IN RE: PETITION FOR SPECIAL HEARING

W/S of York Road, 830 ft. S centerline of Cross Campus Drive 9th Election District 5th Councilmanic District

(7601 Osler Drive)

Saint Joseph Medical Center, Inc. By: Sylvia Moore, Exec. Vice-President **Petitioners**

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 05-020-SPHX

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Special Exception filed by the legal owners of the subject property, Saint Joseph Medical Center, Inc., by Sylvia Moore, Exec. Vice-President. The Petitioners are requesting a special hearing and special exception for property they own at 7601 Osler Drive in the Towson area of Baltimore County. The special hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend the site plan approved in Case No. 89-137-SPHA. The special exception request is filed pursuant to Sections 1B01.2.B.2, 502 & 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.4.a of the Comprehensive Manual of Development (C.M.D.P.) Policies for approval of a maximum building elevation width of 952 ft.

The property was posted with Notice of Hearing on August 16, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on August 17, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all

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zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Section 502.1 of the B.C.Z.R. - Special Exceptions

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 danger;
- 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; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- 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. [Bill No. 74-2000]

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was submitted by the Office of Planning dated September 1, 2004, a copy of which is attached hereto and made a part hereto.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing relief were Brent Barhes, David Nosi, Steven McCurdy, Brandon Neyers, Sean Flanagan, and Michael Erickson on behalf of the Petitioners. Robert A. Hoffman, Esquire and David Karceski, Esquire represented the Petitioners. Larry Townsend and Donald Gerding, from the Greater Towson Council of Community Associations, appeared in support of the Petition. No Protestants or

citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

This property is the site of the St. Joseph's Hospital complex on Osler Drive in Towson. The property is zoned DR 2, DR 3.5 and DR 16 and contains 37 acres. The Petitioners would like to build a new medical office building of approximately 62,000 sq. ft. to accommodate offices and facilities for primary care physicians and physicians practicing specialized medicine.

The new building will require 284 new parking spaces, increasing the parking spaces required to 1895. Mr. Hoffman proffered that the overall campus will provide 2,74 spaces, some of which spaces are located in the immediate area of the new building and shown on Petitioners' Exhibit No. 1C as dotted.

However, some patients coming to the new building will undoubtedly use the existing parking building adjacent to the new building. The hospital would like to have a covered connection to the parking building to accommodate patients with disabilities. This connection triggers the request for a special exception for a building 952 ft. in width for the building elevation because the parking facility is also connected to a medical office building on the opposite side, which in turn is connected to other hospital buildings. Without the new building this complex of connected buildings is 752 ft. wide, while the C.M.D.P. requirement is 300 ft. as the maximum length of a building. See C.M.D.P. Section V.B.4.a. The building 752 ft. wide was granted in Case No. 89-137-SPHA. Consequently, the hospital is requesting an increase in width building elevation of 200 ft. from the previously approved dimension.

In regard to the request for Special Exception, Mr. Hoffman proffered that the expert witnesses who were present in support of the petition would testify that the revised plan met all the criteria of Section 502.1 of the B.C.Z.R., including the provision that requires that the

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proposed use not be detrimental to the health, safety and welfare of the community. He noted that to the contrary, this proposal will enhance the health, safety and welfare of the community by providing needed health care services for the community.

The new building will also be accessed by a circular service drive connecting to Irwin Drive so that patients can be dropped off at the front entrance. The new parking adjacent to the building will impact the existing storm water management facility located on Osler Drive and Irwin Drive so that this facility must be redesigned. The Petitioner proffered that there is room on site to accommodate the runoff from the new building and that the redesign of the existing facility would take place before the revised CRG plan would be signed.

Don Gerding, Zoning Chair of the Greater Towson Council of Community Associations, Inc. testified in support of the petition. He noted the extraordinary cooperation the hospital has exhibited over the years to keep the community informed of its plans and to accept input from the community in that regard. Mr. Gerding submitted a memorandum from the council in support of the petition. He requested that the hospital send the council its plans for the redesigned storm water management facility and landscaping plans prior to final CRG signoff. The hospital agreed.

The Office of Planning originally issued a comment dated August 3, 2004 requesting additional landscaping on Osler Drive, a copy of which is included as part of the ZAC portion of the file. However, a revised comment was received from the Office of Planning extolling the cooperation of the hospital with the community and indicating a willingness to enhance the landscaping along Osler Drive. The Petitioner agreed to work with the Office of Planning and the community regarding landscaping on Osler Drive.

