IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE	*	BEFORE THE
NE/C Winands Road and Mt. Wilson Lane	*	DEPUTY ZONING COMMISSIONER
2nd Election District	*	OF BALTIMORE COUNTY
2nd Councilmanic District (725 Mt. Wilson Lane)	*	CASE NO. 03-396-SPHXA
North Oaks Real Estate Partnership	*	
By: Mullan-North Oaks Limited Partnership		
By: Rosedale Co., Inc.	*	
Norman W. Wilder, President		
Petitioners	*	

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing, Special Exception and Variance filed by the legal owner of the subject property, the North Oaks Real Estate Partnership. The Petitioners are requesting zoning relief for property they own located at 725 Mt. Wilson Lane.

Appearing at the hearing on behalf of the zoning requests were Mitch Kellman and Bob Green, representing Daft, McCune & Walker, the engineers who prepared the site plan of the property, Joe Caloggero, representing The Traffic Group, and Rob Hoffman, attorney at law, representing the Petitioners. Others appeared on behalf of the owner of the property. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this zoning request, is the campus of the North Oaks Continuing Care Community. The Petitioners are proposing three separate additions to the existing facility at that location. The proposed additions are shaded in gray on Petitioners' Exhibit No. 1A, the site plan submitted into evidence.

The testimony and evidence demonstrated that North Oaks is interested in constructing a five-story addition which would contain 42 separate apartment units, a three-story addition

4/21/03 R Jameson

which would contain 40 apartments and finally, a proposed addition to the existing cafeteria. In order to proceed with the planned improvements to the property, the special hearing relief to utilize the previously approved height variances granted in Case No. 86-02-XA, approval to reconfigure the 2.854 acre area reserved for convalescent/nursing home established in Case No. 01-463-SPHA and to amend the latest approved site plan in Case No. 03-006-SPHXA, as well as the latest approved Partial and Final Development Plans is necessary. After considering the testimony and evidence offered at the hearing, I find that the special hearing relief should be granted as previously recited.

The Petitioners are also requesting special exception relief to permit maximum building lengths of 650 ft. East to West and 490 ft. North to South in lieu of the maximum permitted length of 650 ft. and 380 ft., which was previously approved in Case No. 03-006-SPHXA. This particular special exception request is very common when expansions to institutional uses such as this are proposed. One of the design features of these continuing care/nursing home facilities is that one of the amenities offered to the residents who live on the property is the interconnection of all the buildings on the campus. This allows residents to move freely about the facility without having to go outside a particular building. This is especially beneficial during inclement weather. Therefore, in order to allow the interconnection of these buildings, the special exception relief is necessary.

After considering the testimony and evidence offered at the hearing and the lack of opposition thereto, I find that the special exception to permit maximum building lengths of 650 ft. (East to West) and 495 ft. (North to South) in lieu of the maximum 650 ft. and 380 ft., previously approved in Case No. 03-006-SPHXA should be granted.

The Petitioners had the burden of adducing testimony and evidence which shows that this development proposal meets the prescribed standards and requirements set forth in Section 502.1

4/21/03 J P Jameson

of the Baltimore County Zoning Regulations. The Petitioners have shown that the proposed building lengths will not be detrimental to the neighborhood and will not adversely affect the public interest. The facts and circumstances do not show that this development at this particular location described by Petitioners' Exhibit No. 1 has any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

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

Finally, the Petitioners are requesting variance relief which applies to the distance these new proposed additions are set back from Mt. Wilson Road.

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).

4/21/03 L. Jameson

It should be noted that no Baltimore County reviewing agency had any objection to the additions proposed by the North Oaks Retirement Community. The Office of Planning, however, did request that elevation drawings of the buildings to be constructed on the property be submitted to them prior to the issuance of permits for same. In addition, the Office of Planning has recommended that an additional note be placed on the site plan. The language for the note shall read as follows. "The Mt. Wilson Sanitarium located at 725 Mt. Wilson Road, which bears MHT Inventory No. BA-160 shall be preserved. All alterations or changes to the exterior of this building, either in materials or design, or both, shall be subject to the approval of the Director of the Office of Planning. These changes shall include, but are not limited to, window replacements, siding replacements, roof replacements, partial demolitions and additions. In reviewing any proposed changes for the Mt. Wilson Sanitarium, the Director of the Office of Planning shall be guided by the Secretary of the Interiors Standards." The request of the Office of Planning shall also be imposed as a condition of approval of the zoning relief requested.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and for the reasons given above, the requested relief shall be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 21st day of April, 2003, that the request for special hearing relief to utilize the previously approved height variances granted in Case No. 86-02-XA, approval to reconfigure the 2.854 acre area reserved for convalescent/nursing home established in Case No. 01-463-SPHA, and to amend the latest approved site plan in Case No. 03-006-SPHXA, as well as the latest approved Partial and Final Development Plans, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the special exception request to permit maximum building lengths of 650 ft. East to West and 490 ft. North to South in lieu of the previously approved 650 ft. and 380 ft., be and is hereby GRANTED.

4/21/03
L. Jameson

IT IS FURTHER ORDERED, that the variance request, to permit minimum distances of 10, 17 and 20 ft. from window to lot line and window to street right-of-way in lieu of the required 15 and 25 ft., respectively and variance relief to permit minimum distances of 10, 17 and 20 ft. from building to street right-of-way in lieu of the require 25 ft. and 25, 32 and 35 ft. from building to centerline of street right-if-way in lieu of the required 50 ft., be and is hereby GRANTED, subject, however, to the following conditions and restrictions:

1. The Petitioners shall be required to submit to the Office of Planning elevation drawings of the additions proposed to be constructed on the property prior to the issuance of permits for same.

2. The Petitioners must comply with the recommendations of the Office of Planning, that an additional note be placed on the site plan of the property. The language for the note shall read as follows. "The Mt. Wilson Sanitarium located at 725 Mt. Wilson Road, which bears MHT Inventory No. BA-160 shall be preserved. All alterations or changes to the exterior of this building, either in materials or design, or both, shall be subject to the approval of the Director of the Office of Planning. These changes shall include, but are not limited to, window replacements, siding replacements, roof replacements, partial demolitions and additions. In reviewing any proposed changes for the Mt. Wilson Sanitarium, the Director of the Office of Planning shall be guided by the Secretary of the Interiors Standards."

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

Timothy Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

4/21/03
R. Jemison

Baltimore County
Zoning Commissioner

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

April 21, 2003

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

Re: Petitions for Special Hearing, Special Exception & Variance
Case No. 03-396-SPHXA
Property: 725 Mt. Wilson Lane

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing, special exception 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 M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Printed with Soybean Ink
on Recycled Paper

Copies to:

Norm Wilder
2330 W. Joppa Road, #210
Lutherville, MD 21093

Mitch Kellman
Bob Green
Daft, McCune & Walker
200 E. Pennsylvania Avenue
Towson, MD 21286

Joe Caloggero
The Traffic Group
9900 Franklin Square Drive, Suite H
Baltimore, MD 21236

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 725 Mt. Wilson Lane

which is presently zoned DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

Robert A. Hoffman /PAM

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

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JRF Date 2/25/03

Case No. 03-396-SPHXA

RZV 9/15/98

2/21/03 JR Johnson

PETITION FOR SPECIAL HEARING

Petition for Special Hearing to utilize the height variance approved in Case No. 86-2-XA for the building addition.

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 in Case No. 03-006-SPHXA.

