council District
ManorCare Health Services, Inc. - Petitioners
Case No. 01-441-SPHXA

Dear Mr. Bronstein:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. David B. Lanning, Vice President, ManorCare Health Services, Inc.
7361 Calhoun Place, Suite 300, Rockville, Md. 20855
Ms. Peggy Squitieri and Mr. Biff Hearn, RRLRAIA
P.O. Box 204, Riderwood, Md. 21139
People's Counsel; Case File

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





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8101 Bellona Avenue

which is presently zoned DR 2 & DR 3.5

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 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~~

confirm that the variance granted for a non-residential principal use in Case # 99-159-XA will remain in force for the proposed community building and to amend the site plan and order in Case # 99-159-XA as shown on the provided plan.

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:

Benjamin Bronstein

Name - Type or Print _____

Signature _____

George & Bronstein, LLP

Company _____

29 West Susquehanna Avenue, Suite 205 410-296-0200

Address _____ Telephone No. _____

Towson Maryland 21204

City _____ State _____ Zip Code _____

Legal Owner(s):

ManorCare Health Services, Inc.

Name - Type or Print _____

BY: David B. Lanning

Signature _____

David B. Lanning, Vice President

Name - Type or Print _____

Signature _____

7361 Calhoun Place, Suite 300 240-453-8556

Address _____ Telephone No. _____

Rockville Maryland 20855

City _____ State _____ Zip Code _____

Representative to be Contacted:

Frederick Thompson, P.E. Gower Thompson, Inc.

Name _____

429 East Lake Avenue 410-532-0101

Address _____ Telephone No. _____

Baltimore Maryland 21212

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JW Date 4.20.01

ORDER RECEIVED FOR FILING
Date 4/20/01
By JP

Case No. 01-441 SPHXA



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 8101 Bellona Avenue

which is presently zoned DR 2 & DR 3.5

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

a community building pursuant to Section 1B01.1.B.1.g(10) to approve that the improvements are planned to the extent possible to comply with RTA use requirements and are compatible with the character and general welfare of the surrounding residential premises.

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:

Benjamin Bronstein
Name - Type or Print _____
Signature _____
George & Bronstein, LLP
Company _____
20 West Susquehanna Avenue, Suite 205 410-296-0200
Address _____ Telephone No. _____
Towson Maryland 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

ManorCare Health Services, Inc.
Name - Type or Print _____
BY: David B. Lanning
Signature _____
David B. Lanning, Vice President
Name - Type or Print _____
Signature _____
7361 Calhoun Place, Suite 300 240-453-8556
Address _____ Telephone No. _____
Rockville Maryland 20855
City _____ State _____ Zip Code _____

Representative to be Contacted:

Frederick Thompson, P.E. Gower Thompson, Inc.
Name _____
429 East Lake Avenue 410-532-0101
Address _____ Telephone No. _____
Baltimore Maryland 21212
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

Reviewed By JCM Date 4.20.01

ORDER RECEIVED FOR FILING
Date 4/20/01
By [Signature]
REV 09/15/97

01-441 SPHX A



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8101 Bellona Avenue

which is presently zoned DR 2 & DR 3.5

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 for a Variance from Section(s)

409 to permit 2 parking spaces in lieu of the required 5 spaces; Section 1B01.2.C.1.a to permit a front yard setback of 4 ft in lieu of the required 50 ft; a side yard setback of 8 ft in lieu of the required 20 ft; and a 17 ft rear yard setback in lieu of the required 30 ft

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

1. topography of the property
2. configuration of the property
3. and for such other and further reasons as may be demonstrated at the time of hearing.

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:

Benjamin Bronstein

Name - Type or Print

Signature

George & Bronstein, LLP

Company

29 West Susquehanna Avenue, Suite 205

410-296-0200

Address

Telephone No.

Towson

Maryland

21204

City

State

Zip Code

Legal Owner(s):

ManorCare Health Services, Inc.

Name - Type or Print

David B. Lanning

Signature

David B. Lanning, Vice President

Name - Type or Print

Signature

7361 Calhoun Place, Suite 300

240-453-8556

Address

Telephone No.

Rockville

Maryland

20855

City

State

Zip Code

Representative to be Contacted:

Frederick Thompson, P.E.

Gower Thompson, Inc.

Name

429 East Lake Avenue

410-532-0101

Address

Telephone No.

Baltimore

Maryland

21212

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JCM

Date 4-26-01

ORDER RECEIVED FOR FILING

Case No. 01-441-SPHXA

RE 9/15/98

Date

By

ARDEN COURTS TOWSON
ZONING DESCRIPTION

BEGINNING AT A POINT AT THE CENTER OF BELLONA AVENUE AT THE BEGINNING OF THAT PARCEL OF LAND, WHICH BY DEED DATED JULY 19, 1987, RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER L.M.B. 224 FOLIO 441 WAS CONVEYED BY ANGELINE A. FOSTER AND HUSBAND TO FRANCIS HOMER (APPROXIMATELY 350' NORTH OF JOPPA ROAD). THENCE BINDING IN OR NEAR THE CENTER LINE OF BELLONA AVENUE THE FOLLOWING FIVE COURSES AND DISTANCES:

- 1) SOUTH 05° 33' 23" WEST, 76.28 FEET;
- 2) NORTH 16° 29' 00" EAST, 207.67 FEET;
- 3) NORTH 20° 28' 00" EAST, 80.00 FEET;
- 4) NORTH 28° 17' 00" EAST, 117.000 FEET; AND
- 5) NORTH 31° 34' 00" EAST, 80.55 FEET;

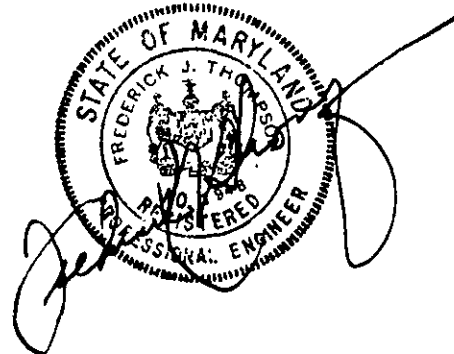
THENCE LEAVING THE CENTERLINE OF BELLONA AVENUE, THE FOLLOWING COURSES AND DISTANCES:

- 1) SOUTH 70° 52' 48" EAST, 110.33 FEET;
- 2) SOUTH 10° 16' 48" EAST, 213.56 FEET;
- 3) SOUTH 30° 06' 44" EAST, 266.17 FEET;
- 4) SOUTH 16° 19' 00" WEST, 99.81 FEET;
- 5) NORTH 73° 41' 00" WEST, 290.42 FEET;
- 6) NORTH 16° 21' 26" EAST, 58.00 FEET; AND
- 7) SOUTH 80° 15' 34" EAST, 146.68 FEET

TO THE POINT OF BEGINNING.

CONTAINING 3.56 ACRES MORE OF LESS. ALSO KNOW AS 8013 & 8101 BELLONA AVENUE AND LOCATED IN THE 9TH ELECTION DISTRICT.

241



G O W E R T H O M P S O N I N C .

GOWER THOMPSON INC.
429 EAST LAKE AVENUE
BALTIMORE, MARYLAND 21212
PHONE NO. (410) 532-0101
FAX NO. (410) 532-0104
E-MAIL ADDRESS: GOWERTHOMP@AOL.COM

- ☐ FAX (SHEETS)
- ☐ FAX NUMBER _____
- ☒ TRANSMITTAL
- ☐ MEMO
- ☐ MEETING MINUTES
- ☐ FIELD REPORT

TO: CARL RICHARDS
ZONING

FROM: FRED THOMPSON
DATE: MAY 4, 2001
RE: ARBON COVERTS
8101 BELLOVA AVE
GT#: _____

REMARKS:

INCLUDED IS A REVISED ZONING DESCRIPTION, PER
YOUR COMMENTS, FOR THE LITTLE YELLOW HOUSE
ON JOPPA ROAD THAT MANOR CARE IS GIVING
TO THE COMMUNITY.
AND A CHECK FOR \$100

CC:

ARDEN COURTS TOWSON
ZONING DESCRIPTION

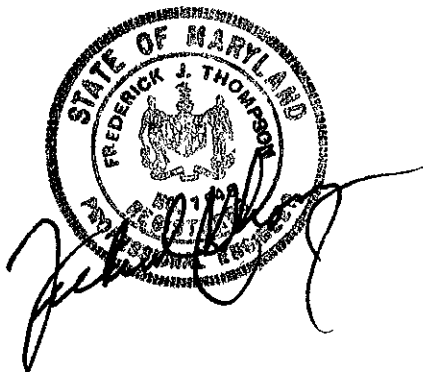
BEGINNING AT A POINT AT THE CENTER OF BELLONA AVENUE APPROXIMATELY 550 FEET NORTH OF JOPPA ROAD AND THENCE BINDING ON OR NEAR THE CENTER LINE OF BELLONA AVENUE THE FOLLOWING FIVE COURSES AND DISTANCES:

- 1) SOUTH 05 DEGREES 33 MINUTES 23 SECONDS WEST, 76.28 FEET;
- 2) NORTH 16 DEGREES 29 MINUTES 00 SECONDS EAST, 207.67 FEET;
- 3) NORTH 20 DEGREES 28 MINUTES 00 SECONDS EAST, 80.00 FEET;
- 4) NORTH 28 DEGREES 17 MINUTES 00 SECONDS EAST, 117.00 FEET, AND;
- 5) NORTH 31 DEGREES 34 MINUTES 00 SECONDS EAST, 80.55 FEET.

