IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE – SW/S Old Milford Mill Road, 45' NW of c/l Plymouth Road **(4204 & 4212 Old Milford Mill Road)** 3rd Election District 3rd Council District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 04-315-SPHA
Milford Manor Partnership Petitioners	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Milford Manor Partnership, by and through Gary Raffel, Esquire. The Petitioners request a special hearing to approve an amendment to the special exception relief granted in prior Cases Nos. 91-237-SPHXA and 93-318-SPH to permit an office use of the existing house located in a D.R. zone; to remove Use Division Lines on the plan and an assisted living facility addition from the previously approved nursing home; and, to confirm that RTA buffers are already provided to the maximum extent possible, pursuant to the relief granted in the prior cases, and are still adequate. In addition, variance relief is requested from Section 1B01.B.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 5 feet and 12 feet in lieu of the required 25 feet for an existing non-residential building in a D.R.16 zone; and, if the special hearing relief is denied, alternative variance relief is requested from Section 1B01.1.B.1 of the B.C.Z.R. to permit RTA building setbacks of 5 feet in lieu of the required 75 feet and RTA buffers of 0 feet in lieu of the required 50 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Gary Raffel, Esquire, and William Hokemeyer, on behalf of the Milford Manor Partnership, property owners, and Kenneth Colbert and Judy Flame, representatives of Colbert Matz Rosenfelt, Inc., the

Date 4/10/04
By

consultants who prepared the site plan for this property. Mark Sapp appeared as an interested citizen on behalf of the Colonial Village Neighborhood Association. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel comprised of two adjacent lots located on the north side of Old Milford Mill Road, west of Colby Road in Reisterstown. Collectively, the property contains a gross area of 4.70 acres, more or less, split zoned D.R.16 and D.R.5.5. The largest portion of the site is known as 4204 Old Milford Mill Road and is improved with a 119-bed nursing home, which has existed on the property since 1961. Under Case No. 91-237-SPHXA, an expansion of the existing facility was approved to allow the addition of assisted living units. The proposed expansion was extended from the two-year window to five years in 1993 under Case No. 93-318-SPH. Apparently, the expansion was never undertaken as contemplated and the Petitioners now come before me seeking special hearing and variance relief as set forth above. There is no change to the nursing home operation or physical expansion of that use proposed; however, the subject of the Petition relates to the smaller of the two tracts, identified as Old 4212 Milford Mill Road. That portion of the overall site is improved with a 1½ story dwelling. As part of the original approvals, the Petitioners were required to maintain that building as a single-family dwelling and could not use it in conjunction with the nursing home operation. Although there is no expansion of the current operation proposed, the Petitioners indicated that additional office and storage space is needed. Thus, the instant relief is requested to remove the Use Division Lines and to allow the conversion of the existing dwelling to office and storage use. It was indicated that the offices would be used solely by employees of the nursing home operation and would not be leased to others. Additionally, a portion of the building will be used for storage. The Petitioner indicated that regulations governing the nursing home use require the retention of paper work and there is a shortage of available space in the nursing home building. Photographs of the site show that the overall site is well maintained and there is mature landscaping which will be retained as well as fencing.

ORDER RECEIVED FOR FILING
Date 4/7/04
By

As noted above, there will be no expansion of existing buildings on the site. However, one change to the property was brought about by a Zoning Advisory Committee (ZAC) comment submitted by the Office of Planning. Apparently, during a routine site inspection, Planning staff observed the stacking of vehicles owned by employees and/or visitors which raised concern that access to the site by emergency vehicles might be blocked if this practice were to continue. In this regard, the major parking field serving the property is on the other side of the nursing home, away from the subject dwelling and adjacent residences. In response to the concern raised by the Office of Planning, the Petitioners propose to provide six additional parking spaces for employees of the nursing home, as more particularly shown on Petitioner's Exhibit 2. However, this necessitates in the need for a variance from Section 409.4.A of the B.C.Z.R. In this regard, the existing driveway that serves the dwelling is only 12 feet wide. Thus, variance relief is necessary to allow a two-way driveway width of 12 feet in lieu of the required 20 feet. The Petitioners indicated that due to the fact that employees work on shifts and will be arriving and leaving at different times, there will be very little two-way movement at any one time on that driveway. Thus, it appears that relief can be granted without detrimental impact to adjacent properties.

As noted above, Mr. Sapp appeared on behalf of the Colonial Village Neighborhood Association. He expressed several concerns, all of which are summarized in a letter he submitted on behalf of his community association.

Based upon the testimony and evidence offered, I am persuaded to grant the special hearing and variance relief. In my judgment the use of the building for residential purposes is no longer practical. For so long as there are no exterior changes to the building, I believe that its conversion for use as offices and storage space incidental to the nursing home is appropriate. Moreover, I find that the requirements of Sections 502.1 and 307 of the B.C.Z.R. have been met and that there will be no detrimental impact upon the health, safety or general welfare of the surrounding locale.

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

ORDER RECEIVED FOR FILING
Date 4/7/04
By

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of April 2004 that the Petition for Special Hearing to approve an amendment to the special exception relief granted in prior Cases Nos. 91-237-SPHXA and 93-318-SPH to permit an office use of the existing dwelling in a D.R. zone; to remove Use Division Lines on the plan and an assisted living facility addition from the previously approved nursing home; and, to confirm that the RTA buffers are already provided to the maximum extent possible, pursuant to the relief granted in the prior cases, and are still adequate, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that variance relief from Section 1B01.B.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 5 feet and 12 feet in lieu of the required 25 feet for an existing non-residential building in a D.R.16 zone, and from Section 409.4.A to permit a two-way driveway aisle width of 12 feet in lieu of the required 20 feet, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restrictions:

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

2) There can be no exterior changes to the existing dwelling known as 4212 Old Milford Mill Road. That is, the building shall retain its residential appearance. Moreover, there can be no signage on this portion of the site.

3) Use of the office building shall be limited to employees of the nursing home, only, and no office space can be leased to others.

4) Prior to the issuance of any use permits for the proposed office building, the Petitioners shall submit a landscape plan for review and approval by the County's Landscape Architect, Mr. Avery Harden. Particular emphasis shall be placed on landscaping the front of 4212 Old Milford Mill Road to buffer its use from adjacent residential uses.

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

ORDER RECEIVED FOR FILING
Date 4/7/04
By

IT IS FURTHER ORDERED that the alternative variance relief requested from Section 1B01.1.B.1 of the B.C.Z.R. to permit RTA building setbacks of 5 feet in lieu of the required 75 feet and RTA buffers of 0 feet in lieu of the required 50 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED AS MOOT.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Date _____
By _____

IN THE MATTER OF THE APPLICATION OF MILFORD MANOR; GARY RAFFEL - PETITIONER FOR A SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE SW/S OF MILFORD MILL ROAD, 45' N OF PLYMOUTH ROAD (4204 AND 4212 OLD MILFORD MILL ROAD) 3RD ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT	* * * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No.: 04-315-SPHA

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

OPINION

This is an appeal from a decision of the Zoning Commissioner in which the Zoning Commissioner granted relief requested in a Petition for Special Hearing and Petition for Variance. The appeal was filed by Peter M. Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel.

The hearing before this Board was held on December 21, 2004 with a public deliberation held on January 26, 2005. Carole S. Demilio, Deputy People's Counsel, appeared on behalf of the Office of People's Counsel. The Colonial Village Neighborhood Association appeared as Protestant. The Petitioners (Milford Manor Partnership /Gary Raffel, Esquire) were represented by Alan Betten, Esquire, and KANDEL, KLITENIC, KOTZ & BETTEN, LLP.

Facts

Testimony and evidence given at the *de novo* hearing revealed the subject property is located on the north side of Old Milford Mill Road, west of Colby Road in Reisterstown. There are two adjacent parcels of land that make up the said location, the largest portion is known as 4204 Old Milford Mill Road and is improved with a 119-bed nursing home, which has existed on the property since 1961.

Appearing at the hearing in support of the Petitioners were Gary Raffel, Esquire, owner and CEO, Milford Manor Partnership, and Judith Floan and Richard E. Matz, representatives of Colbert-Matz-Rosenfelt, Inc., the consultants who prepared the site plan for this property.

Mark Sapp appeared as a current, duly-elected member of the Board of Directors and Zoning Committee of the Colonial Village Neighborhood Improvement Association, Inc. Mark Sapp and Tyrone Brown also were in attendance as concerned citizens of the Colonial Village Community. All participants offered testimony, except Tyrone Brown, who proffered to Mark Sapp's testimony.

In an Order issued by the County Board of Appeals in 1992 in Case No. 91-237-SPHXA (People's Counsel Exhibit #6), conditions were placed on the property. These conditions were the result of the last dispute between Milford Manor Partnership and the Community over the expansion of the nursing home.

The Petitioners are seeking relief from the special exception relief granted in prior Cases No. 91-237-SPHXA and No. 93-318-SPH to permit an office use of the existing dwelling in a D.R. zone; to remove Use Division Lines on the plan and an assisted living facility addition from the previously approved nursing home; and to confirm that the Residential Transition Area (RTA) buffers are already provided to the maximum extent possible.

There was testimony on both sides as to how this property was being used. Through evidence and testimony, it was discovered that there were parking problems, fire lane access being congested, and the use of 4212 Old Milford Mill Road for business purposes even late into the evening. The property at 4212 Old Milford Mill Road is the residence next to 4204 Old Milford Mill Road (the nursing home) which was covered in an Order from this Board in Case No. 91-237-SPHXA. Restriction #9 of the 15 restrictions and conditions placed on Milford Manor Partnership

in 1992 states that 4212 Old Milford Mill Road would be used by the Petitioner for residential purposes only.

This Board holds Orders with restrictions on specific properties as a major determining factor when deliberating cases. These conditions and restrictions are meant to protect both sides of a concerned piece of property. However, this Board also realizes that neighborhoods change and sometimes there is a need to rewrite or remove certain terms and conditions. At this time, the Board feels that the community of Colonial Village has not changed much since its development in the 1940s. While the area surrounding the Colonial Village community is continually changing with commercial and industrial zoning, the 300 plus homes that make up Colonial Village have maintained this development as a healthy residential community which makes it one of Baltimore County's many unique neighborhoods.

Law

This Board finds that the Petitioners have not met all the requirements of § 502.1 of the *Baltimore County Zoning Regulations*, which read as follows:

> 502.1--Before any Special Exception may be granted, it must appear that the use for which the Special Exception is requested will not:
>
> A. Be detrimental to the health, safety, or general welfare of the locality involved;
>
> B. Tend to create congestion in roads, streets or alleys therein;
>
> C. Create a potential hazard from fire, panic or other dangers;
>
> D. Tend to overcrowd land and cause undue concentration of population;
>
> E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;

F. Interfere with adequate light and air;

G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;

H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor

I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C. 2, R.C. 4, R.C. 5 or R.C. 7 Zone.

We feel that the Petitioners' requested zoning relief will add congestion to the already crowded parking problem at the entrance to the Colonial Village Community. In addition, a potential hazard would be created for emergency equipment at the entrance of the nursing home. A major concern reached by this Board during its deliberation is for the general welfare of this older, stable community. The Board feels compelled to protect this community from zoning erosion and creeping zoning. Also utilizing the residence located on the property at 4212 Old Milford Mill Road for office space would be inconsistent with the purpose of the zoning classification and not in keeping with the spirit and intent of the zoning regulations.

Therefore, this Board will deny Petitioners' requested zoning relief and will so order.

ORDER

THEREFORE, IT IS THIS 30th day of June, 2005 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing to approve an amendment to the special exception relief granted in prior Case No. 91-237-SPHXA and Case No. 93-318-SPH to permit an office use of the existing house located in a D.R. zone and to remove Use Division Lines on the plan and an assisted living facility addition from the previously approved nursing home be

and the same is hereby **DENIED**; and it is further

ORDERED that the denial of the requested special hearing relief to amend the special hearing relief granted in prior Case No. 91-237-SPHXA and Case No. 93-318-SPH, as set forth above, renders all other requested zoning relief **MOOT**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence M. Stahl, Chairman

Lawrence S. Wescott

Edward W. Crizer, Jr.

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

June 30, 2005

Carole S. Demilio
Deputy People's Counsel for
Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Milford Manor Partnership,*
Gary Raffel - Petitioners
Case No. 04-315-SPHA

Dear Ms. Demilio:

Enclosed please find a copy of the Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all subsequent Petitions for Judicial Review filed from this decision should be noted under the same civil action number as the first Petition.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Enclosure

c: Alan Betten, Esquire
Milford Mill Manor Partnership / Gary Raffel, Esquire
Richard E. Matz, P.E. and Kenneth Colbert / Colbert Matz Rosenfelt, Inc.
Mark Sapp for Colonial Village Neighborhood Association
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

April 8, 2004

Gary Raffel, Esquire
Milford Manor Partnership
4204 Old Milford Mill Road
Baltimore, Maryland 21208

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
SW/S Old Milford Mill Road, 45' NW of the c/l Plymouth Road
(4204 & 4212 Old Milford Mill Road)
3rd Election District – 3rd Council District
Milford Manor Partnership - Petitioners
Case No. 04-315-SPHA

Dear Mr. Raffel:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing 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. Kenneth Colbert and Ms. Judy Floam, Colbert Matz Rosenfelt, Inc.
2835 Smith Avenue, Baltimore, Md. 21209
Mr. Mark Sapp, 4207 Old Milford Mill Road, Baltimore, Md. 21208
Office of Planning; People's Counsel; Case File

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

REM

OLD

for the property located at: 4204 and 4212 Milford Mill Road

which is presently zoned D.R.-16 and D.R.-5.5

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 of thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

An amendment to the Special Exception last granted in Cases No. 91-237-SPHXA and 93-318-SPH, to permit an office use in a D.R. zone for the existing house on the property; to remove Use Division Lines on the plan and an assisted living facility addition from the previously approved nursing home; and to confirm that the RTA buffers are already provided to the maximum extent possible, as ordered in Case No. 91-237-SPHXA and Case No. 93-318-SPH, and are still adequate.

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):

Milford Manor Partnership Gary Raffel, Partner
Name – Type or Print

Signature PARTNER

4212 Milford Mill LLC Gary Raffel, Partner
Name – Type or Print

Signature PARTNER

4204 Old Milford Mill Road 410-415-5700
Address. Telephone No.

Baltimore Md. 21208
City State Zip Code

Attorney For Petitioner:

Gary Raffel, Esq.
Name – Type or Print

Signature

Company

4204 Old Milford Mill Road 410-415-5700
Address Telephone No.

Baltimore Md. 21208
City State Zip Code

Representative to be Contacted:

Richard E. Matz, P.E.
COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G 410-653-3838
Address Telephone No.

Baltimore MD 21209
City State Zip Code

ORDER RECEIVED FOR FILING
Date
By

Case No. 04 315 SPHA

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 1HR
UNAVAILABLE FOR HEARING MAR 17-22
Reviewed By JK Date 01/07/04

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4204 and 4212 Old Milford Mill Road

which is presently zoned D.R.-16 and D.R.-5.5

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 of thereof, hereby petition for a Variance from Section(s)

1B01.B.2.C.1.a, BCZR, to permit side yard setbacks of 5 feet and 12 feet for an existing non-residential principal building in a D.R.-16 zone, in lieu of the required 25 feet; from Section 1B01.1.B.1;; ~~or, in the alternative~~, variances to permit RTA building setbacks of 5 feet in lieu of the required 75 feet and RTA buffers of 0 feet in lieu of the required 50 feet. IN THE EVENT THE SPECIAL HEARING IS DENIED. (REM)

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

Variances are required because the building in question is existing and has been so for several years. Hardship and practical difficulty would be created by moving or razing the building.

Property 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):

Milford Manor Partnership Gary Raffel, Partner
Name – Type or Print

Signature, PARTNER

4212 Milford Mill LLC Gary Raffel, Partner
Name – Type or Print

Signature, PARTNER

4204 Old Milford Mill Road 410-415-5700
Address. Telephone No.

Baltimore Md. 21208
City State Zip Code

Attorney For Petitioner:

Gary Raffel, Esq.
Name – Type or Print

Signature

Company

4204 Old Milford Mill Road 410-415-5700
Address Telephone No.

Baltimore Md. 21208
City State Zip Code

Representative to be Contacted:

Richard E. Matz, P.E.
COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G 410-653-3838
Address Telephone No.

Baltimore MD 21209
City State Zip Code

ORDER RECEIVED FOR FILING
Date 1/12/04
By

Case No. 04 315 SPHA

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 1HR
UNAVAILABLE FOR HEARING MARCH 17-22
Reviewed By VC Date 01/07/04

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

April 23, 2004

RECEIVED
APR 23 2004
Per.

Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR SPECIAL HEARING & VARIANCE
SW/S Old Milford Mill Road, 45' NW of the c/l Plymouth Road
(4204 & 4212 Old Milford Mill Road)
3rd Election District; 3rd Council District
Milford Manor Partnership- Petitioners
Case No.: 04-315-SPHA

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated April 7, 2004 by the Baltimore County Zoning Commissioner in the above-entitled case

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Mr. Gary Raffel, Esquire
Mr. Kenneth Colbert
Mr. Mark Sapp
Mr. David Reinstein

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

315

MILFORD MANOR
4202-4212 OLD MILFORD MILL ROAD
ZONING DESCRIPTION

Beginning at a point on the southwest side of Old Milford Mill Road, which is of varying width, 45 feet, more or less, northwest of the centerline of Plymouth Road, which is 50 feet wide, thence the following courses and distances:

S 59°23'09" W 397.97 ft.;
N 31°54'34" W 397.68 ft.;
N 56°29'26" E 12.50 ft.;
N 40°12'54" W 132.03 ft.;
N 56°02'09" E 364.10 ft.;
S 36°57'51" E 133.50 ft.;
S 57°11'09" W 34.67 ft.; thence
S 40°33'41" E 421.99 ft. to the point of beginning.

Consisting of two parcels, the first as recorded in the Land Records of Baltimore County, in Deed Liber 16454, folio 245, containing 0.4962 acres and known as 4212 Old Milford Mill Road; the second as recorded in the Land Records of Baltimore County in Deed Liber 6184, folio 721, containing 4.2083 acres and known as 4204 Milford Mill Road. Both parcels located in the 3rd Election District.

STATE OF MARYLAND
RICHARD E. MATZ
No. 13203
PROFESSIONAL ENGINEER

2835 Smith Avenue, Suite G Baltimore, Maryland 21209
Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

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: #04-315-SPHA
4204 and 4212 Old Milford Mill Road
S/west side at Milford Mill Road, 45 feet north of Plymouth Road
3rd Election District - 2nd Councilmanic District
Legal Owner(s): Milford Manor Partnership, Gary Raffel

Special Hearing: to approve an amendment to the *Special* Exception last granted in Cases No. 91-237-SPHXA and 93-318-SPH. *To permit an office use in D.R. zone for the* existing house on the property, to remove Use Division Lines on the planned an assisted living facility addition from the previously approved *nursing home; and to con*form that the RTA buffers are already provided to the *maximum extent possible*, as ordered in Case No. 91-237-SPHXA and 93-318-SPH, and are still adequate. **Variance:** to permit side yard setbacks of 5 feet and 12 feet for an existing non-residential *principal building in a D.R. 16* zone, in lieu of the required 25 feet. To permit RTA building setbacks of 5 feet in lieu of the required 75 feet and RTA buffers of 0 feet in lieu of the required 50 feet in the event the Special Hearing is denied.

Hearing: Wednesday, March 17, 2004 at 9:00 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.

JT/3/602 Mar. 2 C652122

CERTIFICATE OF PUBLICATION

3/4/, 2004

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 3/2/, 2004.

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

S. Wilkinson

LEGAL ADVERTISING

04-315 SPHA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 32688

JL 315

DATE 01/07/04 ACCOUNT 001 006 6150

AMOUNT $ 650.00

RECEIVED FROM: Raffel Health Care Group Inc.

FOR: SPHA 4202-4212 OLD MILFORD MILL RD

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
CHLD RECEIPT

BUSINESS	ACTUAL	TIME	DRW
1/08/2004	1/07/2004	11:41:23	2

REF WS02 WALKIN JEWA JEE
>>RECEIPT # 315409 1/07/2004 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 032688
Recpt Tot $650.00
$650.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

25613

APPEAL SIGN POSTING REQUEST

CASE NO.: 04-315-SPHA

GARY RAFFEL – LEGAL OWNER

4204 AND 4212 OLD MILFORD MILL ROAD

3RD ELECTION DISTRICT APPEALED: 4/23/2004

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 2)

**********COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 04-315-SPHA

Petitioner/Developer:

GARY RAFFEL

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

4204 AND 4212 OLD MILFORD MILL ROAD

The sign was posted on June 15, 2004

By: Gary Freund
(Signature of Sign Poster)

GARY FREUND
(Printed Name)

APPEAL SIGN POSTING REQUEST

CASE NO.: 04-315-SPHA

GARY RAFFEL – LEGAL OWNER

4204 AND 4212 OLD MILFORD MILL ROAD

3RD ELECTION DISTRICT

APPEALED: 4/23/2004

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 2)

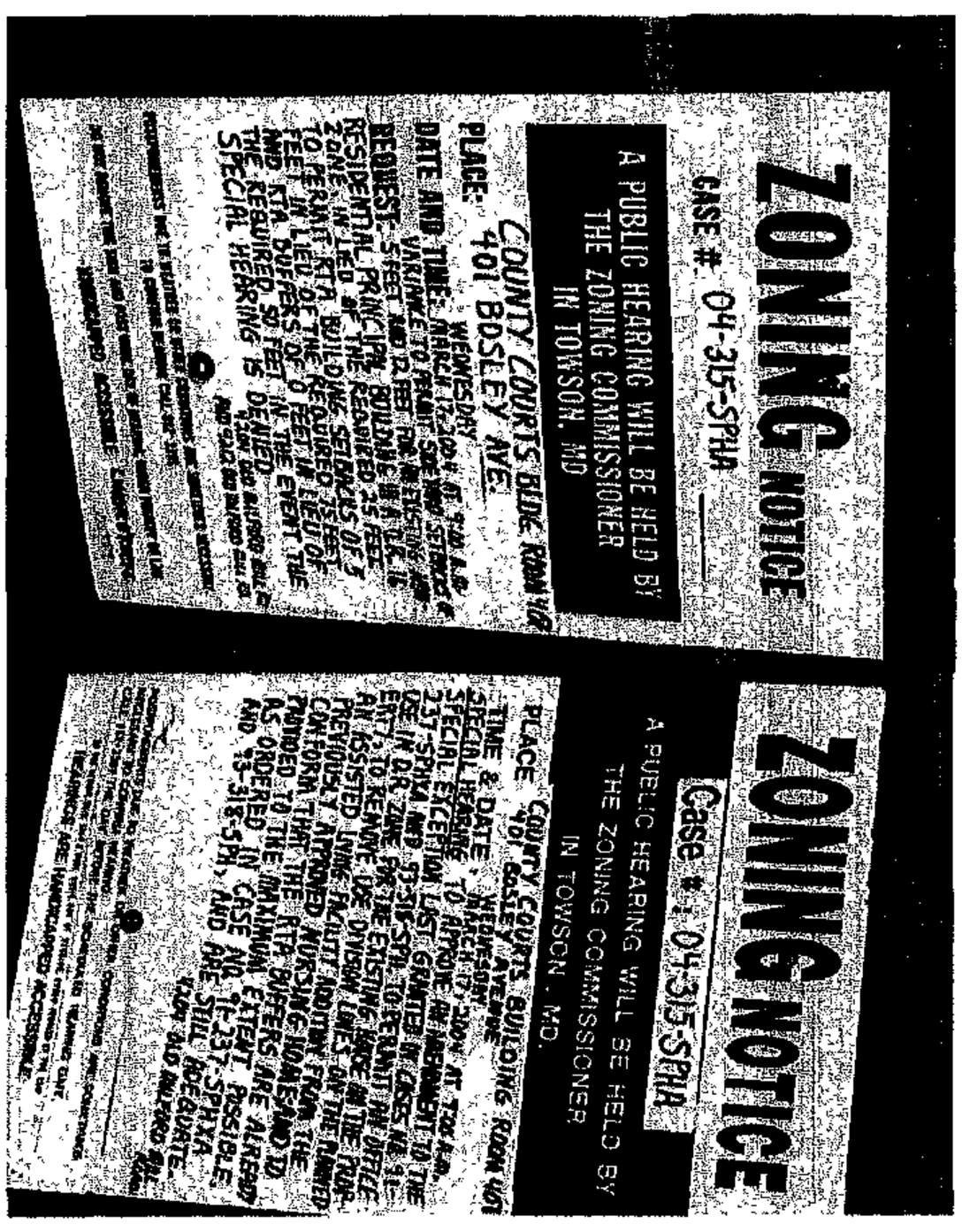
CERTIFICATE OF POSTING

attention: Becky Hart Date: March 5, 2004

RE: Case Number 04-315-SPHA
Petitioner/Developer: RICHARD MATZ/GARY RAFFEL/ETAL
Date of Hearing/Closing: March 17, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 4204 and 4212 Old Milford Mill Road (on site)

The sign(s) were posted on February 28, 2004
(Month, Day, Year)



Linda O'Keefe
(Signature of Sign Poster)

LINDA O'KEEFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

HUNT VALLEY MD 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

SIGN RE-LOCATION:

PLEASE REMOVE THE SIGN FROM 4204 OLD MILFORD MILL ROAD AND RE-LOCATE TO: 4212 OLD MILFORD MILL ROAD.