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

Signature Page

Legal Owner:

North Oaks Real Estate 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

#396

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 725 Mt. Wilson Lane

which is presently zoned DR 3.5

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

See Attached.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

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

Robert A. Hoffman /PAM

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

Case No. 03-396-SPHXA

Hearing Reserved 09/15/98

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JRF Date 2-25-03

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 495 feet (North to South) in lieu of the maximum 650 feet and 380 feet, respectively, approved in Case No. 03-006-SPHXA.

#396

Signature Page

Legal Owner:

North Oaks Real Estate 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 DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

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

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print

Robert A. Hoffman /PAM
Signature

Venable, Baetjer and Howard, LLP
Company

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

Towson — Md. — 21204
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

Representative to be Contacted:

Robert A. Hoffman
Name

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

Towson — Md. — 21204
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____
Reviewed By JRF Date 2/25/03

Case No. 03-396-SPHXA

REV 9/15/98

4/21/03 Zoning

PETITION FOR VARIANCE

Petition for Variance pursuant to Baltimore County Zoning Regulations ("BCZR") Section 504 (1981) and Sections V.B.6.a and V.B.6.b of the Comprehensive Manual of Development Policies ("CMDP") (1970) to permit minimum distances of 10, 17 and 20 feet from window to lot line and window to street right-of-way in lieu of the required 15 and 25 feet, respectively.

add

Petition for Variance pursuant to BCZR Sections 1B01.2.C.3 and 504 (1981) and Section V.B.9 of the CMDP (1970) to permit minimum distances of 10, 17 and 20 feet from building to street right-of-way in lieu of the required 25 feet and 25, 32 and 35 feet from building to centerline of street right-of-way in lieu of the required 50 feet.

#396

Signature Page

Legal Owner:

North Oaks Real Estate 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

#396

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

396

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.

February 24, 2003

Project No. 84142 (L84142-1)

396

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: #03-396-SPHXA
725 Mt. Wilson Lane
N/east corner of Winands and Mt. Wilson Lane
2nd Election District – 2nd Councilmanic District
Legal Owner(s): Norman W. Wilder, Pres., North Oaks Real Estate Partnership by Mullan-North Oaks Limited Partnership, Rosedale Co., Inc.

Special Hearing: to utilize the height variance approved in Case No. 86-2-XA. To reconfigure the 2.584 acre area reserved for convalescent/nursing home established in Case No. 01-463-SPHA. To amend the latest approved site plan in Case No 03.006-SPHXA To amend the latest approved partial and final development plans **Special Exception:** to permit maximum building lengths of 650 feet and 495 feet in lieu of the maximum 650 feet and 380 feet, approved in Case No. 03-006-SPHXA. **Variance:** to permit minimum distances of 10, 17 and 20 feet from window to lot line and window to street r/w in lieu of the required 15 and 25 feet respectively To permit minimum distances of 10, 17 and 20 feet from building to street r/w in lieu of the required 25 feet and 25 32 feet and 35 feet from building to street centerline in lieu of the required 50 feet.

Hearing: Friday, April 11, 2003 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.

3/386 Mar. 27 C594620

CERTIFICATE OF PUBLICATION

3/27/, 2003

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 3/27/, 2003.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 22321

DATE 2-25-03 ACCOUNT 001-006-6150

AMOUNT $ 800.00

RECEIVED FROM: Mullan Holdings Inc.
725 Mt. Wilson Ln.

FOR: SPHXA

ITEM # 356
Taken by: JRF

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
2/26/2003	2/25/2003	15:22:40	4

REG W906 WALKIN KMCM KMM
>>RECEIPT # 136567 2/25/2003 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 022321
Recpt Tot $800.00
800.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No. 03-396-SPHXA

Petitioner/Developer North Oaks Real Estate Partnership

Date of Hearing/Closing April 11, 2003 10:00 a.m.

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

RECEIVED
APR 7 2003
ZONING COMMISSIONER

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 725 MT WILSON LANE

2 SIGNS POSTED

The signs were posted on March 27, 2003
(Month, Day, Year)

Sincerely,

3/27/03
(Signature of Sign Poster and Date)

James C. Mathias
(Printed Name)

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

410-296-3333
(Telephone Number)

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

March 17, 2003

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: 03-396-SPHXA
725 Mt. Wilson Lane
N/east corner of Winands and Mt. Wilson Lane
2nd Election District – 2nd Councilmanic District
Legal Owner: Norman W. Wilder, Pres., North Oaks Real Estate Partnership by Mullan-North Oaks Limited Partnership, Rosedale Co., Inc.

Special Hearing to utilize the height variance approved in Case No. 86-2-XA. To reconfigure the 2.584 acre area reserved for convalescent/nursing home established in Case No. 01-463-SPHA. To amend the latest approved site plan in Case No. 03.006-SPHXA. To amend the latest approved partial and final development plans. Special Exception to permit maximum building lengths of 650 feet and 495 feet in lieu of the maximum 650 feet and 380 feet, approved in Case No. 03-006-SPHXA. Variance to permit minimum distances of 10, 17 and 20 feet from window to lot line and window to street r/w in lieu of the required 15 and 25 feet respectively. To permit minimum distances of 10, 17 and 20 feet from building to street r/w in lieu of the required 25 feet and 25.32 feet and 35 feet from building to street centerline in lieu of the required 50 feet.

Hearings: Friday, April 11, 2003 at 10:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue

Arnold Jablon
Director

AJ:klm

C: Robert A Hoffman, Venable, Baetjer & Howard, LLP, 210 Allegheny Avenue, Towson 21204
Norman Wilder, Pres., Mullan Enterprises, LLC. 2330 W. Joppa Rd., Suite 210 Lutherville 21093

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MARCH 27, 2003.**
(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

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 27, 2003 Issue - Jeffersonian

Please forward billing to:
Amy Dontell
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: 03-396-SPHXA
725 Mt. Wilson Lane
N/east corner of Winands and Mt. Wilson Lane
2nd Election District – 2nd Councilmanic District
Legal Owner: Norman W. Wilder, Pres., North Oaks Real Estate Partnership by Mullan-North Oaks Limited Partnership, Rosedale Co., Inc.

Special Hearing to utilize the height variance approved in Case No. 86-2-XA. To reconfigure the 2.584 acre area reserved for convalescent/nursing home established in Case No. 01-463-SPHA. To amend the latest approved site plan in Case No. 03.006-SPHXA. To amend the latest approved partial and final development plans. Special Exception to permit maximum building lengths of 650 feet and 495 feet in lieu of the maximum 650 feet and 380 feet, approved in Case No. 03-006-SPHXA. Variance to permit minimum distances of 10, 17 and 20 feet from window to lot line and window to street r/w in lieu of the required 15 and 25 feet respectively. To permit minimum distances of 10, 17 and 20 feet from building to street r/w in lieu of the required 25 feet and 25.32 feet and 35 feet from building to street centerline in lieu of the required 50 feet.

Hearings: Friday, April 11, 2003 at 10:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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: 03-396-SPHXA

Petitioner: North Oaks Real Estate Partnership

Address or Location: 725 Mt. Wilson Lane

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dunkell

Address: 210 Allegheny Avenue

Towson, Maryland 21204

Telephone Number: 410 494-6244

Revised 2/20/98 - SCJ

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

April 4, 2003

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

Dear Mr. Hoffman:

RE: Case Number: 03-396-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 February 25, 2003.