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Findings of Fact and Conclusions of Law

The hospital's plan to provide additional office space for primary care physicians and specialty physicians is clearly a direct benefit to the community. Parking is more than adequate on the site for the new offices. The community is fully in support of the proposal. I find that the Petitioners' request for special exception is most reasonable and meets all the criteria of Section 502.1. I find that the new medical office building will not have an adverse impact on the community and consequently I will grant the Special Exception for a building elevation width of 952 ft. as requested.

Having granted the Special Exception I will also grant the Special Hearing to modify the previously approved site plan as shown on Petitioners' Exhibit Nos. 1A through 1D for the reasons stated above. I understand that a landscape plan, as well as redesigned storm water management facilities will be submitted to the County prior to the final approval of the revised CRG plan. Given the testimony and evidence, I will not require these plans as separate conditions of approval of the subject requests.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this day of September, 2004, that the Special Exception request filed pursuant to Sections 1B01.2.B.2, 502 & 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.4.a of the Comprehensive Manual of Development Policies for approval of a maximum building elevation width of 952 ft., be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the special hearing request filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend the site plan approved in Case No. 89-137-SPHA, be and is hereby GRANTED.

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

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

John V. Musphy

FOR BALTIMORE COUNTY

JVM:raj

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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

September 10, 2004

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

Re: Petitions for Special Exception & Hearing Case No. 05-020-SPHX
Property: 7601 Osler Drive

Dear Messrs. Hoffman & Karceski:

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

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: T. Brent Barhes, 1720 Orange Ave., Ste. 500, Orlando, FL 32806 David Nosi, 323 W. Camden St., Ste. 700, Baltimore, MD 21201 Steven A. McCurdy, 14307 Jarrettsville Pike, Phoenix, MD 21131 Brandon Neyers, 36 S. Charles St., Ste. 2204, Baltimore, MD 21230 Sean P. Flanagan, Michael J. Erickson, c/o St. Joseph Medical Ctr., 7601 Osler Dr., Towson, MD 21204 Larry Townsend, 111 Longbrook Road, Lutherville, MD 21093 Donald Gerding, c/o GTCCA, 335 Old Trail, Baltimore, MD 21212



Visit the County's Website at www.baltimorecountyonline.info



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at _____ 7601 Osler Drive

which is presently zoned DR2, DR3.5, DR16

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

SEE ATTACHED

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Case No. <u>05-020-SPH</u>	UNAVAILABLE FOR HEARING
A SP	OFFICE USE ONLY ESTIMATED LENGTH OF HEARING
5 1	City State Zip Code
Towson, Maryland 21204	Address Telephone No. Towson, Maryland 21204
10 Allegheny Avenue (410) 494-6200 Telephone No.	Name 210 Allegheny Avenue (410) 494-6200
Signature Venable LLP	Representative to be Contacted: Robert A. Hoffman
Named The or Print Hown IM	City State Zip Code
Robert A. Hoffman	Address Towson, Maryland 21204
Attorney For Petitioner:	7601 Osler Drive (410) 337-1000
City State Zip Code	Signature
Address Suite 240 Telephone No Palm Beach Gardens, Florida 33410	Name - Type of Pfint
Address Suite 240 Telephone No.	SEE ATTACHED
Signature	Signature
Name - Type or Print By: James Galgano, President	<u></u>
Dasco Companies, LIC	Saint Joseph Medical, Inc.
Contract Purchaser/Lessee:	Legal Owner(s):
	IVVe do solemnly declars 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.

ATTACHMENT TO PETITION FOR SPECIAL HEARING 7601 Osler Drive

Special Hearing to amend the site plan approved in Case No. 89-137-SPHA.

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THE CHAPTER OF THE STATE OF THE



Petition for Special Exception

to the Zoning Commissioner of Baltimore Count

IWe do solemnly declare and affirm, under the penalties of

for the property located at __7601 Osler Drive

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, I owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto herein described property for

SEE ATTACHED

Property is to be posted and advertised as prescribed by the zoning regulations.