ORIGINAL SIGN POSTING REQUEST ATTACHED.

The sign was RE-LOCATED AS REQUESTED on _____, 2004

By: _____
(Signature of Sign Poster)

_____
(Printed Name)

25613

APPEAL SIGN POSTING REQUEST

CASE NO.: 04-315-SPHA

GARY RAFFEL – LEGAL OWNER

4204 AND 4212 OLD MILFORD MILL ROAD

3RD ELECTION DISTRICT APPEALED: 4/23/2004

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 2)

**********COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 04-315-SPHA

Petitioner/Developer:

GARY RAFFEL

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

4204 AND 4212 OLD MILFORD MILL ROAD

The sign was posted on June 15, 2004

By: Gary Raffel
(Signature of Sign Poster)

GARY FRAND
(Printed Name)

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

January 27, 2004

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: 04-315-SPHA
4204 and 4212 Old Milford Mill Road
S/west side at Milford Mill Road, 45 feet north of Plymouth Road
3rd Election District – 2nd Councilmanic District
Legal Owner: Milford Manor Partnership, Gary Raffel

Special Hearing to approve an amendment to the Special Exception last granted in Cases No. 91-237-SPHXA and 93-318-SPH. To permit an office use in D.R. zone for the existing house on the property, to remove Use Division Lines on the planned an assisted living facility addition from the previously approved nursing home; and to conform that the RTA buffers are already provided to the maximum extent possible, as ordered in Case No. 91-237-SPHXA and 93-318-SPH, and are still adequate. Variance to permit side yard setbacks of 5 feet and 12 feet for an existing non-residential principal building in a D.R. 16 zone, in lieu of the required 25 feet. To permit RTA building setbacks of 5 feet in lieu of the required 75 feet and RTA buffers of 0 feet in lieu of the required 50 feet in the event the Special Hearing is denied.

Hearing: Wednesday, March 17, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco
Director

TK:klm

C: Gary Raffel, 4204 Old Milford Mill Rd., Baltimore 21208
Richard Matz, 2835 Smith Avenue, Ste. G, Baltimore 21209

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 2, 2004.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 2, 2004 Issue - Jeffersonian

Please forward billing to:
Gary Raffel
4204 Old Milford Mill Road
Baltimore, MD 21208

410-415-7500

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: 04-315-SPHA
4204 and 4212 Old Milford Mill Road
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Legal Owner: Milford Manor Partnership, Gary Raffel

Special Hearing to approve an amendment to the Special Exception last granted in Cases No. 91-237-SPHXA and 93-318-SPH. To permit an office use in D.R. zone for the existing house on the property, to remove Use Division Lines on the planned an assisted living facility addition from the previously approved nursing home; and to conform that the RTA buffers are already provided to the maximum extent possible, as ordered in Case No. 91-237-SPHXA and 93-318-SPH, and are still adequate. Variance to permit side yard setbacks of 5 feet and 12 feet for an existing non-residential principal building in a D.R. 16 zone, in lieu of the required 25 feet. To permit RTA building setbacks of 5 feet in lieu of the required 75 feet and RTA buffers of 0 feet in lieu of the required 50 feet in the event the Special Hearing is denied.

Hearing: Wednesday, March 17, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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: 04-315 SPHA

Petitioner: MILFORD MANOR PARTNERSHIP & 4212 MILFORD MILL, LLC

Address or Location: 4204 OLD MILFORD MILL ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: GARY RAFFEL / MILFORD MANOR PARTNERSHIP

Address: 4204 OLD MILFORD MILL ROAD
BALTIMORE, MD 21208

Telephone Number: 410-415-7500.

Revised 2/20/98 - SCJ

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

October 8, 2004

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 04-315-SPHA **IN THE MATTER OF: GARY RAFFEL – Petitioner /Legal Owner**
4204 and 4212 Old Milford Mill Road
3rd Election District; 2nd Councilmanic District

4/07/04 – Z.C.'s Order in which requested special hearing and variance relief was GRANTED with restrictions.

which was assigned to be heard on 11/23/04 has been **POSTPONED** at the request of People's Counsel; and has been

REASSIGNED FOR: **TUESDAY, DECEMBER 21, 2004 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellant : Office of People's Counsel for Baltimore County

Petitioner : Milford Mill Manor Partnership / Gary Raffel, Esquire

Richard E. Matz, P.E. and Kenneth Colbert / Colbert Matz Rosenfelt, Inc.

Mark Sapp for
Colonial Village Neighborhood Association

William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Counsel for Petitioner:
Alan Betten, Esquire
Entered 12/10/04

Printed with Soybean Ink
on Recycled Paper

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

pp'd to 12/21/04 @ 10 a.m.

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

August 12, 2004

NOTICE OF ASSIGNMENT

CASE #: 04-315-SPHA **IN THE MATTER OF: GARY RAFFEL – Petitioner /Legal Owner**
4204 and 4212 Old Milford Mill Road
3rd Election District; 2nd Councilmanic District

4/07/04 – Z.C.'s Order in which requested special hearing and variance relief was GRANTED with restrictions.

ASSIGNED FOR: **TUESDAY, NOVEMBER 23, 2004 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellant : Office of People's Counsel for Baltimore County

Petitioner : Milford Mill Manor Partnership / Gary Raffel, Esquire

Richard E. Matz, P.E. and Kenneth Colbert / Colbert Matz Rosenfelt, Inc.

Mark Sapp for
Colonial Village Neighborhood Association

Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink on Recycled Paper

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

December 23, 2004

NOTICE OF DELIBERATION

IN THE MATTER OF:
***GARY RAFFEL; MILFORD MILL MANOR PARTNERSHIP* – Petitioner**
Case No. 04-315-SPHA

Having heard this matter on 12/21/04, public deliberation has been assigned for the following date and time:

DATE AND TIME : WEDNESDAY, JANUARY 26, 2005 at 9:30 a.m.

LOCATION : Hearing Room 48, Basement, Old Courthouse

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

c: Appellant : Office of People's Counsel for Baltimore County

Counsel for Petitioner : Alan Betten, Esquire
Petitioner : Milford Mill Manor Partnership / Gary Raffel, Esquire

Richard E. Matz, P.E. and Kenneth Colbert / Colbert Matz Rosenfelt, Inc.

Mark Sapp for
Colonial Village Neighborhood Association

William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Copy to: 3-2-7

Printed with Soybean Ink
on Recycled Paper

Verified 12-22-04

Petitioners Exhibits

1. Plan to Accompany Petition for Special Hearing + Variance
2A-G pictures around 4212 Millford Mill Rd
3. Enlarged area of proposed Parking
4. Landscape Plan
5. Resume' for Richard E. Matz

Petitions 2 a 40 2 f

(g = large photo – 8½" x 13")

EXHIBIT

tabbies

2A

#9
11-18-04
4212 MILFORD MANOR

EXHIBIT

tabbies

28

10

11-18-04

4212 MILFORD MANOR

EXHIBIT

tabbies

2C

#8

11-16-04

4212 OLD MILFORD MILL

EXHIBIT

tabbies

2D

1

11-16-04

4212 OLD MILFORD MILL

EXHIBIT

tabbies

2E

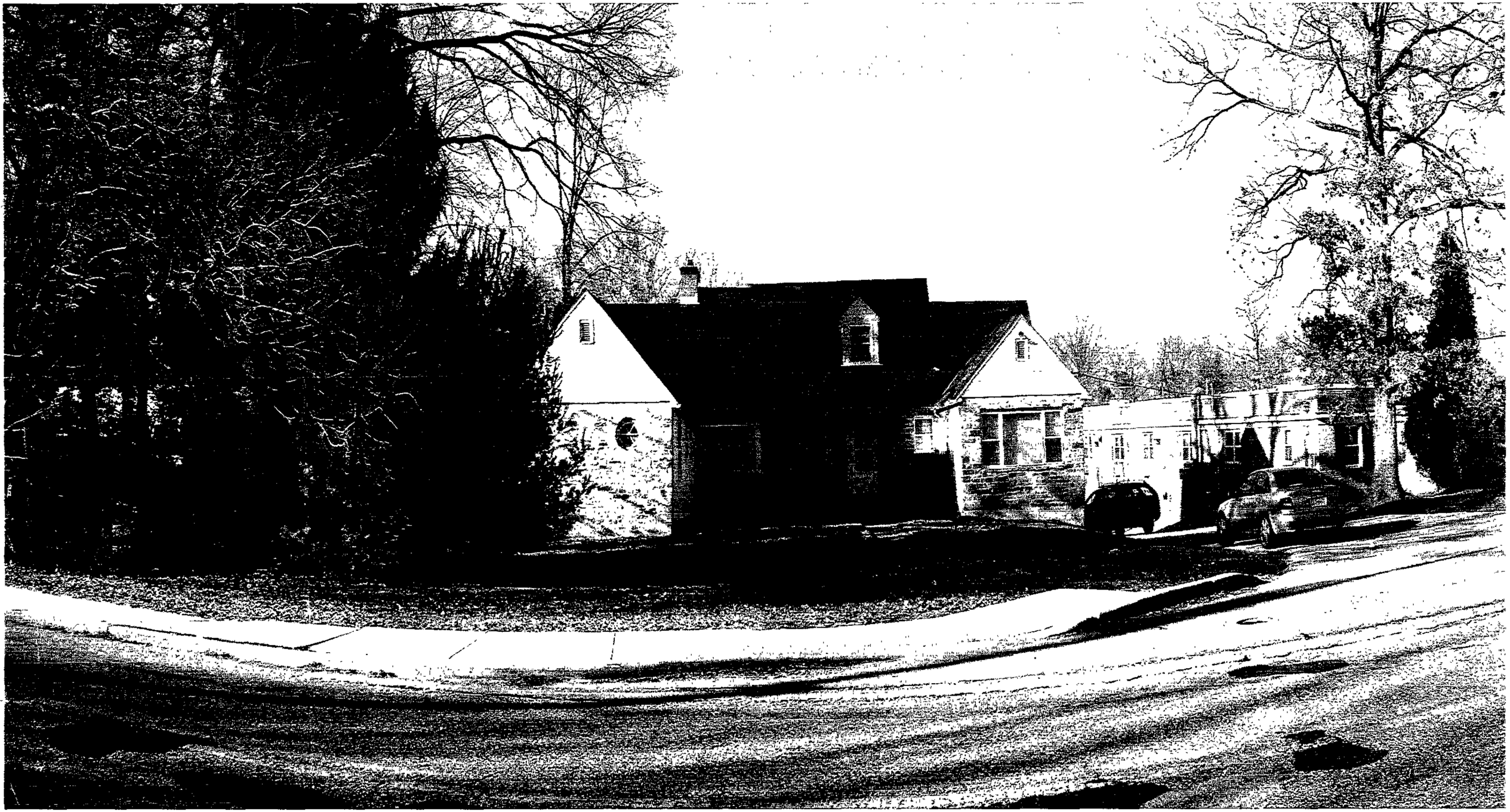
2
11-16-04
4212 OLD MILFORD MILL

EXHIBIT

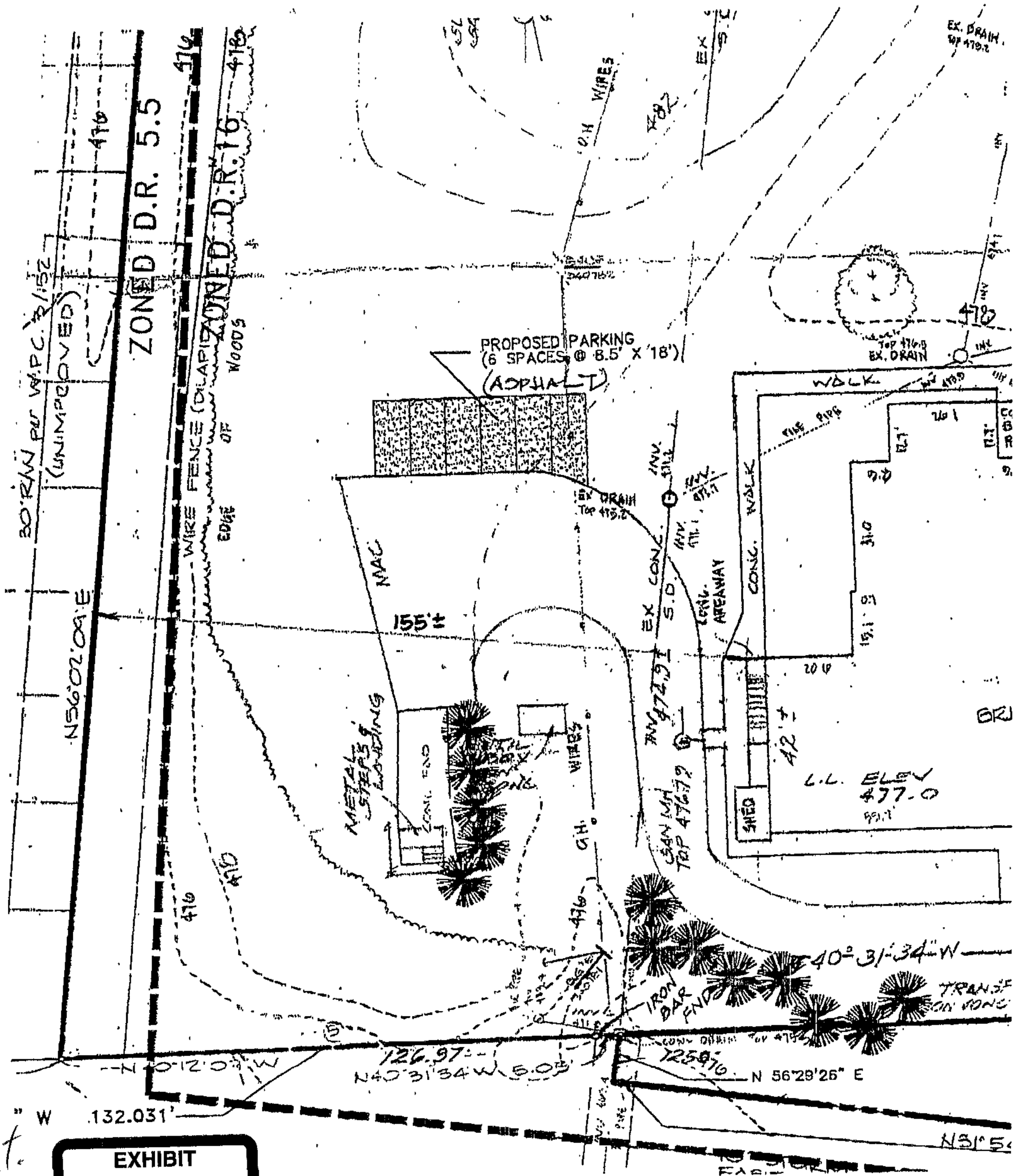
tabbies

2F

3
11-16-04
4212 OLD MILFORD MILL



PeT. Ex 26



Ret.

EXHIBIT

tabbies

3

Petex

EXHIBIT
tabbies
5

RESUME

PROFESSIONAL BACKGROUND AND EXPERIENCE

RICHARD E. MATZ
Vice President
Colbert Matz Rosenfelt, Inc.

PROFESSIONAL STATUS: Professional Engineer, Maryland, PE No. 13203

PROFESSIONAL ASSOCIATION: Member – American Society of Civil Engineers
Member - Baltimore County Engineering Association

EDUCATION: University of Colorado
Boulder, Colorado
B.S. in Civil and Environmental Engineering - 1973

PROFESSIONAL EXPERIENCE:

12/92 – Present

Colbert Matz Rosenfelt, Inc.
Consulting Engineers & Surveyors
Baltimore, Maryland

Vice president and Project Manager of industrial, institutional and residential land development projects. In charge of managing projects on a day-to-day basis and processing plans through the Development Process. Has experience in hundreds of land development projects. Numerous expert testimonies in zoning and civil engineering engagements.

11/86 - 4/91

Harris, Smariga, Matz, Inc.
Consulting Engineers & Surveyors
Baltimore, Maryland

President of mid-sized Civil Engineering, Land Planning and Surveying Company specializing in Baltimore County Land Development and Public Works engineering. Responsible for all facets of business including client development, proposals, planning, office management, scheduling, quality control, personnel, engineering review and sealing of land development drawings.

1984 - 1986

Kidde Consultants, Inc. (Now KCI Technologies, Inc.)
Consulting Engineers and Surveyors
Baltimore, Maryland
Senior Associate, Project Manager

Urban Planning & Development Division
Project Manager for residential, commercial and industrial projects.

1981 - 1984 Kidde Consultants, Inc. (KCI Technologies)
Associate

Special Projects Division
Specialized in the environmental and solid waste related fields. Involved in every aspect of large resource recovery and landfill projects. Prepared CPM planning and construction schedules, procurement contracts, specifications, site drawings, projects included in the Delaware Reclamation project in Wilmington, the Sussex County landfill in Delaware, Harford County Resource Recovery Facility at Aberdeen Proving Ground, the Main Energy Recovery Company Plan in Saco-Biddeford, Maine.

1980 - 1981 Kidde Consultants, Inc. (KCI Technologies)
Design Engineer

Land Development Division
Prepared construction drawings, cost estimates, stormwater management plans.

1/78 - 11/79 Israel Defence Forces
Non-Commissioned Officer - Transport Logistics - Quartermaster Corps.

7/74 - 1/78 Goldberger & Pressburger
Consulting Engineers
Beer Sheva, Israel

Design and supervisory work in small multi-service civil engineering company; including design of roads, water supply and irrigation, pumping stations, sewerage and sewage treatment. Work also included earthwork calculations, surveying, development planning, plumbing design in buildings, specification preparation and client contact.

Summer 1973 MCA Engineering Corporation
(Now KCI Technologies)
Baltimore, Maryland

Design - sanitary sewerage, roads, reports and specifications.

Summer 1972 MCA Engineering Corporation
(Now KCI Technologies)
Bridge Construction

Construction Supervision and Land Surveying.

Colonial Village Neighborhood Improvement Association, Inc.

CVNIA, Inc.
C/O David Reinstein, President
7100 Deerfield Road
Pikesville, Maryland 21208
410-484-8252

Community No 1

March 16, 2004

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

Ref: Case #04-315-SPHA

Dear Sir:

Colonial Village Neighborhood Improvement Association, Inc. represents approximately 300 homes in the Colonial Village Neighborhood, located in Baltimore County. These homes surround the properties of 4204 and 4212 Old Milford Mill Road on three sides.

On March 2, 2004, the Board Of Directors of the Colonial Village Neighborhood Improvement Association, Inc. held a board meeting. Case #04-315-SPHA was discussed in detail. **The Board of Directors then unanimously voted against the zoning changes requested in Case #04-315-SPHA, including opposition to any non-residential use of the property of 4212 Old Milford Mill Road.**

Our concerns include several issues, as we strive to preserve the residential nature of our neighborhood.

First, there are only residences in the 4200 block of Old Milford Mill Road (taking into account that Milford Manor Nursing & Rehabilitation Center at 4204 is a residence), and we do not wish to set a precedence of Residential Office use in our neighborhood, which could possibly start a domino effect, leading to additional offices on the 4200 block of Old Milford Mill Road. This concern is real as can be shown by Issue Number 2-050 of the Baltimore County Comprehensive Zoning Map Issues. In issue 2-050, the owners are requesting a change from DR5.5 to Residential Office or Community Business for their property located on the 4200 Block of Old Milford Mill Road.

Second, there is no off street parking at 4212 Old Milford Mill Road, and the parking lot at Milford Manor Nursing & Rehabilitation Center, located at 4204, does not provide enough parking spaces for current needs of the nursing home. During most days, the nursing home staff must park in front of the homes on Old Milford Mill Road and the homes on Plymouth Road. If the owners of 4204 and 4212 are allowed to place one or both of their other businesses, Raffel Senior Housing, LLC and/or its affiliate company, Raffel HealthCare Group, Inc. in 4212, it will only lead to a greater parking issue in our neighborhood along with increased foot traffic.

Next are the issues of RTA buffers and request for variance of setbacks. In case #04-315-SPHA, the legal owners of the property are asking the Zoning Office to confirm that the RTA buffers are already provided to the maximum extent possible, as ordered in Case #91-237-SPHXA and Case #93-318-SPH. Our neighborhood believes that these RTA buffers and variances of setbacks are inadequate, due to the close proximity to our homes. There is virtually no landscaping at 4212 Old Milford Mill Road. We hope that the Baltimore Zoning Office will visit/inspect the properties at 4212 and 4204 before deciding if the existing RTA buffers are adequate or granting variance of setbacks.

In summary, the Colonial Village Neighborhood Improvement Association, Inc. appeals to the Baltimore County Zoning Office to preserve the residential nature of our community, by ruling that use of the house at 4212 Old Milford Mill Road remain a residence as required by its present zoning.

Sincerely,

David Reinstein
President
Colonial Village Neighborhood Improvement Association, Inc.

7100 Deerfield Road
Pikesville, Maryland 21208

410-484-8252

SIGN RE-LOCATION:

PLEASE REMOVE THE SIGN FROM 4204 OLD MILFORD MILL ROAD AND RE-LOCATE TO: 4212 OLD MILFORD MILL ROAD.

ORIGINAL SIGN POSTING REQUEST ATTACHED.

The sign was RE-LOCATED AS REQUESTED on JUNE 22, 2004

By: Gary Freund
(Signature of Sign Poster)

GARY FREUND
(Printed Name)

25613

APPEAL SIGN POSTING REQUEST

CASE NO.: 04-315-SPHA

GARY RAFFEL – LEGAL OWNER

4204 AND 4212 OLD MILFORD MILL ROAD

3RD ELECTION DISTRICT APPEALED: 4/23/2004

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 2)

**********COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 04-315-SPHA

Petitioner/Developer:

GARY RAFFEL

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

4204 AND 4212 OLD MILFORD MILL ROAD

The sign was posted on June 15, 2004

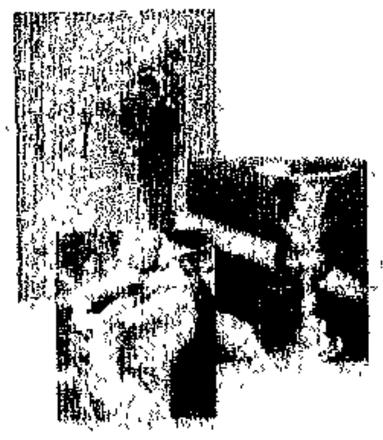
By: Gary Raffel
(Signature of Sign Poster)

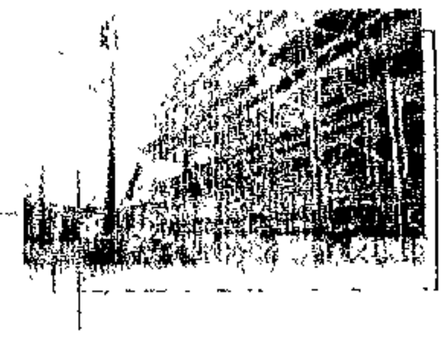
GARY RAFFEL
(Printed Name)

RAFFEL SENIOR HOUSING

About Raffel Senior Housing

Raffel Senior Housing specializes in developing and operating senior housing facilities. We also provide consulting and management services to other owners and developers of senior housing and to existing providers who wish to increase their performance. Our affiliate company, Raffel HealthCare Group, Inc. is a successful management company in the highly regulated skilled nursing field. This experience has proved to be invaluable in developing and managing senior housing projects, especially assisted living. Our regulatory experience makes us ideally situated to succeed in all types of senior housing alternatives, which are increasingly subject to stricter and more complex regulations.





We are active members of MidAtlantic LifeSpan, a non-profit group representing senior service providers and ALFA, the Assisted Living Federation of America.

Our Mission: *"We develop and implement thoughtful ideas to make senior housing services attractive, affordable and approachable, designed for resident satisfaction and investor value."*

Top

Home

Raffel Senior Housing, LLC
[illegible] Lynch Lane, Baltimore, Maryland 21286
tel: 410 415 5700 fax: 410 415 5702

Community No 2

RAFFEL SENIOR HOUSING

Our Services

Our services are grouped into three distinct areas:

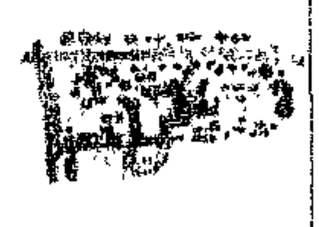
- Development
- Consulting
- Operations

Development

Development services include site selection, demographic analysis, operational design, financing options, financial projections, and project coordination. We also have the expertise and experience regarding site development requirements, such as zoning approval and other applicable local, state and federal regulations.

Consulting

We provide a broad range of consulting services to other health care providers, as well as companies interested in entering the senior housing market. We provide these services on either a fee basis, or as part of a joint venture arrangement. Consulting services generally include assistance with development, design, program establishment, operations, financial and bookkeeping services, document production and regulatory compliance.