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.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
North Oaks Real Estate Partnership, Norman Wilder, President, 2330 W. Joppa Road, Suite 210, Lutherville MD 21093

Printed with Soybean Ink
on Recycled Paper

Baltimore County
Fire Department

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

March 20, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: March 17, 2003

Item No.: (396) - 406

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

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

cc: File

SHA
State Highway Administration
Driven to Excel

MARYLAND DEPARTMENT OF TRANSPORTATION
Robert L. Ehrlich, Jr., *Governor* • Michael S. Steele, *Lt. Governor* • Trent M. Kittleman, *Acting Secretary*

Date: 3.18.03

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

RE: Baltimore County
Item No. 396 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

Sim 4/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 10, 2003

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

RECEIVED
APR 1 0 2003
ZONING COMMISSIONER

SUBJECT: North Oaks – **REVISED COMMENTS**

INFORMATION:

Item Number: 03-396

Petitioner: North Oaks Real Estate Partnership

Zoning: DR 3.5

Requested Action: Special Hearing/Special Exception/Variance

SUMMARY OF RECOMMENDATIONS:

The proposed addition on the property at No. 725 Mt. Wilson Lane involves an existing building that is listed on the Maryland Historical Trust Inventory as MHT # BA 160 (also known as the Mt. Wilson Sanitarium).

The Office of Planning recommends that the Hearing Officer require that the special exception plan contain the following note:

> "The building located on the property at 725 Mt. Wilson Road is listed as # BA 160 (Mt. Wilson Sanitarium) on the Maryland Historical Trust (MHT) Inventory of Historic Properties.
> As a condition of this special exception, and for compliance with County Code Section 26-278 that the historic structure must be preserved, all alterations or changes to the exterior of the structure, either in materials or design or both, are subject to approval by the Director of the Office of Planning. These changes include, but are not limited to, alterations such as: window replacements, siding replacements, roof replacements, partial demolitions, and additions. In reviewing requests for changes the Director shall be guided by the Secretary of the Interior's Standards.

In addition to the above, submit elevation drawings for the new additions and a grading plan to this office for review and approval prior to the issuance of any building permits.

Prepared by: Marta A Cunningham

Section Chief: Lynn Lanham

AFK/LL:MAC:

Sup 4/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 26, 2003

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

RECEIVED
MAR 27 2003
ZONING COMMISSIONER

SUBJECT: North Oaks

INFORMATION:

Item Number: 03-396

Petitioner: North Oaks Real Estate Partnership

Zoning: DR 3.5

Requested Action: Special Hearing/Special Exception/Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request contingent upon the following:

1. Submit elevation drawings for the new additions and a grading plan to this office for review and approval prior to issuance of any building permits.
2. It should be noted that one of the additions is in proximity to an existing building designated as BA #160 identified to be retained on the site plan.

Prepared by: Marcia A Cunningham

Section Chief: Lynn Lochner

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 24, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For March 24, 2003
Item Nos. 396, 397, 398, 400, 401,
403, 404, 405, and 406

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

RWB:CEN:jrb

cc: File

ZAC-3-24-2003-NO COMMENT ITEMS-03242003

RE:	PETITION FOR SPECIAL HEARING SPECIAL EXCEPTION & VARIANCE 725 Mt. Wilson Lane; N/E corner Winands & Mt. Wilson Lane 2nd Election & 2nd Councilmanic Districts Legal Owner(s): Norman W Wilder, Pres. North Oaks Real Estate Pship by Mullan- North Oaks Ltd Pship, Rosedale Co, Inc Petitioner(s)	* * * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 03-396-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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of March, 2003, a copy of the foregoing Entry of Appearance was mailed to Robert A Hoffman, Esquire, Venable, Baetjer & Howard, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

File

VENABLE LLP

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517

Telephone 410-494-6200
Facsimile 410-821-0147

www.venable.com

Patricia A. Malone
Of Counsel
(410) 494-6206

pamalone@venable.com

September 30, 2003

HAND-DELIVERED

Lawrence E. Schmidt, Zoning
Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

Re: North Oaks Retirement Community – 725 Mt. Wilson Lane
Petitions for Special Hearing, Special Exception and Variance
Case No. 03-396-SPHXA

Dear Commissioner Schmidt:

In preparing the final development plan for the above-referenced project, the engineer has brought to our attention what appears to be a typographical error in the Order issued by the former Deputy Zoning Commissioner, Timothy M. Kotroco, in Case No. 03-396-SPHXA.

In that case, Petitioner requested, among other forms of relief, a Petition for Special Exception for maximum building lengths of 650 feet (east to west) and 495 feet (north to south) in lieu of the maximum 650 feet and 380 feet, respectively, approved in Case No. 03-006-SPHXA. The site plan also reflected this request. No one appeared in opposition to the request.

In his Findings of Fact and Conclusions of Law, Mr. Kotroco discussed the relief requested and the evidence presented, and appeared to grant what was requested. Particularly, on page 2, Mr. Kotroco indicates:

> After considering the testimony and evidence offered at the hearing and the lack of opposition thereto, I find that the special exception to permit maximum building lengths of 650 ft. (East to West) and 495 ft. (North to South) in lieu of the maximum 650 ft. and 380 ft., previously approved in Case No. 03-006-SPHXA should be granted.

In his Order, however, when the relief is outlined on page 4, the request was typed as follows:

> IT IS FURTHER ORDERED, that the special exception request to permit maximum building lengths of 650 ft. East to West and 490 ft. North to South in lieu of the previously approved 650 ft. and 380 ft., be and is hereby GRANTED.

As indicated above, we believe that the reference to 490 ft. on page 4 is simply a typographical error and that the Order should have read 495 ft. If, after reviewing the referenced documents, you agree, please indicate your agreement by signing this letter below.

Thank you for your assistance with this matter.

Very truly yours,

Patricia A. Malone

PAM/bl
Enclosures

REVIEWED AND APPROVED:

Lawrence E. Schmidt, Zoning
Commissioner for Baltimore County

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Maryland Department of Planning

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

March 18, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Room 111, Mail Stop # 1105
Towson MD 21204

Re: **Zoning Advisory Committee Agenda, 03/24/03 re: case numbers 03-396-SPHXA, 03-397-SPHXA, 03-398-A, 03-400-A, 03-401-A, 03-402-SPHA, 03-403-A, 03-404-A, 03-405-A, 03-406-SPHA**

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 03/17/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup

PLEASE PRINT CLEARLY

CASE NAME North Oaks
CASE NUMBER 03-396-SPHXA
DATE 4/11/03

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Rob Hoffman	210 Allegheny	Towson 21204	
NORM WILDER	2330 W JOPPA RD #210	LUTHERVILLE 21093	
GAIL H. Merenyi	725 Mt. Wilson Rd.	Pikesville 21208	
GEORGE S. SPYRADES	1045 TAYLOR AVE.	TOWSON 21286	
BOB GREEN	200 E. PENNSYLVANIA AVE	" "	
Mitch Kellman	" "	" "	
JOE CALOGERO	THE TRAFFIC GROUP 9900 FRANKLIN SQ DRIVE SUITE H	BALT 21236	