THENCE LEAVING THE CENTERLINE OF BELLONA AVENUE AND EXTENDING THE FOLLOWING COURSES AND DISTANCES:

- 1) SOUTH 70 DEGREES 52 MINUTES 48 SECONDS EAST, 110.33 FEET;
- 2) SOUTH 10 DEGREES 16 MINUTES 48 SECONDS EAST, 213.56 FEET;
- 3) SOUTH 30 DEGREES 06 MINUTES 44 SECONDS EAST, 266.17 FEET;
- 4) SOUTH 16 DEGREES 19 MINUTES 00 SECONDS WEST, 99.81 FEET;
- 5) NORTH 73 DEGREES 41 MINUTES 00 SECONDS WEST, 290.42 FEET;
- 6) NORTH 16 DEGREES 21 MINUTES 26 SECONDS EAST, 58.00 FEET, AND;
- 7) SOUTH 80 DEGREES 15 MINUTES 34 SECONDS EAST, 146.68 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.56 ACRES MORE OF LESS. ALSO KNOWN AS 8013 AND 8101 BELLONA AVENUE AND LOCATED IN THE 9TH ELECTION DISTRICT.



1005 B - VAN

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

441
No. 92952

DATE 4/20/01 ACCOUNT 001-006-6150

AMOUNT \$ 650.⁰⁰

RECEIVED
FROM

Manor Lane

FOR

Spec. Y
CDM
VAR

8101 Bellona Ave.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

JCM

PAID RECEIPT

PAYMENT ACTUAL TIME
4/20/2001 4/20/2001 10:31:22

REG 0003 CASHIER LWIL LWA DRAWER 3
>> RECEIPT # 179750 OFLN
Dep 5 528 ZONING VERIFICATION
LR NO. 092952

Recpt Tot. 650.00
650.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING HEARING
CHANGE OF HEARING DATE**

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

Case: # 01-441-SPHXA

8101 Bellona Avenue

E/S of Bellona Avenue, 350' N Joppa Road

9th Election District - 4th Councilmanic District

Legal Owner(s): David B. Lanning, Manor Care Health Services, Inc

Special Hearing: to confirm that the variance granted for a non-residential principal use in Case # 99-159-XA will remain in force for the proposed community building and to amend the site plan and order in Case # 99-159-XA as shown on the provided plan.

Special Exception: to approve that the improvements are planned to the extent possible to comply with RTA use requirements and are compatible with the character and general welfare of the surrounding residential premises. **Variances:** to permit a front yard setback of 4 feet in lieu of the required 50 feet; a side yard setback of 8 feet in lieu of the required 20 feet; and a 17 foot rear yard setback in lieu of the required 30 feet.

Hearing: Wednesday, June 13, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
5/24/01 May 24 C470690

CERTIFICATE OF PUBLICATION

5/24/, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/24/, 2001.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News



LEGAL ADVERTISING

Rs

Petitioner/Developer: SHELTER/MANOR ^{ET}_A

Date of Hearing/Closing. 6/13/01

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 #8101 BELLONA AVE.

5/27/01

Sincerely,

(Signature of Sign Poster and Date)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)



BERNSTEIN-296-0200

6/13/01

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/neighbor 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: 441
Petitioner: MANOR CARE HEALTH SER, INC. c/o DAVID LANNING PRES.
Address or Location: 8101 BELLONA AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: BENJAMIN BRONSTEIN, ESQ.
Address: GEORGE F. BRONSTEIN, LLP.
29 WEST SUSQUEHANNA AVE - STE. 205, TOWSON, MD. 21204
Telephone Number: 410-296-0200



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

May 10, 2001

NOTICE OF ZONING HEARING

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

CASE NUMBER: 01-441-SPHXA
8101 Bellona Avenue
E/S of Bellona Avenue, 350" N Joppa Road
9th Election District – 4th Councilmanic District
Legal Owners: David B Lanning, Manor Care Health Services, Inc

Special Hearing to confirm that the variance granted for a non-residential principal use in Case # 99-159-XA will remain in force for the proposed community building and to amend the site plan and order in Case # 99-159-XA as shown on the provided plan. Special Exception to approve that the improvements are planned to the extent possible to comply with RTA use requirements and are compatible with the character and general welfare of the surrounding residential premises. Variances to permit a front yard setbacks of 4 feet in lieu of the required 50 feet; a side yard setback of 8 feet in lieu of the required 20 feet; and a 17 foot rear yard setback in lieu of the required 30 feet.

HEARING: Friday, June 8, 2001 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon GDD
Director



C: Benjamin Bronstein, George & Bronstein LLP, 29 W Susquehanna Avenue
Suite 205, Towson 21204
David B Lanning VP, ManorCare Health Svcs Inc, 7361 Calhoun Place Suite 300,
Rockville 20855
Frederick Thompson PE, Gower Thompson Inc, 429 E Lake Avenue, Baltimore
21212

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN
APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 24, 2001.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE
ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 24, 2001 Issue – Jeffersonian

Please forward billing to:

Benjamin Bronstein Esquire
29 W Susquehanna Avenue
Suite 205
Towson MD 21204

410 296-0200

NOTICE OF ZONING HEARING

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

CASE NUMBER: 01-441-SPHXA

8101 Bellona Avenue

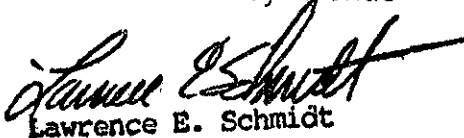
E/S of Bellona Avenue, 350" N Joppa Road

9th Election District – 4th Councilmanic District

Legal Owners: David B Lanning, Manor Care Health Services, Inc

Special Hearing to confirm that the variance granted for a non-residential principal use in Case # 99-159-XA will remain in force for the proposed community building and to amend the site plan and order in Case # 99-159-XA as shown on the provided plan. Special Exception to approve that the improvements are planned to the extent possible to comply with RTA use requirements and are compatible with the character and general welfare of the surrounding residential premises. Variances to permit a front yard setbacks of 4 feet in lieu of the required 50 feet; a side yard setback of 8 feet in lieu of the required 20 feet; and a 17 foot rear yard setback in lieu of the required 30 feet.

HEARING: Friday, June 8, 2001 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 24, 2001 Issue – Jeffersonian

*Change of date
Per Lawyer
Ben Bronstein*

Please forward billing to:
Benjamin Bronstein Esquire
29 W Susquehanna Avenue
Suite 205
Towson MD 21204

410 296-0200

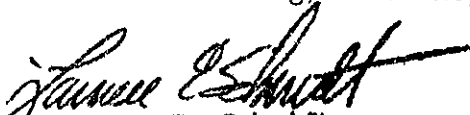
NOTICE OF ZONING HEARING
CHANGE OF HEARING DATE

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

CASE NUMBER: 01-441-SPHXA
8101 Bellona Avenue
E/S of Bellona Avenue, 350" N Joppa Road
9th Election District – 4th Councilmanic District
Legal Owners: David B Lanning, Manor Care Health Services, Inc

Special Hearing to confirm that the variance granted for a non-residential principal use in Case # 99-159-XA will remain in force for the proposed community building and to amend the site plan and order in Case # 99-159-XA as shown on the provided plan. Special Exception to approve that the improvements are planned to the extent possible to comply with RTA use requirements and are compatible with the character and general welfare of the surrounding residential premises. Variances to permit a front yard setbacks of 4 feet in lieu of the required 50 feet; a side yard setback of 8 feet in lieu of the required 20 feet; and a 17 foot rear yard setback in lieu of the required 30 feet.

HEARING: Wednesday, June 13, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bostley Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G.D.
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

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

May 15, 2001

NOTICE OF ZONING HEARING
CHANGE OF HEARING DATE

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

CASE NUMBER: 01-441-SPHXA
8101 Bellona Avenue
E/S of Bellona Avenue, 350" N Joppa Road
9th Election District – 4th Councilmanic District
Legal Owners: David B Lanning, Manor Care Health Services, Inc

Special Hearing to confirm that the variance granted for a non-residential principal use in Case # 99-159-XA will remain in force for the proposed community building and to amend the site plan and order in Case # 99-159-XA as shown on the provided plan. Special Exception to approve that the improvements are planned to the extent possible to comply with RTA use requirements and are compatible with the character and general welfare of the surrounding residential premises. Variances to permit a front yard setbacks of 4 feet in lieu of the required 50 feet; a side yard setback of 8 feet in lieu of the required 20 feet; and a 17 foot rear yard setback in lieu of the required 30 feet.