Operations

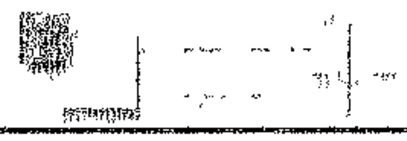
Operations services encompass all aspects of facility operations, from the establishment of facility policies and procedures to employment of facility staff plus all applicable management operations.

Our Mission in each senior housing project we own or manage is:

> *"To provide quality of life to our clients in a secure and comfortable environment with an emphasis on care, kindness and an understanding of individual needs."*

Top

Home



Raffel Senior Housing, LLC
[illegible] Lane Baltimore, Maryland 21208
[illegible] 5700 Fax: 410 415.5112

RAFFEL SENIOR HOUSING

Our Projects

- **Assisted Living**
  1. Constant Friendship Assisted Living
  2. Chestnut Grove Assisted Living
  3. Catered Living of Pikesville
  4. Gaylord Hill Assisted Living
  5. Rodgers Forge Assisted Living

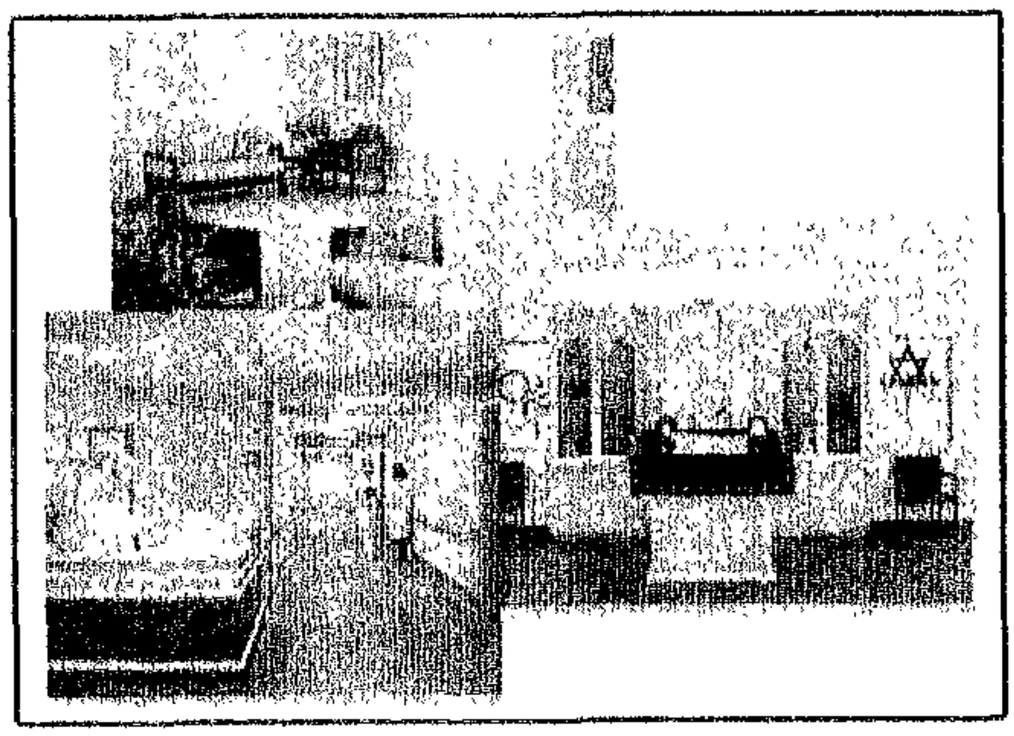
- **Skilled Nursing**
  1. Milford Manor Nursing & Rehabilitation Center
  2. Seton Hill Manor
  3. Franklin Court Nursing Center

Top

Home

Raffel Senior Housing, LLC
[illegible] Lane, [illegible], Maryland [illegible]
Tel: 410.415.[illegible] Fax: 410.415.[illegible]

Project: Milford Manor Nursing & Rehabilitation Center



A Commitment to Family

Milford Manor is in its third decade of ownership and management by Raffel HealthCare Group, providing Baltimore's Northwest community with the highest level of nursing and rehabilitative care services.

Warmth & Caring in the Family Tradition

Milford Manor is an intimate facility of 119 residents, allowing us to offer services with an individualized touch. We believe that families are an important and vital part of each resident's plan of care and we encourage families to participate and avail themselves of our support services.

Our Facility

Milford Manor is designed as a place where seniors needing assistance & supervision will enjoy their day in an active, safe & nurturing environment. Decorated in comforting colors, attractive furnishings and artwork, Milford Manor contains several common areas and lounges, as well as a beautiful synagogue with original stained glass commemorating the Jewish holidays.

Our Services

- **24-hour Licensed Nurses**: Licensed nurses are on duty 24-hours a day, overseeing resident care to ensure that they receive optimum health, comfort and safety.
- **Rehabilitation Services**: Our in-house therapy department provides intensive therapy services and a unique restorative program.
- **Plan of Care**: A multi-disciplinary team of health professionals work closely with family members to create a care plan that addresses each resident's physical, social and psychological needs.
- **Recreational and Social Activities**: Our certified therapeutic recreation

specialist and other team members plan a balanced variety of daily activities to appeal to residents of varying levels of physical and cognitive abilities. Our range of activities include educational programs, outings, school and community group visitations and social gatherings.

- **Support Groups**: Our licensed social worker provides support programs for residents and their families. Recent topics have included group discussions about the aging process, Alzheimer's disease and family/caregiver workshops.
- **Dining Services**: We have an unrivaled reputation for the delicious and nutritional quality of our cooking. We serve traditional kosher meals, under rabbinical supervision, in several comfortable and attractive dining rooms. We accommodate a wide selection of special diets, all of which are monitored by our registered dietician.
- **Religious Services**: We encourage residents to continue traditions they have followed throughout their lives. We offer weekly Jewish Shabbat and holiday services in our beautiful and spacious synagogue. We welcome, and encourage, families, friends and community members to join us.

Contact Milford Manor
4204 Old Milford Mill Rd.
Pikesville, MD 21208
Phone: 410.486.1500
Fax: 410.653.5530
email: milfordmanor@earthlink.net

Request information about Milford Manor

Previous Next

Top

Home

Raffel Senior Housing, LLC
10 Church Lane, Baltimore, Maryland 21208
tel 410.415.9700 fax 410.415.5505

RAFFEL SENIOR HOUSING

Our Professional Backgrounds

Gary D. Raffel, President & Chief Executive Officer

Mr. Raffel is one of the principals and CEO of Raffel Senior Housing and its affiliate company, Raffel HealthCare Group, Inc., where he has been CEO since 1995. Under Mr. Raffel's guidance, Raffel HealthCare Group changed its focus to assisted living beginning in 1996, following the sale of its Baltimore City skilled nursing facilities. The Company's first assisted living facility, Catered Living of Pikesville opened in January 1998. Raffel Senior Housing was formed in 1999 to better indicate the nature of our business. Mr. Raffel was previously an attorney at the Baltimore law firm of Gordon, Feinblatt, Rothman, Hoffberger & Hollander, specializing in real estate and health care law. He also clerked in the United States District Court for the District of Maryland. Mr. Raffel received his undergraduate degree from Clark University in 1978, and his law degree from the University of Baltimore in 1984. He is a member of the Maryland Bar, and also serves on several charitable boards, including Comprehensive Housing Assistance, Inc., an agency of The Associated: Jewish Community Federation of Baltimore, and Weinberg Park, a 36 resident, non-profit assisted living facility.

William H. Hokemeyer Jr., Vice President & Chief Financial Officer

Mr. Hokemeyer, a Certified Public Accountant, is also one of the principals of the Company and has been with the organization since 1990. Mr. Hokemeyer has been instrumental in facility operations and the achievement of financial stability and profitability through the implementation of finely tuned operating protocols and procedures. Mr. Hokemeyer is an expert at operations and project budgeting, reimbursement, accounting and information services. He has developed proprietary templates that the Company uses in determining the viability of new projects. Mr. Hokemeyer was previously the Controller of the Union Memorial Hospital in Baltimore, and also worked in the health care division of Arthur Andersen and Company. Mr. Hokemeyer received his undergraduate degree from Loyola College of Baltimore. He is a member of the Maryland Association of Public Accountants.

Top

Home

Raffel Senior Housing, LLC
[illegible] Baltimore, Maryland 21[illegible]
Tel: 410.[illegible] Fax: 410.[illegible]

(1)

12/21/04. Fm Re Gwing Ruffel. Petition
Case # 04-315-SPHA. Legal Owner.

Petitioner - Planner Counsel.
Alan Benton. Carole DeNicolo

Relief Sought - To permit use of residential dwelling as an office building for nursing home.
Use variance has been deleted.
Variance relief sought for side yard setbacks - 5 ft & 12 ft in lieu of 25 ft & for 409.2 (c) permit 12 ft driveway in lieu of 20 ft.
Condition - no change to 4212 Old Ruffel Rd.
Limited to use by occ of nursing home.
Landscaping is to be placed on Old Ruffel Rd Rd.

P.C. - Opposed. Familiar a series of variances & RTA site.
1991 S.E granted limited special exception was met with Colonial Village.
Condition - 4212 would stay as a dwelling residential dwelling unit.
Barnes. Joggers. - Old cars. other people tried to do same thing.
Opposed to variances requested & RTA variances requested. Not to regards entitled uses for office uses
Change would have a negative impact on neighborhood

Petitioners Case.
Judith Sloan. - Chief Planner with Carl Freyman firm Collard Mintz Rosenfeld.
Expert in Land Planning.
Pet Ex 1 - Plat submitted in zoning case.

Semi entrance in front of 4212
Cert. 5045 X Original case in 1961. Not
familiar with any of Colonial Village
1967 - Various zoning matters here from
non-profit religious purposes.
Has not constantly been used for
residential purposes
1972 - Expansion of Nursing Home - prevailed
by finality -
Addition built between and for
unrelated living facility
1992 S.E. Still Well approved that 4212
could be used as a residential home.

1993 - Hearing before Z.C. To extend approval
for building addition. Contention today please
note

Pet Ex 2 A - Photo to show driveway in Mr. Zuckerman
B - Semi driveway West of the office
entrance of Mill Neck
C - View from driveway looking at back of
Mill Neck
D - looking at trees Mill Neck. &
front of house
E - looking down semi driveway towards
4212 on left
F. Photo view down semi drive
2 G - Front view of 4212 & N.H. in
background
Semi drive is not a cut through. It is a
private Rd.
Has 45 parking spaces. 2 handicap
N.H. intends to add 4 parking spaces at back of property
Spaces will be at end of service area.
No installed landscaping
Pet Ex 3 - Plot showing addition, parking spaces

Her contention is that staff parking in parking lot.
No restriction on Mill Hill on lack of parking

Pet Ex 4 - Landscape Plan. Shows proposed landscaping
incl. 4212 on Wakefield Mill Rd.

Cons. 4212 was not part of that zoning change
4212 is zoned DR 16. Surrounding area.
By 1991 was for adjoining properties has changed.
4212 is 1/2 an acre. Driving is
thru by way of an easement.
4212 could be used for residential
use.
6 additional parking spaces. To be used by
ass of proposed house.
There was concern of some of ass parking
in the driveway.
People parking next to 4212.
Familiar with restrictions in 91 case.
limiting the residential use.
landscaping has been complied with.
She has not allowed it with any requests
Proposed landscaping including - 5
ornamental trees. Could be 15-20 ft
evergreen trees

Gary Raffel:
Owner of Mill Mill Nth. & CEO of
Co. He has been owner for 25 years.
119 beds - 5 killed missing patients.
Can by bringing nurses as well as Mary Ashell
Patients come from surrounding communities
Provides family centered - Kosher food.
60% are Jewish. Rest African Amer.
124 ees - on payroll
One of larger employers in area.

Run 3 shifts M-F.
Weekends 2 12 hr. shifts - 7 A.M. - 7 P.M.
Changes in area
Behind Mary Ann - Construction for State Police
Crime Lab & Bulter County

Pogue Lane #1 Butler Co. G15 Mgr.
Construction of new lab is behind nursing home
line of trees.
4204 - Mil Mil. - owned by Mil Mem. P/S.
4212 is owned by 4212 Oak Mil Mill Bus. Co.
Refurbished Mil Mill in 2002.
HSO not authorized in 4212 Mil Mil. Ave
4212 Has always been a separate entity
Addition completed in 1997
Doesn't sit the Butler Assisted living facility.
Would have required additional staff

4212 has been used as storage for supplies
& storage of medical & funeral records
Surveys done and for allowances
Access to dangerous.
Some are prefer to punch their during
day.
Currently in policy at shift changes
& on Mothers day.
Busy different on numbers of ass on shifts.
Day shift has most ass.
Overlap of nursing staff.

Last 10 years - Finally has become very
regulatory & review. Record keeping is about overwhelming
Have added MBS more working records to state
& Fed Govt & Quality control rules.
Prospect policy terminus. Required to hold
clients for 7 years

Volatile Organic Compounds Plan. Have systems in place that minimize replacing & replacing out being abused

Have a hot line for Organic Complaints. Patrol can make 4 to 10,000 calls.

N.H. subject to spot inspections by B.C., State & Fed. Must be able to get records

Proposed inc. 4212 - Roffel & his CFO tossed bombshells and also made, so they would work in 4212.

Has been no increase in staff at N.H. in last few years

4212 Not for and by plaintiffs, to meet with fully working. Would not be used on weekends

Roffel Health Issues Going. Managers having the doing in day

Roffel Senior Housing. Was not my to do anything that is dump now

4212 - No exhibiting stuff, or traffic issues weekdays.

92 Spec. Excep. Landscaping

Rear parking lot behind N.H. was being ripped in grass.

No complaints from neighborhood re upkeep of facility

N.H. plans the service road. Has neighbors who park in the N.H. parking lot.

Does not that has park in Mill Pond Rd.

Fire lane to the Red Cross, gives classes to seas. & students - Park on Mill and Mill Pond Rd.

Could tell Red Cross to have students park in the N.H. parking lot.

Cross - Red Cross program does not pay N.H.
student would be at Cross 14-15 for 6 days
Putting in 6 additional spaces.
Staff in parking in driveway should avoid
don't need additional 6 spaces they can go to parking.
14 Clark Cross owns free office. When moved to
do other projects. Hours in 1997 Lease 2000 sq ft.
Records for 5 yrs. Hearing has been continued.

Mail Mail records in file cabinets of Transfiles.
How to problem files are in 45 minutes.
when inspections carry.
Facility has no storage space. Study to
what of the house. after 2 C. hearing
Store - Food stuffs there.
Raffel established in N.H. Cabins in 2001. Now in
N.H. before going to house. Property along
main drive. has never been formed &
shoulder.

Resident:
No need for cross to cross to 4212
4212 purchase in 1987 - Was bought and as a
residence. Plan to that at cross and for
religious purposes.
Site purchased - Do not as resident.

Richard E Matty
Expert Prof Engineer.
Matts to revise use for non residential use
Would be many for sale yard set backs for
non residential use. To point in 12 feet
away in back of 25 ft.

502.1 Standards.
1. Would not be detrimental to neighborhood
" " " environ impacts

No conflict of int. etc.
School.
Light & Air
Be consistent with zoning classification
Not similar
Not detrimental
Meets the standards for the special exception

Use variance - Practical difficulty. Would be unnecessarily burdensome.
Can be no detriment because the house is what it is
No changes - meets 3rd prong of test
Relief not granted. DRIL could be reduced into my units. Could be sold to a family. One family generates 10 trips per day. If I sense moved into house. Could put a small apt building there

Cons
4212 Does not meet front & side yard set backs
If I would not meet RT & set backs as
appearance of the existing house. It does not meet the standards at the moment
Request for variance in DR 16 Zone - Not permitted except by SE

Rebuttal
Could be an accessory use

People Council Cons
Mark Sagg. 4207 Old Milford Mill Rd
has access st for Mary Hse. Land therefore
1981. Homes were built in 1940
approx 300 houses in neighborhood
Rep of County Assoc. of as a Resident.

R.C. 24, B, AC
Rule 8 proj

1991 Zoning Ord. Agent that 4212 not
lived used as office.
No changes in neighborhood since that
time.
4212 & Nancy Hess are non-conforming lands the
neighborhood.
Pos. #3. Avoid using smaller version
PC #4. A Comprehensive plan. along Old Mill Rd
Rd & Pylantly Rd &
Surgery Hess.
4B - Rosedale St. Neighborhood look like Rest Rd
4c - 4202 Old Mill Rd
4d - Entrance to Mill Manor
4e - Milfor Manor Surge
4f - Driving beside 4212.
4g - Standing at 4212 looking across St. at 4207
4h - looking at 4214
4i - 4219 down
4j. 4221 to 4229
4k. - opposite side of 4217-4219 4221 - 4229
4l. - opposite side of Mill Mill Rd. 4211 - 4215

Fencing & planting - some planting was done. Left here
believes it has disappeared. No
replanting.
Never seen helicopter service at 4212
Assoc - objects. Trying to maintain residential
flavor & residential area.

Since Z.C. hearing house is being used as an office
PC #5 A - Photos of driving and house at 4202
Mill Mill Rd -- Taken on 12/10/2004 at
about 9:00 pm -- all lights on.

(9)

PC #5B - Smith, shot they came
5A - " "

2-050 - Crossman property, at end of block.
Regard to make R.O. neighborhood
appeal that. Cannot kept property DR zoning
1991 - Now have problem 4212 in order to
make a service driveway, to get to
Nursing home.
No argument was made against
the Nursing home.
PC #2 4/8/92 - Bonds Orlen - Criteria to restriction
Not opposed. Been friendly in case.
Nothing unique about lot 4212. Same as
others in neighborhood
His observation - majority of days M-F cars parked
on Old Mill Rd & go into the Nursing Home
It is an intrusion in neighborhood - He thinks
if home commitd to appeal it will increase
traffic - People going into the home to meet with
President
Would have negative effect - Cross have nega-
tively affected appeal use.
Objects to RTA variance standards
He believes convert to appeal use would
be detrimental to the value of his home.

Cross -
Smith bought his residence adjacent to
4212. Did have a general zoning & was a
residence. Seen staging stakes installed
to front of the house.
Has heard about proposed. does it be permitted
Feels that the planting in 1991 does not
kept up.
Wouldn't think that use of home for staging
part of your would make any difference

Visitors park on the street. Park before 7:00 AM
No restrictions on other comm parks ~~the~~ on the street
Says uses his garage as a storage shed.

Rooms.

Resident -

Rooms - Never asked for restrictive parking. Would
for No parking zone for Neth.
Says in their neighborhood No
Home Occupations - Not Well Rel. Are Restrictive
Lot & size lots.

Tyrone Brown 4200. Lowell Drive.
Has questioned zone project parking in neighborhood
P.C. #7 Tryings as ~~[illegible]~~ recs of N.H.

Petitioner:
Use in an existing zoning for a parking zone
zone - Would not negatively affect vehicular
traffic - Not imposing any additional burden
on the neighborhood:
To effect conditions zoning imposed
by Z.C.L. H would comply with parking
& noted conditions.
Bd - would comply with any Board
conditions.
Would prohibit H.
Respondent proof that property is unique
or that there is practical difficulty
Feels priced to prove property
is unique. SE had it prior right
to zone 4212. For an appropriate
Hardship to comply with RTA standards
Hard to protect existing properties zoning
Has not been hurt by RTA standards
quite. RTA - to protect residents
from this.

Bd. order in 1991 - ~~[illegible]~~ 4212 wrongly used. fps.

Ord #04127 - 11/4/04. Bonus - Joyce dec.
Spec hrg must exist.
Can consider records in another appeal.
Whitter v. Bd of Zoning App. 125 Az 1956
Has to be a change in neighborhood in order to change a spec exception.
Windsor Mill Gospel Hall 03-604-003
& Bd Dec. 03049A.
Opposed for a church for Residential Transition Area
Edgar Fox Mittenbit Church - Denied RTA variance.
Unanimously by the neighborhood.

Related.
Neighborhood undergoing substantial change.
Cite back - etc.
RTA - buffers are generally given an & are still valid. Not hard cases for variance of RTA. but that they are sufficient.
Has to RTA requirements for 4212 - which they have not carried as burden of proof. Expansion not stands RTA standards

Case # 04-315-SPHA Gary Raffel

Benington Residential use converted into a office use R/O for a nursing home

Demilio 1991 - 4212 Milford Mill Rd would be residential due to an agreement signed that would always be residential
- Bonner / Zappa

Benington Judith Sloan civil engineer
masters in planning expert in landscaping
Milford Mill Rd runs along the southest the property
2 entrances, service + main
50' exception was granted in 1961
1967 a variance was granted for side yards
1992 another variance was granted
The 4212 was not always used as a residence (was a church)
45 parking places w/ 2 handicap

Demilio 1967 was a synagoge but not used as a synagoge in 1991 now zoned as DR 16
Currently only allowed to be a residence
will use 5 crab apple trees for buffer
they will loose there leaves

Gary Raffel - owner + CEO of Nursing Home
114 beds, They are not the original developers & owners. Rehab + permcare
65% are Jewish / some African Am. (Black)
one of the larger employers in area
3 shifts on weekend 2 12 hour shifts
Behind the property is a MD crim lab + New Balto. Co. Precint.

2

Case #04-315-SPHA Gary Raffel

Gary Raffel - 4212 has never been combined w/ Nursing home
Currently used as dietary supplies + Medical equipment + Records stored in 4212
- Some times there is crowded parking but only during shift change
- change in nursing care makes than keep a lot of records more short stays but regulations keep records for 7 years
- Need to have access to second floor
- 4212 would only be occupied by Gary & CFO 9 to 5 on weekdays
- other companies that are off shoots of the nursing home but do not employ anyone
- rear of the property was parking lot but they removed it and landscaped it
- Property is maintained by outside staff
- To his knowledge his employees do not park on Millford Mill Rd.
- Red Cross puts on classes there not required to but it is encouraged by Health Dept.

Demillio

All records of all business are stored at 4212
They have to produce old records in 45 minutes
Currently working out of the house but does not have final approval
- Sign is illuminated
- 106 out of 119 residents current
When it was purchased it was a house in 1987

Berington - Richard Matz - Pro. Engineer

	1	2	3	4	5	6	7	8	9	10
Section	NO,	NO,	NO,	NO,	NO,	NO,	NO,	NO,	NO,	

Meets all the requirements as spec exception

3:

Case # 04-315-SPHA Gary Raffel

Richard Katz - It would be burdensome if it was not granted
if the house is sold it could generated more trips.
Zoned RR16 could be apartment building

Demillio Does not meet setbacks

Demillio Mark Sapp 4207 Milford Mill Rd straight across from Nursing Home lived there since 1981
Homes were built in 1940, 300 homes in Comm.
Strongest grief is that they oppose any zoning change because they have been able to keep there comm. in fact since 1940's
- Showed pictures of activity at 9:00pm with lots of cars parked in Driveway
- House was bought to keep the service drive from going through wetlands
- Property is not unique from neighborhood
- Mon - Fri about 15 cars a day park on Milford Mill Rd
- If one house gets RO zoning it will start all the homes to get RO zoning
- They do not want the Nursing home to close up

Berman - Feels it will negatively impact his property value
- 300 homes less than 50% belong to Assoc.
- Told Gary about Trees that died in 92 plan but nothing happened
- Cars are parked there at 7:00am going into Nursing Home
- Mr. Sapp has Garage

Demillio - Afraid maintence of Garden will not be kept up.
- No business zoning after Riesterstown Rd
no trucks on Milford Mill Rd

4

case # 04-315-SPHA Gary Raffel

Richard Sapp: lots by 4212 are rectangular

Tyron Brown proffer was entered

Benton close

Says Nursing Home would comply with all requirements set by Board

Demillio No Burden of Proof

04-127 Bonnar Jappa
He had office space outside of 4212 but close to move here this is no reason to expand the use.

03C0
R.T.A. Variance
Nursing Hom wants to change agreement but the comm. has not changed

Gary Raffel

Verified

12/22/04

04-315-SPHA

Peoples Council Exhibits

1. GIS Map
2. a, b, c, Rule 8 papers
3. Map w/ zoning overlay
4a - L Pictures of Houses in area
5a - 5c
6. Board of Appeals case # 91-237-SPHXA
7. Zoning Map 200 scale

P.C. Ex. 2 a

Colonial Village Neighborhood Improvement Association, Inc.

CVNIA, Inc.
C/O David Reinstein, President
7100 Deerfield Road
Pikesville, Maryland 21208
410-484-8252

AFFIDAVIT

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the Board of Directors and Zoning Committee of the Colonial Village Neighborhood Improvement Association, Inc.

Mark M. Sapp

Mark M. Sapp

ATTEST:

Colonial Village Neighborhood Improvement Association, Inc.