ZONING NOTICE

Case No. 03-396-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

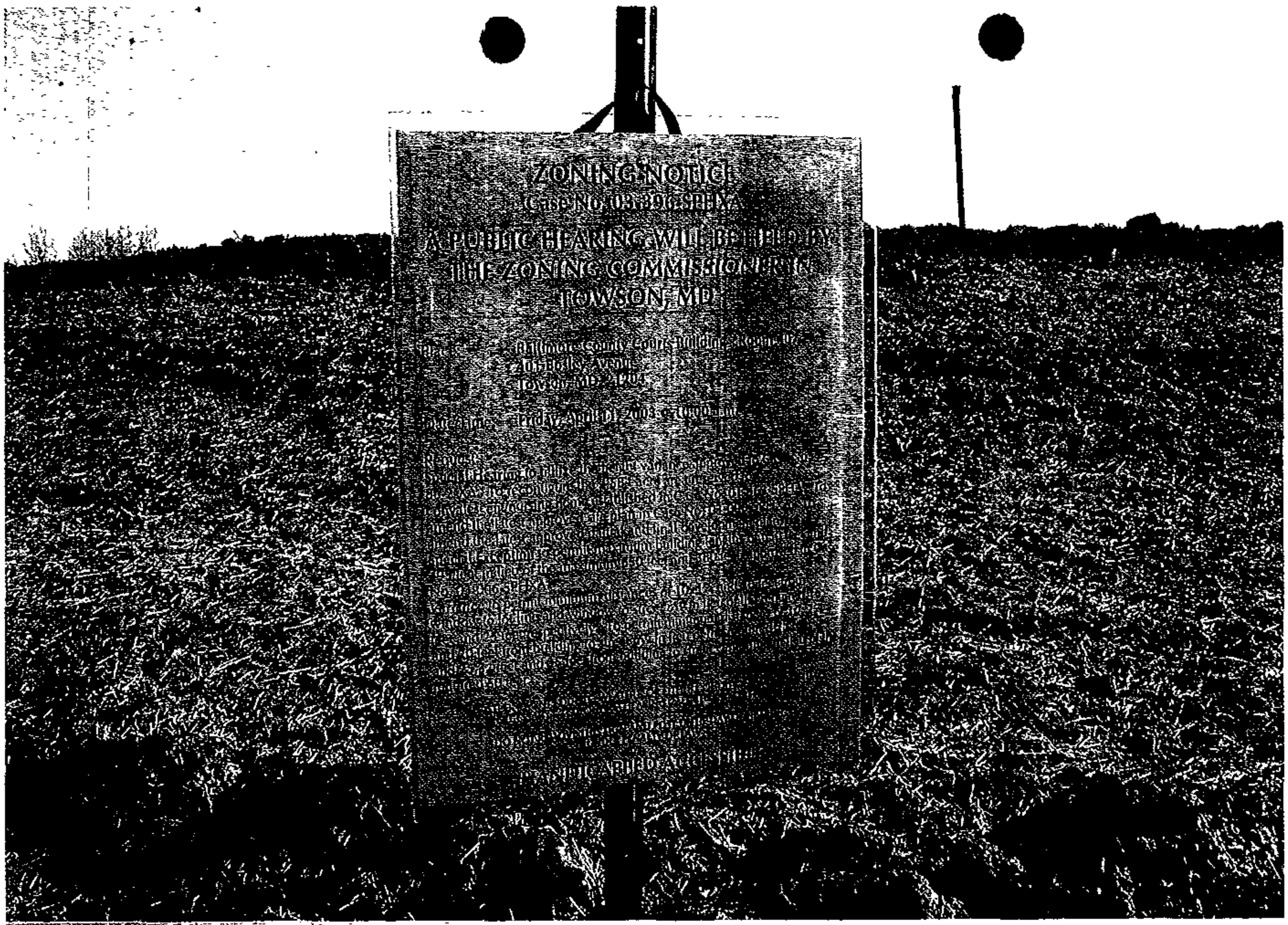
Date/Time: Friday, April 11, 2003 @ 10:00 a.m.

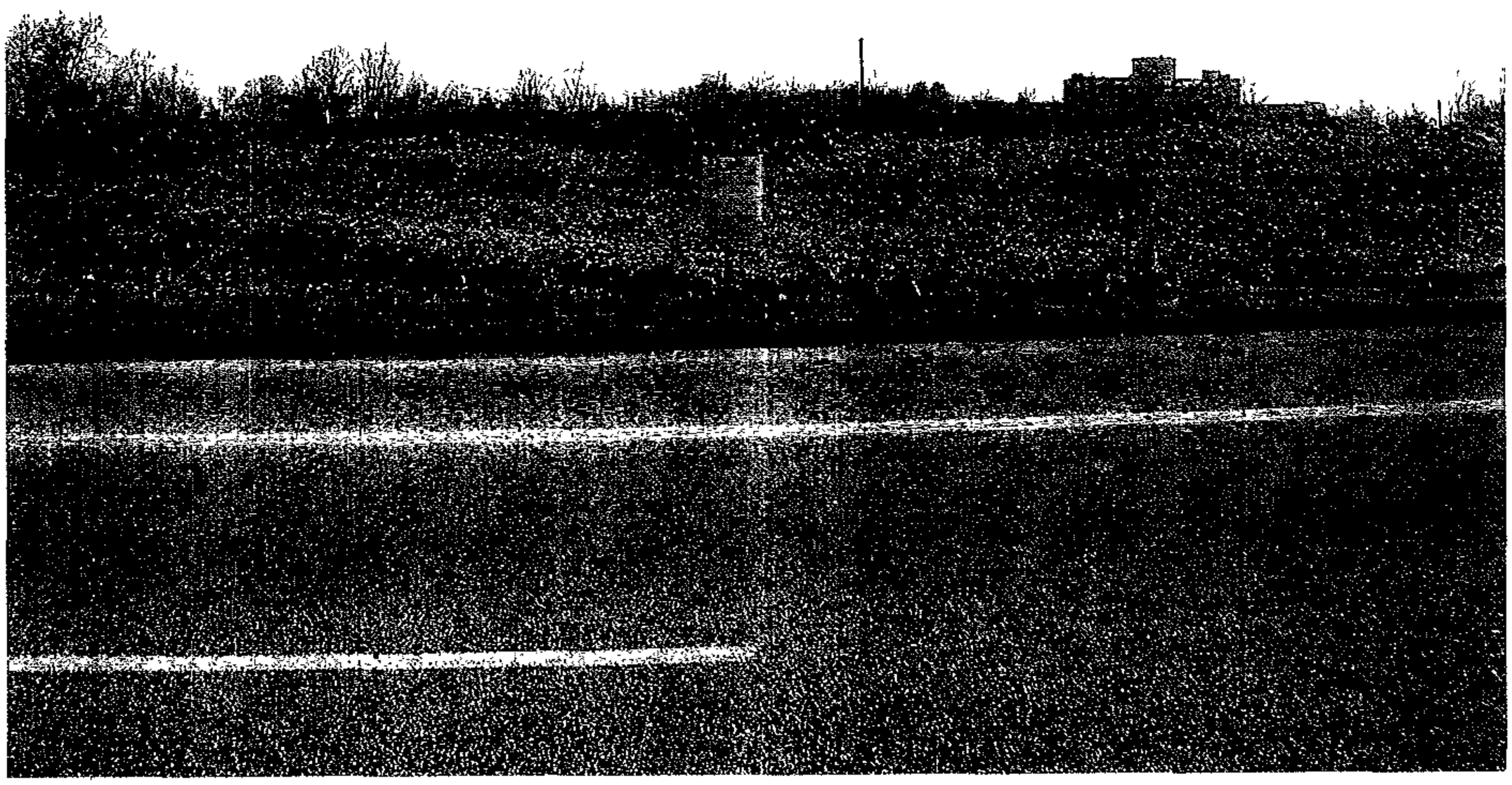
Request:
Special Hearing to utilize the height variance approved in Case No. 86-2-XA. To reconfigure the 2.584 acre area reserved for convalescent/nursing home established in Case No. 01-463-SPHA. To amend the latest approved site plan in Case No. 03-006-SPHXA. To amend the latest approved partial and final development plans.
Special Exception to permit maximum building lengths of 650 feet and 495 feet in lieu of the maximum 650 feet and 380 feet, approved in Case No. 03-006-SPHXA.
Variance to permit minimum distances of 10, 17, and 20 feet from window to lot-line and window to street r/w in lieu of the required 15 feet and 25 feet respectively. To permit minimum distances of 10, 17, and 20 feet from building to street r/w in lieu of the required 25 feet and 25,32 feet and 35 feet from building to street centerline in lieu of the required 50 feet