HEARING: Wednesday, June 13, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon GDR
Director



C: Benjamin Bronstein, George & Bronstein LLP, 29 W Susquehanna Avenue
Suite 205, Towson 21204
David B Lanning VP, ManorCare Health Svcs Inc, 7361 Calhoun Place Suite 300,
Rockville 20855
Frederick Thompson PE, Gower Thompson Inc, 429 E Lake Avenue, Baltimore
21212

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN
APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 24, 2001.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE
ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

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

June 8, 2001

David B. Lanning, Vice President
Manor Care Health Services, Inc.
7361 Calhoun Place
Suite 300
Rockville MD 20855

Dear Mr. Lanning:

RE: Case Number: 01-441-SPHXA, 8101 Bellona Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 20, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Benjamin Bronstein, George & Bronstein LLP, 29 W Susquehanna Avenue,
Suite 205, Towson 21204
Frederick Thompson PE, Gower Thompson Inc, 429 East Lake Avenue,
Baltimore 21212
People's Counsel



sent
6/13

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 21, 2001

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

MAY 21

SUBJECT: 8101 Bellona Avenue

INFORMATION:

Item Number: 01-441

Petitioner: Manorcare Health Services

Property Size: 3.56 acres

Zoning: DR 2 & DR 3.5

Requested Action: Special Exception, Special Hearing and Variance

REQUEST:

The special hearing being requested in this case is to confirm that the variance granted for a non-residential principal use in Case #99-159-XA will remain in force for the proposed community building, and to amend the site plan and order in Case # 99-159-XA,

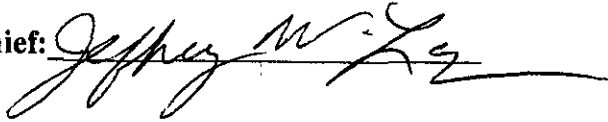
The special exception requested in this case is to confirm that the improvements will meet with the RTA requirement to the extent possible. In addition, a variance is requested to permit 2 parking spaces in lieu of the required 5 spaces (Section 409), front yard setback of 4 ft. in lieu of the required 50; a side yard setback of 8 ft in lieu of the required 20 ft., and a 17 ft. rear yard set back in lieu of the required 20 ft.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has no objection to the special exception, special hearing, or variance requests provided the following changes are made to the plan:

1. The number of parking spaces should be changed from 14 spaces to 15 spaces (1st row).
2. In the 2nd row of parking places the number should be changed from 14 to 10.
3. The 2 additional spaces should be included as part of the community building site.
4. Also include/correct under the Project Data section the community building required parking = 5 and provided = 2. The assisted living facility required = 20 provided = 25.

Section Chief:



AFK/JL:

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: June 4, 2001

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 14, 2001
Item Nos. 427, 430, 431, 432, 440, 441,
and 442

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

May 10, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MAY 7, 2001

Item No.: See Below

Dear Ms. Stephens:

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

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

428, 429, 430, 431, 432, 440, 441, 442

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 5.9.01

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

RE: Baltimore County
Item No. 441 JCM

Dear Ms. Jackson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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 Kenneth A. McDonald Jr., 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

RE: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
8101 Bellona Ave, E/S Bellona Ave, 350' N of Joppa Rd
9th Election District, 4th Councilmanic

Legal Owner: Manor Care Health Services, Inc.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-441-SPHXA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.**



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 4th day of June, 2001 a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esq., George & Bronstein, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204, attorney for Petitioner(s).



PETER MAX ZIMMERMAN

LAW OFFICES

GEORGE AND BRONSTEIN, LLP

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719
georgbron@aol.com

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

CONSTANCE K. PUTZEL
OF COUNSEL

May 14, 2001

VIA FAX 410-887-2824

Mr. George Zaner
Department of Permits & Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

**RE: Case # 01-441-SPHXA
8101 Bellona Avenue**

Dear Mr. Zaner:

At my request, please reschedule the above case anytime after June 8, 2001.

Thank you for your assistance in this matter.

Very truly yours,

GEORGE & BRONSTEIN, LLP



Benjamin Bronstein

BB/mlh

cc: Mr. David Whitman, Ruxton-Riderwood (via fax 410-377-7405)
Mr. Patrick M. O'Keefe, Sr. (via fax 410-666-0929/410-882-2469)

January 16, 2001

Dear Treasurer:

Enclosed is the annual association dues.

I once owned the little yellow house located opposite the Ridewood P.O., and lived in it for about 12 years.

Having the funds and the skills, numerous improvements were made and remain today.

Should you need aid in determining the condition of this home, I will give you information on any (and a history) part of the little yellow house.

Can meet your representative at any time, no cost of course, and give information another may not be aware of.

Sincerely yours,

C. Edward W. Hook

7922 Falden Ave

Baltimore, Md.

21204-3531

Fel: 410-813-2675

Peggy Squitieri

From: "Judy Frye" <jufrye@yahoo.com>
To: <OFFICE@RRLRAIA.ORG>
Sent: Friday, December 15, 2000 8:51
Subject: yellow house

Thanks for the informative piece on the yellow house.
We believe the association should accept the house and encourage leadership to go forward with the arrangement.

Given the seemingly skyrocketing housing values in Ruxton, there would seem to be little worry that the house could be sold at a handsome return.

Thanks again for the hard work this association does routinely. Judy and Russ Jones, Westwind CT

Page 1 of 1

Peggy Squitieri

From: <W1130@aol.com>
To: <office@rrlraia.org>
Sent: Wednesday, December 13, 2000 10:14
Subject: Yellow House

Your article on "Yellow House" was an excellent presentation and should be a natural "Go For It" (please no manual recounts). Too many historical locations are lost by "dragging your feet" only to have the place gone forever. In addition to all that was outlined, "Yellow House " could become a Mini Museum for this entire area which has many interesting stories. I am sure many residents could and would contribute interesting things.
Betty & Bill Thompson 1210 Boyce Ave

Peggy Squitieri

From: <Earthlung@aol.com>
 To: <office@rrlraia.org>
 Sent: Tuesday, December 19, 2000 1:19
 Subject: The Yellow House

To the Board,

I applaud your efforts to acquire the Yellow House. I think it a spectacular idea to have it as a home for the Association. It accomplishes many goals - it preserves the architectural structure and all its history, it provides a location for community business and it maintains some of the integrity of the built environment of the area.

You have my unwavering support.

Sincerely,

Suzanne Garrigues
 506 Greenwood Road

Page 1 of 1

Peggy Squitieri

From: "RRLRAIA" <office@rrlraia.org>
 To: "Joseph Coale" <JCoale2544@aol.com>; "Barry office Truax"
 Sent: Wednesday, December 20, 2000 4:54 PM
 Subject: Fw: Yellow House

In addition to the following, I have received two more phone calls about the house. Dr. Hagigh of Ellenham thinks "it is an excellent idea—let's go for it." Mrs. Pappas of Ruxton Hills called to say "We are in favor of your taking over the yellow house. We think it is a great idea."

— Original Message —

From: <HLLubEnt83@aol.com>
 To: <office@rrlraia.org>
 Sent: Wednesday, December 20, 2000 2:30 PM
 Subject: Yellow House

> Dear RRLRAIA,
 > You asked for thoughts on the "yellow house" and here are some; I think that
 > we can't look a gift horse in the mouth. What a wonderful opportunity for us
 > to have a home base and how nice it would be to remove all records from the
 > executive director's home. Landscaping seminars particular to this area
 > could be held there as well as general meeting space. Parking, after
 > business hours, could be across the street on the post office lot. I think
 > that we should go for it.
 >
 > Sincerely,
 > Jean J. Lubke 811 Hillstead Drive, Lutherville, MD 21093

Peggy Squitieri

From: "Peggy Squitieri" <ruxrider@bcpl.net>
To: "Barry office Truax" <BarryT@GKVMAIL.GKV.com>; "Joseph Coale"
Sent: Wednesday, December 13, 2000 10:52 AM
Subject: Yellow House Comment
Barry and Joe,

Mr. Johnston from Malvern Avenue called about the yellow house. His message was: "We vote for that completely—it sounds like a great idea."

I am forwarding these comments to each of you; is there anyone else who should receive them?

Peggy Squitieri
The Ruxton-Riderwood-Lake Roland Area
Improvement Association, Inc.
P. O. Box 204
Riderwood, MD 21139
Telephone/FAX 410-377-4700

Page 1 of 1

Peggy Squitieri

From: "Peggy Squitieri" <ruxrider@bcpl.net>
To: "Barry office Truax" <BarryT@GKVMAIL.GKV.com>; "Joseph Coale"
Sent: Wednesday, December 13, 2000 8:37 PM
Subject: Yellow House

Sally Warren called about the yellow house. She thinks it is a great idea, worth the capital expense, and she hopes we go ahead with it.

Peggy Squitieri
The Ruxton-Riderwood-Lake Roland Area
Improvement Association, Inc.
P. O. Box 204
Riderwood, MD 21139
Telephone/FAX 410-377-4700

Page 1 of 1

Peggy Squitieri

From: "Peggy Squitieri" <ruxrider@bcpl.net>
To: "Barry office Truax" <BarryT@GKVMAIL.GKV.com>; "Joseph Coale"
Sent: Tuesday, December 12, 2000 4:34 PM
Subject: Yellow House

Mr. Mueller of 8215 Bellona Avenue called to say he hopes we move into the yellow house.

