PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING, AND VARIANCE 725 Mt Wilson Lane n/e corner of Winands Road and Mt. Wilson Lane	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	
2nd Election District 2nd Councilmanic District	*	Case No.: 03-006-SPHXA
North Oaks Real Estate Partnership, et al., Legal Owner	*	
	*	

* *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner of Baltimore County for consideration of a Petition for Special Exception, Petition for Special Hearing, and Petition for Variance filed by the legal owners of the subject property, North Oaks Real Estate Partnership and Gwynns Falls Limited Partnership ("Petitioner"), through their attorney Robert A. Hoffman, Esquire. Petitioner requests certain zoning relief to permit two additions to the existing convalescent/nursing facility at the North Oaks Retirement Community ("North Oaks"). Specifically, Petitioner requests a special exception pursuant to Baltimore County Zoning Regulations ("B.C.Z.R.") Sections 1B01.2.B.2, 502, and 504 (1981) and Section V.B.4.a of the Comprehensive Manual of Development Policies ("C.M.D.P.") (1970) to permit maximum building lengths of 650 feet (east to west) and 380 feet (north to south) in lieu of the maximum 490 feet and 330 feet, respectively, approved in Case No. 88-19-SPHX. Petitioner has also requested approval of setback variances pursuant to B.C.Z.R. Sections 1B02.2.B, 102.2, and 504 (1981) and Section V.B.2 of the C.M.D.P. (1970) to permit a combined front and side yard setback of 40 feet in lieu of the required 70

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feet; a side yard setback of 17 feet in lieu of the required 20 feet; and a rear yard setback of 18 feet in lieu of the required 30 feet. Petitioner has also requested special hearing relief to reconfigure slightly the 2.854 acre special exception area reserved for the convalescent/nursing home established in Case No. 01-463-SPHA; to amend the latest approved site plan and all prior zoning relief; and to amend the latest approved partial and final development plans. All of the requested relief is more particularly shown on the two paged Plat to Accompany the Petitions for Special Exception, Special Hearing and Variance, marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the petitions were Norman Wilder, on behalf of the legal owners; Gail Merenyi, Administrator of the North Oaks Retirement Community; Mitchell Kellman, zoning specialist, Rick Hoehn, landscape architect, and Jim Mathias, land surveyor, representatives of Daft-McCune-Walker, Inc., the consultants who prepared the site plan filed in this case, which was accepted into evidence as Petitioner's Exhibit 1; George Salabes, architect of the proposed additions; and Patricia A. Malone, Esquire, attorney for Petitioner. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence revealed that the 13.372 acre parcel, which is the subject of the zoning request, zoned D.R. 3.5., has been developed as the North Oaks Retirement Community, which includes 182 independent living units and a convalescent/nursing facility located within a 2.854 acre "reserved" area. The North Oaks Retirement Community is surrounded by approximately 186 acres, owned by Gwynns Falls Limited Partnership, approved for development in Case No. 01-463-SPHA as 299 townhouse condominiums and single-family homes restricted to persons of 55 years or older. The North Oaks site has a

long history of use as a health care facility being the former location of the Mount Wilson Sanatorium, a treatment facility for persons suffering from tuberculosis, which opened in the 1950's. The zoning history for the tract (cases 86-2-XA, 00-136-SPHXA and 01-463-SPHA) is summarized on the plan. (Petitioner's Exhibit 1).

Within the 13.372 acre parcel is a 2.854 acre special exception area established in Case No. 01-463-SPHA and reserved for the convalescent/nursing facility component of the North Oaks Retirement Community. Petitioner is interested in expanding the convalescent/nursing portion of the facility by the addition of two wings to the existing building. The convalescent/nursing facility currently has 13 assisted living beds and 37 comprehensive care/nursing beds for a total of 50 beds. With the proposed additions, as shown on Petitioner's Exhibit 1, the convalescent/nursing facility would be adding 36 new beds for a total of 86 beds. After the additions, the convalescent/nursing facility would have 23 assisted living beds, 44 comprehensive care/nursing beds, and 19 special care beds for patients suffering from Alzheimer's Disease. The instant zoning request does not include any proposal to change the number of independent apartments in the North Oaks Retirement Community.

Adding the two wings onto the facility would require that the 2.854 reserved area be adjusted slightly. Petitioner proposes to make very slight adjustments to the configuration of the reserved area, the adjustments being shown in detail on a plan introduced and accepted as Petitioner's Exhibit 2, while keeping the total acreage of the reserved area the same. The additions would also require variances for the required setbacks between the west wing addition and an existing building known as the "Mansion," which is used in conjunction with the North Oaks Retirement Community, and also variances for the required

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setbacks between the Mansion and the new boundary line for the 13.372 tract. North Oaks is proposing to redraw its boundary line to include surplus property acquired from Gwynns Falls Limited Partnership and also to include the Mansion. The Mansion is listed on the Maryland Historic Trust Inventory as MHT No. BA160, and North Oaks does not proposed any changes to the Mansion itself. Gail Merenyi, Administrator for North Oaks, confirmed that no one lives in the Mansion; the building is used for offices for the facility and as an art studio for the residents.

Based upon the testimony and evidence offered, I am persuaded to grant the requested relief. I have reviewed the criteria stated in B.C.Z.R. Section 502.1, and I find that the proposal to extend the building lengths satisfies each of the criteria outlined in that section. There clearly will be no adverse impact to the health, safety, and general welfare of the surrounding locale. All of the relief requested is internal to the North Oaks tract, and neither of the proposed additions will violated setbacks with any other property owner. Further, pursuant to B.C.Z.R. Section 307.1, I find that special circumstances exist with respect to this property that would result in practical difficulty for Petitioner in complying with the setback requirements contained in the Baltimore County Zoning Regulations. I also find that the subject property and improvements thereon are unique, thereby creating the need for the variance relief that is requested. For this reason, I will grant the requested variance relief. Further, I find that the evidence and testimony supports granting all of the requested special hearing relief. It is clear that all of the relief that is requested can be granted without adverse impact to the surrounding locale.

Pursuant to the advertising, posting of the property, and public hearing on the Petition for Special Exception, Petition for Special Hearing, and Petition for Variance, and

for the reasons set forth above, the requested relief should be granted, as more particularly shown on Petitioner's Exhibit 1.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 4th day of September, 2002, that:

(1) the Petition for Special Exception pursuant to B.C.Z.R. Section 1B01.2.B.2, 502, and 504 (1981) and Section V.B.4.a of the C.M.D.P. (1970) to permit maximum building lengths of 650 feet (east to west) and 380 feet (north to south) in lieu of the maximum 490 feet and 330 feet, respectively, approved in Case No. 88-19-SPHX, is hereby GRANTED;

(2) the Petition for Variance pursuant to B.C.Z.R. Section 1B02.2.B and 504 (1981) and Section V.B.2 of the C.M.D.P. (1970) to permit a combined front and side yard setback of 40 feet in lieu of the required 70 feet is hereby GRANTED;

(3) the Petition for Variance pursuant to Sections 1B02.2.B and 504 (1981) and Section V.B.2 of the C.M.D.P. (1970) to permit a side yard setback of 17 feet in lieu of the required 20 feet is hereby GRANTED;

(4) the Petition for Variance pursuant to Sections 1B02.2.B and 504 (1981) and Section V.B.2 of the C.M.D.P. (1970) to permit a rear yard setback of 18 feet in lieu of the required 30 feet is hereby GRANTED;

(5) the Petition for Special Hearing to reconfigure the 2.854 acre area reserved for the convalescent/nursing home established in Case No. 01-463-SPHA is hereby GRANTED;

(6) the Petition for Special Hearing to amend the latest approved site plan and all prior zoning relief is hereby GRANTED;

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(7) the Petition for Special Hearing to amend the latest approved partial and final development plans is hereby GRANTED; all relief subject to the following restriction:

> The Petitioner may apply for building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Lawrence E. Schmidt,
Zoning Commissioner of Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Date 9/6/02
By

Baltimore County
Zoning Commissioner

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

September 6, 2002

Robert A. Hoffman, Esquire
Patricia A. Malone, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
NE/Corner Winands Road and Mt. Wilson Lane
(725 Mt. Wilson Lane)
2nd Election District – 2nd Council District
North Oaks Real Estate Partnership, et al - Petitioners
Case No. 03-006-SPHXA

Dear Mr. Hoffman & Ms. Malone:

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. Norman W. Wilder, Mullan Enterprises, Inc.,
2330 West Joppa Road, Suite 210, Lutherville, Md. 21093
Messrs. Mitchell Kellman, Jim Mathias & Rick Hoehn, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Ave., Towson, Md. 21286
People's Counsel; Case File

Printed with Soybean Ink
on Recycled Paper

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 725 Mt. Wilson Lane

which is presently zoned D.R. 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

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 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

Legal Owner(s):

SEE ATTACHED

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman

Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP

Company

210 Allegheny Avenue (410) 494-6200

Address Telephone No.

Towson, MD 21204

City State Zip Code

Representative to be Contacted:

Robert A. Hoffman

Name

210 Allegheny Avenue (410) 494-6200

Address Telephone No.

Towson, MD 21204

City State Zip Code

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By

Case No. 03-006-SPHXA

RZU 9/15/98

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JRP Date 7-2-02

PETITION FOR SPECIAL HEARING

Petition for Special Hearing to reconfigure the 2.854 acre area reserved for convalescent/nursing home established in Case No. 01-463-SPHA.

Petition for Special Hearing to amend the latest approved site plan and all prior zoning relief.

Petition for Special Hearing to amend the latest approved partial and final development plans.

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By

Signature Page

Legal Owner (s):

North Oaks Real Estate Partnership

By: Mullan-North Oaks Limited Partnership

By: Rosedale Co., Inc.
General Partner

By: _____
Norman W. Wilder
President

Gwynn Falls Limited Partnership

By: Mullan-North Oaks Limited Partnership

By: Rosedale Co., Inc.
General Partner

By: _____
Norman W. Wilder
President

c/o Norman W. Wilder
Mullan Enterprises, Inc.
2330 West Joppa Road
Suite 210
Lutherville, Maryland 21093
(410) 494-9200

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 725 Mt. Wilson Lane

which is presently zoned D.R. 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, leg owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto a made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use t herein described property for

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 t 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

Legal Owner(s):

SEE ATTACHED
Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP
Company

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

Towson, MD 21204
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name

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

Towson, MD 21204
City State Zip Code

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By

Case No. 03-006-SPHXA

REV 09/15/98

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UNAVAILABLE FOR HEARING _____

Reviewed By JRF Date 7/2/02

PETITION FOR SPECIAL EXCEPTION

Petition for Special Exception pursuant to Baltimore County Zoning Regulations Sections 1B01.2.B.2, 502 and 504 (1981) and Section V.B.4.a of the Comprehensive Manual of Development Policies (1970) to permit maximum building lengths of 650 feet (East to West) and 380 feet (North to South) in lieu of the maximum 490 feet and 330 feet, respectively, approved in Case No. 88-19-XSPH.

ORDER RECEIVED FOR FILING
Date 9/4/02
By

Signature Page

Legal Owner (s):

North Oaks Real Estate Partnership

By: Mullan-North Oaks Limited Partnership

By: Rosedale Co., Inc.
General Partner

By: _____
Norman W. Wilder
President

Gwynn Falls Limited Partnership

By: Mullan-North Oaks Limited Partnership

By: Rosedale Co., Inc.
General Partner

By: _____
Norman W. Wilder
President

c/o Norman W. Wilder
Mullan Enterprises, Inc.
2330 West Joppa Road
Suite 210
Lutherville, Maryland 21093
(410) 494-9200

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 725 Mt. Wilson Lane

which is presently zoned D.R. 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)

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)

To be determined at the 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

Legal Owner(s):

SEE ATTACHED

Name - Type or Print

Signature

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP
Company

210 Allegheny Avenue — (410) 494-6200
Address — Telephone No.

Towson, MD 21204
City — State — Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name

210 Allegheny Avenue — (410) 494-6200
Address — Telephone No.

Towson, MD 21204
City — State — Zip Code

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ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____
Reviewed By JRF Date 7-2-02

Case No. 03-006-SPHXA

REV 9/15/98

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Date 7/11/02
By

PETITION FOR VARIANCE

Petition for Variance pursuant to Baltimore County Zoning Regulations ("BCZR") Sections 1B02.2.B, 102.2 and 504 (1981) and Section V.B.2 of the Comprehensive Manual of Development Policies ("CMDP") (1970) to permit a combined front and side yard setback of 40 feet in lieu of the required 70 feet.

Petition for Variance pursuant to BCZR Sections 1B02.2.B and 504 (1981) and Section V.B.2 of the CMDP (1970) to permit a side yard setback of 17 feet in lieu of the required 20 feet.

Petition for Variance pursuant to BCZR Sections 1B02.2.B and 504 (1981) and Section V.B.2 of the CMDP (1970) to permit a rear yard setback of 18 feet in lieu of the required 30 feet, if necessary.