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


ZONING NOTICE
Case No. 03-396-SPHXA
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER IN
TOWSON, MD



BENCHMARK

DESIGNATION: MELBAGE
NAVD 88 - 531.40 (FEET) ADJUSTED
N 641,024.10 E 1,377,995.69

A STANDARD NGS DISK SET IN THE TOP OF A 0.305 M (1.00 FT) ROUND CONCRETE MONUMENT ON THE GROUNDS OF THE ROSEWOOD STATE CENTER.

VICINITY MAP

SCALE: 1"=500'

LEGEND

- EX. CONTOURS
- PROP. CONTOUR
- EX. BUILDING THAT MAY REMAIN
- PROP. SINGLE FAMILY DWELLING
- PROP. TOWNHOUSE DWELLINGS
- EX. CURBLINE
- PROP. CURBLINE
- WETLAND LIMITS
- RTA BUFFER AREA

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

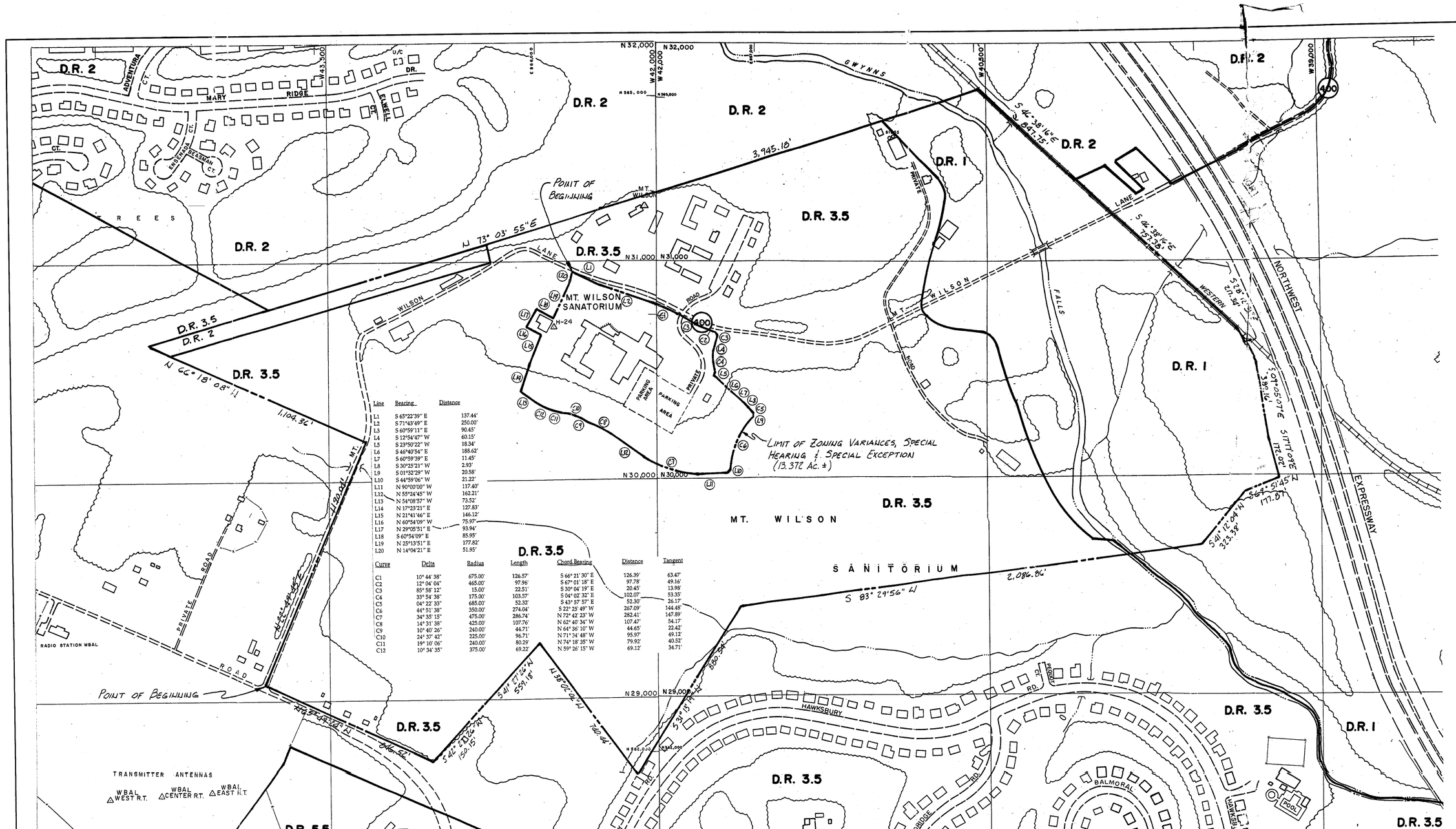
Election District 2 - Councilmanic District 2 - Baltimore County, Maryland

ISSUE DATES	
REVIEW:	2-25-03
BID:	
PERMIT:	
CONSTRUCTION:	
BASE:	CMR\MBS
DRAWN:	MBS
DESIGNED:	
CHECKED BY:	JLM
DATE CHECKED:	2-25-03
SCALE:	1"=100'
PROJECT NO.:	84142.DB
DRAWING:	1 of 2

