

IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCE
W/S Rolling Road, N/S Powers Lane
1st Election District
1st Councilmanic District
(4225 Old Annapolis Road)

Rolling Road Plaza, Inc.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-481-SPHXA

*
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception, Special Hearing and Variance filed by the Rolling Road Plaza, Inc., legal owner of the subject property, for property located at 1108 N. Rolling Road. The subject property is zoned BL. The special exception request is to approve a kidney dialysis center as a freestanding ambulatory care facility/state licensed medical clinic in the BL zone pursuant to Section 4C-102 of the Baltimore County Zoning Regulations. The special hearing request is to amend the previously approved site plan in Case No. 02-97-SPHA. Finally, variance relief is requested to permit the freestanding ambulatory care facility to be located 19 ft. from a residentially zoned property line in lieu of the 750 ft. required.

Appearing at the hearing on behalf of the zoning requests were Michael Trenery, representing the owner of the property, Steve Weidinger, appearing on behalf of the Lessee of the site, Charles Main, the professional engineer who prepared the site plan of the property, and G. Scott Barhight, attorney at law, representing the Petitioner. Also attending the hearing were Michael Maguire and Deborah Dopkin, appearing as interested citizens. There were no others in attendance.

ORDER RECEIVED FOR FILING
Date 6/28/02
By J.P. Jameson

Testimony and evidence indicated that the property which is the subject of this request, consists of 6.588 acres of land, more or less, split-zoned BL and D.R. 3.5. The subject property is located on the northwest corner of the intersection of Powers Lane and N. Rolling Road in Catonsville. The subject property is improved with a retail complex known as "The Rolling Road Plaza". The request herein involves a small portion of the overall retail center known as "Space No. 1108". That particular area of leaseable space, as well as the parking area associated therewith, is part of this special exception request. The Petitioner is interested in locating a kidney dialysis center within this area of its retail center. In order to proceed with locating the kidney dialysis center at this location, the special exception request for a freestanding ambulatory care facility licensed under Title IV, Subtitle 3B of the Health General Article of the Annotated Code of Maryland is necessary. Furthermore, the special hearing to amend the previously approved site plan is also required, as well as a variance to allow this facility to be situated 19 ft. from a residentially zoned property line in lieu of 750 ft. After considering the testimony and evidence presented at the hearing and the lack of opposition, I find that the Petitioners requests shall be granted.

The Petitioner had the burden of adducing testimony and evidence which shows that the use meets the prescribed standards and requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations. The Petitioner has shown that the use is conducted without real detriment to the neighborhood and does not adversely affect the public interest. The facts and circumstances do not show that the use at this particular location described by Petitioner's Exhibit No. 1 has 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 use is not detrimental to the health, safety, or general welfare of the locality, nor tends to create congestion in roads, streets, or alleys therein, nor is it inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the B.C.Z.R.

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

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

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

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

ORDER RECEIVED FOR FILING

Date

6/28/02

By

H. J. Jenson

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 28th day of June, 2002, that the Special Exception request, to approve a kidney dialysis center as a freestanding ambulatory care facility/state licensed medical clinic in the BL zone pursuant to Section 4C-102 of the Baltimore County Zoning Regulations, be and is hereby APPROVED;

IT IS FURTHER ORDERED, that the Special hearing request, to amend the previously approved site plan in Case No. 02-97-SPHA, be and is hereby APPROVED;

IT IS FURTHER ORDERED, that the Variance relief requested, to permit the freestanding ambulatory care facility to be located 19 ft. from a residentially zoned property line in lieu of the 750 ft. required, be and is hereby APPROVED;

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 6/28/02
By R. Jamison



Baltimore County
Zoning Commissioner

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

June 28, 2002

Dino C. La Fiandra, Esquire
G. Scott Barhight, Esquire
Whiteford, Taylor & Preston, LLP
210 W. Pennsylvania Avenue, 4th Flr.
Towson, Maryland 21204-4515

Re: Petitions for Special Exception, Hearing & Variance
Case No. 02-481-SPHXA
Property: 1108 N. Rolling Road

Dear Messrs. Fiandra & Barhight:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special exception, hearing and variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

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

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper

Copies to:

Charles Main
200 E. Pennsylvania Ave
Towson MD 21286

Michael Trenery
170 W. Ridgely Rd Ste 300
Lutherville MD 21093

Steve Weidinger
333 Cassell Dr Ste 2300
Baltimore MD 21222

Deborah Dopkin, Esq
409 Washington Ave, Ste 1000
Towson, MD 21204

Michael Maguire
1223 Southview Road
Baltimore, MD 21218



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1108 N. Rolling Road

which is presently zoned BL

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

Please see attached

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:

N/A

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

G. Scott Barhight

Dino C. La Fiandra

Name - Type or Print

City

Signature

Whiteford, Taylor & Preston L.L.P.

Company

210 W. Penn. Ave., 4th Fl. 410-832-2000

Address

Telephone No.

Towson

MD

21204-4515

City

State

Zip Code

Legal Owner(s):

Rolling Road Plaza, Inc.