Peggy Squitieri
The Ruxton-Riderwood-Lake Roland Area
Improvement Association, Inc.
P. O. Box 204
Riderwood, MD 21139
Telephone/FAX 410-377-4700

1222

IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE
PETITIONS FOR SPECIAL EXCEPTION *
AND VARIANCE – E/S Bellona Avenue, * DEPUTY ZONING COMMISSIONER
N of Joppa Road, 4,200' W of the c/l of *
Charles Street (8101 Bellona Avenue) * OF BALTIMORE COUNTY
9th Election District *
4th Councilmanic District * Cases Nos. IX-681 & 99-159-XA

Baltimore County, Md, et al, Owners; *
Manorcare Health Services, Inc., Contr. Pur./Developer *
* * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner for consideration of a development plan prepared by Gower Thompson, Inc., for the proposed development of the subject property by Manorcare Health Services, Inc., the Contract Purchaser and Developer of the subject site, with a 60-bed Assisted Living Facility, to be known as Arden Courts. In addition to development plan approval, the Owners/Applicants request special exception relief to permit an Assisted Living Facility on the subject property and a waiver of Residential Transition Area (RTA) buffer and setback requirements to allow setbacks of as little as 0 feet each in lieu of the required 50 feet and 75 feet, respectively, and to increase the permitted density from 28 units to 60 units (or a D.R.4.2 equivalent), as shown on the development plan/site plan. In addition to the special exception, variance relief is requested from Section 1B01.2.C.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 30 feet in lieu of the minimum required 60 feet for the proposed Assisted Living Facility and from Section 504 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a building length of 306' in lieu of the maximum permitted 300 feet; and from Section 432.B of the B.C.Z.R. to permit a lot size of 3.56 acres in lieu of the minimum required 10 acres. Variance relief is also requested from Sections 1B02.3.C.1, 301 and 303.1 to permit front yard setbacks of 8 feet and 0 feet for an

existing dwelling and its attached open porch, which is located on an adjacent parcel also owned by the Developers, in lieu of the minimum required 60 feet each; and, from Section 450.4.6 of the B.C.Z.R. to permit a freestanding, illuminated, double-faced institutional sign of 60 sq.ft. per side (120 sq.ft. total) in lieu of the maximum permitted 25 sq.ft. (50 sq.ft. total), with a height of 12 feet in lieu of the maximum allowed 6 feet. The Petition for Variance was amended at the hearing to include a request to allow parking and deliveries to occur in the front of the subject property, in lieu of the side and rear as required by the regulations. The subject property and relief sought are more particularly described on the site plan/development plan submitted which was accepted and marked into evidence as Developer's Exhibit 1.

As to the history of this project, a concept plan of the proposed development was prepared and a conference held thereon on December 29, 1997. As required, a community input meeting was held at the County Office Building on February 17, 1998. Subsequently, a development plan was submitted and a conference held thereon on November 25, 1998. Following the submission of that plan, development plan comments were submitted by the appropriate reviewing agencies of Baltimore County and a revised development plan incorporating these comments was submitted at the hearing held before me on December 22, 1998. In addition to development plan approval, the Owners/Applicants filed Petitions for Special Exception and Variance relief in October, 1998, and revised Petitions for Special Exception and Variance on December 1, 1998. Thus, the Owners/Applicants request combined relief as noted above, all of which was considered at the Hearing Officer's Hearing held on December 22, 1998..

Appearing at the hearing in support of the proposed development were Brian Harrigan, a representative of Manorcare Health Services, Inc., Fred Thompson with the firm of Gower

Thompson, Inc., the civil engineering firm which prepared the site plan/development plan for this project, and Benjamin Bronstein, Esquire, attorney for the Owners/Developers. Numerous representatives of the Baltimore County agencies who reviewed the proposal appeared, including Robert Bowling with Development Plans Review, Ron Goodwin with the Bureau of Land Acquisition, Christine Rorke with Development Management, and John Alexander, Zoning and Development Control, all divisions of the Department of Permits and Development Management (DPDM); Gayle Parker with the Department of Environmental Protection and Resource Management (DEPRM), and Lynn Lanham with the Office of Planning (OP). In addition, several citizens from the surrounding community appeared at the hearing, including Michael Sicher and Peggy Squitieri, representatives of the Ruxton-Riderwood-Lake Roland Area Improvement Association, and several other residents from the surrounding area. Mr. & Mrs. Ernest Cooper, adjacent property owners, appeared in opposition to the proposal.

Pursuant to Section 26-206 of the Baltimore County Code, which regulates the conduct at the Hearing Officer's Hearing, I am required to first identify any unresolved agency comments or issues. In this regard, testimony and evidence received from the Developer's witnesses was that all issues raised within the comments submitted by the various County reviewing agencies have been resolved and incorporated within the revised development plan. However, the County representatives present raised some minor issues that basically involved additional language being added to the development plan to which the Developer agreed to provide. Thus, all issues raised by the County reviewing agencies have been resolved.

As to the citizens who attended the hearing, Mr. & Mrs. Cooper, who reside adjacent to the subject site, raised several issues which needed to be addressed. The Coopers are opposed to the overall size and scope of the project, and object to the requested variances to allow the

proposed building to exceed the maximum 300-foot length allowed and to permit same to be located on a site much smaller than the minimum 10 acres required. The Coopers believe that Manorcare is attempting to develop the subject site with a facility that is simply too large for the property. Mr. & Mrs. Cooper testified that they have lived on their property since 1963 and have enjoyed the peace and tranquility associated with their wooded lot for all of these years. They believe the proposed use of the subject site will be an over-development of the property and that it will have an adverse impact on their property.

In response to the Coopers' concerns, the Owners/Developers described the proposed facility in accordance with that shown on Developer's Exhibit 1. They testified that the proposed facility will be constructed on the site where an old, two-story schoolhouse currently exists. That building has been out of service for many years and the property has most recently been used by the Baltimore County Bureau of Highways. The old building will be razed to make way for the proposed facility which will consist of a one-story building, laid out in the form of an elongated "H". Each wing will provide living quarters for residents who suffer from low and mid-level Alzheimer's Disease. The central core of the proposed building will house administrative offices, food service, nursing stations, and other administrative facilities. Manorcare intends to fashion Arden Courts after the Assisted Living Facility that was recently constructed on Reisterstown Road. The Owners/Developers believe that the use of the subject property as proposed will not adversely affect the Coopers in that the Coopers' house is situated some 100 feet higher in elevation than the proposed facility.

Further testimony offered by the Developers demonstrated that the old two-story schoolhouse building cannot be refurbished for use as an assisted living facility. The building was not built to accommodate such a use, given that it is a two-story structure which was not

designed in the manner necessary to assist individuals in low and mid-level states of dementia. Thus, the existing building must be removed so that a one-story structure, specifically designed for its intended residents, can be constructed. Furthermore, in order to provide an assisted living facility for up to 60 residents, the Owners/Developers have requested an increase in the density allowed to a level of a D.R.4.2 equivalent. A representative from Manorcare indicated that Arden Courts will house only those individuals with low and mid-level dementia, and that they will not seek to house any other individuals who need assistance with daily living. They believe the market in this area is very strong for the proposed use, and that the proposed facility will be a benefit to the surrounding community.

In addition to the special exception request, certain variance relief is necessary in order to proceed with the proposed development. Due to the irregular shape of the subject property and the topography of the land, and, in particular, the hill to the rear of the property, the proposed facility has been laid out in a linear fashion. Thus, the building is somewhat longer than the 300-foot maximum length allowed. It is to be noted that the proposed building will be 306 feet in length, merely 6 feet longer than that permitted. In addition, given the irregular shape of the property, a corner of the proposed building will be located 30 feet from the Bellona Avenue right-of-way in lieu of the required 60-foot distance. Furthermore, variance relief has been requested for an existing dwelling that is located on an adjacent parcel which was recently acquired by the Developers. Testimony indicated that this dwelling will remain as it currently exists and that there are no plans to alter this building. However, the requested variances are necessary in order to legitimize its location.

At the conclusion of the hearing, I found it necessary to visit the property and inspect the surrounding area. I visited the property along Bellona Avenue and observed the site from the

Coopers' property located on Acorn Hill Circle. My personal inspection of the area gave me a better understanding of the topography and layout of the subject property, as well as the effect the proposed development will have on the Coopers' residence located on the adjacent parcel.

After due consideration of the testimony and evidence presented, I find that the development plan submitted into evidence as Developer's Exhibit 1 should be approved, and the special exception and variance relief, as modified hereinafter, should be granted. The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

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

In addition to the special exception requirements set forth in Section 502.1, this Hearing Officer must find that the proposed use meets the requirements of Sections 432.3.C.1-4 and 432.4.A-C, which relate to elderly housing facilities. After due consideration of the testimony and evidence presented, I find that the requested waiver of RTA buffer and setback requirements is appropriate in this instance and should be granted. In addition, I find that the requested

variance relief relative to the proposed building on the property and the uses thereon should be granted. However, as a condition of the approval of the development plan and special exception requests, the Developers shall be required to establish a board of Advisors for Arden Courts which shall be composed of members selected by the Board of Directors of the Ruxton-Riderwood-Lake Roland Area Improvement Association. Said Advisory Board shall consist of at least five (5) members and shall convene at least four (4) times a year. This Advisory Board shall assist Arden Courts in assuring that the assisted living facility operates compatibly with the surrounding community.

As to the variances for the proposed assisted living facility, I shall approve the relief requested to allow a 30-foot setback from the Bellona Avenue right-of-way in lieu of the required 60 feet. Only a small portion of the proposed building, given its "H" design, will infringe upon this setback. In addition, due to the topography of the land and irregular shape of the property, the building has been designed in an elongated fashion to accommodate the 60 units proposed. Furthermore, the variance to allow parking and deliveries to be located in the front of the property in lieu of the required rear/side locations, shall also be granted, given the site constraints associated with this property. .

As to the variance relief requested for the existing dwelling, I am persuaded to grant same. It is clear that this dwelling has existed on the property for many years and that the relief requested is necessary for the purpose of legitimizing same. Testimony indicated that the dwelling will remain as it presently exists and will continue to be utilized as a single family residence. Thus, I find no compelling reason to deny the requested variances.

The remaining variances deal with the proposed identification sign which is to be erected at the entrance to the parking lot. The zoning regulations permit a freestanding, institutional sign

of 50 sq.ft. total, with a maximum height of 6 feet. The Developers propose to erect a double-faced, illuminated institutional sign of 120 sq.ft. total, 12 feet in height. Testimony presented at the hearing indicated that other identification signs in the surrounding area are, for the most part, ground-mounted signs tastefully incorporated into a brick design. Photographs of these signs were submitted by Mr. Cooper as Protestant's Exhibit 2. I am persuaded that the proposed sign should comply with the current sign regulations applicable to the subject site and that the Owners/Developers should design an institutional sign for Arden Courts that is within those guidelines. Therefore, I shall deny the requested variances from the sign regulations and shall require a sign in compliance with same.