DATE	BY	REVISIONS

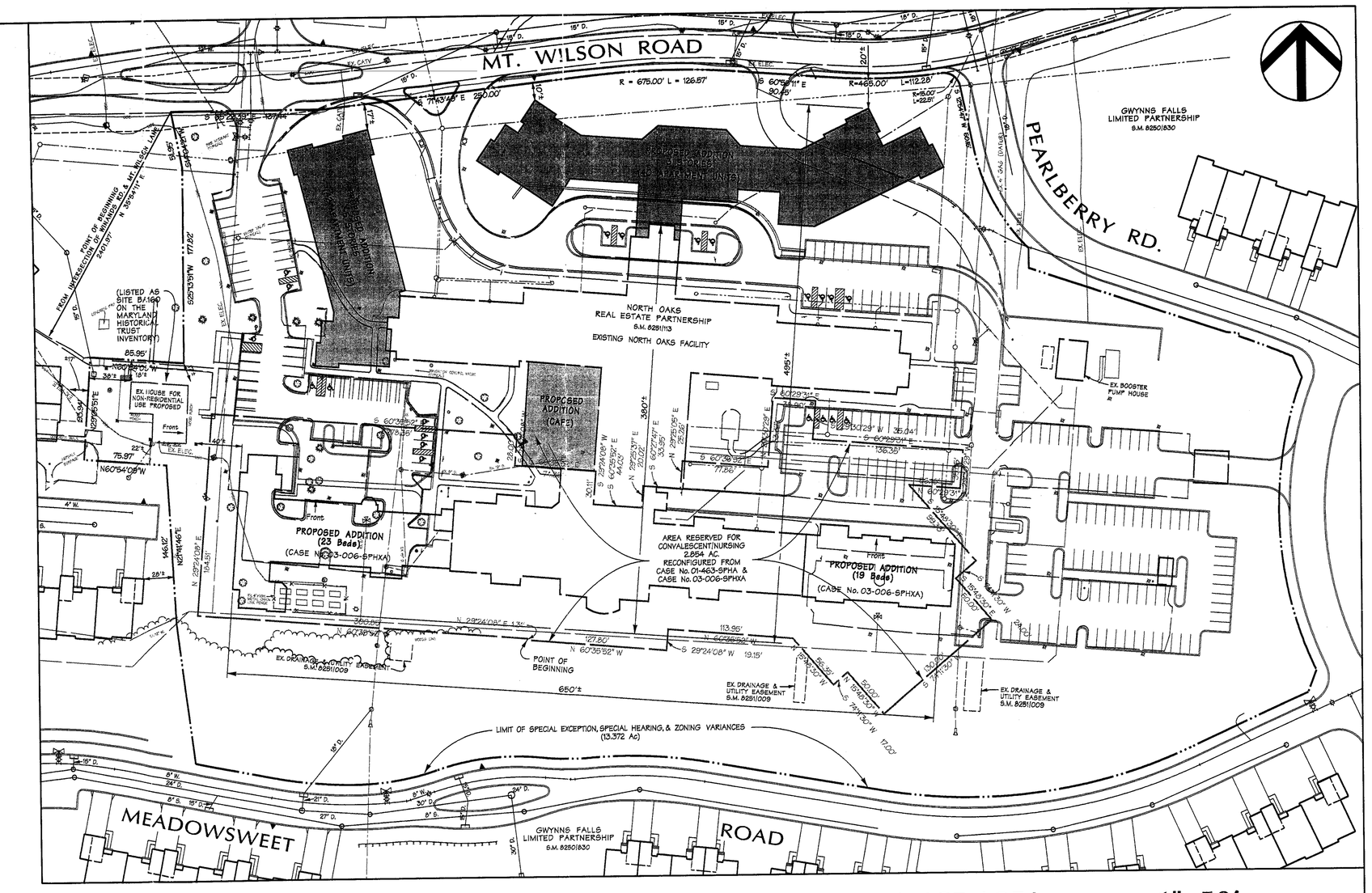
#394

Tue Feb 25 10:09:29 2003x:\84\42\dbd\84142.dwg



Line	Bearing	Distance
L1	S 65°22'39" E	137.44'
L2	S 71°14'49" E	250.00'
L3	S 60°59'11" E	90.45'
L4	S 12°54'47" W	60.13'
L5	S 23°30'22" W	18.34'
L6	S 46°45'54" E	188.62'
L7	S 46°09'39" E	11.45'
L8	S 30°05'31" W	3.93'
L9	S 01°32'28" W	20.58'
L10	S 44°59'00" W	31.22'
L11	N 90°00'00" W	117.40'
L12	N 85°52'40" W	142.31'
L13	N 54°08'37" W	73.52'
L14	N 17°23'32" E	127.83'
L15	N 21°41'46" E	146.12'
L16	N 40°54'00" W	75.97'
L17	N 29°05'31" E	93.94'
L18	S 40°54'59" E	85.95'
L19	N 25°13'51" E	177.82'
L20	N 14°06'21" E	51.97'

Curve	Delta	Radius	Length	Chord Bearing	Distance	Tangent
C1	10° 44' 38"	675.00'	126.57'	S 66° 21' 30" E	126.39'	63.47'
C2	10° 34' 04"	465.00'	97.96'	S 67° 01' 18" E	97.78'	49.14'
C3	87° 56' 12"	15.00'	22.51'	S 30° 04' 18" E	20.45'	13.95'
C4	31° 54' 38"	375.00'	103.57'	S 04° 02' 32" E	102.07'	53.35'
C5	04° 22' 33"	685.00'	52.32'	S 43° 37' 57" E	52.30'	26.17'
C6	44° 51' 38"	350.00'	274.04'	S 22° 22' 49" W	267.09'	144.48'
C7	34° 33' 15"	475.00'	286.74'	N 72° 42' 23" W	282.41'	147.89'
C8	49° 31' 38"	425.00'	367.36'	N 62° 47' 34" W	356.06'	194.17'
C9	30° 40' 26"	240.00'	128.47'	N 64° 36' 50" W	126.97'	65.82'
C10	24° 37' 42"	225.00'	96.71'	N 73° 14' 48" W	95.97'	49.12'
C11	19° 10' 06"	240.00'	80.29'	N 74° 18' 38" W	79.92'	40.57'
C12	10° 34' 05"	375.00'	69.14'	N 59° 26' 15" W	69.12'	34.71'



SPECIAL EXCEPTION, SPECIAL HEARING, & ZONING VARIANCE AREA

1"=50'

TRANSMITTER ANTENNAS

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 30, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00.

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

Joseph Bartenfelder
Chairman, County Council

P-SE
P-NE

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	MT. WILSON WOODHOLME	N.W. 8-G 8-H
DATE OF PHOTOGRAPHY JANUARY 1986		

Zoning History

Case No. 86-3-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 in 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 passed. 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 11, 1984, shall be incorporated into and made a part of this Order in its entirety.
3. The special exception and variance to Section 1B0.3.B.3 shall be utilized within five years from the date of this Order.

Case No. 88-189-SPH

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 20th day of July, 1987, that the Petition for Special Exception to permit building elevation widths of 480 feet and 550 feet in lieu of the maximum allowed 300 feet in and the same is hereby GRANTED and, additionally, the amendment to the site plan filed in Case No.86-3-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. 00-156-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 5.3 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. 86-3-XA and 88-189-SPH, 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 1A.09 (Non-Residential Principal Buildings in DR Zones) of the Comprehensive Manual of Development Policies to allow building elevation widths of 620 ft. and 550 ft. in lieu of the permitted 300 ft.
2. Variance to Section 1B01.2.C.4 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.4 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.4 of the Baltimore County Zoning Regulations to permit a rear yard setback of 0 ft. in lieu of 50 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 Petitioner may apply for their building permit and be granted same upon receipt of the Order*; however, Petitioner is 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 Petitioner 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 Petitioner shall amend their site plan to identify the three (3) buildings with the MH Maryland Historic Trust No. B-1560.
3. Any subsequent development occurring outside this special exception area, in the area which was the subject of the original CRG approval for this project 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 this Order.

Amended Case No. 00-156-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 Cohen, Recommendation No. 3, previously proposed 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 to 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 59 acres. The Petitioner has printed out, by way of its 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. 86-3-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 Petitioner may apply for their permit and be granted same upon receipt of this Order*; however, Petitioner is 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 Petitioner would be required to return, and be responsible for returning, said property to the original condition.
2. The Petitioner 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 Winnake 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 Winnake 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.