Elizabeth Ford
Secretary

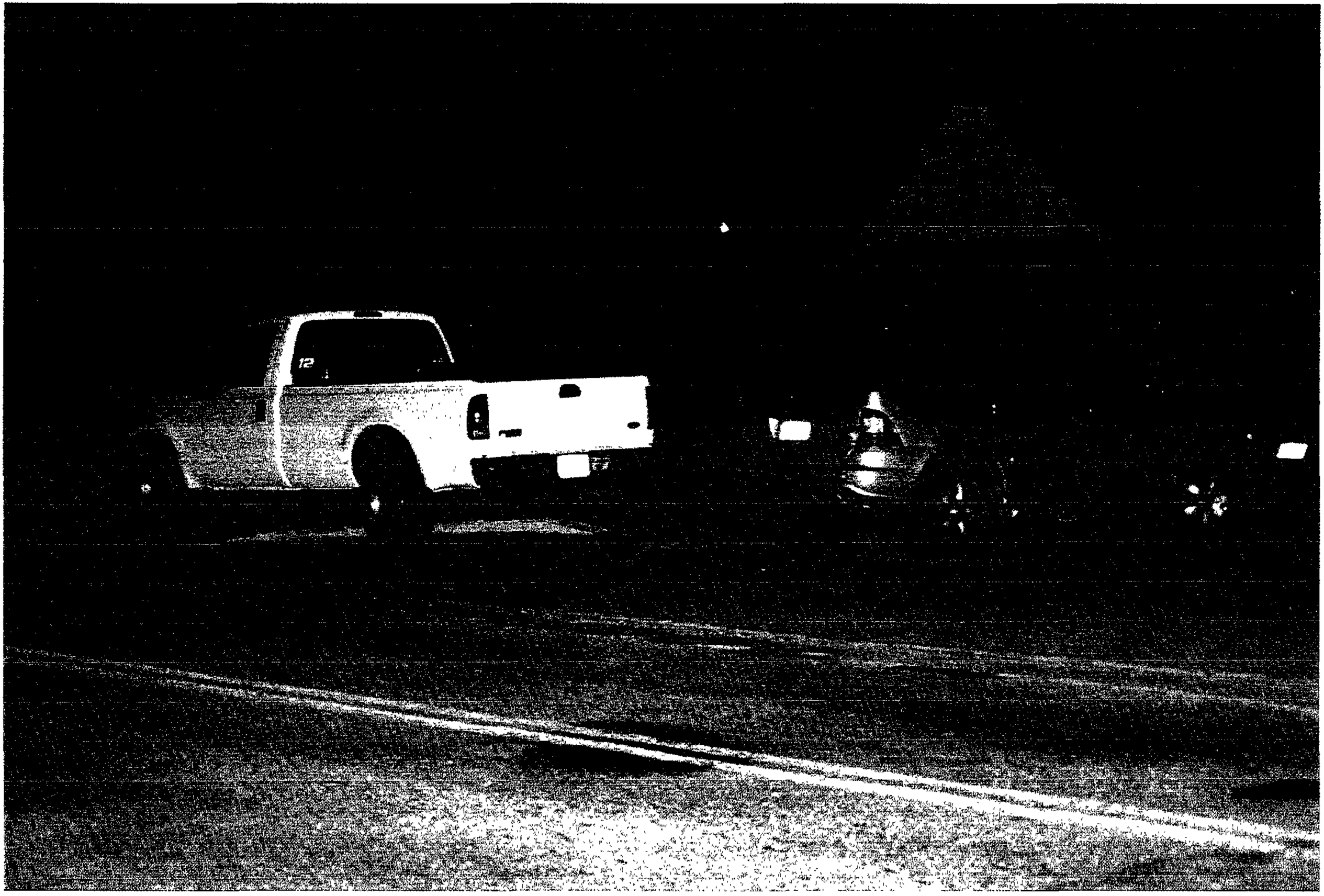
David Reinstein
President

DATE: 12.17.01

Baltimore County - My Neighborhood

P.C. Ex 3

P.C.Ex.5C



P.C. Ex. 5B

4212

P.C.Ex.5 A

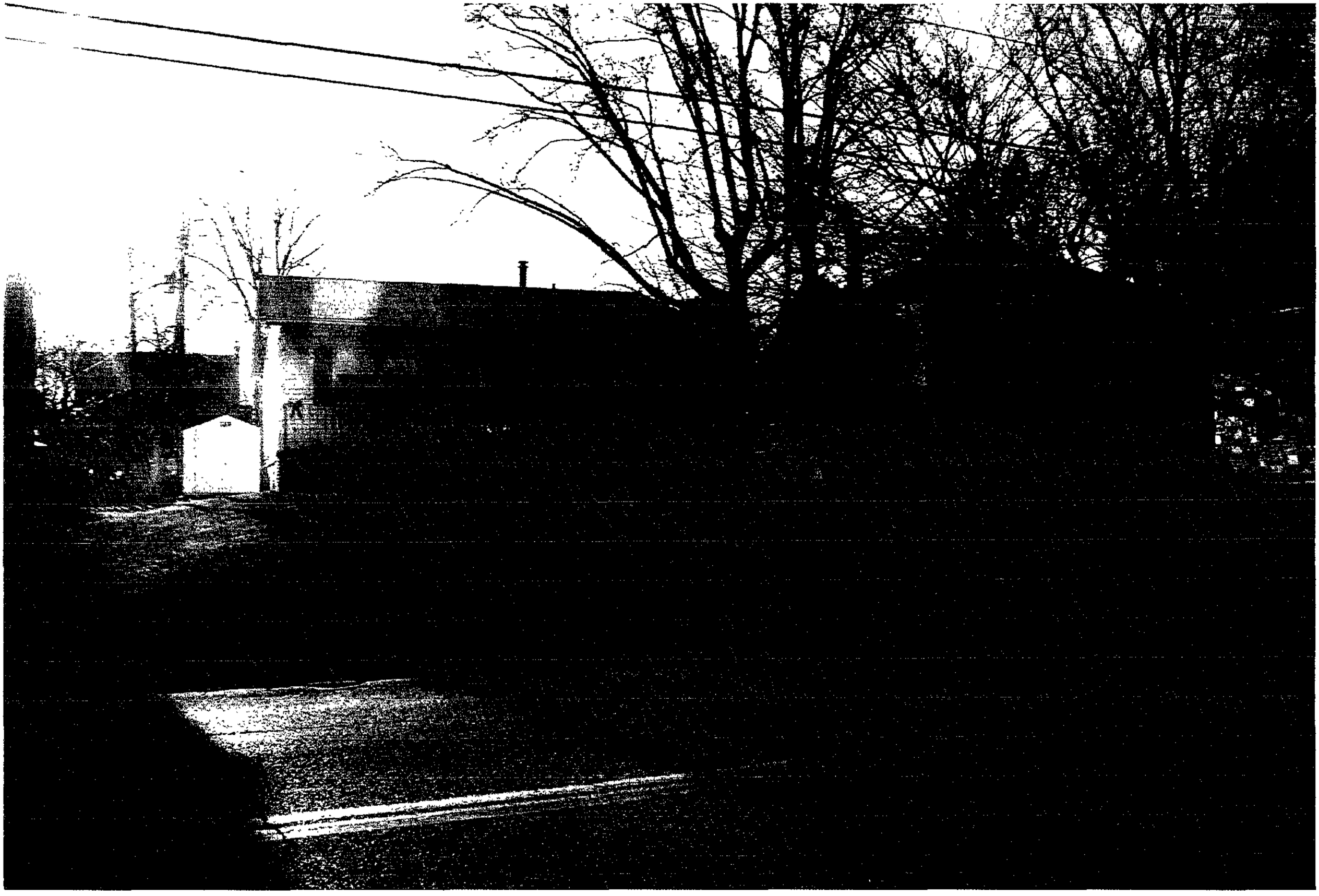
4212

4204

P.C. Ex. 4 L

4203 07 09 4211 4213 4215

P.C. Ex 4K



4217

4219

P.C. Ex 4 J

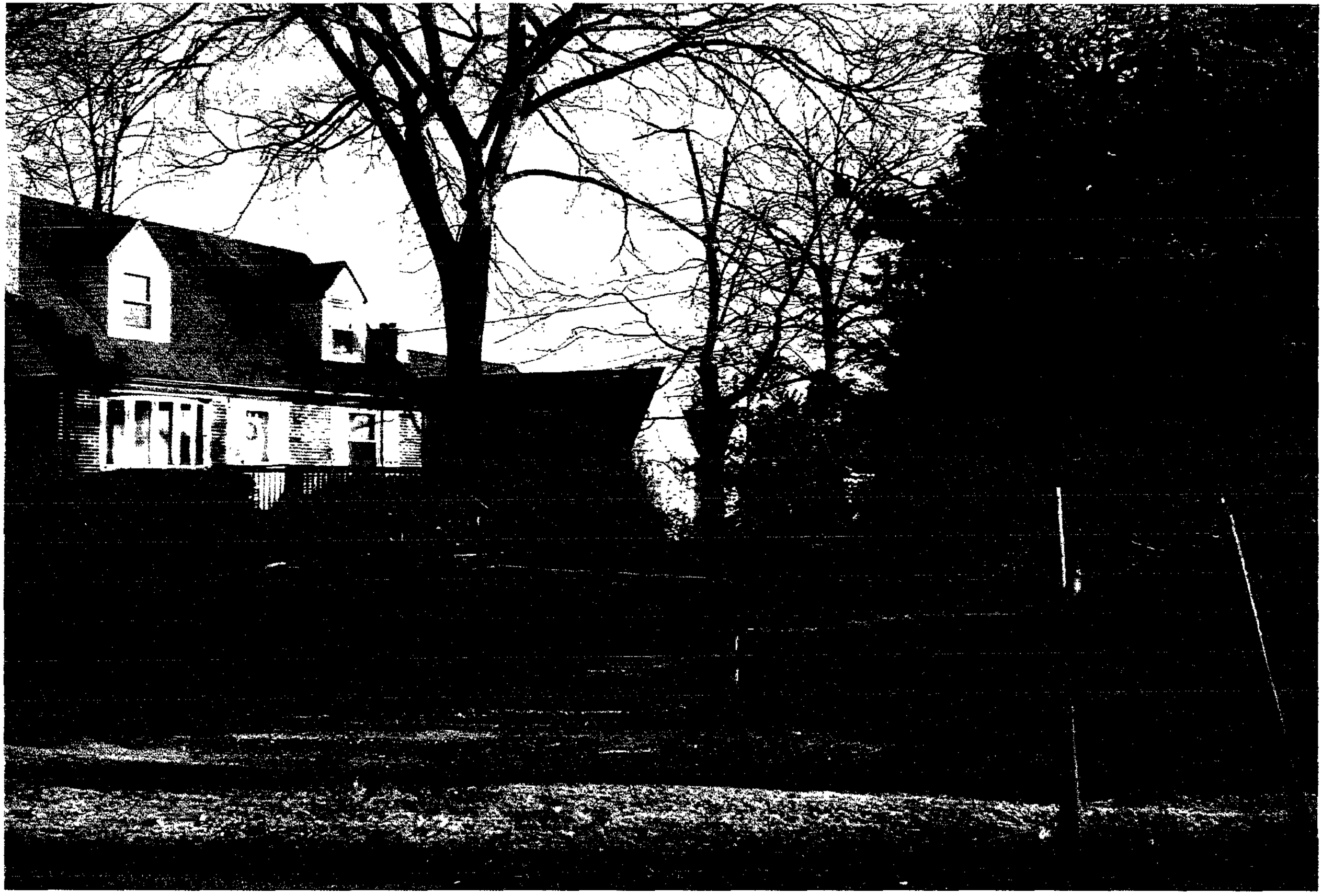
4221 4223 4229

P.C. Ex. 4I

4218
HOUSE

4216
DRIVEWAY

P.G Ex.4 H

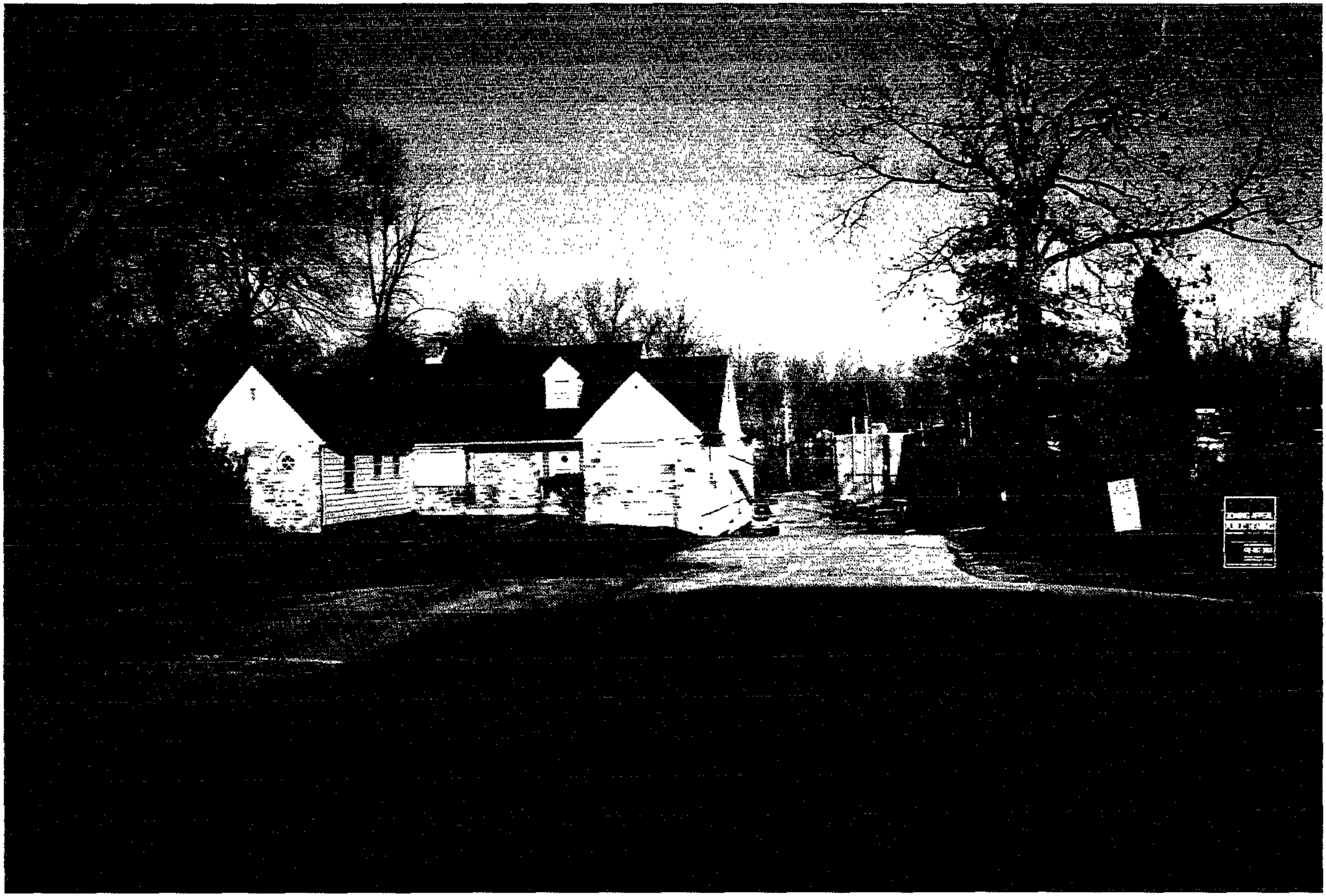


4214 4212

P.C. Ex. 46

4203 4207 4209

P.C. Ex 4 f



4212

4204

P.C. Ex. 4e

4203

4207

P.C. Ex. 4 d

4204

P.C.Ex.4c

4202

P.C. Ex 4b

COLBY ROAD ← 4110

↗ OLD MILFORD MILL ROAD 4100

P.C. Ex 6

IN THE MATTER OF THE THE APPLICATION OF MILFORD MANOR PARTNERSHIP FOR A SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCES ON PROPERTY LOCATED ON THE NORTH SIDE OLD MILFORD MILL ROAD, 136' SOUTHWEST OF CENTERLINE COLBY ROAD 3RD ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 91-237-SPHXA

* * * * * * * * *

OPINION

Milford Manor Partnership requested a special hearing to approve an amendment to the special exception and site plan previously approved by the Baltimore County Zoning Commissioner in Case No. 5095-X to permit a modification and reduction of the area required to expand an existing nursing home. The Partnership also requested a special hearing to amend restrictions 1 and 5 of Case No. 5095-X to permit a service driveway and turn-around for the nursing home within the yard area of the single-family dwelling. Petitioners requested a special exception to permit an assisted living facility containing a maximum of 16 beds and a waiver of the Residential Transition Area requirements in accordance with its site plan. Finally, the Petitioner requested zoning variances to permit an illuminated entrance sign and a side yard setback of 20 feet in lieu of the required 25 feet for the existing nursing home. The Deputy Zoning Commissioner granted said Petitions subject to restrictions which were enumerated in her Order in Case No. 91-237-SPHXA.

Scott and Geri Tucker of 4216 Old Milford Mill Road, Baltimore, Maryland, adjoining landowners to the property where the

Petitioners operate the nursing home for which it sought the various special exceptions and variances, filed an appeal noting that they sought an appeal only with respect to the special hearing portion of this case.

During argument, Counsel made the contention that the issue of the trash compactor about which the Board received testimony should not be the subject of the appeal inasmuch as the original case sought only to amend restrictions 1 and 5 of Case No. 5095-X. We disagree since the Opinion and Order of the Deputy Zoning Commissioner reiterated and conditioned the various approvals she gave on the entire list of restrictions set forth numbered 1 through 14 in her Order. Restriction #8 covered the trash compactor. Furthermore, the issue of the location and screening of the trash compactor should be viewed as ancillary to the service driveway issue inasmuch as the proposed service driveway will be utilized to empty the trash compactor which we gather is a change from the present circumstances. Although Mr. and Mrs. Tucker's notice of appeal does not limit their opposition to the issues of the service road and trash compactor, they stated on the record that they were not opposed to the expansion of the nursing home but only opposed to the service driveway and the location of the trash compactor. Our decision will address only these issues.

Mrs. Lorraine Raffel, of Milford Manor Partnership which operates the nursing home, testified regarding the corporation's desire to upgrade the existing nursing home facility and to create beds for an assisted living facility that would predominantly serve

the Jewish community, including keeping a Kosher kitchen and offering religious services.

Cass Gottlieb, a licensed architect, testified regarding the project and the proposed plans for expansion, including the design considerations encountered in trying to keep the assisted living section separate from the existing nursing home facility. She testified as to problems with the means of ingress and egress that in her opinion the proposed plan as shown on Petitioner's exhibits is the only appropriate plan to allow the functioning of the facility.

Aaron Shamburg, the project designer, who holds a Master's Degree in Landscape Architecture, testified as to various site considerations, including the slope and grading of the property, the location of possible storm drains, and other site considerations which required relocating the service driveway to a location on the side of the property which adjoins Protestants' property. He also testified as to planned screening along the service road, including an 8-foot high stockade fence. Furthermore, he testified as to the relocation of the trash compactor to an area at the end of the proposed service drive and the proposed screening around the trash compactor.

Wesley Guckert, an expert traffic engineer, testified that in his opinion there was no adverse impact from the relocation of the service driveway to the proposed site as would violate the provisions of Section 502.1 of the Baltimore County Zoning Regulations (BCZR).

Judith Raab, who holds a Master's Degree in Urban Planning, testified that in her opinion the requirements of Section 502.1 were met by the proposed project. Furthermore, she testified that the compactor as located poses no real health or safety problems.

Gary Raffel, the vice president of Milford Manor, testified that the nursing home would abide by the restrictions placed on the property by the plan and that a series of stipulations and agreements had been reached between the Milford Manor Partnership and the Colonial Village Community Association. Subsequent to the hearing, Counsel for the Association and the Petitioner submitted to the Board by letter the agreed to written stipulations and agreements as stated.

Scott Tucker, Appellant/Protestant, testified as to his concerns that about relocation of the service driveway to the rear of the nursing home's existing building which adjoins the rear side of Mr. Tucker's residential property. He testified that the trash compactor was presently located approximately 250-300 feet away from his home and that he has experienced a problem in his backyard with rats. He believes that bringing the dumpster closer to his property line will attract rats and thus pose a safety and health problem to his family. Furthermore, he testified that the use of heavy trucks and vehicles on the proposed service road may cause structural damage to his house from vibration and that in his opinion the value of his property would be lessened by having the service road located between his property and the existing nursing home building.

In rebuttal, Petitioner recalled Mr. Shamburg who testified that according to Baltimore County Code regulations, 35 feet of the building must be accessed by public roads, and that with the proposed expansion as designed the only way to meet that requirement involves relocating the service road to the present location.

After consideration of the testimony and exhibits, including the photographs submitted, the Board finds as a fact that the requirements of Section 502.1 have been met and that the proposed expansion of the nursing home will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property zoning's classification, nor in any other way be inconsistent with the spirit and intent of the BCZR. Additionally, the Board finds as a fact that a rational basis exists for imposing the restrictions and conditions precedent to the relief granted by the Deputy Zoning Commissioner and approves all restrictions numbered 1 through 14 as written, except as appears below. Regarding the service road, we find as a fact that the Petitioners met their burden with regard to the site for the relocation of the service road due to the problems encountered with ingress, egress, grade, slope and sewer drains.

The Board finds as a fact that one health and safety problem could be created by the proposed plan, namely the potential to attract rats and other rodents to the Tucker property should the trash compactor be located as proposed. Our review of Petitioner's

Exhibit No. 1 reveals that the trash compactor would be located approximately 30 feet from the Tucker property line at its closest point which would be approximately 50 feet from the outside border of Mr. and Mrs. Tucker's residence. The Board will modify restrictions 5 and 8 to allow the service driveway to be extended and the trash compactor to be relocated at a distance no closer than 150 feet from the closest point of the outside of the building of Mr. and Mrs. Tucker's residence with enclosure and screening in a manner similar to that shown on Petitioner's Exhibit No. 1.

O R D E R

IT IS THEREFORE this 9th day of April, 1992 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing be and is hereby GRANTED subject to the following restrictions which are conditions precedent to the relief granted:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reasons, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Compliance with all Zoning Plans Advisory Committee comments.

3. Prior to the issuance of any building permits, Petitioners shall submit a landscaping plan for the entire site for approval by the Deputy Director of Planning. A copy of the approved plan shall be submitted to the Zoning Office for inclusion in the case file prior to the issuance of any permits.

4. CRG approval of the modified plans in accordance with all restrictions is required prior to the issuance of any permits.

5. The service driveway shall be no closer than as depicted on Petitioner's Exhibit No. 1 entered before this Board and may be extended to accommodate the relocation of the trash compactor as listed in restriction #8 below.

6. The Petitioners shall fence and shrub the service driveway at a minimum as shown on Petitioner's Exhibit No. 10 of the Zoning Commissioner's file, and Petitioner's Exhibit No. 1 entered before this Board.

7. All deliveries and trash removal using the service driveway shall be limited to use between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

8. The trash compactor shall be enclosed and screened in a manner similar to that shown on Petitioner's Exhibit No. 1 entered before this Board and shall be relocated at a distance no closer than 150 feet from the outside boundary of Mr. & Mrs. Tucker's residence.

9. The single family residence located on the west end of the subject property shall be used for residential purposes only.

10. The proposed entrance sign shall not be illuminated. Said sign shall be designed in accordance with that depicted on Petitioner's Exhibit No. 11 of the Zoning Commissioner's file and shall not exceed 63 sq. ft. in size, counting both sides. The lettering for the sign shall not exceed 20 sq. ft. per side. Further, the location of the sign shall be in the area depicted on Petitioner's Exhibit No. 12 of the Zoning Commissioner's file.

11. Prior to the issuance of any permits, Petitioners shall submit a revised site plan depicting the RTA buffer areas provided to the maximum extent possible. Further, Petitioners shall clearly show the boundaries of the original special exception area granted in Case No. 5095-X. Said plan shall also identify and conspicuously label the remaining various locations available to be utilized for each assisted living density, single family dwelling, and nursing home. All notes shall be legible and of a size large enough and suitable for microfilming as determined by the Office of Zoning.

12. Prior to the issuance of any permits, Petitioners shall obtain written approval of the modified site plan by the Department of Traffic Engineering, including, but not limited to, the service drive and its access for a tractor trailer as permitted.

13. The proposed addition must be built in accordance with the design and specifications set forth on Petitioner's Exhibit No. 16 of the Zoning Commissioner's file.

14. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

15. Compliance with the stipulations and agreements contained in the February 7, 1992 letter to the Board from Petitioner's Counsel which is part of the case file.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett

William T. Hackett, Chairman

C. William Clark

C. William Clark

Michael B. Sauer

Michael B. Sauer

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

March 9, 2004

Gary Raffel, Esq.
4204 Old Milford Mill Road
Baltimore, Maryland 21208

Dear Mr. Raffel:

RE: Case Number: 04-315-SPHA, 4204 and 4212 Old Milford Mill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 7, 2004.