Name - Type or Print

Signature

Michael Trener, V. President

By: Acquisition & Development

Name - Type or Print

Signature

P.O. Box 5578

410-684-2000

Address

Telephone No.

Lutherville

MD

21094

State

Zip Code

Representative to be Contacted:

Dino C. La Fiandra

Name

210 W. Penn. Ave.

410-832-2000

Address

Telephone No.

Towson

MD

21204-4515

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By CTM

Date 5/1/02

Case No. 02-481-SPHXA

REV 09/15/98

ORDER RECEIVED FOR FILING
Date 6/28/02
By R. Johnson

Petition for Special Exception
1108 N. Rolling Road
Continuation Sheet

Relief Requested:

Special Exception to approve a kidney dialysis center (as a freestanding ambulatory care facility / state licensed medical clinic) in the BL zone pursuant to BCZR § 4C-102.

#481



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1108 N. Rolling Road
which is presently zoned BL

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

An Amendment to the previously approved plan in
case no. 02-97-SPHA.

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:

G. Scott Barhight

Dino C. La Fiandra

Name - Type or Print

City

Signature

Whiteford, Taylor & Preston L.L.P.

Company

210 W. Penna. Ave., 4th Fl. 410-832-2000

Address

Telephone No.

Towson

MD

21204-4515

City

State

Zip Code

Legal Owner(s):

Rolling Road Plaza, Inc.

Name - Type or Print

Signature

Michael Trenery, V. President

By: Acquisition & Development

Name - Type or Print

Signature

P.O. Box 5678

410-684-2000

Address

Telephone No.

Lutherville

MD

21094

State

Zip Code

Representative to be Contacted:

Dino C. La Fiandra

Name

210 W. Penna. Ave.

Address

410-832-2084

Telephone No.

Towson

MD

21204-4515

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By CTM Date 5/1/02

Case No. 02-481-SPHXA

REV 9/15/98

ORDER RECEIVED FOR FILING

Date

By



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1108 N. Rolling Road

which is presently zoned BL

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) Section 4C102 BCZR

Please see attached

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

Please see attached

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:

N/A

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

G. Scott Barhight

Dino C. La Fiandra

Name - Type or Print

Signature

Whiteford, Taylor & Preston L.L.P.

Company

210 W. Penn. Ave., 4th Fl.

Address

Telephone No.

Towson

City

MD

State

21204-4515

Zip Code

Legal Owner(s):

Rolling Road Plaza, Inc.

Name - Type or Print

Signature

Michael Trebny, V. President

By: Acquisition & Development

Name - Type or Print

Signature

P.O. Box 5678

Address

410-689-2000

Telephone No.

Lutherville

City

MD

State

21094

Zip Code

Representative to be Contacted:

Dino C. La Fiandra

Name

410-

210 W. Penna. Ave., 4th Fl.

Address

Telephone No.

Towson

City

MD

State

21204-4515

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By CTM

Date 5/1/02

Case No. 02-481-SPHXA

REV 9/13/98

ORDER RECEIVED FOR FILING

Date

By

Petition for Variance
1108 N. Rolling Road
Continuation Sheet

Relief Requested:

Variance to permit a kidney dialysis center (as a freestanding ambulatory care facility / state licensed medical clinic) to be located 19 feet from a residentially zoned property line in lieu of the 750 feet required.

#481

Description

5.75 Acre Parcel

To Accompany Petition For Zoning Variance and Special Hearing

Rolling Road Plaza

Southwest Side of Rolling Road

Northeast Side of Powers Lane

First Election District, Baltimore County, Maryland



Daft•McCune•Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286

<http://www.dmw.com>

410 296 3333

Fax 410 296 4705

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

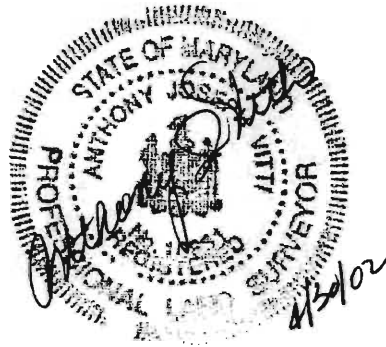
Beginning for the same on the southwest side of Rolling Road (90 feet wide) at the northeasterly end of the fillet line connecting said road with the northeast side of Powers Lane (60 feet wide), thence leaving said point of beginning and binding on said fillet line, (1) South 54 degrees 23 minutes 24 seconds West 30.00 feet to the northeast side of Powers Lane, thence binding on the northeast side of Powers Lane, (2) North 70 degrees 56 minutes 16 seconds West 564.56 feet, thence leaving said road for the six following courses and distances, viz: (3) North 18 degrees 50 minutes 44 seconds East 158.44 feet, thence (4) North 18 degrees 02 minutes 44 seconds East 100.00 feet, thence (5) South 76 degrees 04 minutes 16 seconds East 101.10 feet, thence (6) North 13 degrees 14 minutes 44 seconds East 70.20 feet, thence (7) North 16 degrees 42 minutes 44 seconds East 220.78 feet, and thence (8) South 73 degrees 13 minutes 00 seconds East 255.92 feet to the southwest side of Rolling Road, thence binding on said road the two following courses and distances, viz: (9) South 14 degrees 26 minutes 09 seconds East 147.16 feet to a point of curvature, and thence (10) Southeasterly, 454.58 feet along the arc of a curve to the right having a radius of 1055.00 feet (the arc of said curve being subtended by a chord bearing

South 02 degrees 05 minutes 31 seconds East 451.07 feet) to the point of beginning;
containing 5.75 acres of land, more or less.