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By

Signature Page

Legal Owner (s):

North Oaks Real Estate Partnership

By: Mullan-North Oaks Limited Partnership

By: Rosedale Co., Inc.
General Partner

By: _____
Norman W. Wilder
President

Gwynn Falls Limited Partnership

By: Mullan-North Oaks Limited Partnership

By: Rosedale Co., Inc.
General Partner

By: _____
Norman W. Wilder
President

c/o Norman W. Wilder
Mullan Enterprises, Inc.
2330 West Joppa Road
Suite 210
Lutherville, Maryland 21093
(410) 494-9200

DMW

Daft•McCune•Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
http://www.dmw.com
410 296 3333
Fax 410 296 4705

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

Description

To Accompany Petition For

Special Hearing

2.854 Acre Parcel

Northeast of Winands Road

Southeast of Mary Ridge Drive

Second Election District, Baltimore County Maryland

Beginning for same at the end of the following course and distance measured from the intersection of the centerline of Winands Road with the centerline of Mt. Wilson Lane and referring all courses of this description to the Grid Meridian of the Maryland Coordinate System - NAD83 (1991), (1) North 47 degrees 39 minutes 04 seconds East 2007.39 feet, thence leaving said beginning point and running the eight following courses and distances, viz: (1) North 29 degrees 24 minutes 08 seconds East 7.00 feet, thence (2) North 60 degrees 35 minutes 52 seconds West 300.85 feet, thence (3) North 29 degrees 24 minutes 08 seconds East 178.82 feet, thence (4) South 60 degrees 35 minutes 52 seconds East 300.85 feet, thence (5) North 29 degrees 24 minutes 08 seconds East 22.24 feet, thence (6) South 60 degrees 35 minutes 52 seconds East 14.84 feet, thence (7) South 29 degrees 24 minutes 08 seconds West 41.66 feet, thence (8) South 60 degrees 35 minutes 52 seconds East 37.01 feet to intersect the northwest face of an existing building, thence, in part, binding on the face of said building and, in part, binding on an extension of said building, in all, (9) South 29 degrees 24 minutes 08 seconds West 38.69 feet to intersect the extension of the northeast face of the aforesaid building,

thence binding on the said extension, (10) South 60 degrees 35 minutes 52 seconds East 44.03 feet to the northwest end of said wall, thence binding on the southeast, southwest,and southeast faces of the aforesaid building the three following courses and distances viz: (11) North 29 degrees 25 minutes 37 seconds East 20.02 feet, thence (12) South 60 degrees 27 minutes 47 seconds East 33.95 feet, and thence (13) North 29 degrees 25 minutes 05 seconds East 25.26 feet, thence leaving said building and running the seventeen following courses and distances, viz: (14) South 60 degrees 35 minutes 52 seconds East 77.86 feet, thence (15) North 29 degrees 30 minutes 29 seconds East 63.37 feet, thence (16) South 60 degrees 29 minutes 31 seconds East 38.90 feet, thence (17) South 29 degrees 30 minutes 29 seconds West 35.04 feet, thence (18) South 60 degrees 29 minutes 31 seconds East 136.35 feet, thence (19) South 29 degrees 30 minutes 29 seconds West 35.05 feet, thence (20) North 60 degrees 29 minutes 31 seconds West 56.36 feet, thence (21) South 15 degrees 48 minutes 30 seconds East 92.47 feet, thence (22) South 74 degrees 11 minutes 30 seconds West 24.00 feet, thence (23) South 15 degrees 48 minutes 30 seconds East 50.00 feet, thence (24) South 74 degrees 11 minutes 30 seconds West 130.00 feet, thence (25) North 15 degrees 48 minutes 30 seconds West 50.00 feet, thence (26) South 74 degrees 11 minutes 30 seconds West 17.00 feet, thence (27) North 15 degrees 48 minutes 30 seconds West 56.35 feet, thence (28) North 60 degrees 35 minutes 52 seconds West 113.95 feet, thence (29) South 29 degrees 24 minutes 08 seconds West 19.15 feet, and thence (30) North 60 degrees 35 minutes 52 seconds West 127.80 feet to the point of beginning; containing 2.854 acres of land, more or less.

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

July 2, 2002

Project No. 84142.DA (L84142.DA)

STATE OF MARYLAND
ANTHONY JOSEPH LATTI
PROFESSIONAL LAND SURVEYOR

7/2/02

DMW

Daft•McCune•Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
http://www.dmw.com
410 296 3333
Fax 410 296 4705

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

Description

To Accompany Petition for Special Exception, Special Hearing, and Zoning Variances

13.372 Acre Parcel

Northeast of Winands Road at Mount Wilson Lane

South of Mary Ridge Drive

Second Election District, Baltimore County, Maryland

Beginning for the same at the end of the following courses and distance measured from the intersection of the centerline of Winands Road with the centerline of Mt. Wilson Lane, and referring all courses of this description to the Grid Meridian of the Maryland Coordinate System-NAD83 (1991), (1) North 35 degrees 54 minutes 11 seconds East 2401.97 feet, thence leaving said point of beginning and running for the thirty-two following courses and distances, viz: (1) South 65 degrees 22 minutes 39 seconds East 137.44 feet, thence (2) South 71 degrees 43 minutes 49 seconds East 250.00 feet to a point of curvature, thence (3) Southeasterly by a line curving to the right with the radius of 675.00 feet, (the arc of said curve being subtended by a chord bearing South 66 degrees 21 minutes 30 seconds East 126.39 feet) for a distance of 126.57 feet, thence (4) South 60 degrees 59 minutes 11 seconds East 90.45 feet to a point of curvature, thence (5) Southeasterly by a line curving to the left, having a radius of 465.00 feet, (the arc of said curve being subtended by a chord bearing South 67 degrees 01 minutes 18 seconds East 97.78 feet) for a distance of 97.96 feet to a point of curvature, thence (6) Southeasterly by a line curving to the right, having a radius of 15.00 feet, (the arc of

said curve being subtended by a chord bearing South 30 degrees 04 minutes 19 seconds East 20.45 feet) for a distance of 22.51 feet, thence (7) South 12 degrees 54 minutes 47 seconds West 60.15 feet to a point of curvature, thence (8) Southeasterly by a line curving to the left, having a radius of 175.00 feet, (the arc of said curve being subtended by a chord bearing South 04 degrees 02 minutes 32 seconds East 102.07 feet) for a distance of 103.57 feet, thence (9) South 23 degrees 50 minutes 22 seconds West 18.34 feet, thence (10) South 46 degrees 40 minutes 54 seconds East 188.62 feet, thence (11) South 60 degrees 59 minutes 39 seconds East 11.45 feet, and thence (12) South 30 degrees 25 minutes 21 seconds West 2.93 feet to a point of non-curvature, thence (13) Southeasterly by a line curving to the right, having a radius of 685.00 feet, (the arc of said curve being subtended by a chord bearing South 43 degrees 57 minutes 57 seconds East 52.30 feet) for a distance of 52.32 feet, thence (14) South 01 degree 32 minutes 29 seconds West 20.58 feet to a point of non-curvature, thence (15) Southwesterly by a line curving to the left, having a radius of 350.00 feet, (the arc of said curve being subtended by a chord bearing South 22 degrees 25 minutes 49 seconds West 267.09 feet) for a distance of 274.04 feet, thence (16) South 44 degrees 59 minutes 06 seconds West 21.22 feet, thence (17) Due West 117.40 feet to a point of curvature, thence (18) Northwesterly by a line curving to the right, having a radius of 475.00 feet, (the arc of said curve being subtended by a chord bearing North 72 degrees 42 minutes 23 seconds West 282.41 feet) for a distance of 286.74 feet, thence (19) North 55 degrees 24 minutes 45 seconds West 162.21 feet to a point of curvature, thence (20) Northwesterly by a line curving to the left, having a radius of 425.00 feet, (the arc of said curve being subtended by a chord bearing North 62 degrees 40 minutes 34 seconds West 107.47 feet) for a distance of

107.76 feet to a point of reverse curvature, thence (21) Northwesterly by a line curving to the right, having a radius of 240.00 feet, (the arc of said curve being subtended by a chord bearing North 64 degrees 36 minutes 10 seconds West 44.65 feet) for a distance of 44.71 feet to a point of reverse curvature, thence (22) Northwesterly by a line curving to the left, having a radius of 225.00 feet, (the arc of said curve being subtended by a chord bearing North 71 degrees 34 minutes 48 seconds West 95.97 feet) for a distance of 96.71 feet to a point of reverse curvature, thence (23) Northwesterly by a line curving to the right, having a radius of 240.00 feet, (the arc of said curve being subtended by a chord bearing North 74 degrees 18 minutes 35 seconds West 79.92 feet) for a distance of 80.29 feet to a point of compound curvature, thence (24) Northwesterly by a line curving to the right, having a radius of 375.00 feet, (the arc of said curve being subtended by a chord bearing North 59 degrees 26 minutes 15 seconds West 69.12 feet) for a distance of 69.22 feet, thence (25) North 54 degrees 08 minutes 57 seconds West 73.52 feet, thence (26) North 17 degrees 23 minutes 21 seconds East 127.83 feet, thence (27) North 21 degrees 41 minutes 46 seconds East 146.12 feet, thence (28) North 60 degrees 54 minutes 09 seconds West 75.97 feet, thence (29) North 29 degrees 05 minutes 51 seconds East 93.94 feet, thence (30) South 60 degrees 54 minutes 09 seconds East 85.95 feet, and thence (31) North 25 degrees 13 minutes 51 seconds East 177.82 feet, thence (32) North 14 degrees 04 minutes 21 seconds East 51.95 feet to the point of beginning; containing 13.372 acres of land, more or less, as surveyed by Daft-McCune-Walker, Inc., in December 2001.

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

March 12, 2002

Project No. 84142.DA (L84142.DA)

STATE OF MARYLAND
ANTHONY JOSEPH TUTTI
No. 10890
PROFESSIONAL LAND SURVEYOR

3/12/02

Description

To Accompany Petition for Special Hearing for FDP Amendments

199.90 Acre Parcel

Northwest Side of Mount Wilson Lane

Northeast of Winands Road

Second Election District, Baltimore County, Maryland

DMW

Daft•McCune•Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
http://www.dmw.com
410 296 3333
Fax 410 296 4705

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

Beginning for the same at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Mount Wilson Lane (50 foot wide) with the centerline of Winands Road (40 foot wide), (1) Northeasterly along the centerline of Mount Wilson Lane 30 feet, more or less, thence at a right angle to said Mount Wilson Lane, (2) Northwesterly 30 feet, more or less to the point of beginning, thence leaving said beginning point and running the following nineteen courses and distances, viz: (1) North 22 degrees 49 minutes 45 seconds East 1190.04 feet, thence (2) North 66 degrees 18 minutes 08 seconds West 1104.36 feet, thence (3) North 73 degrees 03 minutes 55 seconds East 3945.18 feet, thence (4) North 35 degrees 41 minutes 05 seconds West 29.70 feet, thence (5) North 43 degrees 21 minutes 44 seconds East 30.71 feet, thence (6) South 46 degrees 38 minutes 16 seconds East 847.75 feet, thence (7) South 62 degrees 48 minutes 49 seconds West 0.80 feet, thence (8) South 46 degrees 38 minutes 16 seconds East 757.38 feet, thence (9) South 28 degrees 12 minutes 51 seconds East 217.34 feet, thence (10) South 09 degrees 05 minutes 07 seconds East 389.16 feet, thence (11) South 17 degrees 17 minutes 09 seconds East 172.02 feet, thence (12) South 69 degrees 51 minutes 45 seconds West 177.87 feet, thence (13) South 41

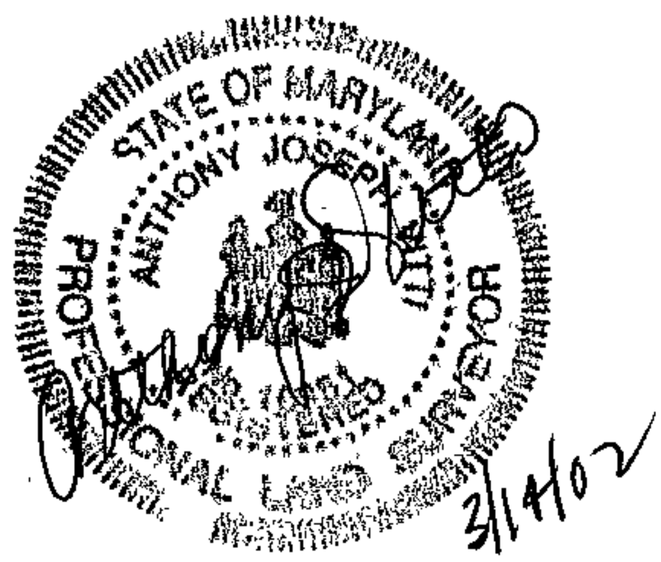
006

degrees 12 minutes 04 seconds West 323.38 feet, thence (14) South 83 degrees 29 minutes 56 seconds West 2086.86 feet, thence (15) South 31 degrees 13 minutes 19 seconds West 880.54 feet, thence (16) North 38 degrees 02 minutes 02 seconds West 740.44 feet, thence (17) South 41 degrees 27 minutes 26 seconds West 559.18 feet, thence (18) South 42 degrees 27 minutes 26 seconds West 150.15 feet, and thence (19) North 65 degrees 49 minutes 24 seconds West 846.52 feet, to the point of the beginning; containing 199.90 acres of land, more or less.

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

March 14, 2002

Project No. 84142 (L84142-1)



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 14375

DATE 7-2-02 ACCOUNT 001-000-6150

AMOUNT $ 650.00

RECEIVED FROM: Mullan Holdings, Inc.
925 N.E. Wilson Ln.

FOR: OZO 040 070 SPHXA ITEM # 006
TAKEN BY: JRF

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

DATE RECEIPT PAID RECEIPT
BUSINESS ACTUAL TIME
7/02/2002 7/02/2002 13:20:55
REG WB04 WHLAIN DRWL DRAWER 2
RECEIPT # 185573 7/02/2002 UFLN
Dept 5 526 ZONING VERIFICATION
CR NO. 014375
Recpt Tot $650.00
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: #03-006-SPHXA
725 Mt. Wilson Lane
NE/corner of Winands Road & Mt Wilson Lane
2nd Election District - 2nd Councilmanic District
Legal Owner(s): North Oaks, Norman W. Wilder, President

Special Exception: to permit maximum building lengths of 650 feet (east to west) and 380 feet (north to south) in lieu of maximum 490 feet and 330 feet respectively, approved in case no 88-19-XSPH. **Special Hearing:** to reconfigure the 2854 acre area reserved for convalescent/nursing home established in case no 01-463-SPHA, to amend the latest approved site plan and all prior zoning relief; to amend the latest approved partial and final development plans **Variance:** to permit a combined front and side yard setbacks of 40 feet in lieu of the required 70 feet; to permit a side yard setback of 17 feet in lieu of the required 20 feet, to permit a rear yard setback of 18 feet in lieu of the required 30 feet, if necessary

Hearing: Thursday, August 22, 2002 at 10:00 a.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.

8/117 Aug. 8 C554926

CERTIFICATE OF PUBLICATION

8/8/, 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 8/8/, 2002.