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: clb

Enclosures

c: People's Counsel
Milford Manor Partnership 4204 Old Milford Mill Road Baltimore 21208
Richard E. Matz, Colbert, Matz, & Rosenfelt, Inc.2835 Smith Avenue Baltimore 21209

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: February 10, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For January 26, 2004
Item Nos. 311, 312, 313, 314, 315, 316,
317, 319, and 320

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

RWB:CEN:jrb

cc: File

ZAC-01-26-2004-NO COMMENT ITEMS 311-320-02022004

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

State Highway Administration
Driven to Excel
MARYLAND DEPARTMENT OF TRANSPORTATION

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Date: 1·20·04

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

RE: Baltimore County
Item No. 315 JLL

Dear. Ms. Hart:

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

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

January 20, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: January 20, 2004

Item No.: 311-320 (318)

Dear Ms. Hart:

6. 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: March 27, 2004

RECEIVED

FEB 27 2004

ZONING COMMISSIONER

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

SUBJECT: 4204 & 4212 Old Milford Mill Road

INFORMATION:

Item Number: 4-315

Petitioner: Milford Manor Partnership

Zoning: DR 16/DR 5.5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The site plan does not reflect the employee parking in the area to the south of the existing nursing home. There is an existing 20-foot wide ingress and egress easement that is between the proposed office and the nursing home. At the time of a recent site visit, parking was blocking two-way traffic in the easement area. This raises concern about the ability of an emergency vehicle to access this area should this blockage continue to occur.

The Office of Planning supports the requested hearing provided the revisions occur as follows:

1. The plan should be revised to show striped employee or overflow parking.
2. Parking spaces should be configured in a manner that does not block ingress and egress to the site.

Prepared by: Marsha A. Cummings

Section Chief: Lyn Lanham

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED
MAR 4 2004
ZONING COMMISSIONER

TO: Tim Kotroco

FROM: R. Bruce Seeley

DATE: January 26, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of January 20, 2004

__X__ The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-311

04-312

04-313

04-314

04-315

04-317

04-320

Reviewers: Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

From: James Smith, Jr.
To: Bevins, Cathy
Date: Tue, Apr 27, 2004 3:31 PM
Subject: Fwd: Web - constituent inquiry

>>> <webform@co.ba.md.us> 4/22/04 10:59:47 PM >>>
fagarwee@att.netTitle:Mr.Name:jeffrey boswellAddress:3421 yorkwayCity:DundalkState:MassachusettsZip Code:21222Telephone Number:410-282-2442E-mail:fagarwee@att.netWould you like someone to contact you?:YesYour Message:how does balt, Co ask atv owners to regester there bikes for 60 dollars when we all ready title them with the state and buy ORV permits from Maryland DNR Generated by Site Executive

5/3/04

Cathy

I spoke with Mr. Boswell. I explained above. An application to register mini bikes, offroad vehicle is being sent to him.

I also followed up with the state and buy ORV permits from Maryland DNR (I copied you on the email)

Thanks Cathy

PDLV0102F Permits & Development - Livability System
View Cases

Case No: 04-1614

Address: 00411 DUMBARTON RD 21212

Cmd No: 009 District: 000 Date Rcv: 3/03/2004 Grp: ENF Intk: LS
Inspec: Inspec2: Date Inspec: 6/07/2004
Close: 0/00/0000 Activity: Delete:

Problem: VACANT, GUTTERSM DOORS & WINDOWS ARE NOT SECURE. CHECK FOR HOLES @ HOUSE & GARAGE, CHECK GARAGE FOR VIOLS

CL Name: GERDING DON
CL Address: 00000

CL Home Phone: 410-825-0894 CL Work Phone: Tax Acct. 0907582480

Enter=Continue F12=Cancel

link to 231 Murdoch Rd

PDLV0103F Permits & Development - Livability System
View Cases

Case No: 04-1614

Notes: ****3/4/04, DAMAGED & MISSING GUTTERS/DOWNSPOUTS IN FRONT & REAR, GARAGEHAS DETERIORATED PAINT, DETERIORATED PAINT ON REAR DOOR, FRONT DOOR IS OPEN BUT SCREEN DOOR IS SECURE, POSTED NOTICES, P/U 3/6/04 FOR UNSECURE STRUCTURE, P/U 4/4/04 FOR THE REST, COMPL UPDATED, JR/CO****
3/8/04 NO CHANGE TO DOOR. PUT OUT TO BID TO HAVE PROPERTY SECURED. DID MVA SEARCH ON OWNERS AND SENT COPIES TO BOTH WILLIAM AND DEBORAH GRIFFITTS AT SEPERATE ADDRESSES. P/U 4/4/04 TO INSPECT FOR OTHER ITEMS.(JR)
""""""""""""""3/24/04 REINSPECT GW3584 SUPERSCRUB THEN P/U FOR 4/4/04 (GF).""""
" """""""""""""""3/29/04 ADVISED SUPERSCRUB NOT TO JIMMY OPEN THE FRONT STORM DOOR IN ORDER TO SECURE THE INSIDE DOOR. OK TO PAY GW3584.(GF)."""""""""""
****3/26/04, 10:25 AM, FRONT DOOR STILL CRACKED OPEN, PER G.F. SINCE SCREEN DOORIS SECURE WE WON'T SECURE FRONT DOOR, P/U 4/4/04 FOR OTHER VIOLATIONS, JR/CP***
* """""""""""""""3/30/04 PAID GW3584 80.00 (GF)."""""""""""""""
****3/31/04, LIEN $80 FOR MOBILIZATION, GW 3584, INV 244787 /CP****
****04/05/04 - NO CHANGE IN PROPERTY. FRONT DOOR STILL CRACKED, HOWEVER, SCREENDOOR IS LOCKED. FRONT GUTTER HANGING OFF. REAR GUTTER IN DISREPAIR. GARAGE AND REAR DOOR NEED TO BE

Enter=Continue F12=Cancel

PDLV0104F Permits & Development - Livability System

View Cases

Case No: 04-1614

Notes: SCRAPED AND PAINTED. P.U. 04/05/04 TO JR FOR CITATIONS /LS**** *
***4/7/04, NO CHANGE, TOOK PHOTOS, ISSUED CITATION, P/U 4/24/04 TO CHECK FOR S
ERVICE, JR/CP**** *
***4/20/04, SERVED ON DEBORAH GRIFFITTS, P/U 6/7/04 TO INSPECT BEFORE HEARING, C
OMPL UPDATED, JR/CP****

Enter=Continue F12=Cancel

CODE ENFORCEMENT REPORT

DATE: ___/___/___ INTAKE BY: _____ CASE #: 04-1614 INSPEC: _____

COMPLAINT LOCATION: William J + Deborah M Griffitts of 529 E. Clement St 21230
411 Dumbarton Road – formerly owned Frances Myers ZIP CODE: _____ DIST: _____

COMPLAINANT NAME: _____ PHONE #: (H) _____ (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: see Kathryn Oakjoni letter to TK Feb 20, 04; Resident letter of 11/1/03 to TK 16 signatures
Bill 134-02
Bill 46-96
re Gerding. CE Report 3/3/04 taken by LS

IS THIS A RENTAL UNIT? YES ____ NO ____
IF YES, IS THIS SECTION 8? YES ____ NO ____
OWNER/TENANT INFORMATION: Code Enforcement Report 2-25-04 Case# 01-2213 See photos (10) from K Oakjoni, photos from Phot. Ren + (5) 4/7/04 Rosendale
vacant, gutter falling down, door + window not secure. Check for rodent holes at home + garage? Open

TAX ACCOUNT #: same as property # ZONING: same complainant new complaints

INSPECTION: Citation Case# 04-1614 – Property# 09-07-582480
Issued 3-4-04 – correct before 3-6-04
BCC 7-5 Secure all openings/door + windows Posted + Mailed J. Rosendale
Issued 3-4-04 – correct before 4-4-04
BCC 18-86 (b)(1)(2)(3)(4)(6)(7)
REINSPECTION: repair/replace all missing/broken downspouts + gutters • Repair all deteriorated paint on house and garage Posted + Mailed J Rosendale

Code Enforcement Citation 4/20/04 Violation Amount $9,400.00 Hearing Room 116 6/9/04 9AM Citation must be served by 5/5/04
REINSPECTION:
by Jeremy Rosendale 4/20/04
BCC 7-70 (1)(a)(b)(c)(f)(g) Failure to
(1) repair/replace all missing/broken downspouts and gutters
REINSPECTION:
(2) Repair all deteriorated paint on house and garage
Proof of Service 4/20/04 J Rosendale
see Property Maintenance Check List of Oct 3/14/04 GW No. 3584 $60.00 3/24/04 SS Item 15-16

From: Jeremy Rosendale
To: Popelarski, Catherine (Kitty)
Date: 04/19/2004 9:24:16 AM
Subject: Ruth Baisden

Kitty,

FYI

The email address on the list you gave me was wrong. I just got a undeliverable notice today. I left Mrs. Baisden a voicemail for her to call me on my cell.

Jeremy Rosendale
Code Enforcement/Lead Hazard Control
410-887-3373
Fax 410-887-2824

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

May 11, 2004

RECEIVED
MAY 17 2004
BALTIMORE COUNTY
BOARD OF APPEALS

Gary Raffel, Esquire
Milford Manor Partnership
4204 Old Milford Mill Road
Baltimore, MD 21208

Dear Mr. Raffel:

RE: Case : 04-315-SPHA, 4204 & 4212 Old Milford Mill Road

Please be advised that People's Counsel of Baltimore County filed an appeal of the above-referenced case in this office on April 22, 2004. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

c: Lawrence E. Schmidt, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Kenneth Colbert, Judy Floam, Colbert, Matz, & Rosenfelt, 2835 Smith Ave., Baltimore 21209
Mark Sapp, 4207 Old Milford Mill Road, Baltimore 21208
Office of Planning

Printed on Recycled Paper

APPEAL

Petition for Special Hearing and Variance
4204 and 4212 Old Milford Mill Road
S/west side of Milford Mill Road, 45 ft. north of Plymouth Road
3rd Election District – 2nd Councilmanic District
Gary Raffel - Petitioner

Case No.: 04-315-SPHA

✓ Petition for Special Hearing and Variance (January 1, 2004)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (January 27, 2004)

✓ Certification of Publication (March 2, 2004 – The Jeffersonian)

✓ Certificate of Posting (February 28, 2004) by Linda O'Keefe

✓ Entry of Appearance by People's Counsel (January 28, 2004)

✓ Petitioner(s) Sign-In Sheet
One Sheet

✓ Protestant(s) Sign-In Sheet
None

✓ Citizen(s) Sign-In Sheet
One Sheet

✓ Zoning Advisory Committee Comments 3-9-04

✓ Petitioners' Exhibit
✓1. Not in file
✓2. Plan to accompany petition for Special Hearing and Variance

✓ Protestants' Exhibits:
✓ (Marked as Community Exhibits)
✓1. Letter from Colonial Village Improvement Assoc., dated March 16, 2004
✓2. Documentation on Raffel Senior Housing
✓3. Photos

✓ Miscellaneous (Not Marked as Exhibit)
✓ None

✓ Zoning Commissioner's Order (GRANTED – April 7, 2004)

✓ Notice of Appeal received on April 23, 2004, from Peter Zimmerman of People's Counsel of Baltimore County

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Gary Raffel, 4204 Old Milford Mill Road, Baltimore 21208
Richard Matz, Colbert, Matz, Rosenfelt, 2835 Smith Ave., Ste. G, Baltimore 21209
Mark Sapp, 4207 Old Milford Mill Road, Baltimore 21208
Kenneth Colbert, 2835 Smith Avenue, Baltimore 21209

date GARY RAFFEL ESQUIRE
4204 OLD MILFORD MILL ROAD
BALTIMORE, MD 21208
PETITIONER

RICHARD E MATZ, PE
KENNETH COLBERT
COLBERT MATZ ROSENFELT INC
2835 SMITH AVENUE, SUITE G
BALTIMORE, MD 21209

SAPP, FOR
L VILLAGE
RHOOD ASSOCIATION
FORD MILL ROAD
RE, MD 21208

abetten@k3blaw.com
TEL (410) 339-7100
FAX (410) 339-7107

ALAN BETTEN
ATTORNEY AT LAW

KANDEL, KLITENIC, KOTZ & BETTEN, LLP
SUITE 610, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4513

✓E

Case No. 04-315-SPHA

In the Matter of: Gary Raffel – Milford Mill Manor Partnership

SPH – To approve amendment to Order 91-237-SPHXA and 93-318-SPH to permit office use of existing house in D.R. zone; to remove Use Division Lines on plan and an ALF addition from the previously approved nursing home; confirm that RTA buffers are already provided to maximum extent possible;
VAR – To permit side yd setbacks of 5' and 12' ilo req'd 25' for existing non-residential bldg in DR 16 zone and IF SPH IS DENIED, alternative variance to permit RTA building setbacks of 5' ilo req'd 75' and RTA buffers of 0' ilo required 50'.

4/07/2004 – Z.C.'s Order in which requested special hearing and variance relief was GRANTED with restrictions.

8/12/04 -Notice of Assignment sent to following; assigned for hearing on Tuesday, November 23, 2004 at 10 a.m.:

Office of People's Counsel for Baltimore County
Milford Mill Manor Partnership / Gary Raffel, Esquire
Richard E. Matz, P.E. and Kenneth Colbert / Colbert Matz Rosenfelt, Inc.
Mark Sapp for
Colonial Village Neighborhood Association
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

9/27/04 – Request for postponement filed by P. Zimmerman – will be out of town Thanksgiving week – requests that matter be reset to the next earliest available date.

10/04/04 – Letter from Gary Raffel on behalf of Milford Manor – objecting to any delay if the postponement request is granted; requests that original date be kept if it cannot be rescheduled soon thereafter.

10/08/04 – Notice of PP and Reassignment sent to parties; case reassigned to Tuesday, December 21, 2004 at 10 am.

12/10/04 – Entry of appearance filed by Alan Betten, Esquire, counsel for Mr. Raffel, Petitioner.

12/21/04 – Hearing held before the Board (Wescott, Stahl, Crizer); completed hearing this date; deliberation assigned for 1/26/05; notice to be sent.

12/23/04 – Notice of Deliberation sent to parties; assigned for Wednesday, January 26, 2005 at 9:30 a.m. FYI copy to 3-2-7.

1/26/05 – Board convened for deliberation (Wescott, Stahl, Crizer); unanimous decision – special hearing and variance requests were DENIED; appellate period to run from date of written Order to be issued by the Board.

BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF:	Gary Raffel: Milford Mill Manor Partnership Case No.: 04-315-SPHA	
DATE:	January 26, 2005	
BOARD/PANEL:	Lawrence C. Wescott Lawrence M. Stahl Edward W. Crizer, Jr.	LCW LMS EWC, Jr.
RECORDED BY:	Theresa R. Shelton / Legal Secretary	

PURPOSE: To deliberate the Petition for Special Hearing filed by Gary Raffel to approve and amendment to the Special Exception granted in 91-237-SPHXA and 93-318-SPH to permit an office use in a D.R. zone for the existing house on the property; to remove Use Division Lines on the plan as an assisted living facility addition from the previously approved nursing home; and to confirm that the RTA buffers are already provided to the maximum extent possible, as ordered in the aforementioned cases, and are still adequate.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- Prior case decision in 1991 has certain conditions that were agreed to by the community
- 4212 was intended for residential use only; is currently being used for storage
- driveway discussed and the moving of a dumpster; the driveway being used as a service drive for the nursing home (Code Enforcement issue)
- That there has been NO CHANGE in the neighborhood and that the neighborhood is quite concerned about 'creeping' offices
- Testimony by Mark Sapp with regards to attempts at rezxoning
- An agreement was made and it is binding
- That the location has been used commercially since the prior residence left; the property is not residential at this time and is being used for storage
- Use as a residence is no longer practical
- This dwelling is in a neighborhood with houses on both sides; a deal was struck with the nursing home that the property was not to be used as an office
- Discussion of placing restrictions on its use – the Zoning Commissioner applied restriction (i.e., used only during the hours of 9-5)
- Testimony presented that there was usage of the priority after 5:00 PM
- Accept reality for what it is – there is no detriment to the community
- Bonner-Joppa case mentioned

DECISIONS BY BOARD MEMBERS: Unanimous decision to deny Petitioner's request. An agreement was made that the property remain residential.

FINAL DECISION: The the Petition for Special Hearing filed by Gary Raffel to approve and amendment to the Special Exception granted in 91-237-SPHXA and 93-318-SPH to permit an office use in a D.R. zone for the existing house on the property is DENIED.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted,

Theresa R. Shelton

Theresa R. Shelton
County Board of Appeals

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

September 27, 2004

Kathleen Bianco, Administrator
County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: In the Matter of: Milford Mill Partnership
Case No.: 04-315-SPHA

Dear Ms. Bianco:

This letter is to request a postponement of the above-referenced matter. Please be advised this matter is currently scheduled for November 23, 2004 and I have plans to be out of town Thanksgiving week. We request that you reset this matter for the next earliest available date convenient to all parties.

Thank you for your consideration.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ\rmw

cc: Mr. Gary Raffel, Esquire
Mr. Kenneth Colbert, P.E.
Mr. David Reinstein, President
Colonial Village Neighborhood Improvement Association
Mr. Mark Sapp, Colonial Village Improvement Ass'n

RECEIVED
SEP 27 2004
BALTIMORE COUNTY
BOARD OF APPEALS

MILFORD MANOR

RECEIVED
OCT 04 2004
BALTIMORE COUNTY
BOARD OF APPEALS

October 1, 2004

Kathleen Bianco, Administrator
County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Nursing and Rehabilitation Center
4204 Old Milford Mill Road
Baltimore Maryland 21208
410/486-1500
Fax 410/653-5530

RE: Milford Manor Partnership
Case No.: 04-315-SPHA

Dear Ms. Bianco:

I am in receipt of the request by the Office of People's Counsel requesting a postponement of the above-referenced case. I would like to request your office to keep the original date of November 23, 2004, if the appeal cannot be rescheduled soon thereafter. The original petition in this case was filed in January 2004, and was granted by the Zoning Commissioner on April 7, 2004. The Notice of Assignment was dated August 12, 2004.

It is Milford Manor's desire to have this matter heard as soon as possible so that its operations will not be adversely affected. A postponement because of Thanksgiving week will add additional delays, inconvenience and could place this hearing into next year. It should be noted that for the Petition for Special Hearing held on March 17, 2004, the People's Counsel also entered its appearance, but did not actually attend the hearing.

Should you need additional information, please contact me at your convenience.

Sincerely,

Gary D. Raffel
General Counsel

cc: Peoples Counsel for Baltimore County
Mr. Kenneth Colbert
Mark Sapp

MILFORD MANOR

April 30, 2004

Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Nursing and Rehabilitation Center
4204 Old Milford Mill Road
Baltimore Maryland 21208
410/486-1500
Fax 410/653-5530

RE: Petition for Special Hearing & Variance
Case No.: 04-315-SPHA

Dear Mr. Kotroco:

I represent Milford Manor Partnership, the petitioner in the above-referenced case. I understand that the People's Counsel for Baltimore County has entered an appeal to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated April 7, 2004 by the Baltimore County Zoning Commissioner.

I would appreciate it if you would send me any papers or letters previously filed in this matter by either the People's Counsel, Mr. Mark Sapp, Mr. David Reinstein, or the Colonial Village Neighborhood Association. Apparently Mr. Sapp submitted a letter to the Baltimore County Zoning Commissioner prior to the April 7, 2004 decision, but this letter was not provided to me.

Should you need additional information, please contact me at your convenience.

Sincerely,

Gary D. Raffel
General Counsel

cc: Mr. Kenneth Colbert
Peoples Counsel for Baltimore County

RECEIVED
MAY 3 2004
04-1154
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

KANDEL, KLITENIC, KOTZ & BETTEN, LLP
ATTORNEYS AT LAW

SUITE 610, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4513

ALAN BETTEN

TEL: (410) 339-7100
FAX: (410) 339-7107
EMAIL: abetten@k3blaw.com

December 9, 2004

Via Hand Delivery

Ms. Kathleen C. Bianco, Administrator
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: In the Matter of: Gary Raffel, Case No. 04-315-SPHA

Dear Ms. Bianco:

Please note the entry of the undersigned as counsel for Mr. Raffel in the above-captioned matter, which has been rescheduled for Tuesday, December 21, 2004, at 10:00 a.m. Please refer all future correspondence in this matter to me.

If you have any questions, please feel free to contact me.

Very truly yours,

Alan Betten

RECEIVED
DEC 10 2004
BALTIMORE COUNTY
BOARD OF APPEALS

AB/tsh
cc: Office of People's Counsel for
Baltimore County (via first class mail)
Mr. Gary Raffel (via fax)

285.1.1-bianco-ltr-12.9.04

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
KEN COLBERT	2835 SMITH AVE ~~21209~~	BALT MD 21209	
JUDY FLOAM	"	"	
GARY RAFFEL	4204 OLD MILFORD MILL	BALT MD 21208	
WILLIAM HOKEMEYER	4204 OLD MILFORD MILL	BALT, MD 21208	

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
MARK S APP	4207 Old Milford	Balto, Md 21208	msapp@erols.com
For the	Mill Rd		
Colonial Village			
Neighborhood Assoc.			

RE: PETITION FOR SPECIAL HEARING AND VARIANCE 4204 & 4212 Old Milford Mill Road; SW/S Milford Mill Rd, 45' N of Plymouth Rd 3rd Election & 2nd Councilmanic Districts Legal Owner(s): Gary Raffel, Partner,Milford Manor Partnership & 4212 Milford Mill LLC Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 04-315-SPHA

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

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

RECEIVED
Per

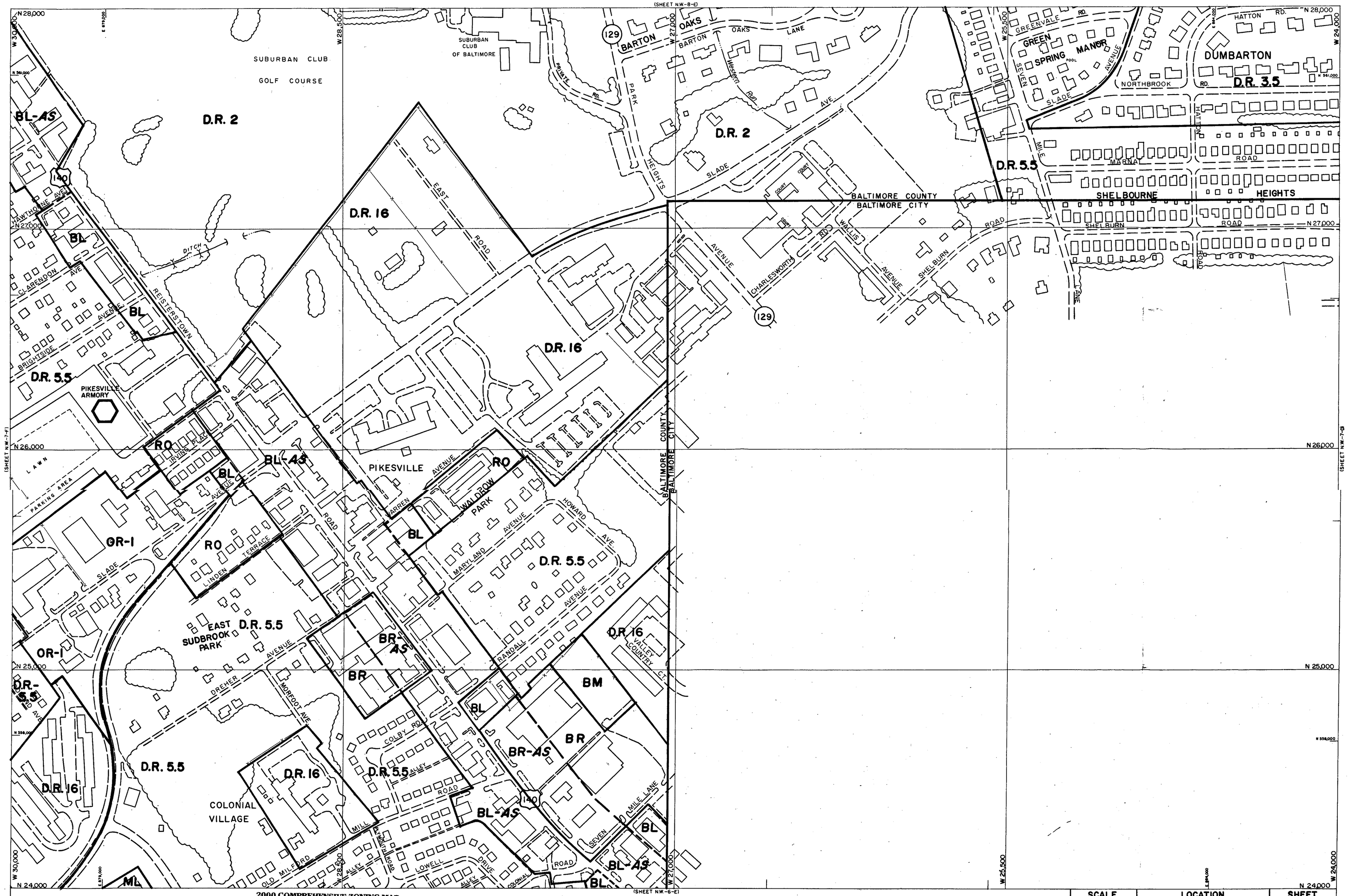
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of January, 2004, a copy of the foregoing Entry of Appearance was mailed to Richard E Matz, PE Colbert, Matz & Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and to Gary Raffel, Esquire, 4204 Old Milford Mill Road, Baltimore, MD 21208, Petitioner(s).