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

April 30, 2002

Project No. 93067.G (L93067G.1)



#481

Description

0.40 Acre Parcel

To Accompany Petition For Special Exception

A Portion of Rolling Road Plaza

Northeast Side of Powers Lane

Northwesterly of Rolling Road

First Election District, Baltimore County, Maryland



Daft•McCune•Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

<http://www.dmw.com>

410 296 3333

Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Golf Course Architects,

Engineers, Surveyors &

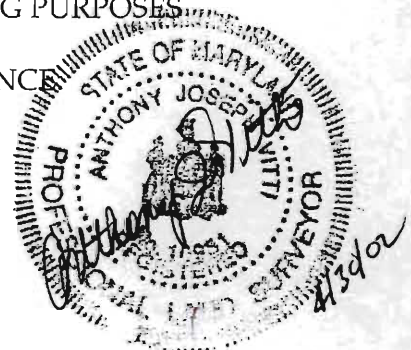
Environmental Professionals

Beginning for the same at the end of the following course and distance measured along the northeast side of Powers Lane (60 feet wide) from the southwesterly end of the fillet line connecting said road with the southwesterly side of Rolling Road (90 feet wide), (1) North 70 degrees 56 minutes 16 seconds West 331.56 feet to the point of beginning, thence leaving said point of beginning and continuing along the northeast side of Powers Lane, (1) North 70 degrees 56 minutes 16 seconds West 186.35 feet, thence leaving said road for the five following courses and distances, viz: (2) North 09 degrees 24 minutes 13 seconds East 108.00 feet, thence (3) South 75 degrees 59 minutes 35 seconds East 90.00 feet, thence (4) South 14 degrees 58 minutes 22 seconds West 39.50 feet, thence (5) South 70 degrees 56 minutes 16 seconds East 112.00 feet, and thence (6) South 19 degrees 03 minutes 44 seconds West 75.00 feet to the point of beginning; containing 0.40 acres of land, more or less.

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

April 30, 2002

Project No. 93067.G (L93067G)



7-481

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **13329**

DATE 5/1/02 ACCOUNT R001 006 6150

AMOUNT \$ 650.00

RECEIVED FROM: W T P

FOR: 02 - 481 - SPHXA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
5/01/2002 5/01/2002 09:22:00

REG 0502 MAIL JENA JEE DRAWER 2

>>RECEIPT # 199857 5/01/2002 0111

Dept 5 528 ZONING VERIFICATION

CR NO. 013329

Recpt Tot 1650.00

650.00 CK .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

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: #02-481-SPHX

1108 N. Rolling Road

W/S Rolling Road N/S Powers

1st Election District - 1st Councilmanic District

Legal Owner(s): Rolling Road Plaza, Inc., Michael Trener, VP

Special Exception: to approve a kidney dialysis center as a free-standing ambulatory care facility. **Special Hearing:** an amendment to the previously approved plan in case 02-97-SPHA. **Variance:** to permit dialysis center as a freestanding ambulatory care facility.

Hearing: Wednesday, June 26, 2002 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.

JT/6/676 June 11

C544321

CERTIFICATE OF PUBLICATION

6/13/, 2002

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 6/11/, 2002.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. 02-481-SPHXA

Petitioner/Developer Rolling Road Plaza, Inc.

Date of Hearing/Closing June 26, 2002
2:00 p.m.

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

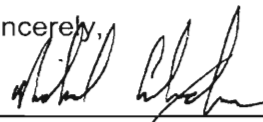
Ladies and Gentlemen:

This letter is to certify under penalties of perjury that the necessary sign(s) required by
law were posted conspicuously for the property known as _____

1108 N. Rolling Road

The signs were posted on June 05, 2002
(Month, Day, Year)

Sincerely,

 5 June 2002

(Signature of Sign Poster and Date)

Michael Alexander

(Printed Name)

Daft- McCune- Walker, Inc.
200 East Pennsylvania Avenue
Towson, MD 21286
(Address)
410-296-3333
(Telephone Number)

ZONING NOTICE

Case No. 02-481-SPHXA

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

Place: Baltimore County Courts Building - Room 407
401 Bosley Avenue
Towson, MD 21204

Date/Time: Wednesday, June 26, 2002 @ 2:00 p.m.

Request: Special exception to approve a kidney dialysis center
(as a free standing ambulatory care facility/state
licensed medical clinic) in the BL zone pursuant to
Baltimore County Zoning Regulations, Section
4C-102.