- [x] 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. 03-006-SPHXA

Petitioner/Developer North Oaks

Date of Hearing/Closing August 22, 2002
10:00 a.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

North Oaks 2 signs posted

The signs were posted on August 4, 2002
(Month, Day, Year)

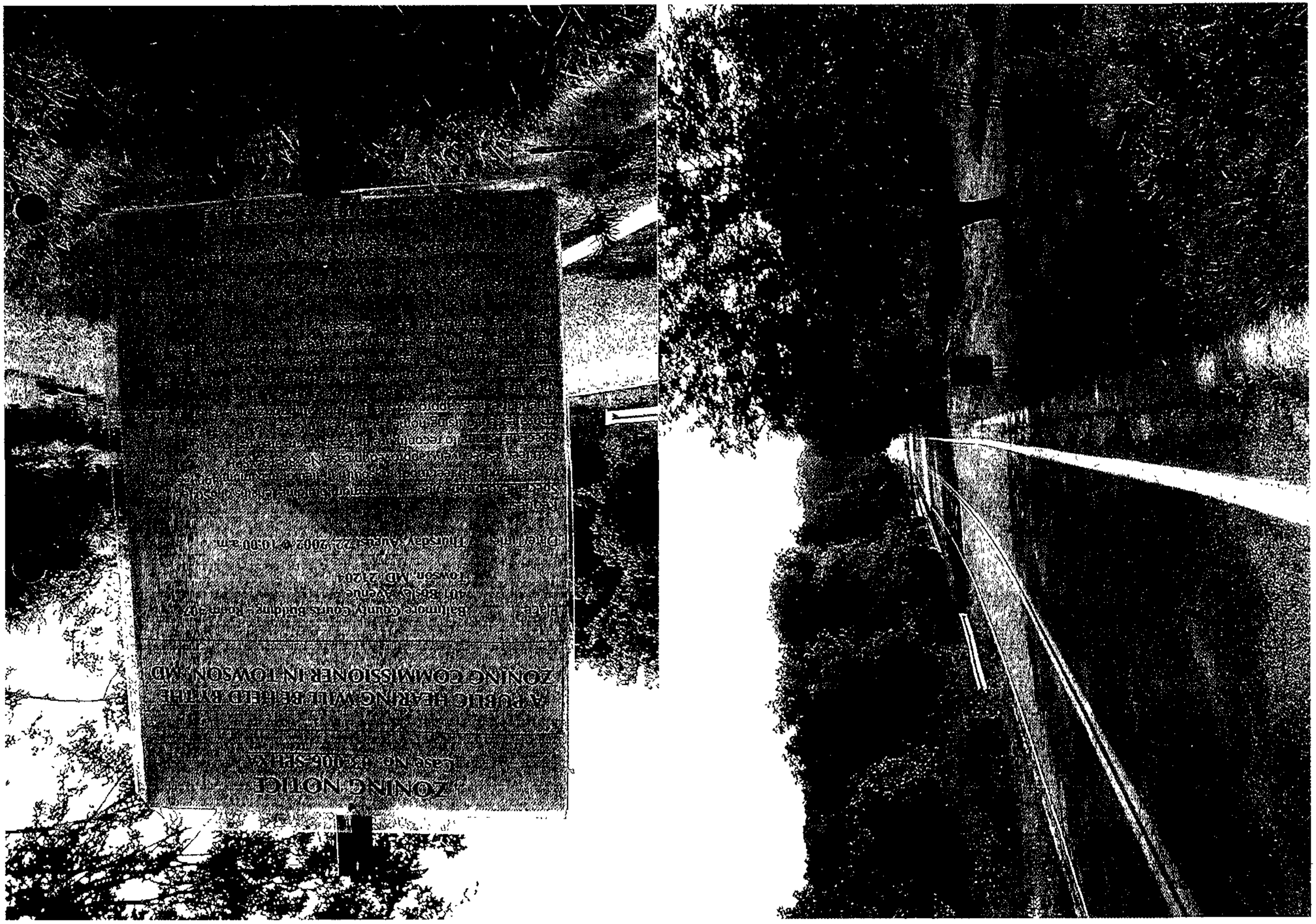
Sincerely,

(Signature of Sign Poster and Date)

James L. Mathias
(Printed Name)

Daft- McCune- Walker, Inc.
200 East Pennsylvania Avenue
Towson, MD 21286
(Address)

410-296-3333
(Telephone Number)


ZONING NOTICE
Case No. 03-106-SPHA
A PUBLIC HEARING WILL BE HELD BY THE
ZONING COMMISSIONER IN TOWSON, MD
Place: Baltimore County Courts Building - Room 307
401 Bosley Avenue
Towson, MD 21204
Date/Time: Thursday, August 22, 2002 @ 10:00 a.m.

ZONING NOTICE

Case No. 03-006-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: **Thursday, August 22, 2002 @ 10:00 a.m.**

Request:
Special Exception to permit maximum building lengths of 650 feet (east to west) and 380 feet (north to south) in lieu of maximum 490 feet and 330 feet respectively, approved in case No. 88-19-XSPH.
Special Hearing to reconfigure the 2.554 acre area reserved for convalescent/nursing home established in Case No. 01-463-SPHA; to amend the latest approved site plan and all prior zoning relief; to amend the latest approved partial and final development plans.
Variance to permit a combined front and side yard setback of 40 feet in lieu of the required 70 feet; to permit a side yard setback of 17 feet in lieu of the required 20 feet; to permit a rear yard setback of 18 feet in lieu of the required 30 feet, if necessary.

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: 03-006-SPHXA

Petitioner: Mullan Enterprises, Inc.

Address or Location: 725 Mt. Wilson Lane

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dontell

Address: 210 Allegheny Avenue
Towson, Maryland 21204

Telephone Number: 410-494-6244

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Thursday August 8, 2002 Issue – Jeffersonian

Please forward billing to:
Amy Dontell
Venable Baetjer & Howard
210 Allegheny Avenue
Towson MD 21204

410 494-6244

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: 03-006-SPHXA
725 Mt Wilson Lane
NE/corner of Winands Road & Mt Wilson Lane
2nd Election District – 2nd Councilmanic District
Legal Owner: North Oaks, Norman W Wilder, President

Special Exception to permit maximum building lengths of 650 feet (ease to west) and 380 feet (north to south) in lieu of maximum 490 feet and 330 feet respectively, approved in case no 88-19-XSPH. Special Hearing to reconfigure the 2854 acre area reserved for convalescent/nursing home established in case no 01-463-SPHA; to amend the latest approved site plan and all prior zoning relief; to amend the latest approved partial and final development plans. Variance to permit a combined front and side yard setbacks of 40 feet in lieu of the required 70 feet; to permit a side yard setback of 17 feet in lieu of the required 20 feet; to permit a rear yard setback of 18 feet in lieu of the required 30 feet, if necessary.

HEARING: Thursday, August 22, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ
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

July 17, 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: 03-006-SPHXA
725 Mt Wilson Lane
NE/corner of Winands Road & Mt Wilson Lane
2nd Election District – 2nd Councilmanic District
Legal Owner: North Oaks, Norman W Wilder, President

Special Exception to permit maximum building lengths of 650 feet (ease to west) and 380 feet (north to south) in lieu of maximum 490 feet and 330 feet respectively, approved in case no 88-19-XSPH. Special Hearing to reconfigure the 2854 acre area reserved for convalescent/nursing home established in case no 01-463-SPHA; to amend the latest approved site plan and all prior zoning relief; to amend the latest approved partial and final development plans. Variance to permit a combined front and side yard setbacks of 40 feet in lieu of the required 70 feet; to permit a side yard setback of 17 feet in lieu of the required 20 feet; to permit a rear yard setback of 18 feet in lieu of the required 30 feet, if necessary.

HEARING: **Thursday, August 22, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue**

Arnold Jablon GDZ
Director

C: Robert A Hoffman Esquire, Venable Baetjer & Howard, 210 Allegheny Avenue, Towson 21204
Mullan Enterprises Inc, Norman W Wilder, 2330 W Joppa Road, Suite 210, Lutherville 21093

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNSDAY, AUGUST 7, 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.

Printed with Soybean Ink on Recycled Paper

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

August 16, 2002

Robert A Hoffman Esquire
Venable Baetjer & Howard
210 Allegheny Avenue
Towson MD 21204

Dear Mr. Hoffman:

RE: Case Number: 03-006-SPHXA, 725 Mt Wilson Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 02, 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.
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Norman W Wilder, Mullan Enterprises Inc, 2330 W Joppa Road, Suite 210
Lutherville 21093
People's Counsel

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on Recycled Paper

Baltimore County
Fire Department

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

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

July 18,2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF July 15, 2002

Item No.: 006; 009; 014; 016

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.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 2000 edition prior to occupancy.

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

cc: File

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 5, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For July 22, 2002
Item Nos. 583, 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 015, and 016

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS ITGT

DATE: July 22, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of July 15, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

006

583, 001-008, 011, 014, 016

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 17, 2002

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

SUBJECT: *Zoning Advisory Petition(s):* **Case(s) 03-006 & 03-010**

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: _____

Section Chief: _____

AFK/LL:MAC

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 7.16.02

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

RE: Baltimore County
Item No. 006 JRF

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,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

RE:	PETITION FOR SPECIAL HEARING SPECIAL EXCEPTION & VARIANCE	*	BEFORE THE
	N/east corner of Winands Road & Mt. Wilson Lane	*	ZONING COMMISSIONER
	2nd Election District 2nd Councilmanic District	*	FOR
	Legal Owner: Norman W. Wilder Pres. Of North Oaks	*	BALTIMORE COUNTY
	Petitioner	*	03-006-SPHXA

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

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 19th day of July, 2002, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, VENABLE, BAETJER & HOWARD LLP 210 Allegheny Avenue, Towson, Maryland 21204 Attorney for Petitioner(s).

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

fxo
8/22

400 MT. WILSON LANE • BALTIMORE, MARYLAND 21208 • (410) 484-7200
FAX: (410) 484-3060

August 6, 2002

AUG 12 2002

Mr. Lawrence E. Schmidt
Zoning Commissioner
401 Bosley Avenue, 4th Floor
Towson, MD 21204

RE: Case Number 03-006 SPHXA

Dear Mr. Schmidt:

We note that there is hearing on Thursday, August 22, 2002 regarding the above mentioned case number for the North Oaks Retirement Facility on Mt. Wilson Lane. The Ner Israel Rabbinical College is located on Mt. Wilson Lane in close proximity to North Oaks.

We have reviewed the special exception and variances being requested by North Oaks. We have no objection to any of their requests that are being raised at the August 22nd hearing.

Very truly yours,

Rabbi Herman N. Neuberger
President

HNN:mg

Baltimore County
Zoning Commissioner

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

August 22, 2001

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

Re: Petitions for Special Hearing & Variance
Case No. 01-463-SPHA
Property: SW/End Mt. Wilson Lane, NE/S Winands Road,
2000' SE Mary Ridge Drive

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above-captioned case. The Petitions for Special 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,

Timothy Kotroco

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Census 2000 For You, For Baltimore County Census 2000

Printed with Soybean Ink on Recycled Paper

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

Copies to:

Mr. Thomas Mullan
2330 West Joppa Road, Suite 210
Lutherville, MD 21093

Ed Haile, P.E.
Daft, McCune & Walker
200 E. Pennsylvania Avenue
Towson, MD 21204

Gustav, Mary & Eliguis Wachter
8570 Winands Road
Randallstown, MD 21133

Wayne D. Adams
4130 Windmill Circle
Randallstown, MD 21133

Lloyd Carter
4137 Dutch Mill Road
Randallstown, MD 21133

Bill Bralove
4272 Mary Ridge Drive
Randallstown, MD 21133

Noel Levy
1109 Silentglade Road
Owings Mills, MD 21117

Gwendolyn Wright
4127 Dutch Mill Road
Randallstown, MD 21133

Henry Smith
4122 Windmill Circle
Randallstown, MD 21133

Derrick Burnett
8627 Windmill Road
Randallstown, MD 21133

Michael Davis
4128 Windmill Circle
Randallstown, MD 21133

IN RE: PETITION FOR SPECIAL HEARING SW/End Mt. Wilson La., NE/S Winands Rd., 2000' SE Mary Ridge Dr. 2nd Election District 2nd Councilmanic District (725 Mt. Wilson Lane)	* * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 01-463-SPHA
North Oaks Real Estate Partnership and Gwynn Falls Limited Partnership *Petitioners*	* 	

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owners of the subject property, The North Oaks Real Estate Partnership and The Gwynns Falls Limited Partnership, requesting a special hearing to amend the special exception area previously approved in Case No. 86-2-XA and variance relief as is indicated on the attachment to the petition for variance.

Appearing at the hearing on behalf of the special hearing and variance relief were Wayne Caples and Thomas Mullan, appearing on behalf of the owners of the property, Rich Hoehn, Jill Schopf, Mitch Kellman and Ed Haile, all appearing on behalf of Daft, McCune & Walker, the engineers who prepared the site plan of the property and Rob Hoffman, attorney at law, representing the Petitioners. Appearing in opposition to the Petitioners' request were many residents from the surrounding community, all of whom signed in on the Protestants' Sign-In Sheet.

Testimony and evidence indicated that the property, which is the subject of this special hearing and variance request, consists of 200.27 acres of land, split-zoned DR.3.5, DR.2 and DR.1. The subject property is currently the site of the North Oaks Convalescent and Nursing Home. That particular use occupies a small area of the center of the property itself. The

remainder of the site is proposed to be developed with a mix of townhouse and single-family residential dwellings. The manner in which these homes are to be situated on the property is more particularly shown on Petitioners' Exhibits 1 and 2, the site plans submitted at the hearing. In order to proceed with the construction of these dwellings, the variances are necessary in that the Petitioners are bound by the design and development regulations that were in effect at the time this property received CRG approval. Those old development regulations that were in effect at that time require certain setback distances between the sides of homes, from windows to windows of those homes and certain setback distances between the buildings to be constructed on the property. The specific variance requests are more particularly shown on the site plan submitted which contains a chart of the many variances that are necessary in order for the development to proceed in the fashion depicted on the site plan. It should be noted that the North Oaks Retirement Community is proposing to construct these homes for persons who are 55 years of age or older. Apparently, this was a condition imposed by deed at the time that this owner purchased the subject property from the State of Maryland. Therefore, this developer is bound to only be permitted to sell these homes to an individual who is at least 55 years of age or older.

As stated previously, many residents from the surrounding community appeared at the hearing in strong opposition to the development of the property as proposed on this site plan. These residents, for the most part, reside on the southwest side of the property in the communities along Winands Road, Dutch Mill Road and Windmill Circle. Through the course of developing the subject property and modifying the old CRG plan for the site, much of the development on the property has been shifted to the west side of the property, closer to these particular residents. These residents were unaware that the old CRG plan had been modified

causing this development to be shifted in their direction. Their greatest objection to the development of the property was that they had no input in the modifications that were made to the old CRG plan. At the time of the hearing before me, this was the first time that they were made aware that the development had been shifted nearer their homes. They strongly objected to the proximity of this development to their houses and indicated that the developer had not been providing an adequate buffer between the houses to be built and their existing homes. These sentiments were strongly expressed by Mr. Wachter and his son, both of whom participated at the hearing, as well as Mr. Burnett and Mr. Carter, as well as others in attendance.