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

EXHIBIT 3

Exhibit 3



O-SW

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

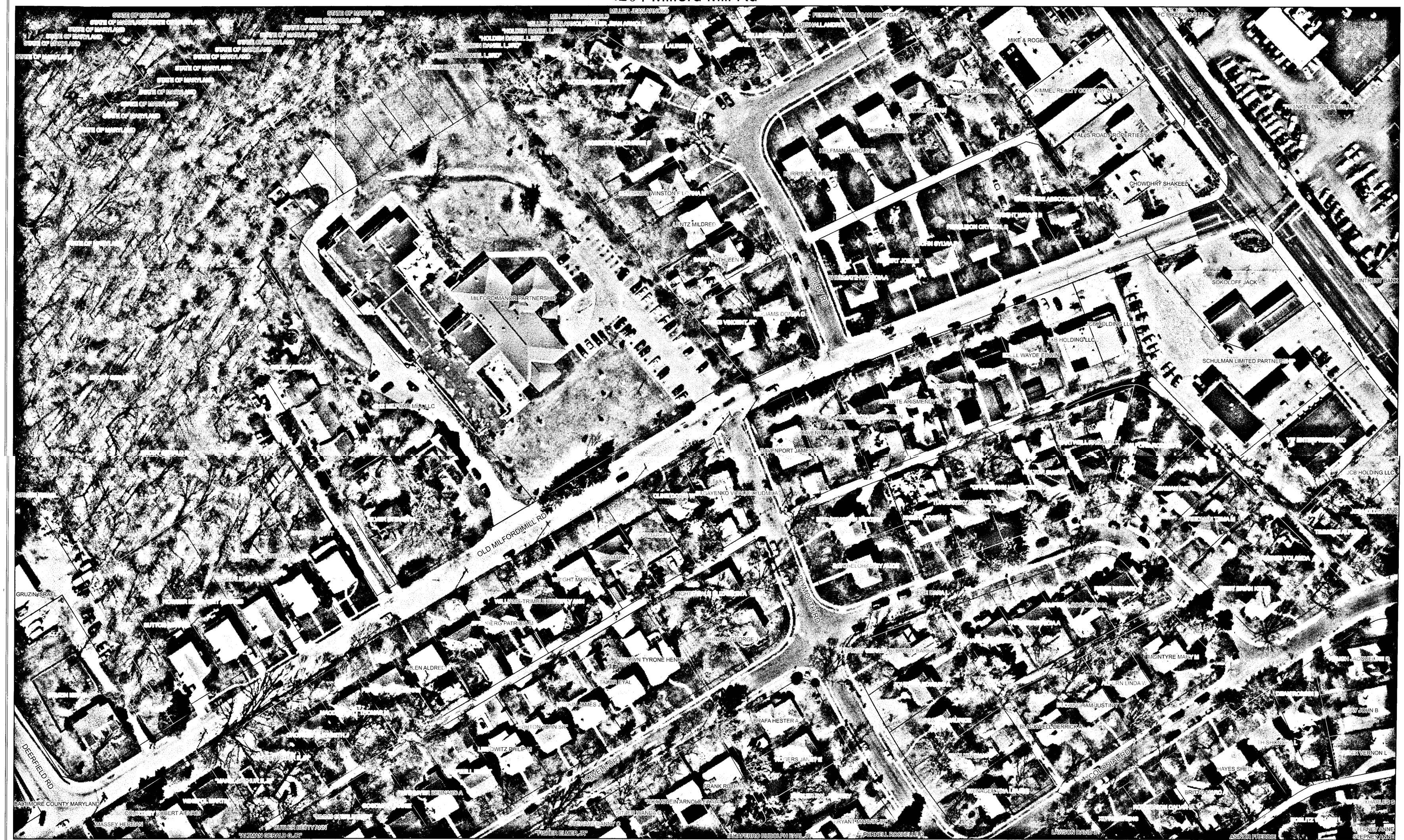
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	PIKESVILLE	N.W. 7-E
DATE OF PHOTOGRAPHY JANUARY 1986		

NW 7 E

4204 Milford Mill Rd



Map Produced By Baltimore County GIS Services
Production Date: December 17, 2004

0 50 100 200 300 400 Feet

PC #1

Flash

EXHIBIT 2

Notes

1. Owner/Applicant:
   Parcel 412: 4212 Milford Mill LLC
   4204 Old Milford Mill Road
   Baltimore, Md. 21208

   Parcel 278: Milford Manor Partnership
   4204 Old Milford Mill Road
   Baltimore, Md. 21208
   410-415-5700

2. Site Data
   Deed Reference: Parcel 412 – 16454/245 Parcel 278 – 6184/721
   Tax Account No.: Parcel 412 – 0303063650 Parcel 278 – 0313060820
   Total Acreage: 4.70 acres (206,910 sq. ft.)
   Council District: 2
   Election District: 3
   Ex. Total Floor Area: 34,027 sq. ft.
   Floor Area Ratio: 0.17

3. Use
   Existing Nursing Home, 119 Beds
   Proposed: Existing nursing home and office use in existing dwelling.
   The office use is accessory to the nursing home.

4. Off-Site Parking Calculations
   Required: 119 nursing home beds @ 1 space/3 beds = 40 spaces
   Provided: 45 spaces, inc. 2 handicap

5. Zoning History
   Case No. 5095-X: On February 2, 1961, a Special Exception was granted for a convalescent home, with the following conditions:
   a. Existing fence between the property and Colby Road shall be maintained and kept in proper repair.
   b. No flashing, blinding, pulsating or animated signs on the property. Motionless illuminated signs are permitted.
   c. Any structures constructed for the convalescent home shall be set back at least 100 feet from the present paved surface of Old Milford Mill Road.
   d. No structures shall be erected with a height greater than 35 feet above present ground level.
   e. No more than 100 bedroom units shall be located on the subject property. The existing building has 58 bedroom units and 119 beds and complies.

   Case No. 68-125-A: On Decmeber 7, 1967, a Variance was granted on the newly incorporated parcel (Parcel 412) to permit a side yard of 13 fee, 9 inches on one side and 7 feet, 2 inches on the other side, instead of the required 20 feet, to use the existing structure on the premises for religious purposes.

   Case No. 91-237-SPHXA: . On April 9, 1992, the Board of Appeals granted a petition for Special Hearing to construct an addition to the existing nursing home, subject to the following conditions:

   a. Petitioners may apply for their building permit upon receipt of this order, at their own risk until the 30-day appeal process has expired.
   b. Compliance with Zoning Plans Advisory Committee comments.
   c. Landscape plan to be submitted prior to building permits.
   d. CRG approval prior to issuance of any permits.
   e. The service driveway shall be no closer than as depicted on Petitioner's Exhibit NO. 1and may be extended to accommodate the relocation of the trash compactor as listed in restriction (h) below.
   f. The Petitioners shall fence and shrub the service driveway at a minimum as shown on on Petitioner's Exhibit No. 10 of the Zoning Commissioner's file, and Petitioner's Exhibit No. 1 as entered before this Board.
   g. All deliveries and trash removal using the service driveway shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday.
   h. The trash compactor shall be enclosed and screened in a manner similar to that shown on Petitioner's Exhibit No. 1, entered before this Board and shall be relocated at a distance no closer than 150 feet from the outside boundary of Mr. and Mrs. Tucker's residence.
   i. The single family residence located on the west end of the subject property shall be used for residential purposes only.
   j. The proposed entrance sign shall not be illuminated. Said sign shall be designed in accordance with that depicted on Petitioner's Exhibit No. 11 of the Zoning Commissioner's file and shall not exceed 63 sq. ft. in size, counting both sides. The lettering for the sign shall not exceed 20 sq. ft. per side. Further, the location of the sign shall be in the area depicted on Petitioner's Exhibit No. 12 of the Zoning Commissioner's file.
   k. Prior to the issuance of any permits, Petitioners shall submit a revised site plan depicting the RTA buffer areas provided to the maximum extent possible. Further, Petitioners shall clearly show the boundaries of the original special exception area granted in Case No. 5095-X. Said plan shall also identify and conspicuously label the remaining various locations available to be utilized for each assisted living density, single family dwelling and nursing home. All notes shall be legible and of a size large enough and suitable for microfilming as determined by the Office of Zoning.
   l. Prior to the issuance of any permits, Petitioners shall obtain written approval of the modified site plan by the Department of Traffic Engineering, including, but not limited to, the service drive and its access for a tractor trailer as permitted.
   m. The proposed addition must be built in accordance with the design and specifications set for the on Petitioner's Exhibit No. 16 of the Zoning Commissioner's file.
   n. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
   o. Compliance with the stipulations and agreements contained in the February 7, 1992 letter to the Board from Petitioner's Counsel, which is part of the case file.

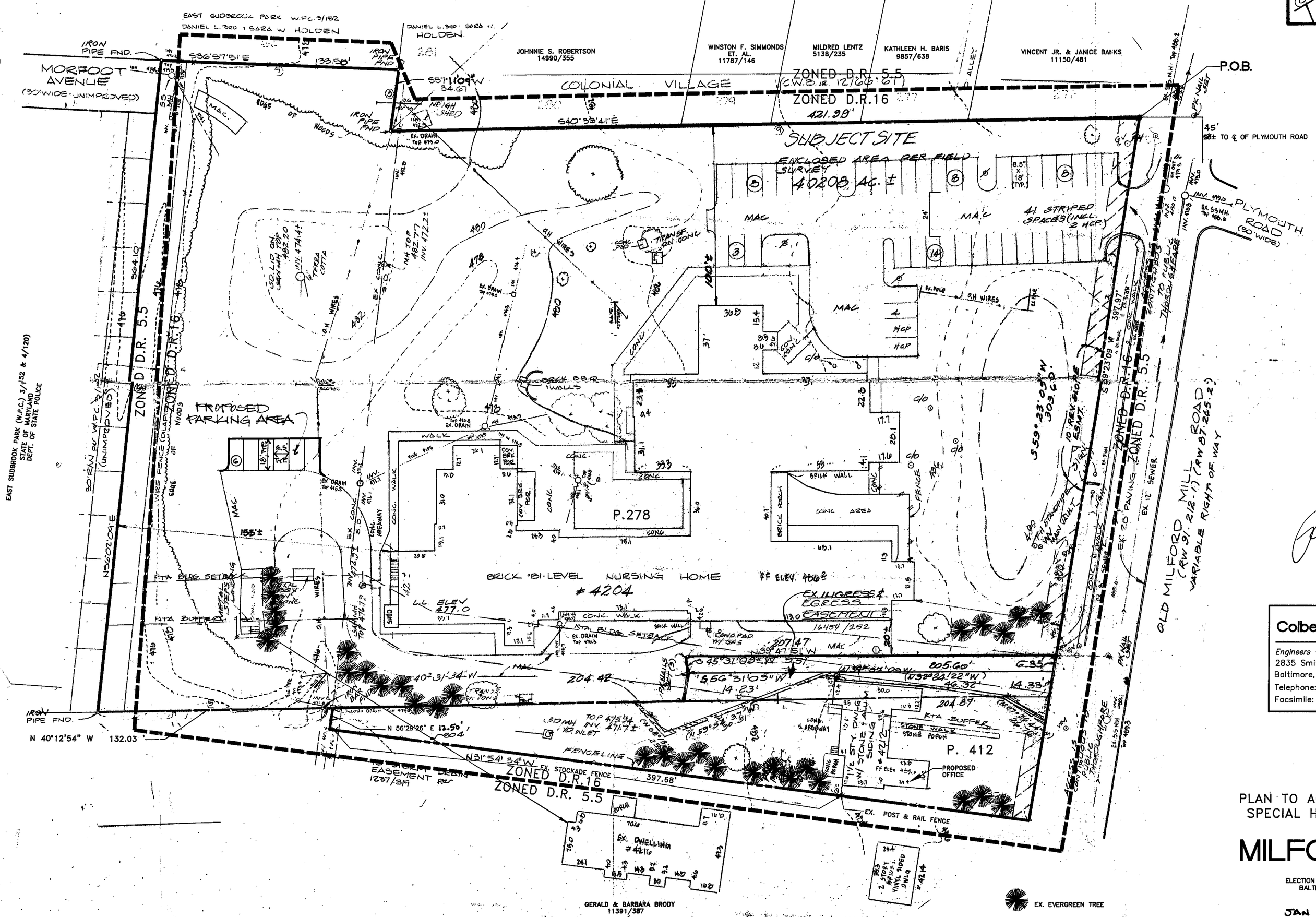
   Case No. 93-318-SPH: On May 4, 1993, the Deputy Zoning Commissioner granted a 3-year extension to the Special Exception granted in Case No. 91-237-SPHXA, subject to the following conditions:
   a. The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period has expired.
   b. Upon commencement of the exterior improvements to the subject site, the Petitioners shall pursue their completion with due diligence.
   c. When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

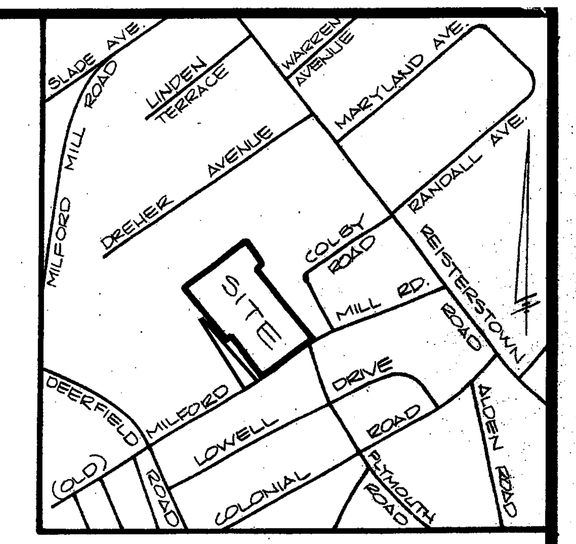
6. All driveways and parking lots are standard non-porous bituminous paving. Parking areas are permanently striped.

7. The property outline and topography shown hereon are taken from a survey prepared by JS Dallas, Inc., dated 4/30/02.

8. There are no critical areas, archaeological sites, historic buildings, endangered species habitat, hazardous materials areas or slopes over 25 on this site.

9. A Stormwater management waiver was granted by Baltimore County on September 26, 1990. Water Quality Management has been provided on site.





LOCATION MAP
SCALE: 1"=500'

STATE OF MARYLAND REGISTERED PROFESSIONAL ENGINEER No. 13393
1/6/04

Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

EXHIBIT 2

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING & VARIANCE

MILFORD MANOR

ELECTION DISTRICT: 3 COUNCIL DISTRICT: 2
BALTIMORE COUNTY, MARYLAND
SCALE: 1"= 30'

JAN 6, 2004

0 10 50 100

j.o. # 89330

Notes

1. Owner/Applicant
   Parcel 412: 4212 Milford Mill LLC
   4204 Old Milford Mill Road
   Baltimore, Md. 21208

   Parcel 278: Milford Manor Partnership
   4204 Old Milford Mill Road
   Baltimore, Md. 21208
   410-415-5700

2. Site Data
   Deed Reference: Parcel 412 – 16454/245 Parcel 278 – 6184/721
   Tax Account No.: Parcel 412 – 0303053850 Parcel 278 – 0313060820
   Total Acreage: 4.70 acres (206,910 sq. ft.)
   Council District: 2
   Election District: 3
   Ex. Total Floor Area: 34,827 sq. ft.
   Floor Area Ratio: 0.17

3. Use
   Existing Nursing Home, 119 Beds
   Proposed: Existing nursing home and office use in existing dwelling. The office use is accessory to the nursing home.

4. Off-Site Parking Calculations
   Required: 119 nursing home beds @ 1 space/3 beds = 40 spaces
   Provided: 45 spaces, inc. 2 handicap

5. Zoning History
   Case No. 5095-X: On February 2, 1961, a Special Exception was granted for a convalescent home, with the following conditions:
   a. Existing fence between the property and Colby Road shall be maintained and kept in proper repair.
   b. No flashing, blinding, pulsating or animated signs on the property. Motionless illuminated signs are permitted.
   c. Any structures constructed for the convalescent home shall be set back at least 100 feet from the present paved surface of Old Milford Mill Road.
   d. No structures shall be erected with a height greater than 35 feet above present ground level.
   e. No more than 100 bedroom units shall be located on the subject property. The existing building has 58 bedroom units and 119 beds and complies.

   Case No. 68-125-A: On December 7, 1967, a Variance was granted on the newly incorporated parcel (Parcel 412) to permit a side yard of 13 fee, 9 inches on one side and 7 feet, 2 inches on the other side, instead of the required 20 feet, to use the existing structure on the premises for religious purposes.

   Case No. 91-237-SPHXA: On April 9, 1992, the Board of Appeals granted a petition for Special Hearing to construct an addition to the existing nursing home, subject to the following conditions:

   a. Petitioners may apply for their building permit upon receipt of this order, at their own risk until the 30-day appeal process has expired.
   b. Compliance with Zoning Plans Advisory Committee comments.
   c. Landscape plan to be submitted prior to building permits.
   d. CRG approval prior to issuance of any permits.
   e. The service driveway shall be no closer than as depicted on Petitioner's Exhibit NO. 1and may be extended to accommodate the relocation of the trash compactor as listed in restriction (h) below.
   f. The Petitioners shall fence and shrub the service driveway at a minimum as shown on on Petitioner's Exhibit No. 10 of the Zoning Commissioner's file, and Petitioner's Exhibit No. 1 as entered before this Board.
   g. All deliveries and trash removal using the service driveway shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday.
   h. The trash compactor shall be enclosed and screened in a manner similar to that shown on Petitioner's Exhibit No. 1 entered before this Board and shall be relocated at a distance no closer than 150 feet from the outside boundary of Mr. and Mrs. Tudor's residence.
   i. The single family residence located on the west end of the subject property shall be used for residential purposes only.
   j. The proposed entrance sign shall not be illuminated. Said sign shall be designed in accordance with that depicted on Petitioner's Exhibit No. 11 of the Zoning Commissioner's file and shall not exceed 63 sq. ft. in size, counting both sides. The lettering for the sign shall not exceed 20 sq. ft. per side. Further, the location of this sign shall be in the area depicted on Petitioner's Exhibit No. 12 of the Zoning Commissioner's file.
   k. Prior to the issuance of any permits, Petitioners shall submit a revised site plan depicting the RTA buffer areas provided to the maximum extent possible. Further, Petitioners shall clearly show the boundaries of the original special exception area granted in Case No. 5095-X. Said plan shall also identify and conspicuously label the remaining various locations available to be utilized for each assisted living density, single family dwelling and nursing home. All notes shall be legible and of a size large enough and suitable for microfilming as determined by the Office of Zoning.
   l. Prior to the issuance of any permits, Petitioners shall obtain written approval of the modified site plan by the Department of Traffic Engineering, including, but not limited to, the service drive and its access for a tractor trailer as permitted.
   m. The proposed addition must be built in accordance with the design and specifications set for the on Petitioner's Exhibit No. 16 of the Zoning Commissioner's file.
   n. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
   o. Compliance with the stipulations and agreements contained in the February 7, 1992 letter to the Board from Petitioner's Counsel, which is part of the case file.

   Case No. 93-318-SPH: On May 4, 1993, the Deputy Zoning Commissioner granted a 3-year extension to the Special Exception granted in Case No. 91-237-SPHXA, subject to the following conditions:
   a. The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period has expired.
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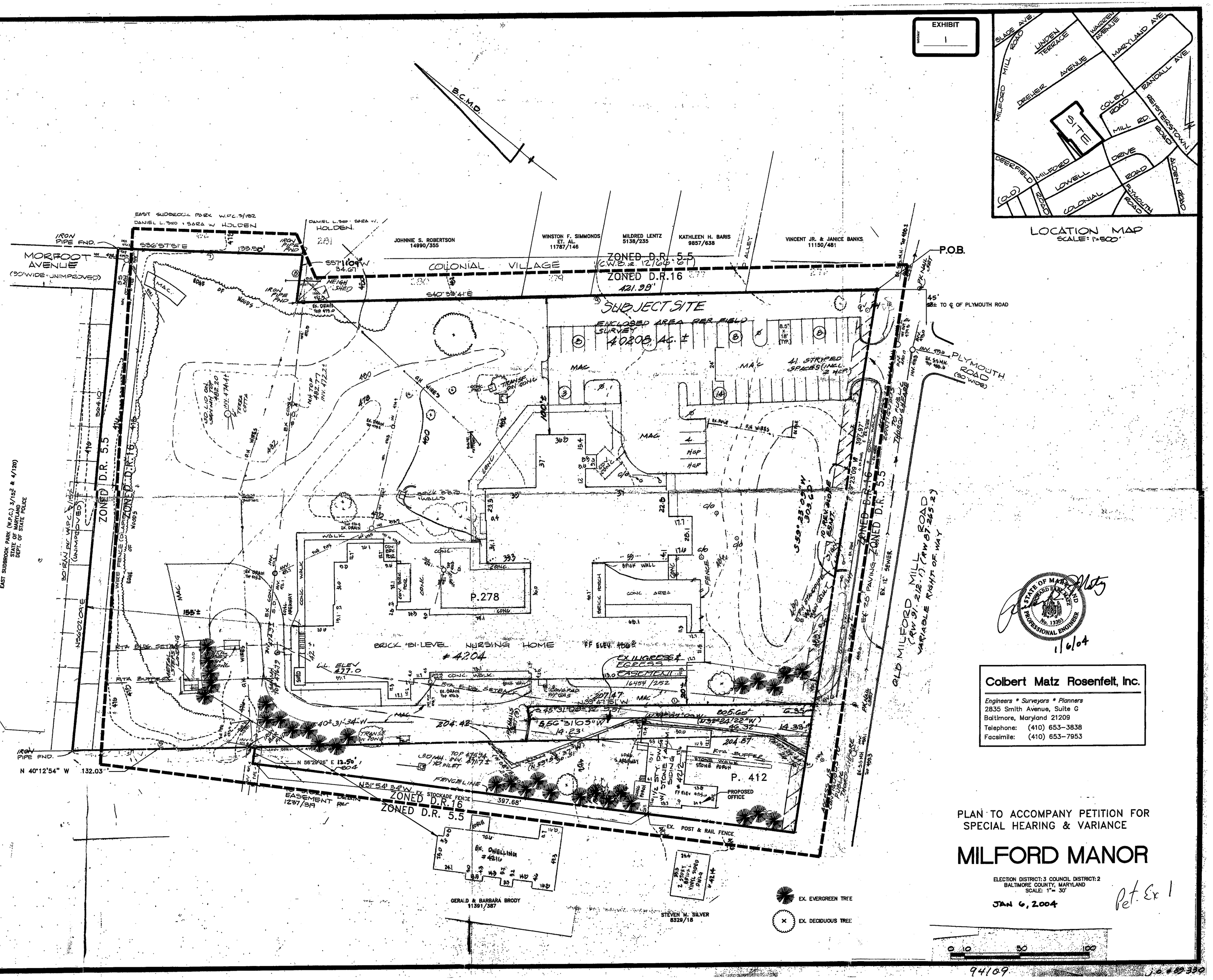
   c. When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

6. All driveways and parking lots are standard non-porous bituminous paving. Parking areas are permanently striped.

7. The property outline and topography shown hereon are taken from a survey prepared by JS Dallas, Inc., dated 4/30/02.

8. There are no critical areas, archaeological sites, historic buildings, endangered species habitat, hazardous materials areas or slopes over 25 on this site.

9. A Stormwater management waiver was granted by Baltimore County on September 26, 1990. Water Quality Management has been provided on site.