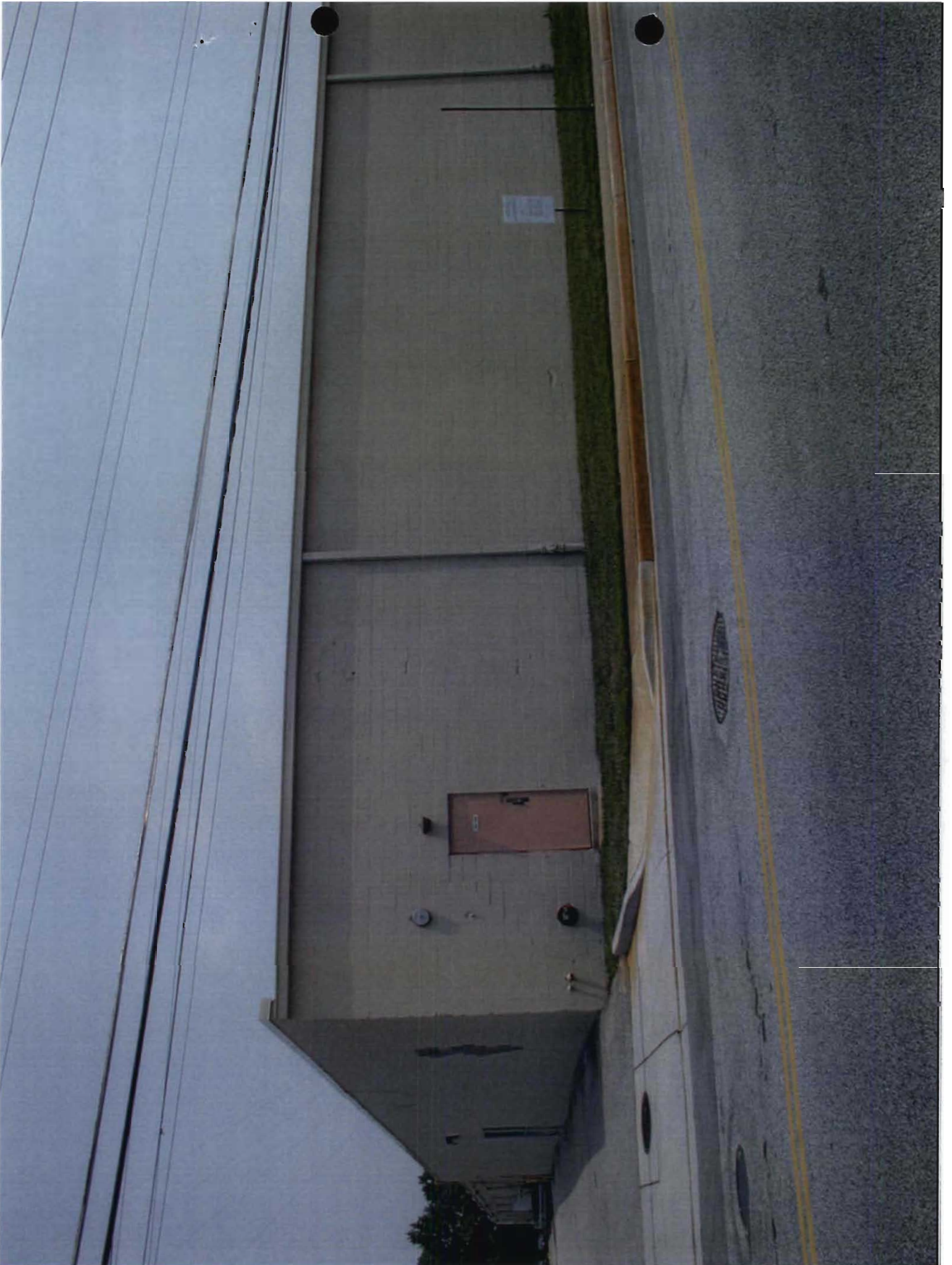
Special Hearing to amend the previously approved
plan in case No. 02-97-SPHA.

Variance to permit a kidney dialysis center (as a free
standing ambulatory care facility/state licensed
medical clinic) to be located 19 feet from a
residentially zoned property line in lieu of the 750
feet required.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY - TO CONFIRM HEARING CALL 410-887-3391

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

HANDICAPPED ACCESSIBLE







**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: 02-481-SPHXA
Petitioner: Rolling Road Plaza, Inc
Address or Location: 1108 N. Rolling Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dino C. LaFandra
Address: 210 W. Pennsylvania Ave, 4th Floor
Towson, MD 21204
Telephone Number: 410832-2000

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 11, 2002 Issue – Jeffersonian

Please forward billing to:
Dino C LaFiandra
Whiteford Taylor & Preston
210 W Pennsylvania Avenue
4th Floor
Towson MD 21204

410 832-2000

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: 02-481-SPHXA
1108 N Rolling Road
W/S Rolling Road N/S Powers
1st Election District – 1st Councilmanic District
Legal Owner: Rolling Road Plaza, Inc, Michael Trenery VP

Special Exception to approve a kidney dialysis center as a free-standing ambulatory case facilitate. Special Hearing an amendment to the previously approved plan in case 02-97-SPHA. Variance to permit dialysis center as a freestanding ambulatory care facility.