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

•	perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
Dasco Companies, LLC Name - Pype or FrintBy: James Galgano, President	Saint Joseph Medical, Inc. Name - Type or Print
Signature 3399 PGA Boulevard	Signature SEE ATTACHED
Palm Beach Gardens, Florida 33410 City State Zip Code	Name - Type or Print
Attorney For Petitioner:	7601 Osler Drive (410) 337-1000
Robert A. Hoffman Name-Type or Pint /	Address Towson, Maryland 21204
Signature Signature	City Sizes Zip Code Representative to be Contacted:
Venable LIP Company 210 Allegheny Avenue (410) 494-6200	Robert A. Hoffman
Address Address Telephone No. Tawson, Maryland 21204	210 Allegheny Avenue (410) 494-6200 Address Telephone No.
City Sinte Zip Code	Towson, Maryland 21204 City State Zip Code
	OFFICE USE ONLY
Case No. OS-OZO-SPUX	ESTIMATED LENGTH OF HEARINGUNAVAILABLE FOR HEARING
REV ON ISIAR	Reviewed By JRA Date 07-090

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION 7601 Osler Drive

Special Exception pursuant to Baltimore County Zoning Regulations Sections 1B01.2.B.2, 502, and 504 and Section V.B.4.a of the Comprehensive Manual of Development Policies for approval of a maximum building elevation width of 952 feet.

TO1DOCS1/DHK01/#188019v1



ST. JOSEPH MEDICAL CENTER

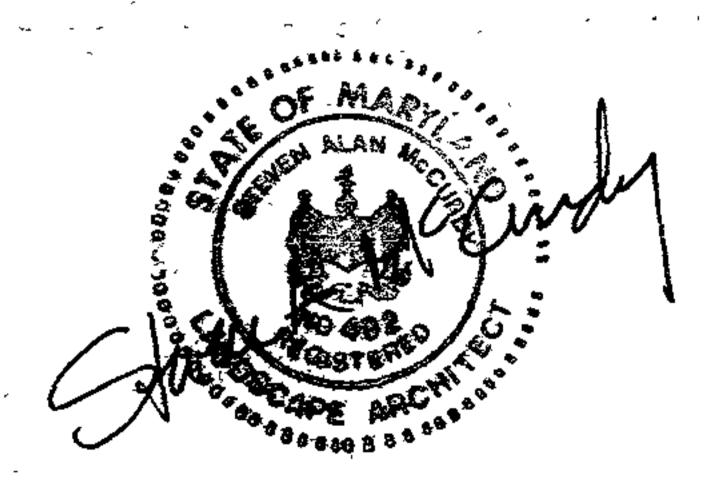
ZONING DESCRIPTION

All that piece or parcel of land situate, lying, and being in the Ninth Election District of Baltimore County, State of Maryland, and described more particularly as follows to wit:

Beginning at a point on the west side of York Road (MD 45) which is 66 feet wide at the distance of 830 feet south of the centerline of the nearest major improved intersecting street, Cross Campus Drive. Thence the following courses and distances: N 78° 59' 00" W 731.83 feet, thence S 29° 51' 30" W 1466.32 feet, thence N 31° 45' 30" W 206.59 feet, thence by a curve to the left with a Radius of 1308.24 feet and a Length of 446.59 feet, thence N 31° 45' 08" W 200.04 feet, thence by a curve to the right with a Radius of 1110.92 feet and a Length of 746.15 feet, thence N 06° 43' 50" E 227.63 feet, thence by a curve to the left with a Radius of 1467.40 feet and a length of 77.27 feet, thence N 41° 01' 48" E 67.30 feet, thence S 64° 57' 53" E 185.84 feet, thence N 76° 11' 42" E 428.06 feet, thence S 82° 46' 53" E 141.99 feet, thence S 65° 16' 40" E 517.43 feet, thence S 52° 07' 30" E 521.46 feet, thence S 78° 29' 28" E 330.25 feet, thence S 11° 59' 27" W 100.06 feet to the point of beginning, as recorded in Deed Liber 4097, Folio 011 and Liber 3432, Folio 114, and as shown on a boundary survey plat titled "37.0122 Acre Tract for St. Joseph's Hospital", dated June 6, 1989 and prepared by Harris, Smariga, Matz, Inc.

Containing 37.012 +/- Acres. Also known as 7601 Osler Drive (formerly known as 7620 York Road).

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purpose of conveyance.



02113 SJMC ZoningDescription062304.doc

14307 Jarrettsville Pike • Phoenix, MD 21131

05-070-SPAX

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: #05-020-SPHX

7601 Osler Drive

W/side of York Road, 830 ft. s/of centerline of Cross

Campus Drive — 9th Election District - 5th Councilmanic District Legal Owner(s): St. Joseph Medical Center, Inc., Sylvia Moore, Exec. V.P.