STATE OF MARYLAND REGISTERED PROFESSIONAL ENGINEER No. 13201
1/6/04

Colbert Matz Rosenfelt, Inc.
*Engineers * Surveyors * Planners*
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING & VARIANCE

MILFORD MANOR

ELECTION DISTRICT: 3 COUNCIL DISTRICT: 2
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30'

JAN 6, 2004

Pet. Ex 1

0 10 50 100

94109

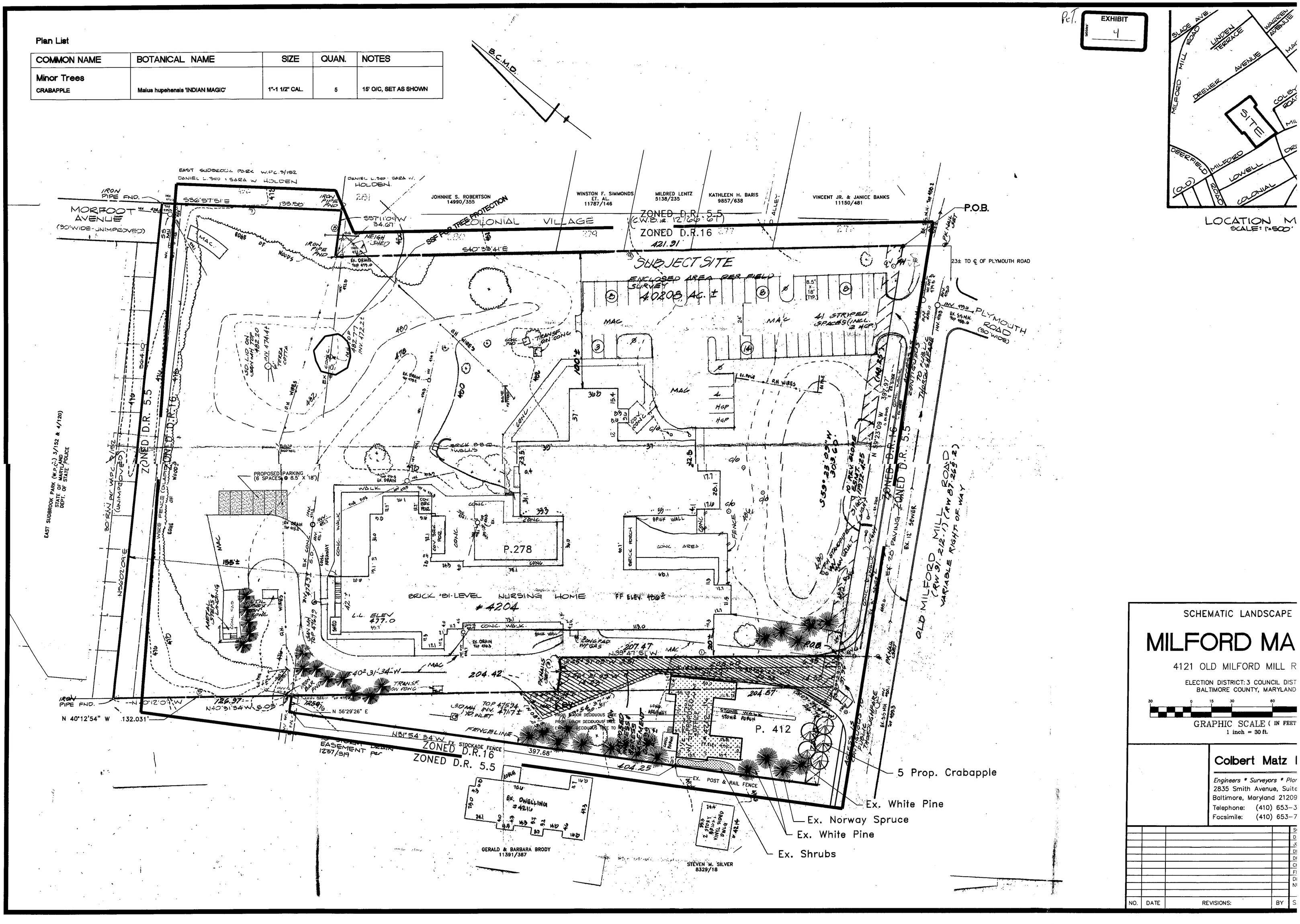
J.O. #89-330

Pet.

EXHIBIT 4

Plan List

COMMON NAME	BOTANICAL NAME	SIZE	QUAN.	NOTES
Minor Trees				
CRABAPPLE	Malus hupehensis 'INDIAN MAGIC'	1"-1 1/2" CAL.	5	15' O/C, SET AS SHOWN



LOCATION M
SCALE: 1"=500'

SCHEMATIC LANDSCAPE

MILFORD MA

4121 OLD MILFORD MILL R

ELECTION DISTRICT: 3 COUNCIL DIST
BALTIMORE COUNTY, MARYLAND

30 0 15 30 60

GRAPHIC SCALE (IN FEET
1 inch = 30 ft.

Colbert Matz I

Engineers * Surveyors * Plan
2835 Smith Avenue, Suite
Baltimore, Maryland 21209
Telephone: (410) 653-3
Facsimile: (410) 653-7

NO.	DATE	REVISIONS:	BY

EXHIBIT 1

Notes

1 Owner/Applicant
Parcel 412 4212 Milford Mill LLC
4204 Old Milford Mill Road
Baltimore, Md 21208

Parcel 278 Milford Manor Partnership
4204 Old Milford Mill Road
Baltimore, Md 21208
410-415-5700

2. Site Data
Deed Reference. Parcel 412 – 16454/245 Parcel 278 – 8184/721
Tax Account No.. Parcel 412 – 0303053650 Parcel 278 – 0313060820
Total Acreage 4.70 acres (206,910 sq ft)
Council District 2
Election District 3
Ex Total Floor Area 34,827 sq ft.
Floor Area Ratio 0.17

3 Use
Existing Nursing Home, 119 Beds
Proposed Existing nursing home and office use in existing dwelling
The office use is accessory to the nursing home

4. Off-Site Parking Calculations
Required. 119 nursing home beds @ 1 space/3 beds = 40 spaces
Provided 45 spaces, inc 2 handicap

5 Zoning History
Case No 5095-X· On February 2, 1961, a Special Exception was granted for a convalescent home, with the following conditions
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b No flashing, blinding, pulsating or animated signs on the property Motionless illuminated signs are permitted
c Any structures constructed for the convalescent home shall be set back at least 100 feet from the present paved surface of Old Milford Mill Road
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e No more than 100 bedroom units shall be located on the subject property The existing building has 58 bedroom units and 119 beds and complies

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Case No 91-237-SPHXA· On April 9, 1992, the Board of Appeals granted a petition for Special Hearing to construct an addition to the existing nursing home, subject to the following conditions

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g All deliveries and trash removal using the service driveway shall be limited to the hours of 8 00 A M to 5 00 P M., Monday through Friday
h The trash compactor shall be enclosed and screened in a manner similar to that shown on Petitioner's Exhibit No 1, entered before this Board and shall be relocated at a distance no closer than 150 feet from the outside boundary of Mr and Mrs Tucker's residence
I The single family residence located on the west end of the subject property shall be used for residential purposes only
j The proposed entrance sign shall not be illuminated Said sign shall be designed in accordance with that depicted on Petitioner's Exhibit No 11 of the Zoning Commissioner's file and shall not exceed 83 sq ft in size, counting both sides The lettering for the sign shall not exceed 20 sq ft per side Further, the location of the sign shall be in the area depicted on Petitioner's Exhibit No 12 of the Zoning Commissioner's file
k Prior to the issuance of any permits, Petitioners shall submit a revised site plan depicting the RTA buffer areas provided to the maximum extent possible Further, Petitioners shall clearly show the boundaries of the original special exception area granted in Case No 5095-X Said plan shall also identify and conspicuously label the remaining various locations available to be utilized for each assisted living density, single family dwelling and nursing home. All notes shall be legible and of a size large enough and suitable for microfilming as determined by the Office of Zoning
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6 All driveways and parking lots are standard non-porous bituminous paving Parking areas are permanently striped

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8 There are no critical areas, archaeological sites, historic buildings, endangered species habitat, hazardous materials areas or slopes over 25 on this site

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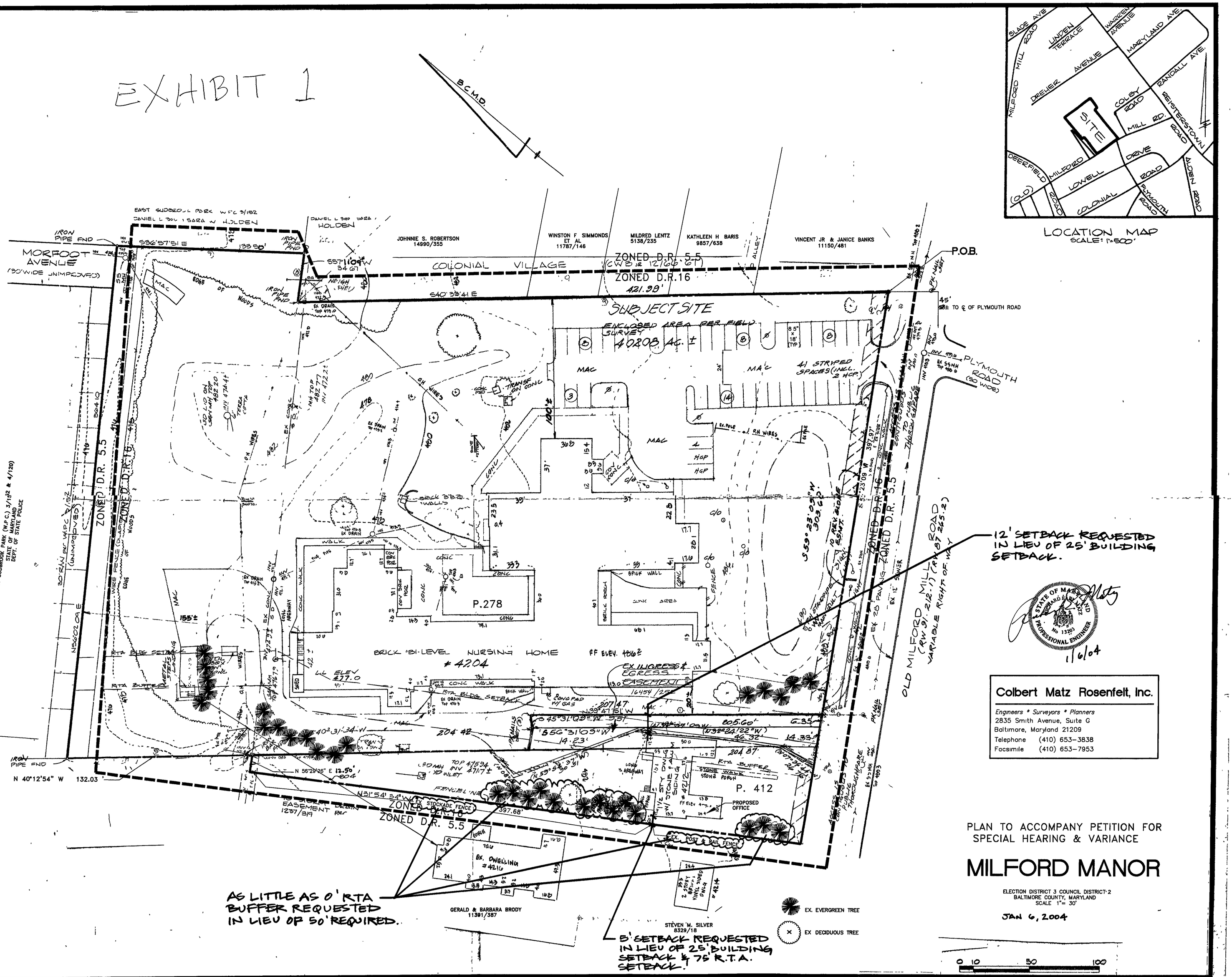

LOCATION MAP
SCALE: 1"=500'

STATE OF MARYLAND
RICHARD E. MATZ
No. 13291
PROFESSIONAL ENGINEER
1/6/04

Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone (410) 653-3838
Facsimile (410) 653-7953

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING & VARIANCE

MILFORD MANOR

ELECTION DISTRICT 3 COUNCIL DISTRICT-2
BALTIMORE COUNTY, MARYLAND
SCALE 1"= 30'

JAN 6, 2004

J.O. # 89-330

Notes

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   Baltimore, Md. 21208

   Parcel 278: Milford Manor Partnership
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   Baltimore, Md. 21208
   410-415-5700

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   Election District: 3
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   Proposed: Existing nursing home and office use in existing dwelling. The office use is accessory to the nursing home.

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   Required: 119 nursing home beds @ 1 space/3 beds = 40 spaces
   Provided: 45 spaces, inc. 2 handicap

5. Zoning History
   Case No. 5095-X: On February 2, 1951, a Special Exception was granted for a convalescent home, with the following conditions:
   a. Existing fence between the property and Colby Road shall be maintained and kept in proper repair.
   b. No flashing, blinding, pulsating or animated signs on the property. Motionless illuminated signs are permitted.
   c. Any structures constructed for the convalescent home shall be set back at least 100 feet from the present paved surface of Old Milford Mill Road.
   d. No structures shall be erected with a height greater than 35 feet above present ground level.
   e. No more than 100 bedroom units shall be located on the subject property. The existing building has 58 bedroom units and 119 beds and complies.

   Case No. 68-125-A: On Decmeber 7, 1967, a Variance was granted on the newly incorporated parcel (Parcel 412) to permit a side yard of 13 fee, 9 inches on one side and 7 feet, 2 inches on the other side, instead of the required 20 feet, to use the existing structure on the premises for religious purposes.

   Case No. 91-237-SPHXA: On April 9, 1992, the Board of Appeals granted a petition for Special Hearing to construct an addition to the existing nursing home, subject to the following conditions:

   a. Petitioners may apply for their building permit upon receipt of this order, at their own risk until the 30-day appeal process has expired.
   b. Compliance with Zoning Plans Advisory Committee comments.
   c. Landscape plan to be submitted prior to building permits.
   d. CRG approval prior to issuance of any permits.
   e. The service driveway shall be no closer than as depicted on Petitioner's Exhibit NO. land may be extended to accommodate the relocation of the trash compactor as listed in restriction (h) below.
   f. The Petitioners shall fence and shrub the service driveway at a minimum as shown on on Petitioner's Exhibit No. 10 of the Zoning Commissioner's file, and Petitioner's Exhibit No. 1 as entered before this Board.
   g. All deliveries and trash removal using the service driveway shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday.
   h. The trash compactor shall be enclosed and screened in a manner similar to that shown on Petitioner's Exhibit No. 1 entered before this Board and shall be relocated at a distance no closer than 150 feet from the outside boundary of Mr. and Mrs. Tucker's residence.
   i. The single family residence located on the west end of the subject property shall be used for residential purposes only.
   j. The proposed entrance sign shall not be illuminated. Said sign shall be designed in accordance with that depicted on Petitioner's Exhibit No. 11 of the Zoning Commissioner's file and shall not exceed 63 sq. ft. in size, counting both sides. The lettering for the sign shall not exceed 20 sq. ft. per side. Further, the location of the sign shall be in the area depicted on Petitioner's Exhibit No. 12 of the Zoning Commissioner's file.
   k. Prior to the issuance of any permits, Petitioners shall submit a revised site plan depicting the RTA buffer areas provided to the maximum extent possible. Further, Petitioners shall clearly show the boundaries of the original special exception area granted in Case No. 5095-X. Said plan shall also identify and conspicuously label the remaining various locations available to be utilized for each assisted living density, single family dwelling and nursing home. All notes shall be legible and of a size large enough and suitable for microfilming as determined by the Office of Zoning.
   l. Prior to the issuance of any permits, Petitioners shall obtain written approval of the modified site plan by the Department of Traffic Engineering, including, but not limited to, the service drive and its access for a tractor trailer as permitted.
   m. The proposed addition must be built in accordance with the design and specifications set for the on Petitioner's Exhibit No. 16 of the Zoning Commissioner's file.
   n. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
   o. Compliance with the stipulations and agreements contained in the February 7, 1992 letter to the Board from Petitioner's Counsel, which is part of the case file.

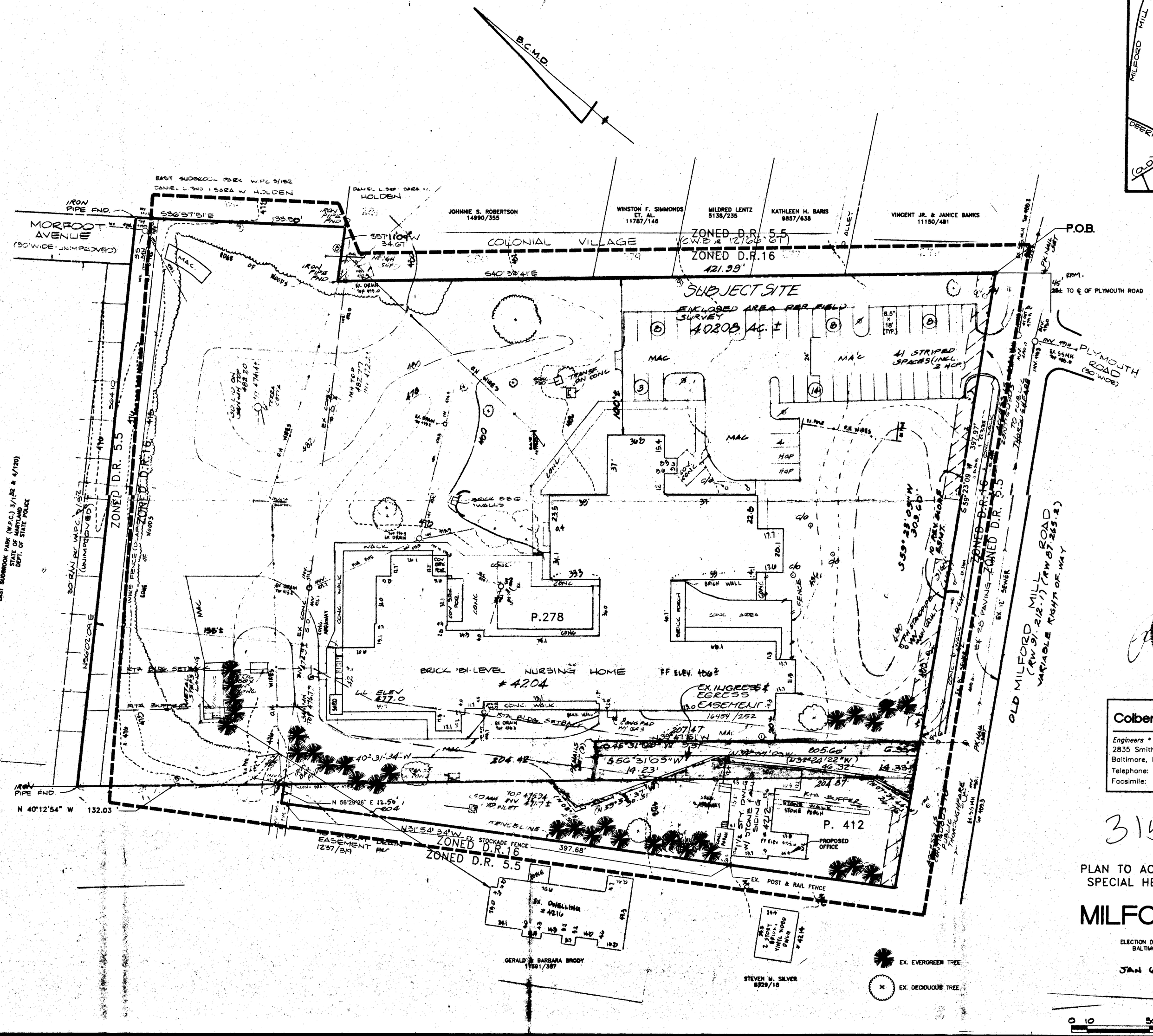
   Case No. 93-318-SPH: On May 4, 1993, the Deputy Zoning Commissioner granted a 3-year extension to the Special Exception granted in Case No. 91-237-SPHXA, subject to the following conditions:
   a. The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period has expired.
   b. Upon commencement of the exterior improvements to the subject site, the Petitioners shall pursue their completion with due diligence.
   c. When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

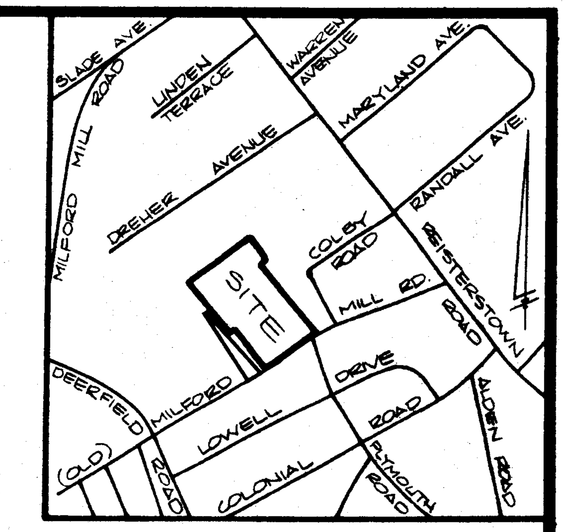
6. All driveways and parking lots are standard non-porous bituminous paving. Parking areas are permanently striped.

7. The property outline and topography shown hereon are taken from a survey prepared by JS Dallas, Inc., dated 4/30/02.

8. There are no critical areas, archaeological sites, historic buildings, endangered species habitat, hazardous materials areas or slopes 25 or more on this site.

9. A Stormwater management waiver was granted by Baltimore County on September 26, 1990. Water Quality Management has been provided on site.





LOCATION MAP
SCALE: 1"=600'

STATE OF MARYLAND
RICHARD W. MATZ
No. 13203
PROFESSIONAL ENGINEER
1/6/04

Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

315

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING & VARIANCE

MILFORD MANOR

ELECTION DISTRICT: 3 COUNCIL DISTRICT: 2
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30'

JAN 6, 2004

Notes

1. Owner/Applicant:

MILFORD MANOR PARTNERSHIP
c/o Reffel & Associates
Gary Reffel
Beltway West Corporate Center
5700 Executive Drive
Suite 112
Baltimore, Maryland 21228
Telephone: (301) 747-5700

2. Property deed references:

4186/721
7755/404 (3 parcels)

3. Tax Account no.

0513060820
0909013650

4. SITE DATA:

Acreage	4.75 AC
Election District	3
Councilmanic District:	2
Census Tract:	4036.02
Watershed:	02
Subwatershed:	22
Proposed Footprint	9,750 sq.ft.
Proposed Building Height	35 ft.
Total Floor Area (Existing + Proposed)	55,530 sq.ft.
Total Site Area	206,900 sq.ft.
Floor Area Ratio:	0.27

5. DENSITY AND USE:

Existing Nursing Home Beds:	99
Prop. Additional Nursing Home Beds:	20
Total Nursing Home Beds:	119
Prop. Class B Assisted Living Beds:	16
Total Beds (Nurs.Home and Asst.Living):	135 Beds

Zone Use Division Areas

Existing Nursing Home and Proposed Addition:		1.97 AC
Existing Dwelling:		0.39 AC
Proposed Assisted Living:	D.R. 16	2.17 AC
	D.R. 5.5.	0.22 AC
Total		4.75 AC

Assisted Living Density Calculations

1 Assisted Living Unit = .25 density unit

D.R. 16 -146 Assisted Living Units/ac. x 2.17 = 158.8 Asstd.Living Units
D.R. 5.5 - 22 Assisted Living Units/ac. x 0.22 = 4.8 Asstd.Living Units
Total Permitted Assisted Living Units 163.6

Total Permitted Assisted Living Units: 163
Total Proposed Assisted Living Units: 16

Existing Dwelling on Property to remain in Residential use.

Parking Calculations
119 Nursing Home Beds @.333 = 40 Parking Spaces
16 Assisted Living Beds @.50 = 8 Parking Spaces
1 Detached Residence @ 2 = 2

Total Required 50 Parking Spaces
Total Proposed 51 Parking Spaces
2 Handicapped Spaces Proposed

6. ZONING: D.R.16 and D.R.5.5

A. Zoning of all adjoining property is D.R.5.5

B. This property was rezoned from D.R.5.5 to D.R.16 in the 1988 comprehensive rezoning by Baltimore County Council.

C. A Special Hearing will be held pursuant to sec. 500.6 for an Amendment to the Special Exception and Site Plan granted in Case No. 5095-X to permit modification and reduction of the area necessary to allow the existing 99 bed nursing home and a proposed 20 bed addition thereto (total of 119 beds) and amend the Site Plan accordingly and to amend Restrictions #1 and #5 in Case #5095-X and to allow a service driveway and turnaround for the nursing home within the yard area of the single family dwelling as shown on hearing site plan.

D. A Special Exception hearing will be held to allow an Assisted Living facility containing a maximum of 16 beds, pursuant to sec. 1B01.1.C.25 and sec. 502.1 of the B.C.Z.R. in conjunction with a nursing home and to permit an expansion of the existing nursing home to allow an additional 20 beds (total of 119) and pursuant to sec. 432.4, the waiver of the Residential Transition Requirements in Section 1B01.1B.2. of the B.C.Z.R. in lieu of the modification of the site requirements which are provided to the extent possible as shown on the hearing site plan.

E. A Variance will be requested to Section 413.1.e (B.C.Z.R.) to allow an illuminated entrance sign of 63 square feet in lieu of one (1) square foot, and from C R D P V.B.2 and section 1B02.3B and section and section 102.2 to permit a 20 foot side yard for an existing nursing home in lieu of required 25 feet as shown on the hearing site plan.

7. RESIDENTIAL TRANSITION AREA REQUIREMENTS:

A. The entire property is within an R.T.A. area.

B. The proposed development meets the following R.T.A. requirements:

Maximum height of buildings is 35 feet.
Maximum height of lighting fixtures is 16 feet.
Lighting is designed and placed to prevent spillage into any adjoining dwelling or lot.

8. ZONING HISTORY:

A. Case No. 5095-X - February 2, 1981 - Special Exception granted for Convalescent Home, with the following provisions:

1. The existing fence between the property and Colby Road shall be maintained and kept in proper repair. The property currently complies.

2. No flashing, blinking, pulsating or animated signs on the property. Motionless illuminated signs are permitted. The existing sign complies.

3. Any structures constructed for the convalescent home shall be not less than 100 feet from the present paved surface of Old Milford Mill Road. The existing building is 100 feet from the curb line of Old Milford Mill Road, and complies.

4. No structures shall be erected with a height greater than 35 feet above present ground level. The existing building is a maximum of 19 feet in height, and complies.

5. No more than 100 bedroom units shall be located on the subject property. The existing building has 48 bedroom units, and 99 beds, and complies.