HEARING: Wednesday, June 26, 2002 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G.D.Z.
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

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

May 23, 2002

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: 02-481-SPHXA
1108 N Rolling Road
W/S Rolling Road N/S Powers
1st Election District – 1st Councilmanic District
Legal Owner: Rolling Road Plaza, Inc, Michael Trenery VP

Special Exception to approve a kidney dialysis center as a free-standing ambulatory case facilitate.
Special Hearing an amendment to the previously approved plan in case 02-97-SPHA. Variance to permit dialysis center as a freestanding ambulatory care facility.

HEARING: Wednesday, June 26, 2002 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon G.D.Z.
Director

C: G. Scott Barhight, Whiteford Taylor & Preston, 210 W Pennsylvania Avenue,
4th Floor, Towson 21204
Rolling Road Plaza Inc, Michael Trenery VP, P O Box 5678, Lutherville 21094
Dino C LaFiandra, Whiteford Taylor & Preston, 210 W Pennsylvania Avenue,
4th Floor, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 11, 2002.**
- (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
pdmlandacq@co.ba.md.us

June 21, 2002

G. Scott Barhight
Whiteford Taylor & Preston
210 W Pennsylvania Avenue
4th Floor
Towson MD 21204

Dear Mr. Barhight:

RE: Case Number: 02-481-SPHXA, 1108 N Rolling Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 01, 2002.

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: Mr. Dino La Fiandra, Whiteford Taylor & Preston, 210 W Pennsylvania Avenue,
4th Floor, Towson 21204
Rolling Road Plaza Inc, Michael Trenery, VP, P O Box 5678, Lutherville 21094
People's Counsel

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





Baltimore County
Fire Department

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

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

May 9, 2002

ATTENTION: George Zahner

RE: Trenery

Location: DISTRIBUTION MEETING OF May 13, 2002

Item No.: 481

Dear Mr. Zahner:

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

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File

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



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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 29, 2002

FROM:  Robert W. Bowling
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for May 13, 2002
Item No. 473, 475, 476, 477, 478, 479, 481, 482, 483, 484,
485, 486 and 487

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

RWB:CEN
Cc: file

Sign
6/26

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 20, 2002

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

MAY 20 2002



SUBJECT: Zoning Advisory Petition(s): Case(s) 02-481, & 02-498

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mark A. Cunningham

Section Chief: Lynne K. Korman

AFK/LL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 5.10.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 481 LTM

Dear Mr. Zahner:

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,

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
1108 N. Rolling Road, W/S Rolling Rd, N side Powers
1st Election District, 1st Councilmanic

Legal Owner: Rolling Road Plaza, Inc.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-481-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 22nd day of May, 2002 a copy of the foregoing Entry of Appearance was mailed to Dino C. LaFiandra, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 515, Towson, MD 21204, attorney for Petitioner(s).



PETER MAX ZIMMERMAN

Case Number 02-481-SPHX A

PLEASE PRINT LEGIBLY

CITIZEN'S SIGN-IN SHEET

[illegible]

02-481-SPHXA

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

G. Scott Barlow

210 West Penn. Ave.

Towson, MD 21204

Charles Main II

200 E. Penn. Ave. 21286

Michael Treney

170 W. Ridgely Rd, Suite 300

Lutherville, Md 21093

STEVE WEIDINGER

333 Cassell Dr. Suite 2300

Baltimore, MD 21222



COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2002, Legislative Day No. 7

Bill No. 39-02

Councilmembers Kamenetz, Moxley, McIntire, Olszewski, Bartenfelder & Skinner

By the County Council, April 1, 2002

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations - State-Licensed Medical Clinics

FOR the purpose of amending the Zoning Regulations in order to regulate the location of certain State-licensed medical clinics; defining terms; providing certain conditions for the location of state-licensed medical clinics in certain zones; providing for the applicability of the Act; repealing certain provisions; and generally relating to the regulation of state-licensed medical clinics.

BY repealing

Sections 101, definitions of "ambulatory surgical facility (or center)", and "medical clinic"
and 408A

Baltimore County Zoning Regulations, as amended

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter stricken from existing law.

~~Strike out~~ indicates matter stricken from bill.

Underlining indicates amendments to bill.

BY adding

Section 4C-101 and 4C-102
Article 4C - State-Licensed Medical Clinics
Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council finds that, in order to protect the health, safety and welfare of the county's citizens, it is necessary to provide suitable locations for certain types of state-licensed medical facilities while limiting their adverse secondary effects on the community; and

WHEREAS, the County Council finds that certain state-licensed medical facilities frequently operate outside the traditional five-day-per-week, eight-hour-per-day schedule, causing potential disruption and inconvenience to surrounding residential communities by inhibiting ingress and egress to surrounding neighborhoods, affecting the safe flow of vehicular traffic, creating parking difficulties in surrounding neighborhoods, and generally adversely impacting the quality of life in these surrounding areas; and

WHEREAS, in order to lessen and control these effects, it is necessary to place certain restrictions on the location of certain types of state-licensed medical facilities; now therefore

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Sections 101, definitions of "ambulatory surgical facility (or center)", and "medical clinic" and 408A of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed:

Section 101. Definitions.