At the conclusion of the testimony and evidence which was offered at the public hearing held July 6, 2001, I asked that the developer schedule a public meeting with the many residents who appeared at the public hearing before me. Apparently, two meetings were held with the residents who attended the hearing wherein the concerns that they raised were taken into consideration by the developer and a new revised plan resubmitted to me, based on the meetings held with these residents. The new plan submitted for approval has a latest revision date of August 1, 2001. After listening to the concerns raised by the citizens, the developer, to their credit, has greatly increased the setbacks of the rear of the homes to be constructed along the western side of the property. In lieu of the previous rear yard setbacks of 35 ft. from the rear of the properties owned by many of the Protestants, the developer has increased this setback to 100 ft. This provides enough buffer area to allow existing vegetation to remain in this buffer area and also affords an area where additional plantings can be installed to further mitigate the effects of this new development on those existing residents around the perimeter of this property. I believe this 100 ft. buffer is more than sufficient to help to mitigate the effects of this

development on these existing neighbors. The original plan submitted at the hearing failed to achieve this goal.

The revised plan for which consideration is given at this time has, in fact, altered the design of the development as a consequence of providing the larger 100 ft. buffer. Accordingly, the variances that were originally requested have also been modified to correspond to the modifications made to the plan. Therefore, the variances under consideration pursuant to this order are those as shown on the charts contained on the revised plan dated August 1, 2001.

After considering the testimony and evidence offered at the hearing and the efforts of the developer to mitigate the affects of this development on their neighbors to the west of the site and the revised site plan which has been marked as Petitioners' Exhibit 7A and 7B, I find that the special hearing request to amend the previously approved special exception area, as well as the variances as depicted on the charts shown on the face of the site plan itself should be approved.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to 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 relief 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.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of August, 2001, that the Petitioners' request for a special hearing to amend the special exception area previously approved in Case No. 86-2-XA and variance relief as contained within the chart located on Exhibit 7A, the revised site plan, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their 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 such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall be required to submit to Mr. Avery Harden, Landscape Architect for Baltimore County, a landscape plan depicting the vegetation that is to be retained along the rear of those homes situated on Windmill Circle, Dutch Mill Road, and Winands Road. This landscape plan shall not only show vegetation to be retained, but also any additional plantings that, at the discretion of Mr. Avery Harden, would be needed in order to further screen the new homes to be constructed on this property from the existing homes located on the aforementioned roads. Said landscape plan shall be submitted within sixty (60) days from the date of this order.

3. The entrance to this subdivision from Winands Road shall be a gated entrance which shall not be open for use by the general public. This may help to alleviate any short-cutting that may occur by virtue of this development being constructed.

4. The sale of any of these homes to be constructed upon the Petitioners' property shall be sold to residents, one of which must be at least be 55 years of age or older. This is consistent with the representations made at the hearing before me and the deed from which the Petitioners took title.

5. When applying for building permits, the site plan filed must reference this case and set forth and address the restrictions of this order.

Timothy Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

Case Number _____

PLEASE *PRINT* LEGIBLY

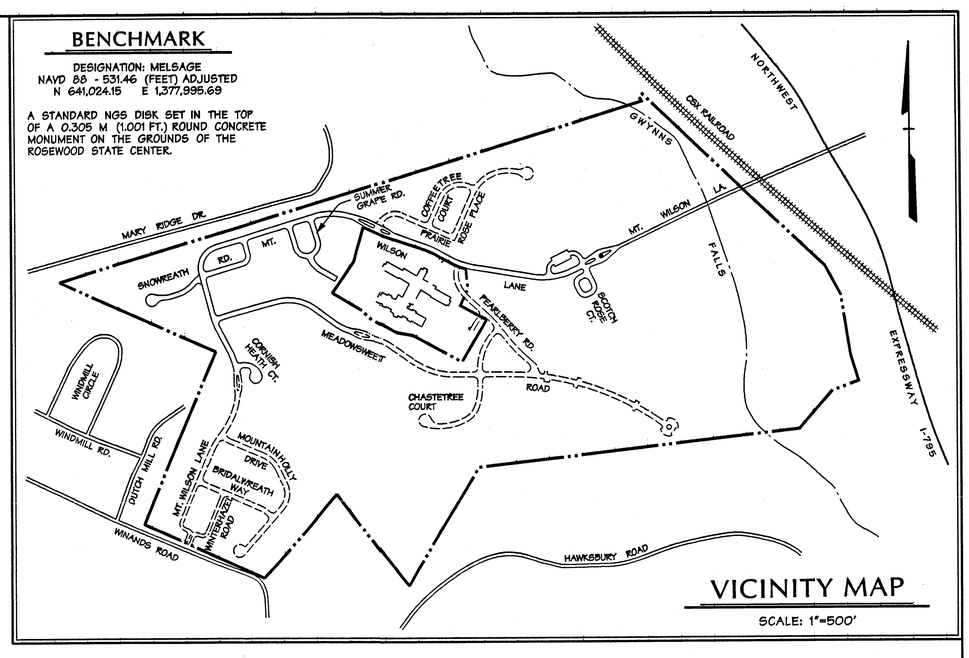
PETITIONER'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
Patricia A. Malone	210 Allegheny Ave.	Towson MD	21204
Mitch Kellman	200 E. Pennsylvania Ave	Towson MD	21286
N WILDER	2330 W JOPPA RD #210	LUTHERVILLE	21093
Gail Murray	725 Mt. Wilson La	Pikesville	21208
Jim Mathias	200 E. Pennsylvania Ave	Towson, MD	21286
Rick Hoehn	"	"	"
GEORGE SALABES	1045 TAYLOR AVE	BALTO., MD	21208

BENCHMARK

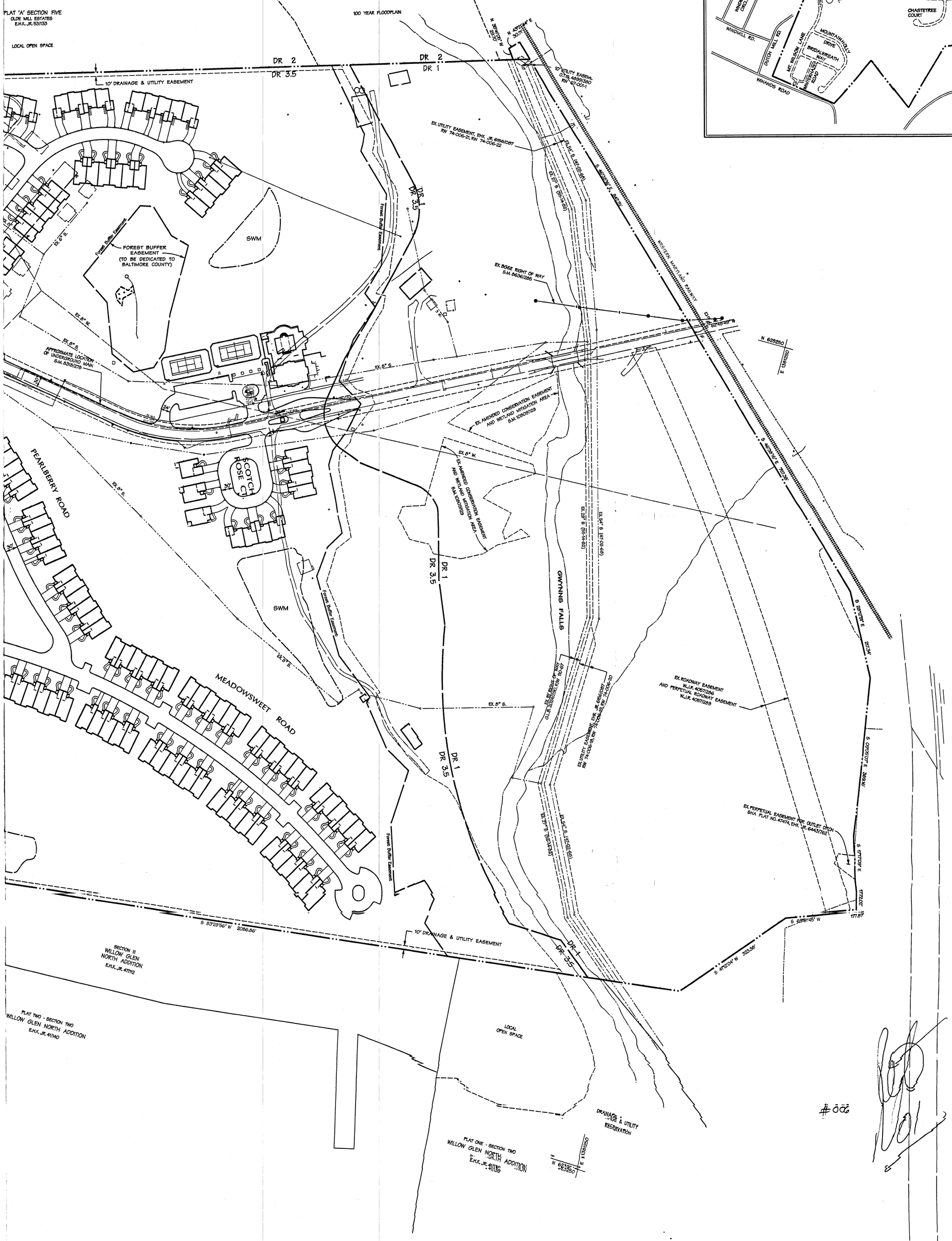
DESIGNATION: MELSAGE
NAVD 88 - 531.46 (FEET) ADJUSTED
N 641,024.15 E 1,377,995.69

A STANDARD NGS DISK SET IN THE TOP OF A 0.305 M (1.001 FT.) ROUND CONCRETE MONUMENT ON THE GROUNDS OF THE ROSEWOOD STATE CENTER.



VICINITY MAP

SCALE: 1"=500'



DATA SOURCES:

COMPUTED BOUNDARY BY DMW, DATED FEBRUARY 8, 2000.
AERIAL TOPOGRAPHY BY PDS, DATED FEBRUARY 19,1999.
DESIGN DRAWINGS.

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

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

Plan to Accompany Petition For Zoning Variances, Special Exception, & Special Hearing

North Oaks

725 Mt. Wilson Lane
PDM File # II - 329

Election District 2 - Councilmanic District 2 - Baltimore County, Maryland

J.DATTORE MAGNS

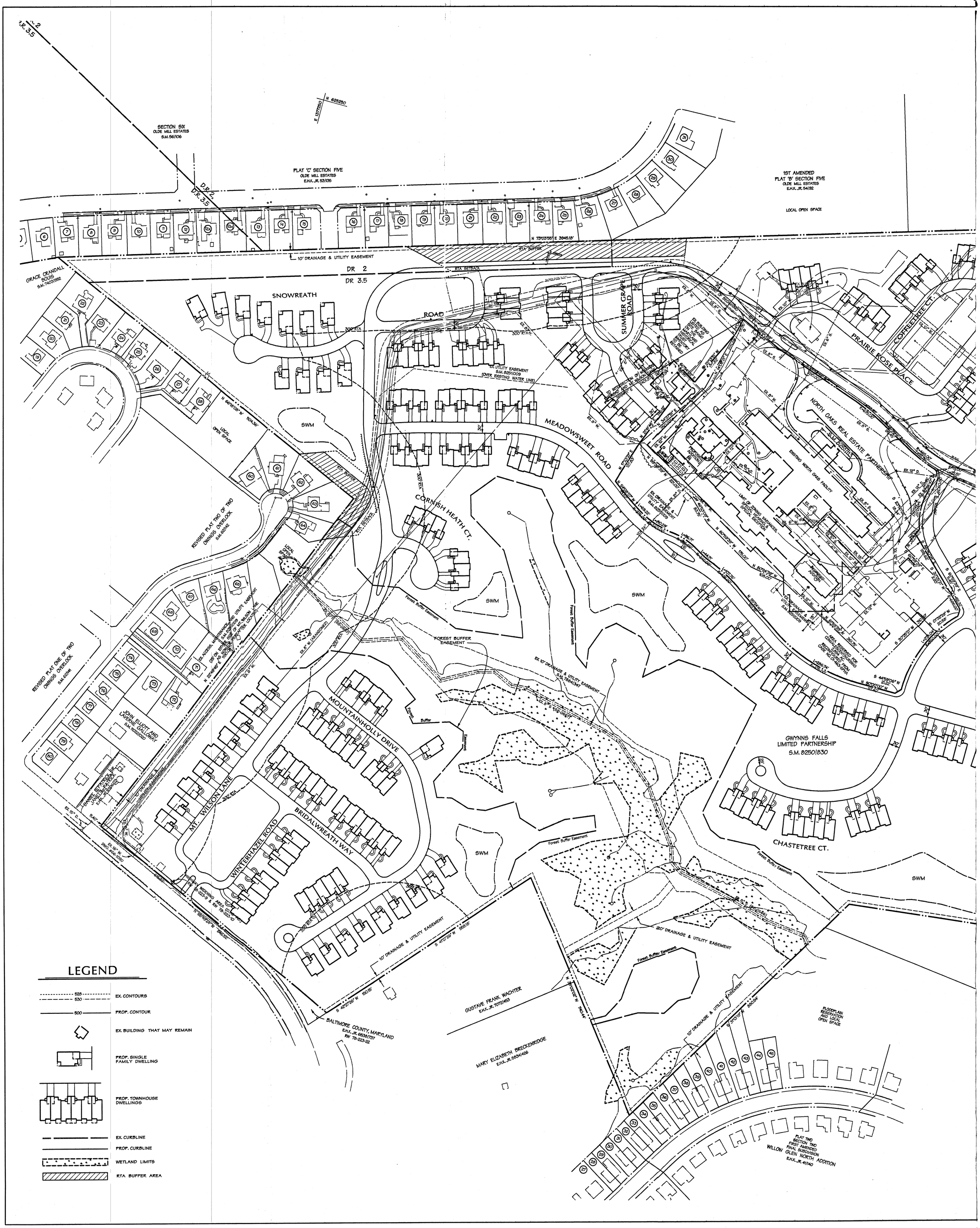
STATE OF MARYLAND — JOHN ROBERT GALLE — REGISTERED PROFESSIONAL ENGINEER

DATE	BY	REVISIONS

ISSUE DATES

REVIEW:	7-01-02
BID:	
PERMIT:	
CONSTRUCTION:	
BASE:	CMR/MSS
DRAWN:	MSS
DESIGNED:	
CHECKED BY:	
DATE CHECKED:	
SCALE:	1"=100'
PROJECT NO.:	84142.da
DRAWING:	1 of 2