It is to be noted that in reaching my decision on the special exception and variance requests, I relied upon the agreement reached between the Owners/Developers and the Ruxton-Riderwood-Lake Roland Area Improvement Association, a copy of which was submitted into evidence as Developer's Exhibit 4A. This agreement shall be incorporated herein and made a part hereof as conditions to the development plan and zoning approvals. All of the conditions of that agreement shall be enforceable as if a part of this Order. As a result of the agreement reached between the parties, the Ruxton-Riderwood-Lake Roland Area Improvement Association supports the Developer and its proposal for the subject site.

Furthermore, in granting the special exception and variance relief, I relied on the support of the Office of Planning who has reviewed this matter thoroughly. A compatibility study was submitted by the Owners/Developers and reviewed and approved by that agency. Furthermore, the Office of Planning had no objections to the proposal, other than they wanted assurance that the proposed facility is constructed consistent with the elevation drawings submitted into evidence as Developer's Exhibit 2. Therefore, I shall impose an appropriate restriction at the end

of this Order to insure that said elevation drawings are adhered to during the construction phase of this project.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein and the Petitions for Special Exception and Variance, but for the requested sign variances, shall be granted, subject to the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 6th day of January, 1999, that the development plan for Arden Courts, submitted as Developer's Exhibit 1, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit an Assisted Living Facility on the subject property and a waiver of Residential Transition Area (RTA) buffer and setback requirements to allow setbacks of as little as 0 feet in lieu of the required 50 feet and 75 feet, respectively, and to increase the permitted density from 28 units to 60 (or a D.R.4.2 equivalent), in accordance with Developer's Exhibit 1, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 1B02.3.C.1, 301 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit front yard setbacks of 8 feet and 0 feet for an existing dwelling and its attached open porch, respectively, in lieu of the minimum required 60 feet; from Section 1B01.2.C.1.A to permit a front yard setback of 30 feet in lieu of the minimum required 60 feet for the proposed Assisted Living Facility; from Section 504 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a building length of 306' in lieu of the maximum permitted 300'; and from

Section 432.B of the B.C.Z.R. to permit a lot size of 3.56 acres in lieu of the minimum required 10 acres, in accordance with Developer's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

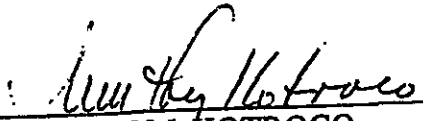
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Developers shall establish a Board of Advisors for Arden Courts which shall be composed of members selected by the Board of Directors of the Ruxton-Riderwood-Lake Roland Area Improvement Association. Said Advisory Board shall consist of at least five (5) members and shall convene at least four (4) times a year. This Advisory Board shall assist in assuring that the assisted living facility operates compatibly with the surrounding community.
- 3) The Developers shall comply with the agreement reached between the Ruxton-Riderwood-Lake Roland Area Improvement Association, identified herein as Developer's Exhibit 4, a copy of which is attached hereto and made a part hereof.
- 4) The proposed facility shall be constructed in accordance with the elevation drawings submitted into evidence as Developer's Exhibit 2, which have been reviewed and approved by the Office of Planning.
- 5) The color and style of the building materials used in the construction of the proposed facility shall be in character and keeping with the surrounding landscape. Of particular importance is the color of the roof, given that it will be visible from those homes that sit at a higher elevation. The building materials proposed to be used shall be reviewed and approved by the Office of Planning.
- 6) Prior to the issuance of any permits, the Owners/Developers shall submit a lighting and landscape plan to Mr. Avery Harden, Landscape Architect for Baltimore County, for review and approval.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 450.4.6 of the B.C.Z.R. to permit a freestanding, illuminated double-faced institutional sign of 60 sq.ft. per side (120 sq.ft. total) in lieu of the maximum permitted 25 sq.ft. total, with a

height of 12 feet in lieu of the maximum allowed 6 feet, in accordance with Developer's Exhibit 1, be and is hereby DENIED.

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

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
Hearing Officer for Baltimore County

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
Deanna Lonsten
Peggy SQUITIERI

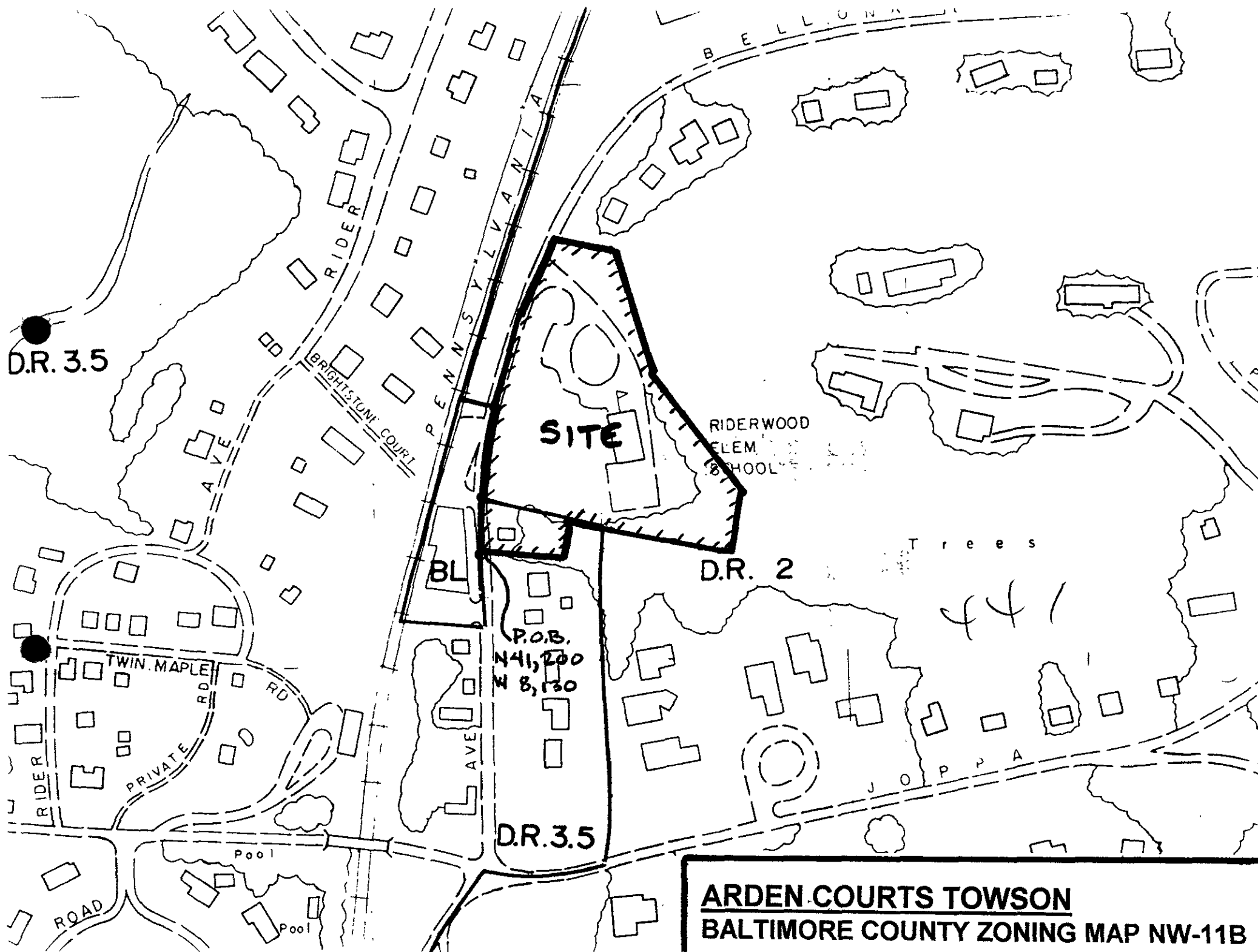
ADDRESS
24 W Susquehanna Ave #204
BRLRAIA
P.O. Box 204 Riderwood 21139

Biff Heenan

BRLRAIA
Box 204 Riderwood 21139



D.R. 3.5



SITE

RIDERWOOD
ELEM
SCHOOL

Trees

D.R. 2

BL

P.O.B.
441,200
± 8,130

D.R. 3.5

ARDEN COURTS TOWSON
BALTIMORE COUNTY ZONING MAP NW-11B

WINTER 2000

Neighborhood News

MARK YOUR CALENDAR

December 13, Wednesday at 6:30 p.m.

Caroling service at the St. John's Chapel at 7534 Bellona Avenue. Refreshments will follow. All are welcome. The trustees of St. John's Chapel ask that you bring a canned good to donate to the local food bank. RRLRAIA suggests you also bring a donation toward the upkeep of this treasure in our midst. Questions, call 410-377-4700.

December 17, Sunday at 4:00 p.m.

Community Bon Fire at the old rugby field off of L'Hirondelle Club Road.

PLEASE JOIN YOUR COMMUNITY ASSOCIATION

This organization exists for the preservation of our neighborhoods. As an umbrella organization, RRLRAIA's mission is to lend professional and experienced support gained through our familiarity and liaison work with government, business, and other community groups. This Board consists of people like you who are committed to the secure future of this area in which we have chosen to live. With the assistance of our executive director, we are involved in a great variety of matters that affect your day-to-day life and your enjoyment of our community. We cannot do any of this without your financial support.