[AMBULATORY SURGICAL FACILITY (OR CENTER) – Any entity or part thereof which operates primarily for the purpose of providing surgical services to patients not requiring hospitalization and which is regulated by the state as a health-care facility.]

[MEDICAL CLINIC – The term includes ambulatory care centers, diagnostic centers, birthing centers and dialysis satellite units. The term does not include ambulatory surgical facilities.]

[Section 408A. Ambulatory Surgical Facility (or Center)

Notwithstanding any other provisions of these regulations, an ambulatory surgical facility is permitted by special exception in all zones of the county except D.R., R.O. and R.C. Zones.]

1 SECTION + 2. AND BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
2 BALTIMORE COUNTY, MARYLAND, that Sections 4C-101 and 4C-102, Article 4C - State-
3 Licensed Medical Clinics, be and they are hereby added to the Baltimore County Zoning
4 Regulations, as amended, to read as follows:

5 ARTICLE 4C - STATE-LICENSED MEDICAL CLINIC.

6 4C-101. DEFINITIONS.

7 AS USED IN THIS ARTICLE, "STATE-LICENSED MEDICAL CLINIC" MEANS:

8 (1) A FREESTANDING AMBULATORY CARE FACILITY LICENSED
9 UNDER TITLE 19, SUBTITLE 3B OF THE HEALTH-GENERAL ARTICLE OF THE
10 ANNOTATED CODE OF MARYLAND;

11 (2) A DETOXIFICATION FACILITY CERTIFIED UNDER TITLE 8,
12 SUBTITLE 4 OF THE HEALTH-GENERAL ARTICLE OF THE
13 ANNOTATED CODE OF MARYLAND; OR

14 (3) AN ALCOHOL ABUSE AND DRUG ABUSE TREATMENT PROGRAM
15 CERTIFIED UNDER TITLE 8, SUBTITLE 4 OF THE HEALTH-GENERAL
16 ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

17 4C-102. LOCATION OF STATE-LICENSED MEDICAL CLINICS; CONDITIONS.

18 (A) (1) SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (2), A STATE-

1 LICENSED MEDICAL CLINIC IS PERMITTED IN THE B.R., B.M., B.L.,
2 B.L.R., O.T., OR-1, OR-2 AND O-3 ZONES OF THE COUNTY BY SPECIAL
3 EXCEPTION.

4 (2) IN ADDITION TO THE REQUIREMENTS OF SECTION 502, A STATE-
5 LICENSED MEDICAL CLINIC PERMITTED BY SPECIAL EXCEPTION
6 UNDER PARAGRAPH (1) IS SUBJECT TO THE FOLLOWING
7 CONDITIONS:

8 (I) A STATE-LICENSED MEDICAL CLINIC MAY NOT BE
9 LOCATED WITHIN 750 FEET OF ANY RESIDENTIALLY-ZONED
10 PROPERTY LINE.

11 (II) OFF-STREET PARKING SHALL BE PROVIDED IN
12 ACCORDANCE WITH SECTION 409. THE NUMBER OF SPACES SHALL
13 BE SUFFICIENT TO ACCOMMODATE ALL EMPLOYEES AND PATIENTS
14 OF THE CLINIC, AS DETERMINED BY THE ZONING COMMISSIONER
15 BASED UPON INFORMATION FILED WITH THE DEPARTMENT OF
16 HEALTH AND MENTAL HYGIENE CONCERNING THE NUMBER OF
17 PATIENTS SERVED BY THE CLINIC ON A DAILY BASIS.

18 (B) A STATE-LICENSED MEDICAL CLINIC IS PERMITTED IN THE M.R., M.L.R.,
19 M.L. AND M.H. ZONES OF THE COUNTY AS A MATTER OF RIGHT. OFF-STREET
20 PARKING SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 409.