Tue Jul 2 10:32:51 2002 N:\84142.DA\84142dcvpl



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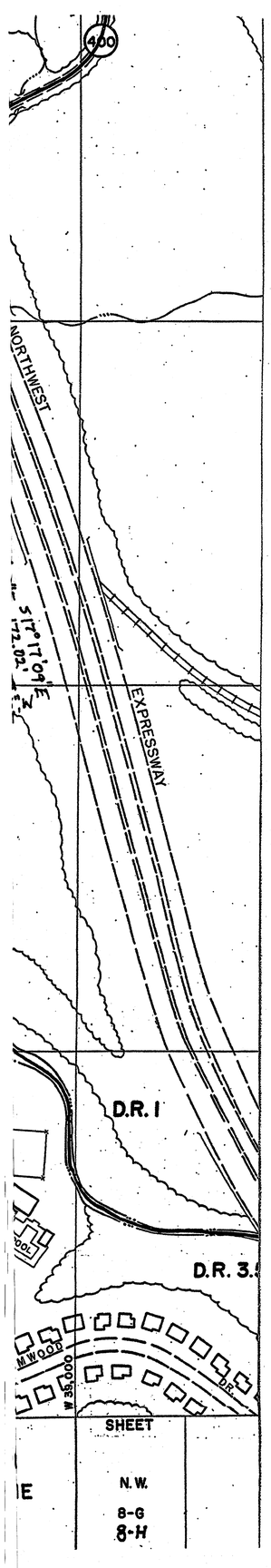
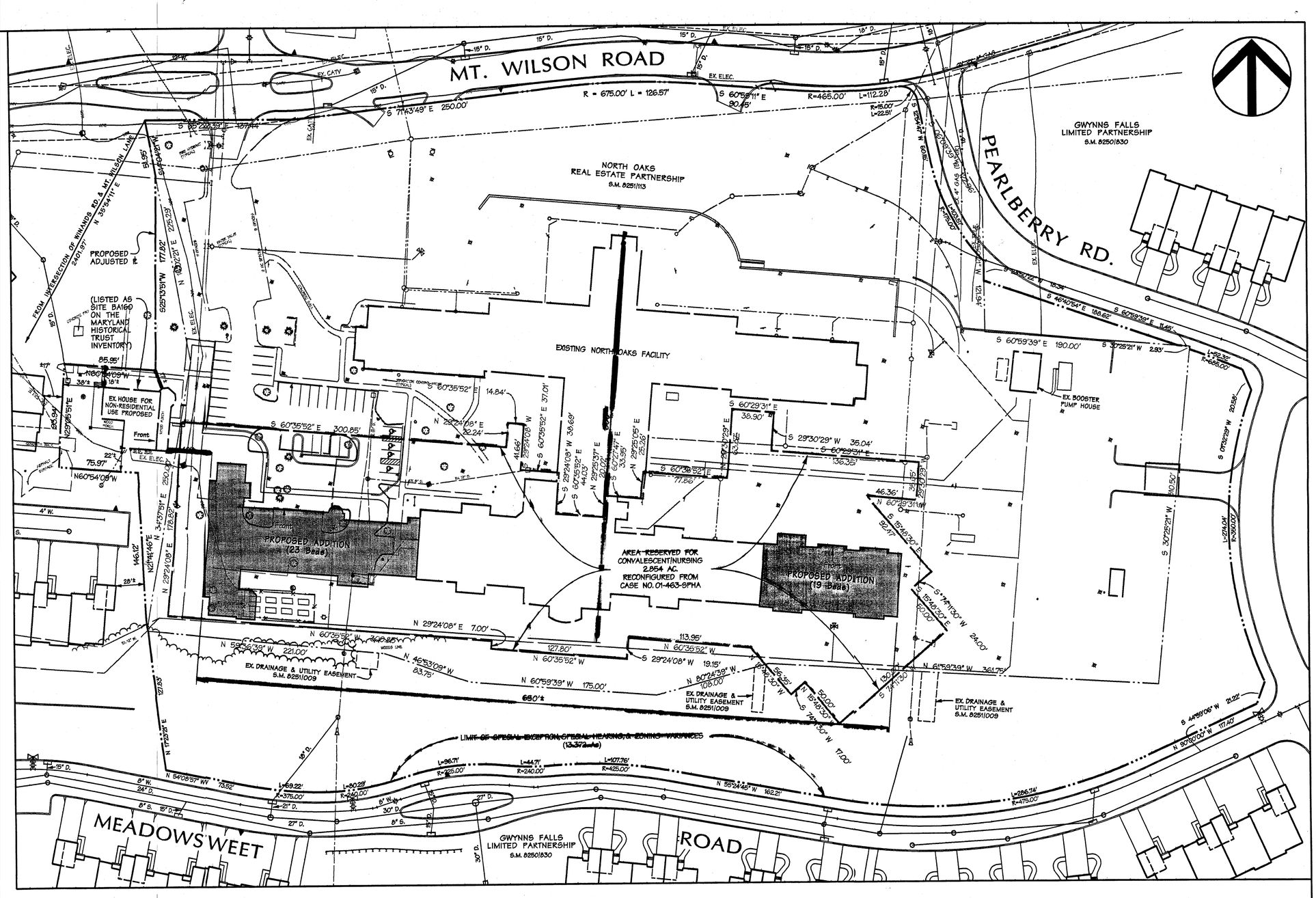




SPECIAL EXCEPTION, SPECIAL HEARING, & ZONING VARIANCE AREA

1"=50'

orest Buffer Easement shown hereon is subject to protective covenants which may be found in the Land Records of nore County and which restrict disturbance and use of these areas.

ellings and lots of record less than two acres in size off-site that create an RTA on site are shown to the best of nowledge with their respective 300 and 250-foot arcs and required buffer areas.

ned buildings in a Residential Transition Area will not exceed 130 feet in length or 35 feet in average height. The um distance between buildings will be 1 ½ times the average height of the higher building. All required buffer ngs will comply with the Baltimore County Landscape Manual. Some existing wooded areas will be retained as buffer areas will require additional planting. Street lighting will be in accordance with Baltimore County Standards and d so as not to shine on or reflect upon adjoining residences.

mitations

Soil Series and Symbol	With Basements	Without Basements	Roads and Streets
orus (Cu)	Flooding Hazard	Flooding Hazard	Flooding Hazard
inco (DeB)	Moderate: Moderately High Water Table	Slight	Moderate: Moderately High Water Table; Slope
ak (EhB2)	Slight	Slight	Moderate: Slope
nelg (GcB2)	Slight	Slight	Moderate: Slope
(GcC2)	Moderate: Slope	Moderate: Slope	Severe: Slope
(GcD2)	Severe: Slope	Severe: Slope	Severe: Slope
nville (Gnb)	Severe: High Water Table	Moderate: High Water Table	Severe: High Water Table
hor (MbD2)	Severe: Slope	Severe: Slope	Severe: Slope
(MoC2)	Moderate: Slope	Moderate: Slope	Severe: Slope
(McD2)	Severe: Slope	Severe: Slope	Severe: Slope
(MdE)	Severe: Slope	Severe: Slope	Severe: Slope
vin (Mn)	Severe: High Water Table; Poor Natural Drainage	Severe: High Water Table; Poor Natural Drainage	Severe: High Water Table; Poor Natural Drainage

are no known Critical Areas, endangered species habitats, or hazardous materials on the site.
pproximate location of a 2500 gallon fuel tank used for a diesel generator and fire pump is shown on the plan. This will be precision tested and the results will be submitted to DEPRM.

ing trees will be retained wherever possible.

se shall be provided to the existing building listed as BA160 on the Maryland Historical Trust Inventory, which is to tained.

iver of Plan for Phase 1 was granted by W-86-156 on July 17, 1986.

riginal CRG plan was approved March 19, 1985. The first Amended CRG plan was approved October 9, 1987. The Second nded CRG plan was approved May 4, 2000. The first Revised, Second Amended CRG plan was approved June 13, 2001. Second Revised, Second Amended CRG plan was approved on October 12, 2001.

ignage to conform to Section 450 of the Baltimore County Zoning Regulations.

ade and utilities on the entire property are private with the exception of the existing Gwynns Falls interceptor sewer, isting sewer along the unnamed tributary, and the proposed sewer extension for the Watcher and Breckenridge rties.

23. Adequately sized turnarounds will be provided on all private roads for sanitation and emergency vehicle use. A turnaround for Mt. Wilson Lane will be provided at the gatehouse near the Clubhouse.

24. Trash and refuse will be collected by public or private contractor. Can pickup will be provided for single family and townhouse units.

25. The exact location of curb cuts for driveway or parking pad entrances is to be determined by owner when exact building models become available but prior to installation off street curbs.

26. All accessory uses shall conform to BCZR Section 432.1.B.3.

27. Envelopes shown hereon are for the location of all principal buildings only. Accessory structures, fences and projections into yards may be constructed outside the envelope, but must comply with Sections 400 and 301 of the Baltimore County Zoning Regulations, (Subject to covenants and applicable buildings permits).

28. Accessory structures, fences and projections into yard cannot be located in flood plain areas or hydric soils.

29. If drainage, utility and walkway easements are fenced, then at least 5 feet must remain open for pedestrian access.

30. Proposed building heights shall not exceed 50 feet unless a variance is requested and granted.
Proposed building widths shall not exceed 300 feet unless a variance is requested and granted.

31. Clubhouse, pool, and tennis courts are for use of the North Oaks residents and their guests only.

32. All sidewalks shall be 6 feet in width unless otherwise noted.

33. All streets shall be 30 feet in width unless otherwise noted.

34. Zoning Setbacks (Subject to variances granted by case no. 01-463-SPHA)

Minimum setbacks are as follows:

30 feet building to tract boundary
50 feet building to existing street centerline
25 feet building to existing street right-of-way
22 feet garage or carport to street right-of-way

Where windows are provided, they will meet the following minimum setbacks:

35 feet window to tract boundary
15 feet window to lot line
40 feet between opposing windows
25 feet window to street right-of-way

Buildings in RTA's will conform to the following restrictions:

75 feet front and side setback from tract boundary
150 feet rear setback from tract boundary
75 feet parking setback
35 feet maximum building height
130 feet maximum building length
Distance between facing elevations will be 1 ½ times the height of the highest building.

35. Director of PDM Note

This development plan is approved by the Director of PDM based on his interpretation of the Zoning Regulations, that is compliance with present policy, density and bulk controls as they are delineated in the Regulations. Any part or parcel of this tract that has been utilized for density to support dwellings shown thereon shall not be further divided, subdivided or developed for additional dwellings or any purpose other than that indicated presently on said plan. Utilization will have occurred when a dwelling is constructed and transferred for the purpose of occupancy.

36. "Plat of Phase 4, North Oaks, Health Care Facility", to reconfigure the North Oaks Real Estate Partnership property to 13.372 acres, as shown on this plan, has been submitted to Baltimore County for review and approval.

Zoning Relief

1. ~~Special Exception pursuant to BCZR Sections 1B01.2.B.2, B02, and B04 and Section V.B.4 of the CMDP (1976) to permit maximum building lengths of 650 feet (east to west) and 380 feet (north to south) in lieu of the maximum 400 feet and 330 feet approved in Case No. 88-19-X SPH~~
2. ~~Variances pursuant to BCZR Sections 1B02.1.B.2, 1B02.2.B.2, and B04 and Section V.B.2 of the CMDP (1976) to permit a minimum front and side yard setback of 10 feet in lieu of the required 50 feet.~~
3. ~~Variances pursuant to BCZR Sections 1B02.1.B.2 and B04 and Section V.B.2 of the CMDP (1976) to permit a 17 foot side yard setback in lieu of the required 50 feet.~~
4. ~~Variances pursuant to BCZR Sections 1B02.1.B.2 and B04 and Section V.B.2 of the CMDP (1976) to permit an 15 foot rear yard setback in lieu of the required 50 feet, if necessary.~~
5. ~~Special Hearing to amend the latest approved site plan and all prior zoning relief.~~
6. ~~Special Hearing to amend the latest approved preliminary and final development plans.~~
7. ~~Special Hearing to reconfigure the 2.854 acre area reserved for convalescent/nursing established in Case Number 01-463-SPHA.~~

Area for Special Hearing = 13.372 Acres ±

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

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

Plan to Accompany Petition For Zoning Variances, Special Hearing, & Special Exception

North Oaks

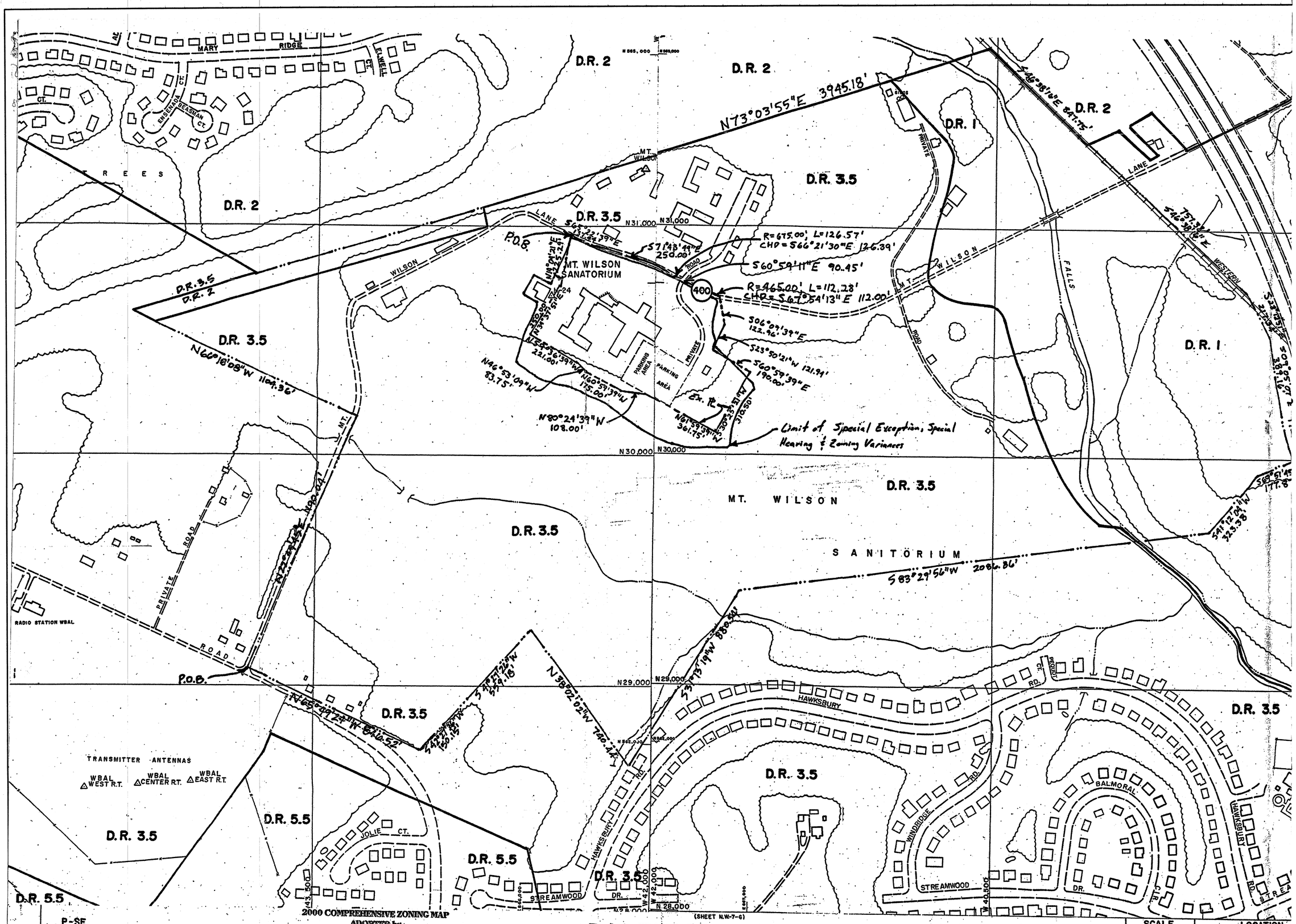
725 Mt. Wilson Lane
PDM File # II - 329
Election District 2 - Councilmanic District 2 - Baltimore County, Maryland