Case No. 03-006-SPHXA

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 (1961) and Section V.B.4.a of the CMDP, (1970) to permit maximum building lengths of 650 feet (east to west) and 560 feet (north to south) in lieu of the maximum 400 feet and 300 feet, respectively, approved in Case No.00-156-SPHXA, is hereby GRANTED;

(2) the Petition for Variance pursuant to B.C.Z.R. Section 1B01.2.B and 504 (1961) and Section V.B.2 of the CMDP, (1970) to permit a continual 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 1B01.2.B and 504 (1961) and Section V.B.2 of the CMDP, (1970) to permit a side yard setback of 17 feet in lieu of the required 30 feet is hereby GRANTED;

(4) the Petition for Variance pursuant to Sections 1B01.2.B and 504 (1961) and Section V.B.2 of the CMDP, (1970) to permit a rear yard setback of 15 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;

(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 restrictions:

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.

General Notes

1. Applicants:
   North Oaks Limited Partnership
   c/o Mariam Enterprises
   2330 West Joppa Road, Suite 210
   Lutherville, MD 21093
   410-494-9200
2. Owners:
   North Oaks Real Estate Partnership — Gwynns Falls Limited Partnership
   c/o Mariam Enterprises — c/o Mariam 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. 8251113 — Deed Reference: S.M. 8250/830
   Tax Acct. No.: 2400039 — Tax Acct. No.: 2000077777
   Total Acreage = 13.37 Ac. — Total Net Acreage = 106.53 Ac.
   Total Gross Area = 164.50 Ac.
3. Election District: 2; Councilmanic District: 3; Census Tract: 9036.1
4. Total Site Acreage: Net = 109.90 AC. Gross = 500.27 AC
   Area of prior Special Exception: (Case No. 01-463-SPHA) 2.854 AC
   Area of prior Variances, Special Exceptions and Special Hearing = 13.372 AC (03-006-SPHXA)
   Area of Zoning Hearing Requests=13.372 AC
5. Current Zoning & Density:
   A. Allowable Density:
      164.50 Ac.
      - 2.85 Ac. (Special Exception Area for Convalescent/Nursing)
      161.67 Ac.@ DR 3.5 = 565.85 Dwelling Units
      161.67 Ac.@ DR 5.5 = 889.18 Dwelling Units
      2.75 Ac.@ DR 5.5 = 15.13 Dwelling Units
      43.03 Ac.@ DR 1.0 = 43.03 Dwelling Units
      Total = 1513.19 Dwelling Units
   B. Existing Density: (Phase 1) 552 Dwelling Units in the North Oaks Facility.
   C. Proposed Density: (Phase 1) 66 Dwelling Units
      (72 Townhouse Condo Units & 14 Single Family Condo Units)
      (Phase 2) = 127 Dwelling Units
      (108 Townhouse Condo Units & 19 Single Family Condo Units)
      (Phase 3) = 108 Dwelling Units
      (108 Townhouse Condo Units & 0 Single Family Condo Units)
      (Phase 4) = 82 Dwelling Units (Apartments) in the North Oaks Facility
      (Phases 1,2,& 3 = 299 Dwelling Units
      (240 Townhouse Condo Units & 33 Single Family Condo Units)
      Total Phase 4 = 82 + 82 = 164 Dwelling Units (Apartments) in the North Oaks Facility
   D. Future Density: (Phase 4) 15 Dwelling Units (Apartments) in the North Oaks Facility.
   E. Total Density: Proposed = 579 Dwelling Units
   Allowable density is based on current zoning and does not include the density increase from Case 00-156-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 Existing Apartment Units in North Oaks Facility @ 1 space per 2 units = 91 spaces
   50 Existing Beds in North Oaks Facility @ 1 space per 50 beds = 1 spaces
   36 Additional Beds in North Oaks Facility @ 1 space per 10 Beds = 4 spaces
   82 Proposed Apartment Units in North Oaks Facility @ 1 space per 2 units = 41 spaces
   Total for North Oaks Facility = 141 spaces
   289 Proposed Single Family and TH Condo Units @ 2 spaces per unit = 578 spaces for residents
   289 Proposed Single Family and TH Condo Units @ 0.3 spaces per unit = 90 spaces for non-resident
   Total Spaces Required = 829 spaces
   Parking Provided: 233 Existing spaces for North Oaks facility
   500 Proposed garage and driveway spaces for residents
   96 Proposed parallel and perpendicular spaces for non-resident
   Total Spaces Provided = 829 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 B.C.Z.R. be paved with a durable, dustless surface and be permanently striped. Parking spaces will be 8'x12' 1/2".
   All parking areas shall comply with Section 1A.3.E of the C.M.D.P. or Zoning Policy SH-15.
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
   Active Open Space Provided: 5.60± Ac.
   Passive Open Space Provided: 3.26± Ac.
   Open space for 204 units provided in floodplain as shown on the Amended CRG plan approved 3/18/86.
   Open space will be owned and maintained by an HOA/COA or property.
   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)	182 Existing Retirement Community Units @ 3.3	=	600.6
	82 Retirement Community Units @ 3.3	=	270.6
	33 Single Family Detached Units @ 10.4	=	343.2
	206 Townhouse Units @ 8.5	=	2,051.0
	Total	=	3,265.4

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-Wilbanks & 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 Dvirka and Bartilucci Consulting, 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 Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas.
13. All dwellings and lots of record less than two acres in size off-site that create an RTA on site are shown to the best of our knowledge with their respective 300 and 250-foot arcs and required buffer areas.
14. Proposed buildings in a Residential Transition Area will not exceed 150 feet in length or 35 feet in average height. The minimum distance between buildings will be 1½ times the average height of the higher building. All required buffer plantings will comply with the Baltimore County Landscape Manual. Some existing wooded areas will be retained as buffer. Other areas will require additional planting. Street lighting will be in accordance with Baltimore County Standards and located so as not to shine on or reflect upon adjoining residences.
15. Soil Limitations

Soil Series and Symbol	With Basements	Without Basements	Roads and Streets
Codorus (Co)	Flooding Hazard	Flooding Hazard	Flooding Hazard
Delanco (DeB)	Moderate: Moderately High Water Table	Slight	Moderate: Moderately High Water Table; Slope
Elkton (ElB2)	Slight	Slight	Moderate: Slope
Glenelg (GlB2)	Slight	Slight	Moderate: Slope
(GlC2)	Moderate: Slope	Moderate: Slope	Severe: Slope
(GlD2)	Severe: Slope	Severe: Slope	Severe: Slope
Glenville (GnB)	Severe: High Water Table	Moderate: High Water Table	Severe: High Water Table
Manor (MnD2)	Severe: Slope	Severe: Slope	Severe: Slope
(MnE2)	Severe: Slope	Moderate: Slope	Severe: Slope
(MnC2)	Severe: Slope	Severe: Slope	Severe: Slope
(MnE2)	Severe: Slope	Severe: Slope	Severe: Slope
Mattapex (Mx)	Severe: High Water Table; Poor Natural Drainage	Severe: High Water Table; Poor Natural Drainage	Severe: High Water Table; Poor Natural Drainage

16. There are no known Critical Areas, endangered species habitats, or hazardous materials on the site.
    The approximate location of a 2500 gallon fuel tank used for a diesel generator and the pump is shown on the plan. This tank will be protection tested and the results will be submitted to DEPRM.
17. Existing trees will be retained wherever possible.
18. Access shall be provided to the existing building listed as B-560 on the Maryland Historical Trust Inventory, which is to be retained.
19. A Waiver of Plan for Phase 1 was granted by W-86-156 on July 17, 1986.
20. The original CRG plan was approved March 10, 1985. The first Revised CRG plan was approved October 9, 1987. The Second Amended CRG plan was approved May 6, 2000. The third Revised, Second Amended CRG plan was approved June 13, 2001. The Second Revised, Second Amended CRG plan was approved on October 12, 2001. The Third Revised, Second Amended CRG Plan was approved on April 24, 2002. The Fourth Revised, Second Amended CRG Plan was approved on December 5, 2002.
21. All signage to conform to Section 450 of the Baltimore County Zoning Regulations.
22. All roads and utilities on the entire property are private with the exception of the existing Gwynns Falls transmission sewer, the existing sewer along the unnamed tributary, and the proposed sewer extension for the Watcher and Breckenridge properties.
23. Adequately staged turnaround 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 stream curbs.
26. All accessory uses shall conform to BCZR Section 430.1.B.3.
27. Envelopes shown hereon are for the location of all principal building 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 building 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 and Case No.03-006-SPHXA).