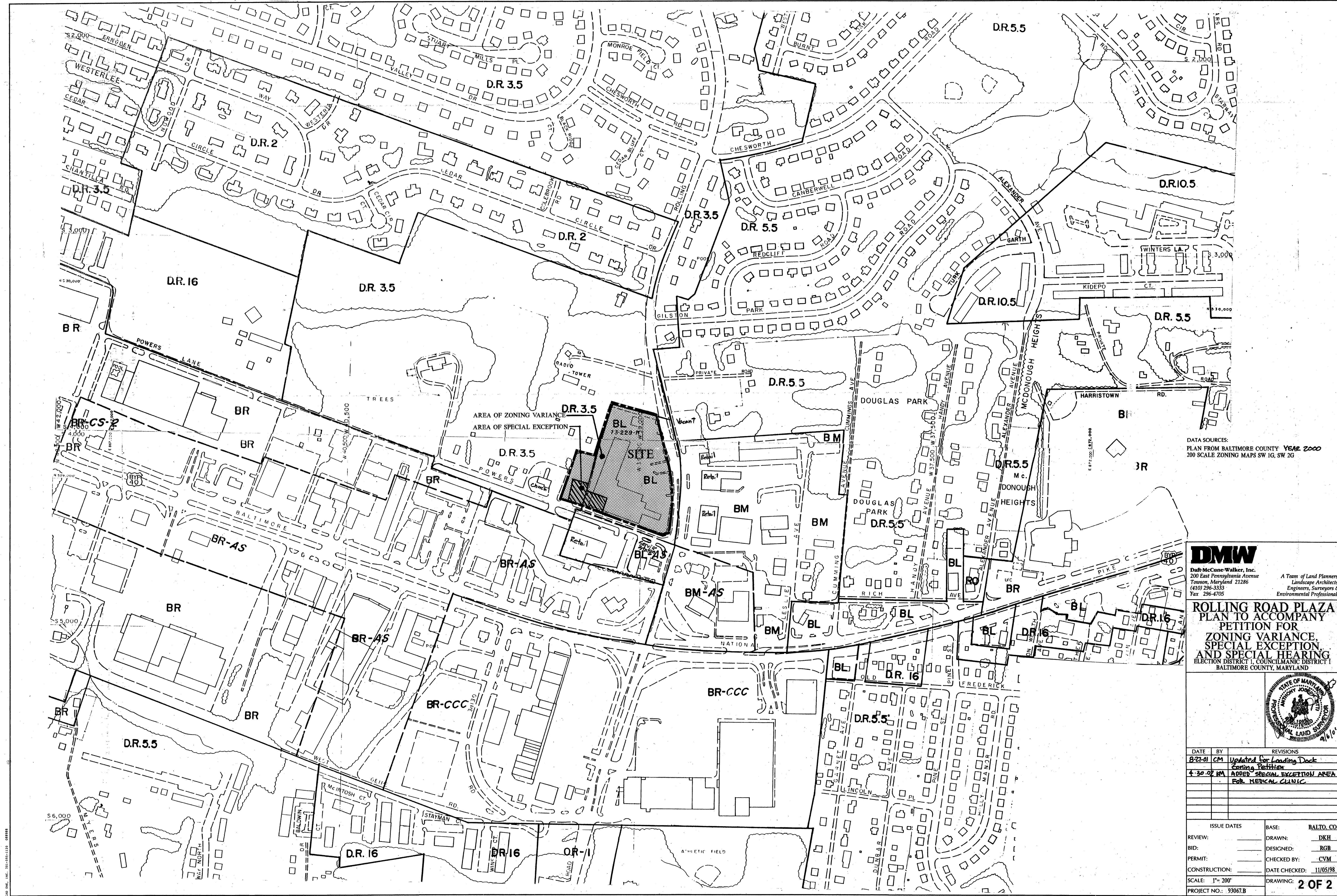
21 SECTION 2: 3. AND BE IT FURTHER ENACTED, that this Act does not apply to any
22 State-licensed medical clinic lawfully established and operating prior to April 1, 2002. Any State-
23 licensed medical clinic lawfully established and operating after April 1, 2002 and before the

1 effective date of this Act is exempt, for a period of six months after the effective date, from the
2 requirements of Section 4C-102; on or after that date, all such State-licensed medical clinics, and
3 all clinics established and operating after the effective date of this Act, shall conform to the
4 requirements of this Act.

5 SECTION 3: 4. AND BE IT FURTHER ENACTED, that if any provision of this Act or
6 the application thereof to any person or circumstance is held invalid for any reason in a court of
7 competent jurisdiction, the invalidity does not affect other provisions or any other application of
8 this Act which can be given effect without the invalid provision or application, and for this
9 purpose the provision of the Act are declared severable.

10 SECTION 4: 5. AND BE IT FURTHER ENACTED, that this Act, having been approved
11 by the affirmative vote of five members of the County Council, shall take effect on April 16, 2002.

B03902.bil



DATA SOURCES:
PLAN FROM BALTIMORE COUNTY YEAR 2000
200 SCALE ZONING MAPS SW 1G, SW 2G

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

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

**ROLLING ROAD PLAZA
PLAN TO ACCOMPANY
PETITION FOR
ZONING VARIANCE,
SPECIAL EXCEPTION,
AND SPECIAL HEARING
ELECTION DISTRICT 1, COUNCILMANIC DISTRICT 1
BALTIMORE COUNTY, MARYLAND**



DATE	BY		REVISIONS
B-7-01	CM	<u>Updated for Loading Dock Signing Petition</u>	
4-30-02	KM	<u>ADDED SPECIAL EXECUTION AREA FOR MEDICAL CLINIC</u>	
ISSUE DATES			BASE:
REVIEW:	_____	DRAWN:	<u>DKH</u>
BID:	_____	DESIGNED:	<u>RGB</u>
PERMIT:	_____	CHECKED BY:	<u>CVM</u>
CONSTRUCTION:	_____	DATE CHECKED:	<u>11/05/98</u>
SCALE:	1" = 20'	DRAWING:	2 OF 2
PROJECT NO.	93067.B		

51m #481

PROJECT NO: 930676
SCALE: 1"=30'
CONSTRUCTION: 4-30-02
PERMIT: CMR
DESIGNED: CMR
CHECKED BY:
DATE: 4-30-02
REVISIONS: 1 of 1

ROLLING ROAD PLAZA
1100 NORTH ROLLING ROAD
Plan to Accompany
Petition for Zoning Exception & Special Hearing
ELECTION DISTRICT 1, COUNCIORMANIC DISTRICT 1
BALTIMORE COUNTY, MARYLAND

DMW
A Team of Land Planners
300 East Maryland Avenue
Baltimore, Maryland 21208
(410) 386-3333
Fax 386-4705

DATA SOURCES:
PLAN IS BASED ON ALTA SURVEY BY AFR ASSOCIATES
DATED NOVEMBER 1991, BUILDING PERMIT PLAN DATED
6-21-99, ZONING PETITION PLAN DATED 10-25-93 AND
FIELD OBSERVATION.