Our annual community events—Holiday Bon Fire, Concert/Picnic, Dumpster Day, and Lake Roland Cleanup—continue to grow in popularity.

Our newsletter is published several times each year. Our zoning successes with the planning board, county council,

CONTINUED ON PAGE 6

THE YELLOW HOUSE – A NEW HOME FOR OUR COMMUNITY ASSOCIATION?

by Joseph M. Coale

The original plan for the Arden Court assisted living facility on Bellona Avenue across from Riderwood Village included demolition of the small Victorian cottage on the south side of the property. Known as the "Yellow House", it was constructed in 1878 by Edward



The Yellow House on Bellona Avenue could be the future home of our Ruxton Riderwood Lake Roland Area Improvement Association. PHOTO © JOSEPH M. COALE

Rider for his daughter, Mary, who operated the Riderwood post office here for many years until her death. The Board feared the historic house and the charm it has given the neighborhood for well over a century would be lost. In September 1998, I asked Stewart Banium of Manor Care, if there was some way to save the little yellow house by including it in the site plan for Arden Courts.

Stewart was very gracious and kindly agreed to look into it. Shortly

thereafter, his office called with news the building would be saved. Now that the Arden Courts assisted living facility is complete, Manor Care has no need for this house and has

CONTINUED ON PAGE 6

ANNUAL HOLIDAY BON FIRE — SUNDAY, DECEMBER 17

Take a break from the Christmas madness and come share the spirit of the holidays with your family, friends and neighbors while enjoying a hot dog, sipping apple cider, and munching on goodies donated by Graul's. The Ruxton-Riderwood-Lake Roland Area Improvement Association is hosting its annual Christmas Bon Fire and Carol Sing starting at 4 p.m. on Sunday, December 17 at the old rugby field off of L'Hirondelle Club Road.

This event gets more popular every year. After last year's bon fire, we received this very kind note from a member: *Thank you once again for the wonderful Annual Bon Fire. Our holiday season would not be complete without this joyous event. Our family had a terrific time. My 5 year old daughter asked about the Bon Fire every time she saw the sign. She especially liked the hotdogs! We truly appreciate the hard work and planning that goes into this event. Thank you again for letting us enjoy the wonderful tradition.*

Dress warmly and wear boots—the old rugby field can sometimes be a bog—and follow the lighted path to the bon fire site. Please, no unleashed dogs.

The Ruxton-Riderwood-Lake Roland Area Improvement Association wishes you all a Merry Christmas and a very Happy New Year!

THE HISTORIC SCOTT SETTLEMENT BARE HILLS AND THE REVEREND AQUILLA SCOTT

by Sarah Fenno Lord (with thanks to Anna Marie Scott Brown, Delores Scott, John McGrain, John Milner, Johnny Johnson, Joseph Coale and Wayne Nield)

The old Bare Hills School on Falls Road is a distinctive RRLRA landmark, crowning a little-known neighborhood with a huge history. Constructed from the distinctive green serpentine quarried nearby on both sides of Falls Road, the school opened its doors in 1882. Then it was among the first in Baltimore County built with public money; now it is the oldest still in continuous use.

By this time, the richest chapter in the Bare Hills story was turning a page. In the earliest years of the century, young Isaac Tyson, Jr., had recognized the glint of a much heavier formation in the soft green "copper rock" of the Bare Hills "Barens." This was iron chromite, which led to international fortune for his Quaker Abolitionist family. His was the first discovery of chrome ore anywhere in the U.S. – followed by the founding of the nation's first chromium



Isaac Tyson, Jr., (1792-1861), owner of the Gunpowder Copper Works and developer of Bare Hills Chrome mine. PHOTO © BALTIMORE COUNTY PUBLIC LIBRARY.

chemicals plant, the Baltimore Chrome Works. For a time the Tyson Mining Company

controlled the world's access to "chrome yellow" paint, the color which Van Gogh used to render nights starry and set fields of Provence ablaze with sunflowers.

If you know where to look, Bare Hills quarries, mineshaft depressions, abandoned rock roads are still to be found in Robert E. Lee Park, documenting the muscle of this mining era. About the time chrome was discovered in them thar hills, "the Falls Turnpike Road" was being constructed. In 1807, twenty-four miles of what had once been an Indian trail was laid out 24 feet wide "covered with a stratum of pounded stone ten inches thick... at a cost of \$7500.00 per mile." A chartered toll road, the Falls Turnpike became an important artery for commerce. Teams of horses hauled wagonloads from the quarries, mines and many water-powered mills (just in our area: Eagle, Wright, Rockland, Caton, not to mention the mighty Bellona Gunpowder Works which supplied Fort McHenry) prospering

along the sparkling Jones Falls. White travelers on the Falls Turnpike stopped at the stone village of Rockland, for horse-shoeing and a meal. "Colored" travelers paused at the store and blacksmith shop in Bare Hills, run by the Rev. Aquilla Scott, Sr. and his children. Scott's accomplishments are no less remarkable than Tyson's.

A preacher and a farrier, James Aquilla Scott had purchased land in Ruxton in 1832 with four other "descendants from Africa," to construct the St. John's A.M.E. Church, for worship and burial of the black servants, slaves and freemen of the area. The Scott men had won their freedom well before the Civil War, which meant they could keep their earnings and purchase holdings where possible. In 1837, Rev. Scott was able to buy two acres of land in Bare Hills for \$30.00 and begin building homes for his family. If you are standing on the hilltop at the school (now called the Baltimore County Home and Hospital Center, for



The Bare Hills baseball team, 1920's, one of the semi-pro teams which played on Sunday afternoons at Bare Hills, East Towson and Druid Hill Park. Top row, Dick Scott; Clarence Scott. Middle row, Bud Wick; Tern Taylor; Ike Johnson; Ernest Bannon; Aquilla ("Quill") Scott; Simon Scott. PHOTO © BALTIMORE COUNTY PUBLIC LIBRARY.

homebound students) look west across Falls Road: you are looking at the settlement he founded.

An Historic Architecture Determination of Eligibility Report commissioned by the state of Maryland several years ago strongly urges that the Scott homes are "eligible for the National Register for [their] association with events (rural free black culture) that have made a significant contribution to the broad patterns of our history...

"The Scott Settlement Historic District is a rare survivor of free black culture. [T]he settlement contains houses built by [the Scott] family and descendants between the antebellum period and the 1920s. Of the... previously identified [African American settlements] in Baltimore County, this is one of the earliest, retaining a high level of integrity."

Aquilla Scott Sr.'s gravestone is in Bare Hills (not at the St. John's Chapel on Bellona Avenue). It bears the legend: "Church of A.M.E. Here lies Aquilla Scott. The Minister who passed away in Prayer in the church below now joins the church above. March 28, 1858. Aged 74 Years." From Joe Coale's book, *Middling Planters*



Hester Scott, circa 1890s, resident of Bare Hills and aunt of Marie Scott Brown. She owned a house on the east side of Falls Road. PHOTO © BALTIMORE COUNTY PUBLIC LIBRARY.

of Ruxton, we can tell that the coming of the railroads, starting in Ruxton in 1828, was as unstoppable as e-commerce is in our day. The tracks and trains of the Baltimore & Susquehanna thrust themselves into the lives of farming landholders, ready or not. The Northern Central was laid down east of Roland Run and the Greenspring Branch pushed west and then east of the Jones Falls. Initially the Northern Central cars were pulled by

CONTINUED ON PAGE 3



Bare Hills House, 6222 Falls Road, c. 1856 (dated from a soda bottle found in the basement). Owned originally by John Wright, of the Rockland Bleach works. Photographed in 1976 when in poor condition. It was owned by Samuel J. "Buzz" Berg and Dr. Joel Berg. Bought in 1977 by Gilbert and Marie Cooke and restored. PHOTO © BALTIMORE COUNTY PUBLIC LIBRARY

horses.

Soon enough, smoking, spark-throwing trains would spell the end of the volatile Bellona Gunpowder Mill. Probably it was sparks from the trains which burned the first St. John's church, a log cabin, to the ground. In 1886 the Gothic revival chapel we know today was completed. The trains were a boon to Tyson's mining industry. And they were a help to the Scotts, too, in their way. The men who worked on the trains would sound the whistle from afar, in time for St. John's parishioners to conclude their hours of Sunday service and catch a ride back home.

Marie Scott Brown is one of the many Scotts still living in Bare Hills. Her childhood memories of the train on a cold winter's day include grabbing a pail at the sound of the train whistle. "In this way the little ones could help out their families," she remembers. The kids raced each other down to the track where the train bridged the Jones Falls. As the cars rumbled by and black men shoveled coal from the tender, a stray toss might find its way into the children's buckets.

Up on the hill, the Bare Hills School stood across the street from Aquilla Scott's home for eighty years before his descendants were permitted to attend it. But in the 1960s it finally came to pass that Scott family children and Tyson family children, side by side, opened their books and took

out their pencils inside the "copper rock" schoolhouse.

Today, state and county preservationists are enthusiastic about conserving the 19th century architecture of Falls Road. We are completing gaps in the inventory of Bare Hills resources; RRLRAIA is helping this happen. To the north, Rockland Village is listed on the National Register; to the west Lake Roland is too. Washington Mill/Devon Hill are likely to be soon.

For residents and businesses alike, sensitive preservation of the Jones Falls Valley

enhances Baltimore's urban texture and vibrancy. For our part, we must take care not to overlook the Scott Settlement — where the story is ongoing. Community conservation in Bare Hills needs to benefit Scott descendants. We must not let a precious legacy become just tattered memory. Today there is renewed interest in the heroic, if painful and ignored, chapters of American history which James Aquilla Scott, Sr.'s achievement exemplifies.