    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
    25 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

    Dulainge 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
    150 feet maximum building length
    Distance between facing elevations will be 1½ 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, Baltimore County Council bills, zoning and subdivision policies as they are delineated in the Regulations. Any partial period of time that has been utilized for density in approved village shown thereon shall not be further divided, subdivided or developed for additional dwellings or any purpose other than individual ownership on said plan. Utilization will have occurred when a dwelling is constructed and transferred for the purpose of occupancy.
36. "Part of Phase 4, North Oaks, Health Care Facility", to reconfigure the North Oaks Real Estate Partnership property to 12.372 acres, as shown on this plan, was approved on August 20, 2002 among the Land Records of Baltimore County in Plat Book SM.75 page 10.

Zoning Relief

1. Special Exception pursuant to BCZR Sections 1B01.2.B.2, 502, and 504 (1961) and Section V.B.4.a of the CMDP (1970) to permit maximum building lengths of 650 feet (east to west) and 495 feet (north to south) in lieu of the maximum 400 feet and 300 feet, respectively, approved in Case No.03-006-SPHXA.
2. Variance pursuant to BCZR Section 504 (1961) and Sections V.B.4.a and V.B.4.b of the CMDP (1970) to permit minimum distances of 10, 17 and 20 feet from window to lot line and window to street right-of-way in lieu of the required 15 and 25 feet, respectively.
3. Variance pursuant to BCZR Sections 1B01.2.C.3 and 504 (1961) and Section V.B.9 of the CMDP (1970) to permit minimum distances of 10, 17 and 20 feet from building to street right-of-way in lieu of the required 25 feet and 20, 30 and 35 feet from building to centerline of street right-of-way in lieu of the required 50 feet.
4. Special Hearing to reconfigure the 2.854± acre area reserved for convalescent/nursing established in Case Number 03-006-SPHXA.
5. Special Hearing to utilize the heights variance approved in Case Number 86-2-XA for the building addition.
6. Special Hearing to amend the latest approved Site Plan.
7. Special Hearing to amend the latest approved Partial and Final Development plans.

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

ISSUE DATES
REVIEW: 2-25-03
BID:
PERMIT:
CONSTRUCTION:
BASE:
DRAWN: CMR/MGS
DESIGNED:
CHECKED BY: JLM
DATE CHECKED: 2-25-03
SCALE: As Shown
PROJECT NO.: 04142.DS
DRAWING: 2 of 2

File Fil 25 1042-42 2003 N:\04142\04142Dwg02.Dwg

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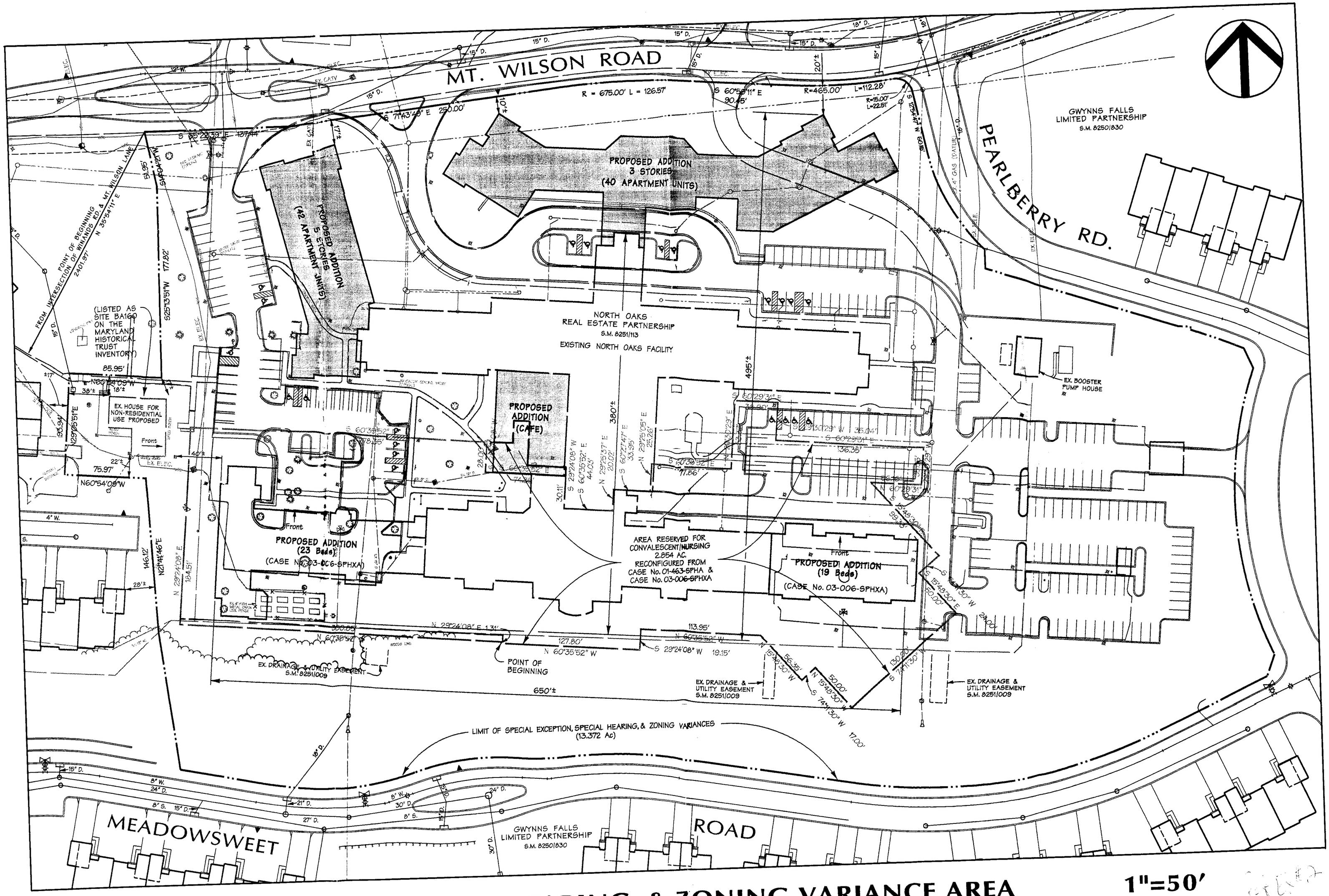

1"=50'

SPECIAL EXCEPTION, SPECIAL HEARING, & ZONING VARIANCE AREA