DATE	BY	REVISIONS

STATE OF MARYLAND JOHN ROBERT GIZZI No. 19878 REGISTERED PROFESSIONAL ENGINEER

ISSUE DATES	
REVIEW:	7-01-02
BID:	
PERMIT:	
CONSTRUCTION:	
BASE:	
DRAWN:	CMR/MSS
DESIGNED:	
CHECKED BY:	
DATE CHECKED:	
SCALE:	As Shown
PROJECT NO.:	84142.DA
DRAWING:	2 of 2

Tue Jul 2 10:25:34 2002 N:\84142.DA\84142dcup3



2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00.

Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION
1" = 200'±	MT.WILSON WOODHOLM
DATE OF PHOTOGRAPHY JANUARY 1986	

Zoning History

Case No. 86-2-XA

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of July, 1985, that the Petition for Special Exception for a convalescent home and, additionally, the Petition for Zoning Variances to permit a building length of 475 feet instead of the maximum permitted 300 feet and a building height of 130 feet instead of the maximum permitted 50 feet be and are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief herein granted:

1. The petitioner may apply for its building permit and be granted same upon receipt of this Order" however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Agreement of Sale entered into and executed by and between the State of Maryland and the Petitioner, dated June 15, 1984, shall be incorporated into and made a part of this Order in its entirety.
3. The special exception and variance to Section 1B01.2.B.2 shall be utilized within five years from the date of this Order.

Case No. 88-19-XSPH

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 31st day of July, 1987, that the Petition for Special Exception to permit building elevation widths of 490 feet and 330 feet in lieu of the maximum allowed 300 feet be and the same is hereby GRANTED and, additionally, the amendment to the site plan filed in Case No.86-2-XA to reflect same be approved and, as such, the Petition for Special Hearing is hereby GRANTED from and after the date of this Order.

Case No. 00-136-SPHXA

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of November, 1999 that the Petitioner's Request for Special Exception to approve a continuing care facility in a DR3.5 zone pursuant to Section 432.1.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) and to approve an increase in the residential density standards for elderly housing on the subject property which contains institutional buildings from a 3.5 density units per acre to 11.5 density units per acre in accordance with Section 432.3 of the Baltimore County Zoning Regulations, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the Petition for Special Hearing request to amend the relief which was granted in Case Nos. 86-2-XA and 88-19-XSPH, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the Petition for Variance filed requesting the following relief:

1. Variance to Sections 1B01.2.B.2 and 504.2 of the Baltimore County Zoning Regulations and Section II.A.29 (Non-Residential Principal Buildings in DR Zones) of the Comprehensive Manual of Development Policies to allow building elevation widths of 525 ft. and 550 ft. in lieu of the permitted 300 ft.
2. Variance to Section 1B01.2.C.a of the Baltimore County Zoning Regulations to permit a front yard setback of 21 ft. in lieu of the required 50 ft.
3. Variance to Section 1B01.2.C.a of the Baltimore County Zoning Regulations to permit a side yard setback of 0 ft. in lieu of 20 ft., if necessary.
4. Variance to Section 1B01.2.C.a of the Baltimore County Zoning Regulations to permit a rear yard setback of 0 ft. in lieu of 30 ft., if necessary.

be and is hereby GRANTED, subject, however, to the restrictions listed below which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of the Order" however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Pursuant to the comment issued by the Planning Office, the Petitioners shall amend their site plan to identify the three (3) buildings with the MH Maryland Historic Trust No. BA160.
3. Any subsequent development occurring outside this special exception area, in the area which was the subject of the original CRG approval for this process shall be reviewed through the new development review process and shall not be considered an amendment to the previously approved CRG plan.
4. When applying for a building permit, the site plan/landscape plan filed must reference this case and set forth and address the restrictions of the Order.

Amended Case No. 00-136-SPHXA

NOW, THEREFORE, having considered the Motion for reconsideration filed by the Petitioners herein, I find that my original findings of Fact and Conclusions of Law should be amended to provide as follows:

1. As a result of a meeting between the Petitioners and the Director of the Office of Planning, Arnold Pat Keller, Restriction No. 3, previously imposed by my original decision, shall be deleted in its entirety. Any further development occurring outside the special exception area identified on the site plan submitted should be reviewed and approved by the Director of the Department of Permits and Development Management.
2. The Petitioners requested that the utilization of the special exception granted in my original Order by extended to 5 (five) years in lieu of the normally permitted 2 (two) years. That request was omitted from my original Order and, therefore, this Order shall provide that the Petitioners shall have 5 (five) years within which to utilize the special exception granted by way of my Order dated this 22nd day of November, 1999.
3. Finally, the original Findings of Fact and Conclusions of law reference the special exception area as being 28 acres. The Petitioner has pointed out, by way of his motion for reconsideration, that the actual special exception area is 24 acres. Therefore, the Finding shall be amended to accurately show that the special exception area is 24 acres in size.

Case No. 01-463-SPHA

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of August, 2001 that the Petitioner's request for a special hearing to amend the special exception area previously approved in Case No. 86-2-XA and variance relief as contained within the chart located on Exhibit 7A, the revised site plan, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their 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 such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall be required to submit to Mr. Avery Harden, Landscape Architect for Baltimore County, a landscape plan depicting the vegetation that is to be retained along the rear of those homes situated on Windmill Circle, Dutch Mill Road, and Winands Road. This landscape plan shall not only show vegetation to be retained, but also any additional plantings that, at the discretion of Mr. Avery Harden, would be needed in order to further screen the new homes to be constructed on this property from the existing homes located on the aforementioned roads. Said landscape plan shall be submitted within sixty (60) days from the date of this order.
3. The entrance to this subdivision from Winands Road shall be a gated entrance which shall not be open for use by the general public. This may help to alleviate any shortcutting that may occur by virtue of this development being constructed.
4. The sale of any of these homes to be constructed upon the Petitioner's property shall be sold to the residents, one of which must be at least 55 years of age or older. This is consistent with the representations made at the hearing before me and the deed from which the Petitioners took title.
5. When applying for building permits, the site plan filed must reference this case and set forth and address the restrictions of this order.

General Notes

1. Applicant:
North Oaks Limited Partnership
c/o Koren Development Company, Inc.
8815 Centre Park Drive, Suite 104
Columbia, MD 21045
(410) 740-1010

2. Owners:

North Oaks Real Estate Partnership	Gwynns Falls Limited Partnership
c/o Mullan Enterprises	c/o Mullan Enterprises
2330 West Joppa Road, Suite 210	2330 West Joppa Road, Suite 210
Lutherville, MD 21093	Lutherville, MD 21093
410-494-9200	410-494-9200
Deed Reference: S.M. 8251/113	Deed Reference: S.M. 8250/830
Tax Acct. No.: 2100013796	Tax Acct. No.: 2100013797
Total Acreage = 10.28 AC	Total Net Acreage = 189.62 AC
	Total Gross Area = 189.99 AC

3. Election District 2; Councilmanic District 3; Census Tract 9026.1

4. Total Site Acreage: Net = 199.90 AC, Gross = 200.27 AC
Area of prior Special Exception & Special Hearing=2.854 Ac (01-463-SPHA))
Area of Zoning Hearing Request=13.372 Ac

5. Current Zoning & Density:

A. Allowable Density:
154.52 Ac
-2.85 Ac. (Special Exception Area for Convalescent/Nursing)
151.67 Ac. @ D.R. 3.5
151.67 Ac @ D.R. 3.5 = 530.85 Dwelling Units
2.72 Ac @ D.R. 2.0 = 5.44 Dwelling Units
43.03 Ac @ D.R. 1.0 = 43.03 Dwelling Units
579.32 Dwelling Units

B. Existing Density: (Phase 4) 183 Dwelling (Apartment) Units in the North Oaks Facility.

C. Proposed Density: (Phase 1) = 86 Dwelling Units
(72 Townhouse Condo Units & 14 Single Family Condo Units)
(Phase 2) = 107 Dwelling Units
(88 Townhouse Condo Units & 19 Single Family Condo Units)
(Phase 3) = 106 Dwelling Units
(106 Townhouse Condo Units & 0 Single Family Condo Units)

Phases 1,2,& 3 = 299 Dwelling Units
(266 Townhouse Condo Units & 33 Single Family Condo Units)

D. Future Density: (Phase 4) 97 Dwelling Units (Apartments) in the North Oaks Facility.
Total Phase 4: 183 + 97 = 280 Dwelling Units

E. Total Density Proposal = 579 Dwelling Units

Allowable density is based on current zoning and does not include the density increase from Case 00-136-SPHXA.

Unit breakdown is approximate and subject to change due to market conditions at time of development.

All units outside the North Oaks Facility will be for sale as condominiums.

6. Parking Required: 182
~~183~~ Existing Apartment Units in North Oaks Facility @ 1 space per 2 units = ~~92~~ 91 spaces
50 Existing Beds in North Oaks Facility @ 1 space per 10 beds = 5 spaces
36 ~~40~~ Additional Beds in North Oaks Facility @ 1 space per 10 Beds=~~3~~ 4 spaces
299 Proposed Single Family and TH Condo Units @ 2 spaces per unit =
598 spaces for residents
299 Proposed Single Family and TH Condo Units @ 0.3 spaces per unit =
90 spaces for non-residents
Total Spaces Required = ~~780~~ 788 spaces

Parking Provided: ~~191~~ ~~Existing spaces for North Oaks facility~~ 168, Spaces proposed following the North Oaks facility expansions
598 Proposed garage and driveway spaces for residents
95 Proposed parallel and perpendicular spaces for non-residents
Total Spaces Provided = ~~880~~ 861 spaces

Garages must remain for storage of cars and cannot be converted for other uses.

All driveways and parking areas will comply with Section 409 BCZR, be paved with a durable, dustless surface and be permanently striped. Parking spaces will be 8 1/2' X 18'.

All parking areas shall comply with Section IX.A.2 of the C.M.D.P. or Zoning Policy BM-11.

7. Active Open Space Required = 375 units x 650 s.f./unit = 243,750 s.f. = 5.60 Ac.
Passive Open Space Required = 375 units x 350 s.f./unit = 131,250 s.f. = 3.01 AC

Open space for 204 units provided in floodplain as shown on the Amended CRG plan approved 3/19/85.

Open space will be owned and maintained by an HOA/COA or privately.

The developer, not Baltimore County, shall be responsible for construction and installation of any amenities in the open space.

All Local Open Space shall be in compliance with the Local Open Space Manual, Latest Edition.

Temporary open space boundary markers, tree protection devices and four foot high snow fencing or approved equivalent shall be installed prior to any clearing or grading.

Within the area shown as open space, disturbance beyond that which is shown on the development plan shall not be allowed without prior approval from the Department of Recreation and Parks.

8. A landscape plan must be approved by the Office of Planning prior to the issuance of a building permit.

9. Estimated Average Daily Trips: for Existing & Proposed Units (Phases 1-4)

183 Existing Retirement Community Units @ 3.3	=	603.9
33 Single Family Detached Units @ 10.4	=	343.2
266 Townhouse Units @ 8.5	=	2261.0
Total	=	3208.1

10. Existing streams, wetlands, and forest buffers on the site are shown. The Gwynns Falls 100-year floodplain shown was taken from the Gwynns Falls Flood Plain Study by Baker-Wilbanley & Associates, Inc. The 100-Year floodplain shown for the unnamed tributary was taken from the Floodplain Study for the Unnamed Tributary of Gwynns Falls by DMW dated July 2000, revised August 2000.

11. There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer Easement, except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.