6. All plans for construction of future buildings or alteration of the present dwelling must be submitted for approval to the Baltimore County Office of Planning and Zoning.

Boundaries of this Special Exception case are the property, lines of the original parcel (now 4186/721).

B. Case No. 88-125-A - December 7, 1987 - Variance granted on the newly incorporated Parcel (now 7755/404) to permit 20 feet side yards in places of public assembly, and to permit a side yard of 33 feet 9 inches for one side and 7 feet 3 inches for the other side, instead of the required 50 feet. The purpose of the variance was to use the existing structure on the premises for religious purposes. Side yard variances granted under this case are noted on the Plan.

C. CRG No. 90019 was approved on 2/8/90. Rosenfelt and Woolfolk revised proposal and Red line Refinement was approved on 5/30/90.

9. ONSITE IMPROVEMENTS

A. Stormwater Management waiver has been granted by Baltimore County dated September 26, 1990. Water Quality Management will be provided on site in accordance with Maryland State and Baltimore County regulations.

B. All driveways and parking lots to be standard non-porous bituminous paving. Parking areas will be permanently striped.

C. The property outline and topography shown hereon is taken from a survey prepared by VT Associates, dated 5/89. All existing dwellings, wells and septic systems within 200 ft. of property are shown hereon.

D. No critical areas, archaeological sites, endangered species habitat, hazardous materials areas, or slopes over 25% exist within this site.

E. Lots on this property are to be consolidated.

F. Residents will not have vehicles. Facility will have van services that address client transportation needs.

G. Parking spaces shall be a minimum of 8.5 ft. x 18 ft. 2-barrier free parking spaces shall be 12 ft. x 18 ft.

H. Landscape Data

1 tree required for 40 linear ft. of road frontage 306 FT/40 = 9.0 or 10 trees required.
1 tree required for 20 linear ft. of interior road 300 FT/20 = 15 trees.
1 tree required for every 12 parking spaces provided 51/12 = 4.25 or 5 trees required.

Total proposed trees outside of buffer areas = 30 trees. Up to 1/2 of existing trees may be substituted for proposed.

Planting buffers proposed as shown on plan. All landscaping will be provided per Baltimore County requirements. Wooded areas along western and northern property lines to be preserved.

I. Clearing and grading is to be limited to the area for road construction, water quality management, and building site.

J. Onsite lighting shall be so arranged and shielded as to confine all direct light on the site and to prevent reflected light rays from shining or glaring into any portion of any adjacent autoway or into the path of oncoming vehicles, and to prevent spillage into any adjoining residential properties. At 10-ft. high light standards are proposed for parking and driveway areas.

K. Although the Baltimore County Soil Survey shows part of the site as mapped in the Aldino Soil Series, it has been verified with Glenn Shaffer of Baltimore County Department of Environmental Protection and Resource Management (DEPRM) that the Aldino Series has been previously altered and that wetlands are delineated correctly on this Plan. A wetland report was submitted to Baltimore County DEPRM in April, 1989. Wetland limit was approved by Mr. Shaffer in April, 1989.

L. Site has two sanitary sewer services: by gravity at the rear to Morfoot Avenue and force main at the front to existing line in Old Milford Mill Road. Proposed uses will utilize the existing force main in the existing nursing home for the proposed addition.

M. Existing well on site is not in use. Well will be abandoned and backfilled by a licensed well driller in accordance with Baltimore County regulations.

N. Oil tank on site is not known. Oil tank will be pumped out and removed by a licensed fuel oil handler. The excess oil will be disposed of in accordance with State and Baltimore County regulations. Baltimore County DEPRM will be notified prior to oil tank removal.

O. All signs will conform to applicable Baltimore County Zoning Regulations except as noted under Additional Zoning Issues.

P. Existing and proposed buildings will comply with all fire safety code requirements.

Q. Calculations regarding available water for fire flow and domestic demand will be submitted to Mr. John Brian, County Fire Protection Engineer. Fire flow test performed in April, 1989 indicates a flow of 1687 gpm at required minimum residual pressure of 20 psi. System demand has been calculated at 33 gpm for domestic use and 594 gpm for fire demand. Sprinklers will be provided for existing nursing home and proposed construction.

10. OFFSITE IMPROVEMENTS:

A. Average daily trips: 135 beds x(3.3 ADT/bed = 445.5 or 446 ADT

B. Half-width dedication for 40-feet ultimate right of way for Old Milford Mill Road is shown as required by Baltimore County Department of Public Services.

A waiver for public standard improvements along Old Milford Mill Road has been approved by Baltimore County Department of Public Services on March 6, 1990. Existing frontage improvements to Old Milford Mill Road recently completed by Baltimore County.

C. Proposed development is not within microwave path.

D. The property is not within enclosure district.

SIGNAGE NOTES:

A. All signs will conform to the applicable sections of the Baltimore County Zoning Regulations.
B. Signs will not be illuminated.
C. Lettering for signs will not exceed 20 sq. ft. per side.

ADDITIONAL NOTES:

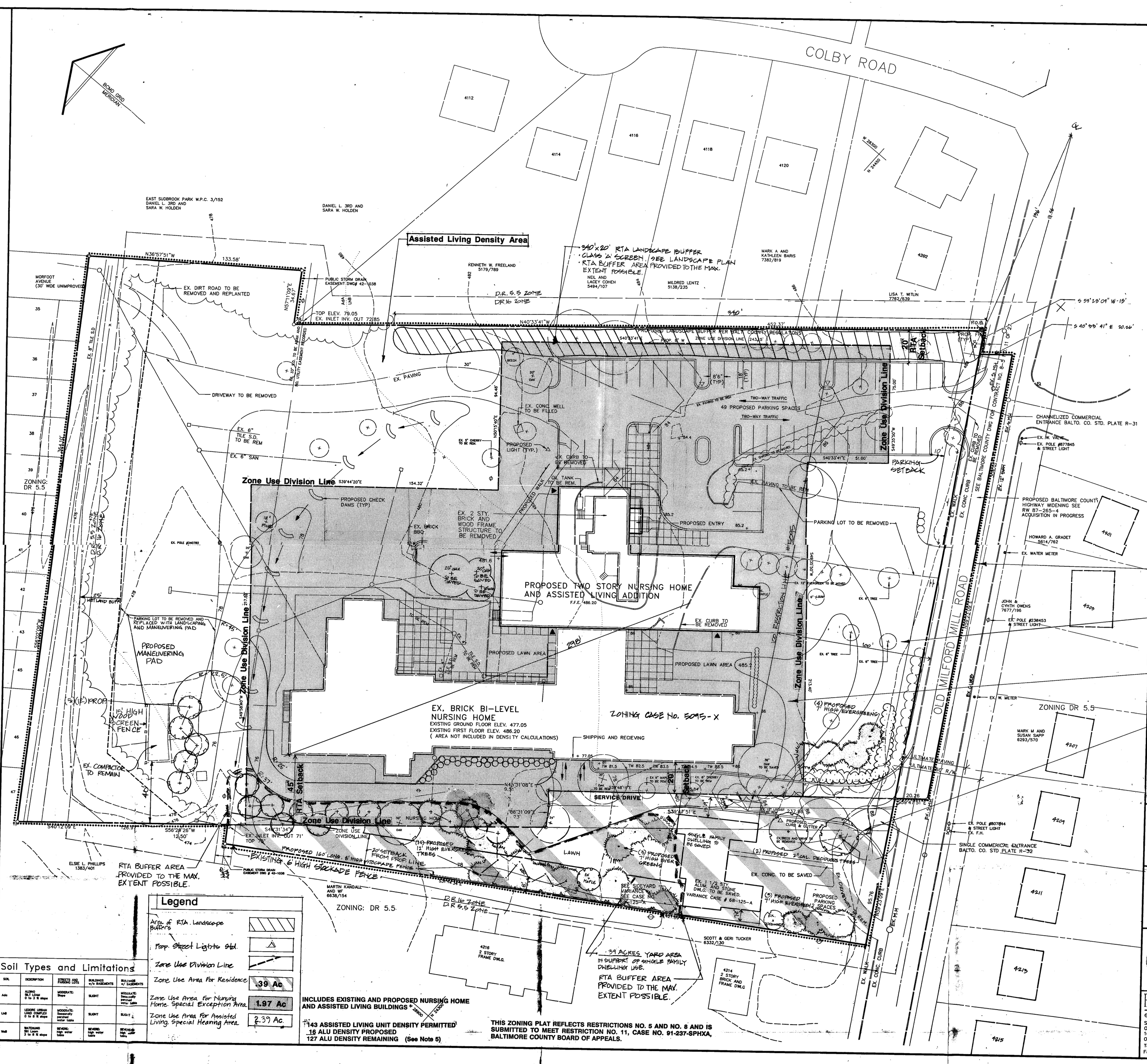
A. Existing SF residence on the property to be used for residential purposes only.
B. All deliveries and trash removal using the service driveway will be limited to 8:00 AM to 5:00 PM, Monday through Friday.
C. Maximum length of truck-trailer combination using the service driveway to be 55 feet.

Additional Zoning History

A. Case No. 91-237-SPHXA: The Deputy Zoning Commissioner granted the Petition for Special Exception, Special Hearing and Variances, as specified in Notes 6C, 6D and 6F.

B. On April 4, 1992, the Board of Appeals upheld the Special Hearing with additional requirements that the trash compactor be relocated at a distance no closer than 150 feet from the outside boundary of the adjoining residence, that the compactor be enclosed and screened and that the service drive may be extended to accommodate this relocation, as per Petitioner's Exhibit 1, which is not closer than 20 feet from the adjoining property line.

AS 9/11/92 C:\ACAD\SITE\21401EXP.DWG



Legend

Area of RTA Landscape Buffers	
Prop. Street Lights Std.	
Zone Use Division Line	
Zone Use Area For Residence	.39 Ac
Zone Use Area For Nursing Home, Special Exception Area	1.97 Ac
Zone Use Area For Assisted Living, Special Hearing Area	2.39 Ac.

Soil Types and Limitations

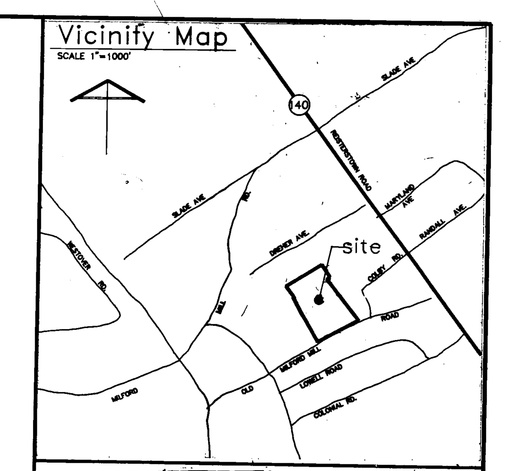
SOIL	DESCRIPTION	STREETS AND PARKING LOTS	BUILDINGS W/o BASEMENTS	BUILDINGS W/ BASEMENTS
AdA	ALDINO SILT LOAM 0 to 2 % slope	MODERATE: Slope	SLIGHT	MODERATE: Seasonal perched water table
LnB	LEDGE SILTY LOAM 2 to 5 % slope	MODERATE: Seasonal perched water table	SLIGHT	SLIGHT
* WoB	WOODSTOWN SANDY LOAM 2 to 5 % slope	SEVERE: High water table	SEVERE: High water table	SEVERE: High water table

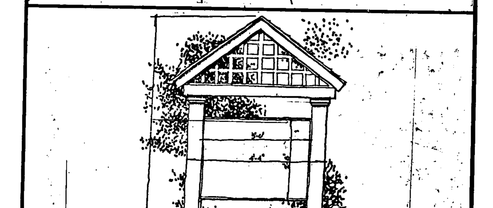
INCLUDES EXISTING AND PROPOSED NURSING HOME AND ASSISTED LIVING BUILDINGS

143 ASSISTED LIVING UNIT DENSITY PERMITTED
16 ALU DENSITY PROPOSED
127 ALU DENSITY REMAINING (See Note 5)

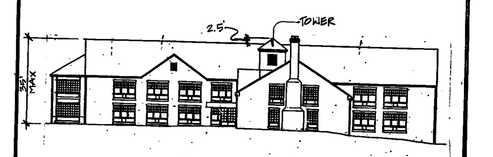
THIS ZONING PLAT REFLECTS RESTRICTIONS NO. 5 AND NO. 8 AND IS SUBMITTED TO MEET RESTRICTION NO. 11, CASE NO. 91-237-SPHXA, BALTIMORE COUNTY BOARD OF APPEALS.

Vicinify Map
SCALE 1"=1000'

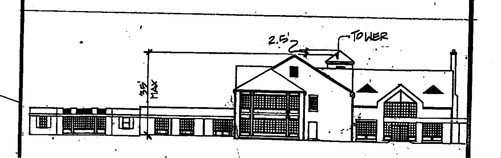




SITE ENTRANCE SIGN
PRELIMINARY ELEVATION



East Elevation



South Elevation

Boundary of Original Exception
· CASE NO. 5095-X PROVIDED
AS DELINEATED BY .....

Assisted Living Density Area (includes rear of site)
· 143 UNITS PERMITTED
· 16 UNITS PROPOSED

Nursing Home Area
· 119 BEDS PERMITTED

Single Family Residential Area

PLAN TO ACCOMPANY SPECIAL EXCEPTION, SPECIAL HEARING & VARIANCE

EXISTING NURSING HOME
PROPOSED NURSING HOME ADDITION
PROPOSED ASSISTED LIVING ADDITION
CLASS B HOUSING FOR THE ELDERLY

CRG. NO. 90019
CRG. NO. 111 357
CRG WAIVER # 90-116

MILFORD MANOR
OLD MILFORD MILL ROAD

3RD ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

REVISIONS:
8/23/90 AS
9/23/90 AS
10/19/90 AS
6/30/90 AS
2/24/93 AS

SCALE:	1"=20'
DATE:	1/28/90
JOB NO.:	214/001
DESIGNED:	AS
DRAWN:	AS
CHECKED:	RSR/TNW
DRAWING NUMBER:	
SHEET	1 OF 3

Rosenfelt & Woolfolk, Inc.
engineers and planners
Suite Eight
Owings Mills Professional Center
10706 Reisterstown Road
Owings Mills, MD 21117
Telephone: (301) 356-4600
Facsimile: (301) 581-1087

Notes

1. Owner/Applicant:
   Parcel 412: 4212 Milford Mill LLC
   4204 Old Milford Mill Road
   Baltimore, Md. 21208

   Parcel 278: Milford Manor Partnership
   4204 Old Milford Mill Road
   Baltimore, Md. 21208
   410-415-5700

2. Site Data
   Deed Reference: Parcel 412 – 16454/245 Parcel 278 – 8184/721
   Tax Account No.: Parcel 412 – 0303053850 Parcel 278 – 0313060820
   Total Acreage: 4.70 acres (206,910 sq. ft.)
   Council District: 2
   Election District: 3
   Ex. Total Floor Area: 34,827 sq. ft.
   Floor Area Ratio: 0.17

3. Use
   Existing Nursing Home, 119 Beds
   Proposed: Existing nursing home and office use in existing dwelling.
   The office use is accessory to the nursing home.

4. Off-Site Parking Calculations
   Required: 119 nursing home beds @ 1 space/3 beds = 40 spaces
   Provided: 45 spaces, inc. 2 handicap

5. Zoning History
   Case No. 5095-X: On February 2, 1961, a Special Exception was granted for a convalescent home, with the following conditions:
   a. Existing fence between the property and Colby Road shall be maintained and kept in proper repair.
   b. No flashing, blinding, pulsating or animated signs on the property. Motionless illuminated signs are permitted.
   c. Any structures constructed for the, convalescent home shall be set back at least 100 feet from the present paved surface of Old Milford Mill Road.
   d. No structures shall be erected with a height greater than 35 feet above present ground level.
   e. No more than 100 bedroom units shall be located on the subject property. The existing building has 58 bedroom units and 119 beds and complies.

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   a. Petitioners may apply for their building permit upon receipt of this order, at their own risk until the 30-day appeal process has expired.
   b. Compliance with Zoning Plans Advisory Committee comments.
   c. Landscape plan to be submitted prior to building permits.
   d. CRG approval prior to issuance of any permits.
   e. The service driveway shall be no closer than as depicted on Petitioner's Exhibit NO. 1and may be extended to accommodate the relocation of the trash compactor as listed in restriction (h) below.
   f. The Petitioners shall fence and shrub the service driveway at a minimum as shown on on Petitioner's Exhibit No. 10 of the Zoning Commissioner's file, and Petitioner's Exhibit No. 1 as entered before this Board.
   g. All deliveries and trash removal using the service driveway shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday.
   h. The trash compactor shall be enclosed and screened in a manner similar to that shown on Petitioner's Exhibit No. 1 entered before this Board and shall be relocated at a distance no closer than 150 feet from the outside boundary of Mr. and Mrs. Tucker's residence.
   i. The single family residence located on the west end of the subject property shall be used for residential purposes only.
   j. The proposed entrance sign shall not be illuminated. Said sign shall be designed in accordance with that depicted on Petitioner's Exhibit No. 11 of the Zoning Commissioner's file and shall not exceed 63 sq. ft. in size, counting both sides. The lettering for the sign shall not exceed 20 sq. ft. per side. Further, the location of this sign shall be in the area depicted on Petitioner's Exhibit No. 12 of the Zoning Commissioner's file.
   k. Prior to the issuance of any permits, Petitioners shall submit a revised site plan depicting the RTA buffer areas provided to the maximum extent possible. Further, Petitioners shall clearly show the boundaries of the original special exception area granted in Case No. 5095-X. Said plan shall also identify and conspicuously label the remaining various locations available to be utilized for each assisted living density, single family dwelling and nursing home. All notes shall be legible and of a size large enough and suitable for microfilming as determined by the Office of Zoning.
   l. Prior to the issuance of any permits, Petitioners shall obtain written approval of the modified site plan by the Department of Traffic Engineering, including, but not limited to, the service drive and its access for a tractor trailer as permitted.
   m. The proposed addition must be built in accordance with the design and specifications set for the on Petitioner's Exhibit No. 16 of the Zoning Commissioner's file.
   n. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
   o. Compliance with the stipulations and agreements contained in the February 7, 1992 letter to the Board from Petitioner's Counsel, which is part of the case file.

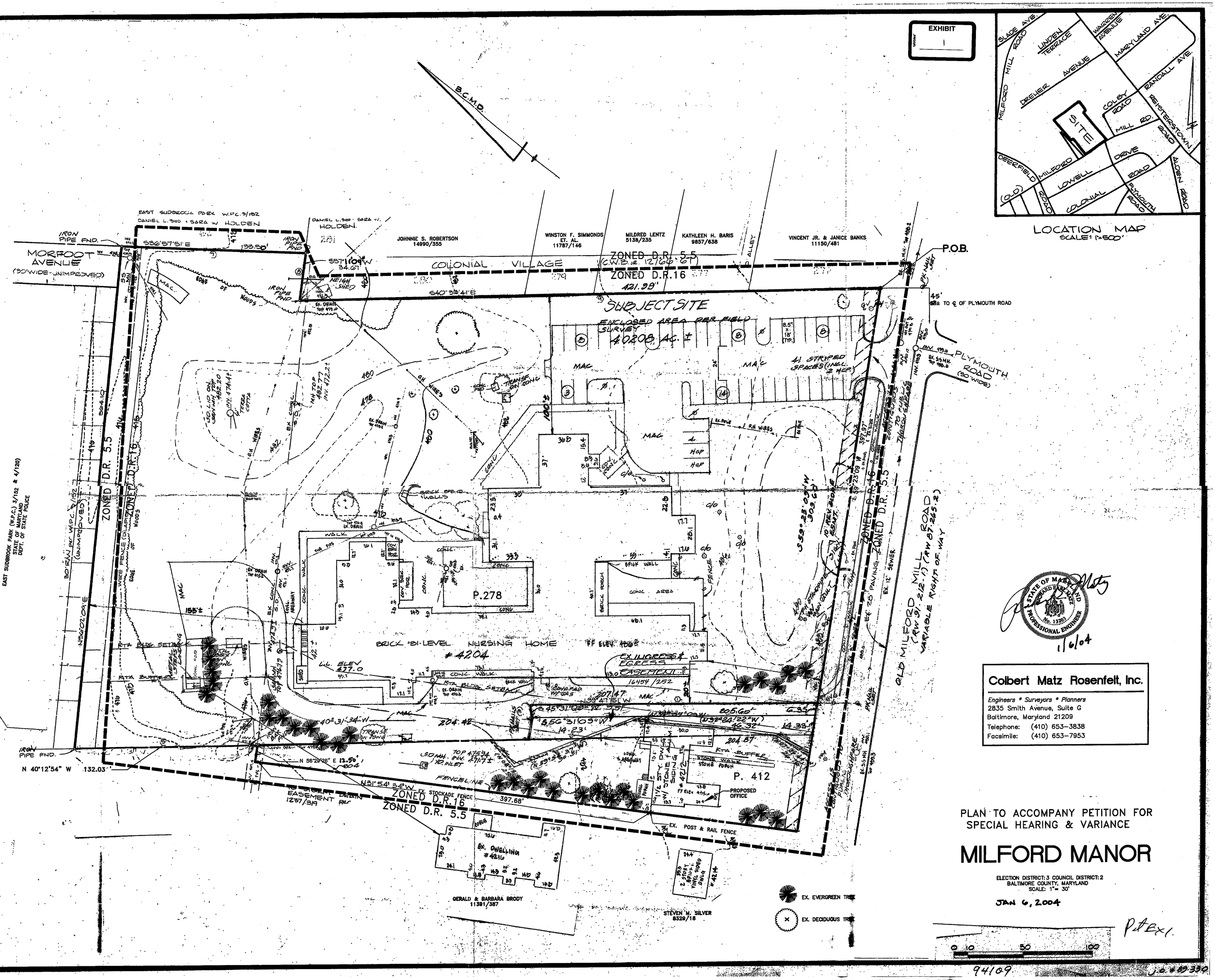
   Case No. 93-318-SPH: On May 4, 1993, the Deputy Zoning Commissioner granted a 3-year extension to the Special Exception granted in Case No. 91-237-SPHXA, subject to the following conditions:
   a. The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period has expired.
   b. Upon commencement of the exterior improvements to the subject site, the Petitioners shall pursue their completion with due diligence.
   c. When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

6. All driveways and parking lots are standard non-porous bituminous paving. Parking areas are permanently striped.

7. The property outline and topography shown hereon are taken from a survey prepared by JS Dallas, Inc., dated 4/30/02.

8. There are no critical areas, archaeological sites, historic buildings, endangered species habitat, hazardous materials areas or slopes over 25 on this site.

9. A Stormwater management waiver was granted by Baltimore County on September 28, 1990. Water Quality Management has been provided on site.



LOCATION MAP
SCALE: 1"=800'

STATE OF MARYLAND
RICHARD E. MATZ
No. 13293
PROFESSIONAL ENGINEER
1/6/04

Colbert Matz Rosenfelt, Inc.
*Engineers * Surveyors * Planners*
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

PLAN TO ACCOMPANY PETITION FOR
SPECIAL HEARING & VARIANCE

MILFORD MANOR

ELECTION DISTRICT: 3 COUNCIL DISTRICT: 2
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30'

JAN 6, 2004

P.1 Ex.1

0 10 50 100

94109

J.O. #89-339

P.C. Ex. 2b

Colonial Village Neighborhood Improvement Association, Inc.

CVNIA, Inc.
C/O David Reinstein, President
7100 Deerfield Road
Pikesville, Maryland 21208
410-484-8252

RESOLVED: That at the board meeting of the Colonial Village Neighborhood Improvement Association, Inc. held on March 2, 2004, it was decided by the Association that responsibility for review and action on all zoning matters concerning the properties of 4204 and 4212 Old Milford Mill Road, be placed in the Zoning Committee consisting of the following members, each of whom is hereby authorized to testify on behalf of the Association before the County Board of Appeals or other duly constituted zoning agency, body, or commission, until all maters concerning Zoning Case #04-315-SPHA are resolved/completed:

David Reinstein

Mark Sapp

Jeff Ziegler

AS WITNESS OUR HANDS AND SEAL THIS 17th day of December, 2004

ATTEST:

Elizabeth Sapp
Secretary

Colonial Village Neighborhood Improvement Association, Inc.

David Reinstein
President

P.C. Ex. 2c

Colonial Village Neighborhood Improvement Association, Inc.

CVNIA, Inc.
C/O David Reinstein, President
7100 Deerfield Road
Pikesville, Maryland 21208
410-484-8252

RESOLVED March 2, 2004: That the position of the Colonial Village Neighborhood Improvement Association, Inc. as adopted by the Board of Directors and Zoning Committee on the Zoning matter known as:

Zoning Case #04-315-SPHA

Is that:

The Board of Directors unanimously voted against the zoning changes requested in Case #04-315-SPHA, including opposition to any non-residential use of the property of 4212 Old Milford Mill Road.

AS WITNESS OUR HANDS AND SEAL THIS 17th day of December, 2004

ATTEST: Colonial Village Neighborhood Improvement Association, Inc.

Elizabeth Sand
Secretary

David Reinstein
President