ROLLING ROAD PLAZA
1100 NORTH ROLLING ROAD
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ELECTION DISTRICT 1, COUNCIORMANIC DISTRICT 1
BALTIMORE COUNTY, MARYLAND

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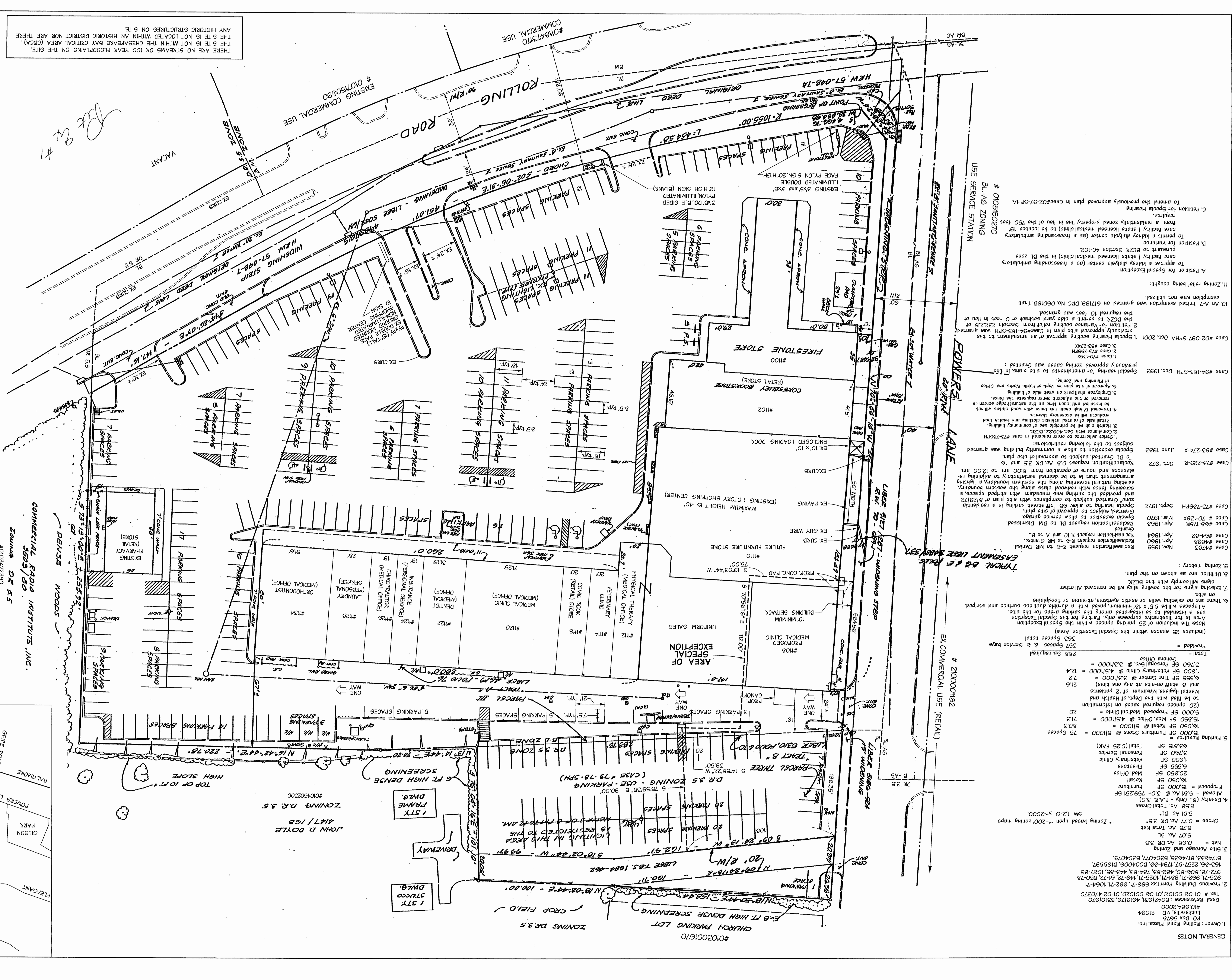
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ELECTION DISTRICT 1, COUNCIORMANIC DISTRICT 1
BALTIMORE COUNTY, MARYLAND



EXISTING COMMERCIAL USE
WIDENING STRIP
PARKING SPACES
AREA OF SPECIAL EXCEPTION
ROLLING ROAD
POWERS LANE

EXISTING COMMERCIAL USE
WIDENING STRIP
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