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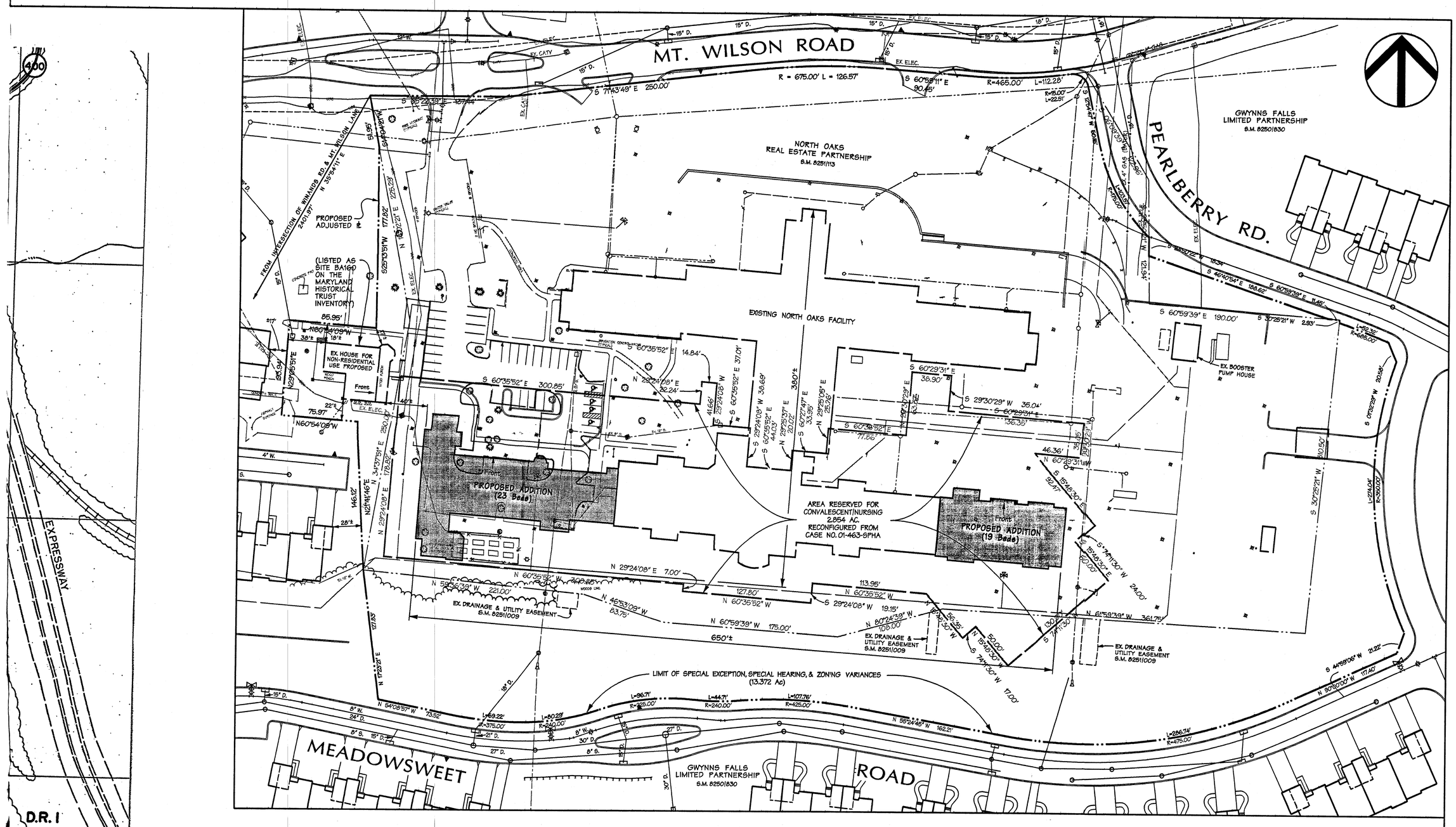


SPECIAL EXCEPTION, SPECIAL HEARING, & ZONING VARIANCE AREA 1"=50'

e shown hereon is subject to protective covenants which may be found in the Land Records of restrict disturbance and use of these areas.

rd less than two acres in size off-site that create an RTA on site are shown to the best of ective 300 and 250-foot arcs and required buffer areas.

ential Transition Area will not exceed 130 feet in length or 35 feet in average height. The uildings will be 1 ½ times the average height of the higher building. All required buffer e Baltimore County Landscape Manual. Some existing wooded areas will be retained as buffer tional planting. Street lighting will be in accordance with Baltimore County Standards and n or reflect upon adjoining residences.

With Basements	Without Basements	Roads and Streets
ng Hazard	Flooding Hazard	Flooding Hazard
ate: ately High rTable	Slight	Moderate: Moderately High Water Table; Slope
	Slight	Moderate: Slope
	Slight	Moderate: Slope
ate: Slope t Slope	Moderate: Slope Severe: Slope	Severe: Slope Severe: Slope
t High rTable	Moderate: High Water Table	Severe: High Water Table
t Slope ate: Slope t Slope t Slope	Severe: Slope Moderate: Slope Severe: Slope Severe: Slope	Severe: Slope Severe: Slope Severe: Slope Severe: Slope
t High rTable; atural Drainage	Severe: High Water Table; Poor Natural Drainage	Severe: High Water Table; Poor Natural Drainage

eas, endangered species habitats, or hazardous materials on the site. 12500 gallon fuel tank used for a diesel generator and fire pump is shown on the plan. This nd the results will be submitted to DEPRM.

wherever possible.

e existing building listed as BA160 on the Maryland Historical Trust Inventory, which is to

as granted by W-86-156 on July 17, 1986.

roved March 19, 1985. The first Amended CRG plan was approved October 9, 1987. The Second ved May 4, 2000. The First Revised, Second Amended CRG plan was approved June 13, 2001. mended CRG plan was approved on October 12, 2001.

ion 450 of the Baltimore County Zoning Regulations.

ntire property are private with the exception of the existing Gwynns Falls Interceptor sewer, nnamed tributary, and the proposed sewer extension for the Watcher and Breckenridge

23. Adequately sized turnarounds will be provided on all private roads for sanitation and emergency vehicle use. A turnaround for Mt. Wilson Lane will be provided at the gatehouse near the Clubhouse.

24. Trash and refuse will be collected by public or private contractor. Can pickup will be provided for single family and townhouse units.

25. The exact location of curb cuts for driveway or parking pad entrances is to be determined by owner when exact building models become available but prior to installation of street curbs.

26. All accessory uses shall conform to BCZR Section 432.1.B.3.

27. Envelopes shown hereon are for the location of all principal buildings only. Accessory structures, fences and projections into yards may be constructed outside the envelope, but must comply with Sections 400 and 301 of the Baltimore County Zoning Regulations, (Subject to covenants and applicable buildings permits).

28. Accessory structures, fences and projections into yard cannot be located in flood plain areas or hydric soils.

29. If drainage, utility and walkway easements are fenced, than at least 5 feet must remain open for pedestrian access.

30. Proposed building heights shall not exceed 50 feet unless a variance is requested and granted.
Proposed building widths shall not exceed 300 feet unless a variance is requested and granted.

31. Clubhouse, pool, and tennis courts are for use of the North Oaks residents and their guests only.

32. All sidewalks shall be 6 feet in width unless otherwise noted.

33. All streets shall be 30 feet in width unless otherwise noted.

34. Zoning Setbacks (Subject to variances granted by case no. 01-463-SPHA)

Minimum setbacks are as follows:

30 feet building to tract boundary
50 feet building to existing street centerline
25 feet building to existing street right-of-way
22 feet garage or carport to street right-of-way

Where windows are provided, they will meet the following minimum setbacks:

35 feet window to tract boundary
15 feet window to lot line
40 feet between opposing windows
25 feet window to street right-of-way

Buildings in RTA's will conform to the following restrictions:

75 feet front and side setback from tract boundary
150 feet rear setback from tract boundary
75 feet parking setback
35 feet maximum building height
130 feet maximum building length
Distance between facing elevations will be 1 ½ times the height of the highest building.

35. Director of PDM Note

This development plan is approved by the Director of PDM based on his interpretation of the Zoning Regulations, that is complies with present policy, density and bulk controls as they are delineated in the Regulations. Any part or parcel of this tract that has been utilized for density to support dwellings shown thereon shall not be further divided, subdivided or developed for additional dwellings or any purpose other than that indicated presently on said plan. Utilization will have occurred when a dwelling is constructed and transferred for the purpose of occupancy.

36. "Plat of Phase 4, North Oaks, Health Care Facility", to reconfigure the North Oaks Real Estate Partnership property to 13.372 acres, as shown on this plan, has been submitted to Baltimore County for review and approval.

Zoning Relief

1. Special Exception pursuant to BCZR Sections 1B01.2.B.2, 502, and 504 and Section V.D.4.a of the CMDP (1970) to permit maximum building lengths of 650 feet (east to west) and 380 feet (north to south) in lieu of the maximum 490 feet and 330 feet approved in Case No. 88-19-XSPH
2. Variance pursuant to BCZR Sections 1B02.2.B, 102.2, and 504 and Section V.B.2 of the CMDP (1970) to permit a combined front and side yard setback of 40 feet in lieu of the required 70 feet.
3. Variance pursuant to BCZR Sections 1B02.2.B and 504 and Section V.B.2 of the CMDP (1970)to permit a 17 foot side yard setback in lieu of the required 20 feet.
4. Variance pursuant to BCZR Sections 1B01.2.B and 504 and Section V.B.2 of the CMDP (1970)to permit an 18 foot rear yard setback in lieu of the required 30 feet if necessary.
5. Special Hearing to amend the latest approved site plan and all prior zoning relief.
6. Special Hearing to amend the latest approved partial and final development plans.
7. Special Hearing to reconfigure the 2.854 acre area reserved for convalescent/nursing established in Case Number 01-463-SPHA.

Area for Special Hearing = 13.372 Acres ±

DMW
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705
A Team of Land Planners, Landscape Architects, Golf Course Architects, Engineers, Surveyors & Environmental Professionals

Plan to Accompany Petition For Zoning Variances, Special Hearing, & Special Exception

North Oaks

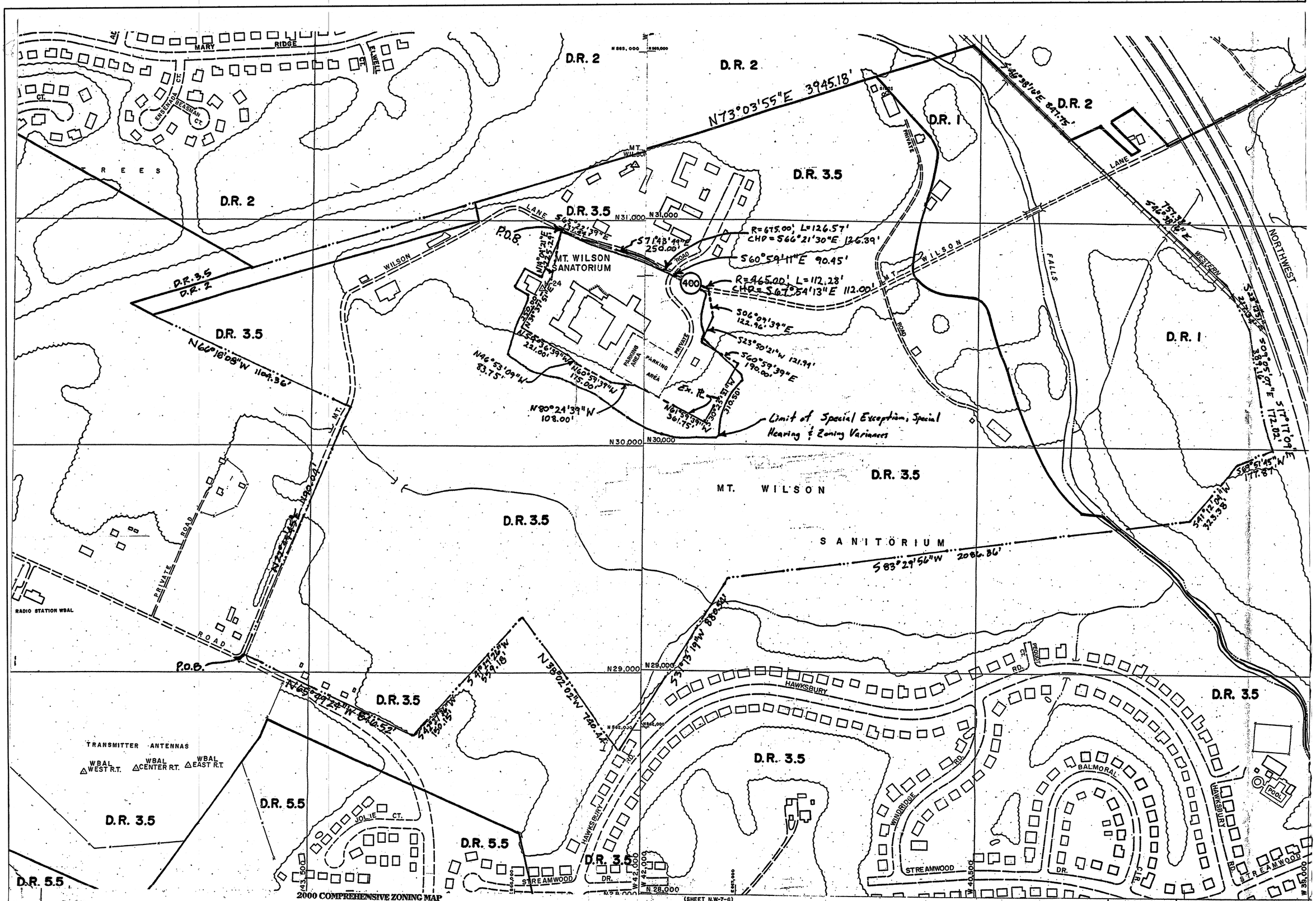
725 Mt. Wilson Lane
PDM File # II - 329
Election District 2 - Councilmanic District 2 - Baltimore County, Maryland

STATE OF MARYLAND JOHN ROBERT GREEN No. 11873 REGISTERED PROFESSIONAL ENGINEER

DATE	BY	REVISIONS

ISSUE DATES
REVIEW: 7-01-02
BID:
PERMIT:
CONSTRUCTION:
BASE:
DRAWN: CMR/MSS
DESIGNED:
CHECKED BY:
DATE CHECKED:
SCALE: As Shown
PROJECT NO.: 84142.DA
DRAWING: 2 of 2

Tue Jul 2 10:25:34 2002 N:\84142.DA\84142dcvp3



2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00.

Chairman, County Council

P-SE
P-NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION
1" = 200'±	MT.WILSON WOODHOLME
DATE OF PHOTOGRAPHY JANUARY 1986	

Zoning History

Case No. 86-2-XA

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of July, 1985, that the Petition for Special Exception for a convalescent home and, additionally, the Petition for Zoning Variances to permit a building length of 475 feet instead of the maximum permitted 300 feet and a building height of 150 feet instead of the maximum permitted 50 feet be and are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief herein granted:

1. The petitioner may apply for its building permits and be granted same upon receipt of this Order* however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Agreement of Sale entered into and executed by and between the State of Maryland and the Petitioner, dated June 15, 1984, shall be incorporated into and made a part of this Order in its entirety.
3. The special exception and variance to Section 1B01.2.B.2 shall be utilized within five years from the date of this Order.

Case No. 88-19-XSPH

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 31st day of July, 1987, that the Petition for Special Exception to permit building elevation widths of 490 feet and 550 feet in lieu of the maximum allowed 300 feet be and the same is hereby GRANTED and, additionally, the amendment to the site plan filed in Case No.86-2-XA to reflect same be approved and, as such, the Petition for Special Hearing is hereby GRANTED from and after the date of this Order.