A WALK IN THE PARK

by Adelaide C. Rackemann

All of us who live in this part of Baltimore county are lucky to have a city-owned park right in our midst. A lot of us take advantage of it, walking through the park as often as we can.

I usually start my own walk from Copper Hill Road, where there is much to see. The pines beside the road can be enjoyed at any time of year, but right now a persimmon tree commands my attention. With its bark of small blocks and its high slender branches, the tree is always arresting. But now the fruit dangles from the bare branches, small, golden against a clear blue sky. Now and then a persimmon drops to the ground — to be eagerly snatched up (by me).

Around a bend in the road is a tall catalpa tree, its huge leaves a bright yellow. Then there is a cluster of oaks, their brown leaves rattling in the gentle wind. All these trees

shelter lots of birds — chickadees, white-throated sparrows, an occasional ruby crowned kinglet, and many blue jays. Crows fly by noisily as do the Canada geese who congregate on Lake Roland.

When I leave the road, passing the trash cans and fallen tree trunks, there is the start of a rocky path. The brownish gray flowers of once proud goldenrod and the faded tops of boneset stand somewhat forlornly along the path. But there is still some color, the purple centaurea and the pink-tipped knotweed. A few tall wood asters and some late blooming Queen Anne's lace brighten the scene.

The rocks in the path are always interesting too. The greenish stone no doubt contains copper, and the yellow chromium, and there are traces of mica. The reddish stone

suggests iron, and what the many other stones are, of every shade and shape, I have no idea. I would welcome the company of a geologist on one of my walks.

A short way down the path, I have to decide which way to proceed. If I go to the right I go fairly soon to the lake. Now the lake is stunningly beautiful, reflecting the sky and the reds and yellows of the trees. A great egret is often standing in the shallow water next to a sandy bank.

But if I go to the left where the path divides, there is the serpentine barren, with its stunted pine trees and feeling of peace, and of being transported to a completely different world. My dog Tipper always stands at the divide, wondering which way I will choose. It is not an easy choice.



Adelaide Rackemann and her dog Tipper enjoy the beauty of the Robert E. Lee Park. PHOTO © GAIL STETTEN.

EXHAUSTIVE COUNTY REZONING PROCESS CONCLUDES

by Sarah Lord and Peggy Squitieri

Every four years the office of planning in Baltimore County invites developers and landowners to rezone property as they see fit – county wide. The County also invites public response. This turns into an arcane, two-year-long, knockdown drag-out battle, involving tiers of public hearings and layers of sleeve tugging. Be darn glad you have a community association.

The most recent Comprehensive Zoning Map Process concluded this fall. The process was frustrating for developers, exhausting for the public, hectic for county planners and ticklish for county councilmen. Countywide, there were 619 requests for parcel rezoning. RRLRAIA was active in 19. RRLRAIA's goal is to maintain or to seek the zoning category which best preserves the character and health of its neighborhoods.

We did amazingly well, considering that politics is the art of compromise. Sometimes we got everything we asked for. Often our county councilmen signaled to developers that they were leaning to RRLRAIA's position – in which case they caused the developer to sit down with the community to hammer out compromises or covenants. For instance, Wayne Skinner did this at the Valley Inn and Sheppard Pratt; Kevin Kamenetz did this with Gerstung and the Potts and Callahan tract.

We came away with admiration for the dedication to detail our councilmen — Wayne Skinner, Kevin Kamenetz and Brian McIntyre — demonstrated and the courtesy they showed us. The best way to say thank you is to re-elect them.

CZMP FINAL DECISIONS

Key: **BL AS** Business Local Automotive Service; **ML** Manufacturing Light; **MLR** Manufacturing Light Restricted; **CB** Community Business; **OR 2** Office Building/Residential with density equivalent to DR 10.5; **DR** Dwelling Residential (followed by units allowable per acre)

- **West side of Falls Road south of Clarkview Road** downzoned where DR 5.5 to DR 3.5 and where DR 3.5 to DR 2 (except at proposed assisted living facility which remains DR 3.5)
- **Potts and Callahan Tract** (37 acres east of I-83): MLR expanded with buffer downzoned from DR 3.5 to DR 2
- **6302 Falls Road** (formerly Van Dom Pools): downzoned from ML to MLR
- **1400 Coppermine Terrace** (Gerstung): ML with RRLRAIA restrictive covenants
- **2201 Old Court Road and Falls Road** (Rockland Grist Mill): remains DR 1
- **10501 Falls Road** (Valley Inn): BL zoning for slightly expanded footprint of building, with Valleys Planning Council restrictive covenants, and listing on County Landmarks list
- **West Joppa Road** State Highway Administration property: no change in mix of commercial and residential zoning
- **2100 West Joppa Road** (15 acre Knott property): remains DR 1 (parties could not reach agreement on acceptable covenants for DR 2)
- **1630 West Joppa Road** (Royal Farms Store): downzoned from BL AS to CB
- **7615-7713 Bellona Avenue** (Riderwood Village): remains BL
- **6501 North Charles Street** (Sheppard Pratt): changed from DR 2 to OR 2 with restrictive covenants with Greater Towson Council of Community Associations.

Some key points of the restrictive covenants

- 3.2 acres remain DR 2
- Exclusive of existing Leuktemeyer Conference Center and new parking, new or adaptive reuse will not exceed 350,000 useable square feet
- Roof of any new building in the "rezoning parcel" shall not exceed the height of the major roof ridge of the A and B Buildings (511 ft)
- Without written consent of GTCCA, the use of the "rezoning parcel" is limited to Class A and B office building containing offices, medical offices or medical clinics and uses permitted in DR 2 by right or special exception
- **6303-6321 North Charles Street** (Soley property): remains DR 3.5
- **6201-6229 North Charles Street** (from Stevenson Lane to Soley property): BL rather than BL AS, except at two gas stations. East side of La Grange (Hackerman parcel): remains DR 3.5

CHARLES STREET ROUNDABOUT

by Tom George

According to Randall Scott, Assistant SHA District Engineer for Traffic, the re-engineering of the traffic circle at the end of North Charles Street is nearing completion, and the improvements are designed to correct the gridlock issues. The size of the center brick island circle remains the same. The overall size of the traffic lanes will expand to allow for two lanes circling most of the island. Lane markers, curbing, and signage will be enhanced.

Travelling westbound on Bellona (away from Seminary Avenue) the road will widen into two lanes as you approach the circle and there will be two lanes of flowing traffic three-quarters of the way around the circle to southbound Charles Street. This should alleviate the traffic backup on Bellona that blocks the Beltway exit ramp and creates gridlock during rush hour.

Travelling northbound on Charles Street and turning right onto Bellona Avenue towards Seminary Avenue there will be an improved right-turn-only lane. Travelling northbound on Charles Street and accessing the Beltway west or I-83 north, you will be encouraged to avoid the traffic circle and use the existing access ramp to the Beltway west. This ramp now has its own acceleration lane where it meets the Beltway. The new lane extends up to and beyond I-83 north and provides plenty of time to either stay in the lane for I-83 north or merge left for the Beltway west. Use of the traffic circle for access to the I-83 north or Beltway west will be difficult because you will enter the circle on the inside lane and then encounter some difficulty moving to the outside lane as you simultaneously make your way around the circle to your desired exit.

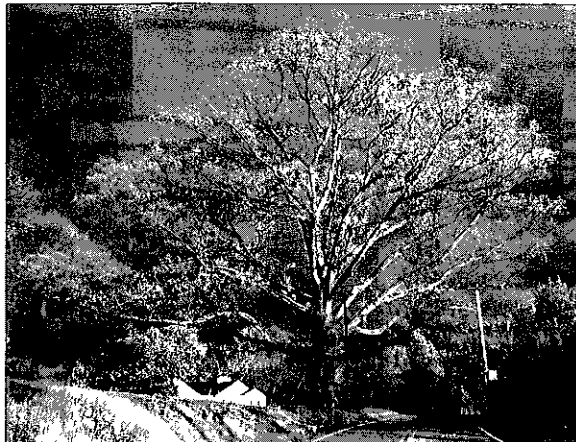
RRLRAIA is elated to be the recipient of a grant just awarded by Preservation Maryland and the Baltimore County Historical Trust. This will be used to hire architectural historian Wayne Nield, to finalize the inventory of Falls Road area structures contributing to a "Multi-Resource District" listing of Barc Hills on the National Register of Historic Places

HELPING AN OLD FRIEND IN NEED

by Joseph M. Coale

Even an overly anxious developer would be humbled in its presence. To even an honest to goodness tree lover, such as myself, it's a spiritual experience. By any measure, the 350 year old white oak that stands on the east side of Bellona Avenue just north of Dunlora Road and across from St. John's AME chapel is a magnificent specimen that has seen a lot of history in the Roland Run Valley. It is a living linkage with many past generations.

The tree's broad and massive branches shadow, as if a protective shield, the chapel and grave yard; the boundary stone where three of the major 1694 land grants for the valley begin; the 1834 railroad; and Bellona Avenue which was first laid out in 1743 as an entrance to the Bowen plantation house. If there were a historic epicenter for our community this awesome white oak, which some appropriately refer to as our Liberty Tree, would be it.



Our neighborhood "Liberty Tree" stands on the east side of Bellona Avenue just north of Dunlora Road and now it needs our help. PHOTO © JOSEPH M. COALE

Having been a loyal seasonal observer of the tree for 25 years or more and one who communicates with it on a regular basis, I first noticed a problem September a year ago when the leaves turned golden brown a full month early. In self denial, I dismissed it as a result of the drought, but I made note to see how and when it would bud in the spring. I was told that trees under this kind of stress have a way of protecting themselves by shutting down early in the season in order to store resources for the winter. Because of its size, age and variety, it is usually one of the last to show signs of spring renewal and this year was no exception. What was different however was that its foliage was sparse and

scattered though out the tree. The leaves were fully formed and healthy but these only covered two-thirds of the tree. This spelled trouble "big time". I called the state forester who several years before had examined the tree and determined its age. She paid a visit and confirmed our oak was under severe stress but couldn't determine the cause. Having been told Davey Tree had a good reputation for saving trees, I called the regional manager John Smithmyer who responded quickly and took personal interest. We met at the site on June 15th when he took several root samples for lab analysis. The result was positive for phytophthora a fungus causing root rot and basal cankers. This attacks the delicate fibers at the very end of the roots. A form of this disease is working on the oaks in California and has caused great concern across the country. Mr. Smithmyer recom-



Looking up the massive trunk of this white oak that has been a fixture in our community for over 350 years. PHOTO © JOSEPH M. COALE

mended a series of fungicide applications as well as a liquid deep feeding. Combined with the wet and cooler summer, we hopefully anticipate that new growth will appear in the spring.

We are sometimes guilty of taking our community assets for granted, a tree here, an old house there, a bit of open space. In the aggregate they all make our neighborhood the unique place it is. This creeping (and creepy) erosion of assets that makes our area special

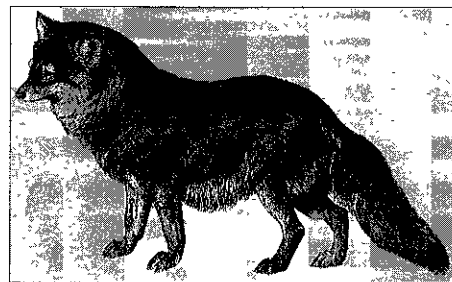
needs to be controlled and is what the community association is trying to do.

HISTORIC ROCKLAND VILLAGE PRINT COMPLETED

For over a year and a half, Tom Bruggman of Rockland Village has been working on a bird's eye view of Rockland Village, plantation, surrounding industry and historical elements. The view goes back to when Old Court Road was a buffalo trail. The Susquehannock Indians had their summer camp in Rockland through the 17th, 18th, and 19th centuries. The original version will be four feet by five feet with the people, carriages, buildings, industry, and written history all together and seen as never before. This print and other sizes will be available hopefully by Christmas 2000. Each one will be personalized and the entire family will enjoy learning about Ruxton's and Rockland's past and present so we can help to protect its future. For additional information, call Tom Bruggman at 410-296-1144.

HAVE YOU SEEN COYOTES IN OUR COMMUNITY?

The RRLRAIA association office received a call from a resident who reported seeing what she thought might



have been a coyote in a grassy area near Bellona Avenue. Since that time, two other people also have seen an unusual animal. We called the Maryland Department of Natural Resources and learned that there are coyotes in all Maryland counties. While there is no cause for alarm, we caution you not to let small animals roam freely and not to leave food for animals outside. We would like to know if you have seen such an animal.



MACKENZIE
Management Corporation

February 1, 2001

Peggy Squitieri
Ruxton, Riderwood, Lake Roland
Area Improvement Association
P.O. Box 204
Riderwood, MD 21139

Ex No 2

Re: Parking Agreement for 8012 Bellona Ave.

Dear Peggy:

Per our conversation, the landlord has approved temporary parking for the Ruxton, Riderwood, Lake Roland Area Improvement Association in the 8012 Bellona parking lots.

Parking for any Association event is agreed to take place after regular business hours, Monday through Saturday 9am to 6pm. In addition, an Association representative must announce each event at least one day in advance.

The Landlord will retain the right to cancel this agreement at any time if the agreement is compromised in any way. If this agreement is acceptable please sign in the space provided and fax back to (410) 321-8629.

If there are any questions regarding this agreement please contact me directly at (410) 494-6654.

Sincerely,

Matt Mueller
Agent for Riderwood Village L.P.

Ruxton, Riderwood, Lake Roland
Association Representative

An Affiliate of the MacKenzie Companies

The Ruxton-Riderwood-Lake Roland Area
Improvement Association, Inc.

Post Office Box 204
Riderwood, Maryland 21139
Telephone/FAX: 410-377-4700
Email: office@rrlraia.org

June 12, 2001

Benjamin Bronstein, Esquire
George and Bronstein, LLP
29 West Susquehanna Avenue
Towson, MD 21204

6/14 No 3

Dear Mr. Bronstein:

RE: 8101 Bellona Avenue (The "Yellow House")
Case 01-441-SPHXA

It is our practice to notify neighbors when a zoning variance, special exception, or special hearing is requested for a property. The following neighbors were contacted by me via telephone about the subject property.

<u>Resident</u>	<u>Comments</u>
Raymond Cronin 8002 Bellona Avenue	Does not oppose
Barbara Ewing 8003 Bellona Avenue	Does not oppose Very positive about proposed use
Robert Schatz 8005 Bellona Avenue	Left message on answering machine; call not returned
Daniel Sarubin 8007 Bellona Avenue	Does not oppose Very positive about proposed use
Mark Bennett 8009 Bellona Avenue	Does not oppose
Andrew Miller (contiguous owner) 8011 Bellona Avenue	Does not oppose Very positive about proposed use
Michael Dunworth 8107 Bellona Avenue	Does not oppose
William George 8109 Bellona Avenue	Does not oppose
Sara Henry 8110 Bellona Avenue	Does not oppose Very positive about proposed use

An article about the "Yellow House" and our proposed use was published in our Winter 2000 newsletter and sent to over 3,000 community members. The purpose of this article was to solicit community input and consensus before proceeding with this process. A copy of this newsletter and the responses are attached.

Sincerely,


Peggy Squitieri
Executive Director

attachments

offered to donate it to the Association.

Manor Care hopes to take a fair market tax deduction for donating the property. Since RRLRAIA is not a 501(c)3 organization, conveying the house to the Association does not allow the deduction Manor Care seeks. However, a third party that does qualify, could take ownership, hold the house for the three-year period as required by the IRS and then deed it to the Association. During this period, maintenance of the house would be RRLRAIA's responsibility.

The issue is: Should the RRLRAIA accept the house? This offer comes at a most opportune time for the Association. Currently, our activities are administered from the home of our executive director—an unsatisfactory arrangement for both her and the Association. For some time we have been in serious need of adequate, properly located office space for our expanding needs and responsibilities. Thus, our vision is for the house to be used as the Association office and for community meetings. We require a site that will publicly reflect the permanence, effectiveness and professionalism of the Association. This would provide a convenient site for residents to conduct community business, provide meeting space, and proper storage of valuable records. Soon the Association would have been required to rent space that, most likely, would be available only outside our community area and at significant cost. Finally, the adaptive reuse of the house sends a clear message about the long-term

preservation of our community rich in history and tradition.

The challenges facing the Ruxton, Riderwood, and Lake Roland areas are formidable and growing daily: traffic, further development, institutional intrusion, pedestrian access and all other quality of life issues. The Association has shown remarkable membership growth and mission activism over the past five years because our residents recognize the importance of aggressive pro-active efforts to represent our community interests. With the new long-term strategic community plan about to be submitted to the County Council for approval, it is felt that the Association should have a visible, permanent presence in the community we serve. The "Yellow House", many believe, offers the possibility of a unique and timely opportunity at minimal financial exposure that will benefit the Association for years to come. If the Board ever decides to sell the house, the proceeds would belong to the Association free and clear.

As the Association would be required to maintain the house, step one is to develop capital improvement and operating budgets based on an inspection conducted by Bruce Boswell, a building inspector and former board member. Manor Care has generously offered \$5,000 toward improvements. If the Board believes the cost to be reasonable with minimal downside risk, the current opinion is to work towards accepting the house. Again, it is important to reaffirm that if at the end of the three-year period, for whatever reason, our priorities change, the house could be sold with proper easements to preserve it and, most likely, our investment fully recovered.

The Board of Directors of the Ruxton-Riderwood-Lake Roland Area Improvement Association seeks community input and consensus about this issue. We would like to hear from you prior to making any final commitments. Do you favor or are you opposed and why? Please e-mail your thoughts to office@rrlraia.org or call 410-377-4700 as soon as possible.

and in the courts all point up the necessity to be able to wage the campaigns to protect our area. During the past year we have been especially active in monitoring and lobbying the County Quadrennial Zoning Maps. As you will see in this newsletter, we met with success on our efforts to "hold the line on rezoning" or to enter into meaningful agreements with property owners.

More and more of your neighbors are taking advantage of our alliance with the Land Preservation Trust and placing conservation easements on their developable property.

We have also been hard at work developing a community plan—a working document that will guide us into the future.

There are many other issues of concern—roads, traffic, preservation of our streams and our beautiful Lake Roland. Many county officials and other community groups have commented on the caliber and effectiveness of our organization.

We need your financial support to maintain the momentum. Please pay your dues now by **sending your \$40 check to RRLRAIA, P. O. Box 204, Riderwood, MD 21139**. We ask that you join us in our efforts to preserve, maintain, and enhance this unique community and this organization—**your** organization.

MIDLING PLANTERS OF RUXTON 1694-1850

by Joseph M. Coale III



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