Case No. 00-136-SPHXA

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of November, 1999 that the Petitioner's Request for Special Exception to approve a continuing care facility in a DR3.5 zone pursuant to Section 432.1.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) and to approve an increase in the residential density standards for elderly housing on the subject property which contains institutional buildings from a 3.5 density units per acre to 11.3 density units per acre in accordance with Section 432.3 of the Baltimore County Zoning Regulations, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the Petition for Special Hearing request to amend the relief which was granted in Case Nos. 86-2-XA and 88-19-XSPH, be and is herby GRANTED.

IT IS FURTHER ORDERED, that the Petition for Variance filed requesting the following relief:

1. Variance to Sections 1B01.2.B.2 and 504.2 of the Baltimore County Zoning Regulations and Section II.A.29 (Non-Residential Principal Buildings in DR Zones) of the Comprehensive Manual of Development Policies to allow building elevation widths of 525 ft. and 550 ft. in lieu of the permitted 300 ft.
2. Variance to Section 1B01.2.C.a of the Baltimore County Zoning Regulations to permit a front yard setback of 21 ft. in lieu of the required 50 ft.
3. Variance to Section 1B01.2.C.a of the Baltimore County Zoning Regulations to permit a side yard setback of 0 ft. in lieu of 20 ft., if necessary.
4. Variance to Section 1B01.2.C.a of the Baltimore County Zoning Regulations to permit a rear yard setback of 0 ft. in lieu of 30 ft., if necessary.

be and is hereby GRANTED, subject, however, to the restrictions listed below which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of the Order* however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Pursuant to the comment issued by the Planning Office, the Petitioners shall amend their site plan to identify the three (3) buildings with the MH Maryland Historic Trust No. BA160.
3. Any subsequent development occurring outside this special exception area, in the area which was the subject of the original CRG approval for this process shall be reviewed through the new development review process and shall not be considered an amendment to the previously approved CRG plan.
4. When applying for a building permit, the site plan/landscape plan filed must reference this case and set forth and address the restrictions of the Order.

Amended Case No. 00-136-SPHXA

NOW, THEREFORE, having considered the Motion for reconsideration filed by the Petitioners herein, I find that my original findings of Fact and Conclusions of Law should be amended to provide as follows:

1. As a result of a meeting between the Petitioners and the Director of the Office of Planning, Arnold Pat Keller, Restriction No. 3, previously imposed by my original decision, shall be deleted in its entirety. Any further development occurring outside the special exception area identified on the site plan submitted should be reviewed and approved by the Director of the Department of Permits and Development Management.
2. The Petitioners requested that the utilization of the special exception granted in my original Order by extended to 5 (five) years in lieu of the normally permitted 2 (two) years. That request was omitted from my original Order and, therefore, this Order shall provide that the Petitioners shall have 5 (five) years within which to utilize the special exception granted by way of my Order dated this 22nd day of November, 1999.
3. Finally, the original Findings of Fact and Conclusions of law reference the special exception area as being 28 acres. The Petitioner has pointed out, by way of his motion for reconsideration, that the actual special exception area is 24 acres. Therefore, the Finding shall be amended to accurately show that the special exception area is 24 acres in size.

Case No. 01-463-SPHA

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of August, 2001 that the Petitioner's request for a special hearing to amend the special exception area previously approved in Case No. 86-2-XA and variance relief as contained within the chart located ion Exhibit 7A, the revised site plan, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their 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 such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall be required to submit to Mr. Avery Harden, Landscape Architect for Baltimore County, a landscape plan depicting the vegetation that is to be retained along the rear of those homes situated on Windmill Circle, Dutch Mill Road, and Winands Road. This landscape plan shall not only show vegetation to be retained, but also any additional plantings that, at the discretion of Mr. Avery Harden, would be needed in order to further screen the new homes to be constructed on this property from the existing homes located on the aforementioned roads. Said landscape plan shall be submitted within sixty (60) days from the date of this order.
3. The entrance to this subdivision from Winands Road shall be a gated entrance which shall not be open for use by the general public. This may help to alleviate any shortcutting that may occur by virtue of this development being constructed.
4. The sale of any of these homes to be constructed upon the Petitioner's property shall be sold to the residents, one of which must be at least 55 years of age or older. This is consistent with the representations made at the hearing before me and the deed from which the Petitioners took title.
5. When applying for building permits, the site plan filed must reference this case and set forth and address the restrictions of this order.

General Notes

1. Applicant:
North Oaks Limited Partnership
c/o Koren Development Company, Inc.
8815 Centre Park Drive, Suite 104
Columbia, MD 21045
(410) 740-1010

2. Owners:

North Oaks Real Estate Partnership
c/o Mullan Enterprises
2330 West Joppa Road, Suite 210
Lutherville, MD 21093
410-494-9200

Deed Reference: S.M. 8251/113
Tax Acct. No.: 2100013796
Total Acreage = 10.28 AC

Gwynne Falls Limited Partnership
c/o Mullan Enterprises
2330 West Joppa Road, Suite 210
Lutherville, MD 21093
410-494-9200

Deed Reference: S.M. 8250/830
Tax Acct. No.: 2100013797
Total Net Acreage = 189.62 AC
Total Gross Area = 189.99 AC

3. Election District 2; Councilmanic District 3; Census Tract 9026.1

4. Total Site Acreage: Net = 199.90 AC, Gross = 200.27 AC
Area of prior Special Exception & Special Hearing=2.854 Ac (01-463-SPHA)
Area of Zoning Hearing Request=13.372 Ac

5. Current Zoning & Density:

A. Allowable Density:
154.52 Ac.
-2.85 Ac. (Special Exception Area for Convalescent/Nursing)
151.67 Ac @ D.R.3.5
151.67 Ac @ D.R.3.5 = 530.85 Dwelling Units
2.72 Ac @ D.R.2.0 = 5.44 Dwelling Units
43.03 Ac @ D.R.1.0 = 43.03 Dwelling Units
579.32 Dwelling Units

B. Existing Density: (Phase 4) 183 Dwelling (Apartment) Units in the North Oaks Facility.

C. Proposed Density: (Phase 1) = 86 Dwelling Units
(72 Townhouse Condo Units & 14 Single Family Condo Units)
(Phase 2) = 107 Dwelling Units
(88 Townhouse Condo Units & 19 Single Family Condo Units)
(Phase 3) = 106 Dwelling Units
(106 Townhouse Condo Units & 0 Single Family Condo Units)

Phases 1,2,& 3 = 299 Dwelling Units
(266 Townhouse Condo Units & 33 Single Family Condo Units)

D. Future Density: (Phase 4) 97 Dwelling Units (Apartments) in the North Oaks Facility.
Total Phase 4:183 + 97 = 280 Dwelling Units

E. Total Density Proposal = 579 Dwelling Units

Allowable density is based on current zoning and does not include the density increase from Case 00-136-SPHXA.

Unit breakdown is approximate and subject to change due to market conditions at time of development.

All units outside the North Oaks Facility will be for sale as condominiums.

6. Parking Required:
183 Existing Apartment Units in North Oaks Facility @ 1 space per 2 units = 92 spaces
50 Existing Beds in North Oaks Facility @ 1 space per 10 beds = 5 spaces
42 Additional Beds in North Oaks Facility @ 1 space per 10 Beds=5 spaces
299 Proposed Single Family and TH Condo Units @ 2 spaces per unit = 598 spaces for residents
299 Proposed Single Family and TH Condo Units @ 0.3 spaces per unit = 90 spaces for non-residents

Total Spaces Required = 790 spaces

Parking Provided: 197 Existing spaces for North Oaks facility
598 Proposed garage and driveway spaces for residents
95 Proposed parallel and perpendicular spaces for non-residents

Total Spaces Provided = 890 spaces

Garages must remain for storage of cars and cannot be converted for other uses.

All driveways and parking areas will comply with Section 409 BCZR, be paved with a durable, dustless surface and be permanently striped. Parking spaces will be 8'/2' X 18'.

All parking areas shall comply with Section IX.A.2 of the C.M.D.P. or Zoning Policy BM-11.

7. Active Open Space Required = 375 units x 650 s.f./unit = 243,750 s.f. = 5.60 Ac.
Passive Open Space Required = 375 units x 350 s.f./unit = 131,250 s.f. = 3.01 AC

Open space for 204 units provided in floodplain as shown on the Amended CRG plan approved 3/19/85.

Open space will be owned and maintained by an HOA/COA or privately.

The developer, not Baltimore County, shall be responsible for construction and installation of any amenities in the open space.

All Local Open Space shall be in compliance with the Local Open Space Manual, Latest Edition.

Temporary open space boundary markers, tree protection devices and four foot high snow fencing or approved equivalent shall be installed prior to any clearing or grading.

Within the area shown as open space, disturbance beyond that which is shown on the development plan shall not be allowed without prior approval from the Department of Recreation and Parks.

8. A landscape plan must be approved by the Office of Planning prior to the issuance of a building permit.

9. Estimated Average Daily Trips for Existing & Proposed Units (Phases 1-4):

183 Existing Retirement Community Units @ 3.3	=	603.9
33 Single Family Detached Units @ 10.4	=	343.2
266 Townhouse Units @ 8.5	=	2261.0
Total	=	3208.1

10. Existing streams, wetlands, and forest buffers on the site are shown. The Gwynns Falls 100-year floodplain shown was taken from the Gwynns Falls Flood Plain Study by Baker-Wilbarley & Associates, Inc. The 100-Year floodplain shown for the unnamed tributary was taken from the Floodplain Study for the Unnamed Tributary of Gwynns Falls by DMW dated July 2000, revised August 2000.

11. There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer Easement, except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.

12. Any Forest Buffer Ease
Baltimore County and w

13. All dwellings and lots of
our knowledge with their

14. Proposed buildings in a
minimum distance betw
plantings will comply wit
Other areas will require
located so as not to sh

15. Soil Limitations

Soil Series and Symbol	
Codorus (Cu)	Fl
Delanco (DeB)	Mi
	Mi
	Wi
Elkton (ElB2)	Sl
Glenelg (GcB2)	Sl
(GcC2)	Mi
(GcD2)	Sl
Glenville (Gnb)	Sl
	Wi
Manor (MbD2)	Sl
(McC2)	Mi
(McD2)	Sl
(MdE)	Sl
Melvin (Mn)	Sl
	Wi
	Pr

16. There are no known Critic
The approximate locatio
tank will be precision sc

17. Existing trees will be ret

18. Access shall be provided
be retained.

19. A Waiver of Plan for Phe

20. The original CRG plan wa
Amended CRG plan was
The Second Revised, Seco

21. All signage to conform t

22. All roads and utilities o
the existing sewer along
properties.

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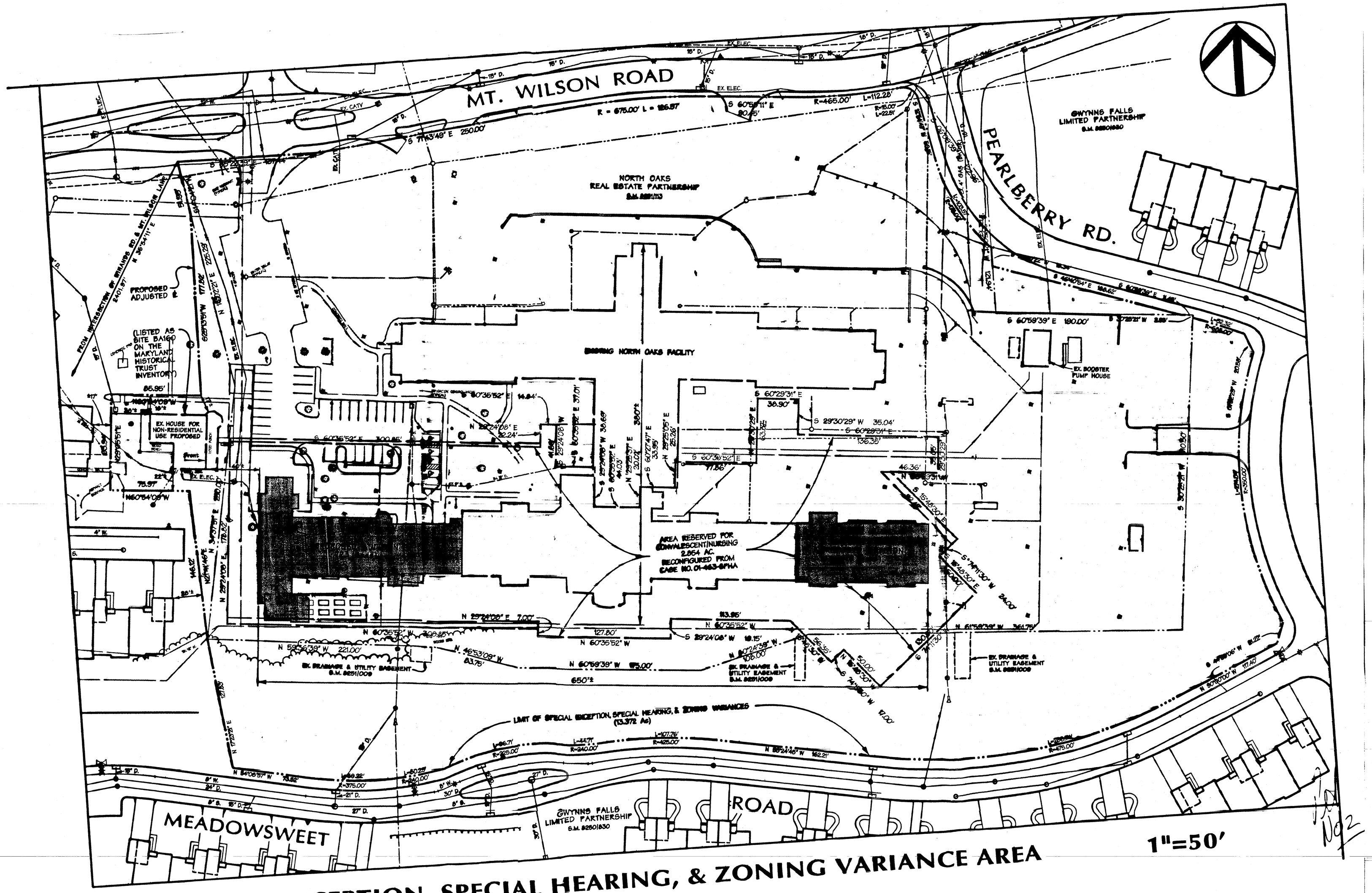

SPECIAL EXCEPTION, SPECIAL HEARING, & ZONING VARIANCE AREA