Contract Purchaser: Dasco Companies, LLC, James

Galgano, President

Special Exception: for approval of a maximum building elevation width of 952 feet. Special Hearing: to amend the site plan approved in Case No. 89-137-SPHA. Hearing: Thursday, September 2, 2004 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake

Avenue.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

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/8/712 Aug. 17

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., successive weeks, the first publication appearing once in each of The Jeffersonian Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News

LEGAL ADVERTISING

BALTIMORE COUNTY, MA LA No. 39766 OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	PAID RESINESS
DATE \$\\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	8/05/2004 REG WS03 WALK >>RECEIPT # 277
AMOUNT \$200	Dept 5 528 CR NO. 029766 Recpt To
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FOR: Rense De lite Pan 1261 Escu Kann	
Jech Charles Line	

YELLOW - CUSTOMER

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ZONING VERIFICATION

\$200.00 \$.W

re County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT) 5-020-Sp. X No. 39152	
DATE 07.09.04 ACCOUNT		PASTRESS ACTIVAL TIME 1888 7/09/2004 11:00:305 5 PEG MSUS MEANIN MEL HAN PARCEIPT & 360330 7/09/2004 OF IN Pept 5 320 ZEMING WENT DATEM
FROM		Beat let All Discourse forty, target
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOME		CASHER'S VALIDATION

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CERTIFICATE OF POSTING

RE: Case No.: <u>05-020-5PHX</u>

Petitioner/Developer: DASCO COMPANIES JAMES GALGAID PRES. Date of Hearing/Closing: SEPT 2, 2004 **Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Kristen Matthews {(410) 887-3394} Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 7601. OSLER D The sign(s) were posted on (Month, Day, Year) Sincerely, (Signature of Sign Poster) **SSG Robert Black** (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 a constational District and a constant of the (Telephone Number)

TO: PATUXENT PUBLISHING COMPANY Tuesday, August 17, 2004 Issue - Jeffersonian

Please forward billing to:

Amy Dontell Venable, LLP 210 Allegheny Avenue Towson, MD 21204

410-494-6285

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: 05-020-SPHX

7601 Osler Drive

W/side of York Road, 830 ft. s/of centerline of Cross Campus Drive

9th Election District – 5th Councilmanic District

Legal Owner: St. Joseph Medical Center, Inc., Sylvia Moore, Exec. V.P. Contract Purchaser: Dasco Companies, LLC, James Galgano, President

Special Exception for approval of a maximum building elevation width of 952 feet. Special Hearing to amend the site plan approved in Case No. 89-137-SPHA.

Hearing: Thursday, September 2, 2004, at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Awrence 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

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





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

July 21, 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: 05-020-SPHX

7601 Osler Drive

W/side of York Road, 830 ft. s/of centerline of Cross Campus Drive

9th Election District – 5th Councilmanic District

Legal Owner: St. Joseph Medical Center, Inc., Sylvia Moore, Exec. V.P. Contract Purchaser: Dasco Companies, LLC, James Galgano, President

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Hearing: Thursday, September 2, 2004, at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Timothy Kotroco

with Kotroco

Director

TK:klm

C: Robert Hoffman, Venable, LLP, 210 Allegheny Ave., Towson 21204
Sylvia Moore, Saint Joseph Medical, Inc., 7601 Osler Drive, Towson 21204
Dasco Companies, James Galgano, 3399 PGA Blvd., Ste. 240, Palm Beach Gardens, FL 33410

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 18, 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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 05-020-5PHX
Petitioner: Fairet St. Joseph Medical Centur INC.
Address or Location: 760 Osten Drive
PLEASE FORWARD ADVERTISING BILL TO: Name:
Address:
210 Mighen Avenue
Telephone Number: (410) 494-6285

Revised 2/20/98 - SCJ

Department of Permits Development Management

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





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

August 25, 2004

Robert A. Hoffman Venable, LLP. 210 Allegheny Avenue Towson, Maryland 21204

Dear Mr. Hoffman:

RE: Case Number: 05-020-SPHX, 7601 Osler Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 9, 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,
U. Call Aill O

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: db

Enclosures

c: People's Counsel
St. Joseph Medical, Inc. 7601 Osler Drive Towson 21204
Dasco Companies, LLC. 3399 PGA Blvd. Palm Beach, FL. 33410



Visit the County's Website at www.baltimorecountyonline.info



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

July 22, 2004

ATTENTION: Kristen Mathews

Distribution Meeting, of: July 26, 2004

Item No.:

017-035

Dear Ms. Mathews:

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

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

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 4, 2004

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

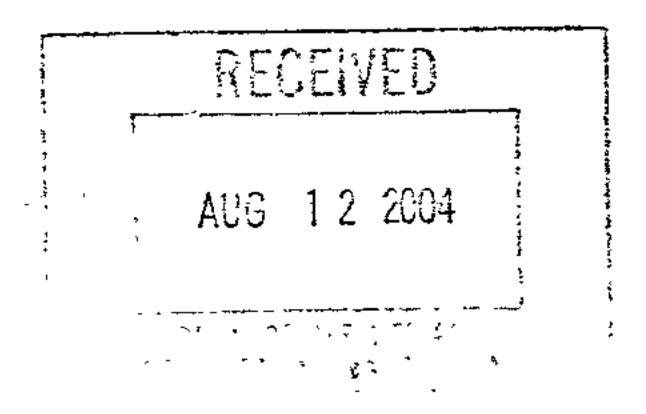
For August 2, 2004 Item Nos. 017, 020, 022, 024, 025, 026, 027, 028, 029, 030, 033, 034,

and 035

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

RWB:CEN:jrb

cc: File





INTER-OFFICE CORRESPONDENCE

DATE: August 3, 2004

RECEIVED

AUG - 9 2004

ZONING COMMISSIONER + W

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

7601 Osler Drive

INFORMATION:

Item Number:

5-020

Petitioner:

St. Joseph Medical Center, Inc.

Zoning:

DR 2, DR 3.5, and DR 16

Requested Action:

Special Exception/Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided additional landscaping is planted along Osler Drive to soften the appearance of the proposed structure from the right-of-way.

Prepared by:

Division Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 1, 2004

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

7601 Osler Drive

INFORMATION:

Item Number:

5-020

Petitioner:

St. Joseph Medical Center, Inc.

Zoning:

DR 2, DR 3.5, and DR 16

Requested Action: Special Exception/Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports Saint Joseph Hospital in its requested Special Exception and Special Hearing. The hospital is a long-standing member of the greater Towson community and plays a major role in the provision of the community's medical needs. In addition, the hospital has done a commendable job of keeping the community informed of its future plans.

This office would appreciate the opportunity to work with the hospital to enhance the landscaping along Osler Drive adjacent the proposed structure.

AFK/LL:MAC:





Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

RE:

7.23.04 Date:

Baltimore County

Item No. 020 JRA

Ms. Kristen Matthews Baltimore County Office of Permits and Development Management County Office Building, Room 109

Towson, Maryland 21204

Dear. Ms. Matthews:

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,

Steven D. Foster, Acting Chief Engineering Access Permits Division

1. 1. Godh

RE:	PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE
	7601 Osler Drive; W/side of York Road,	*	ZONING COMMISSIONER
	830' S c/line Cross Campus Drive 9th Election & 5th Councilmanic Districts	*	FOR
	Legal Owner(s): St. Joseph Medical Center,		TOK
	Inc, Sylvia Moore Executive Vice President	*	BALTIMORE COUNTY
	Contract Purchaser(s): Dasco Companies,		
	LLC, James Galgano, President	*	05-20-SPHX
	Petitioner(s)		

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore

People's Counsel for Baltimore County

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Deputy P

JUL 3 0 2004

Per L

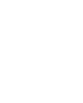
CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of July, 2004, a copy of the foregoing Entry of Appearance was mailed to Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

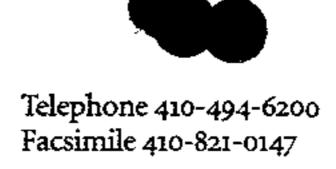
MEKK/ MOW SIMMERMAN

People's Counsel for Baltimore County





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



www.venable.com

(410) 494-6244

aldontell@venable.com

August 4, 2004

Via Hand-Delivery

W. Carl Richards, Jr.
Supervisor, Zoning Review
Department of Permits and Development
Management
County Office Building
W. Chesapeake Avenue.
Towson, Maryland 21204

Re: DASCO Medical Office Building

7601 Osler Drive

Case No.: 05-020-SPHX

Dear Mr. Richards:

Enclosed please find 12 copies of the revised "Site Plan to Accompany Petition for Special Exception and Special Hearing" for the above-referenced Zoning Case. I would like to substitute the revised site plans for the plans submitted when the petitions were filed. There are no changes to the requested zoning relief. In addition to the revised plans, I have also enclosed a check in the amount of \$200.00 to cover the revision fee. This Case has been scheduled for Thursday, September 2, 2004, at 11:00, and we would like to keep this hearing date.

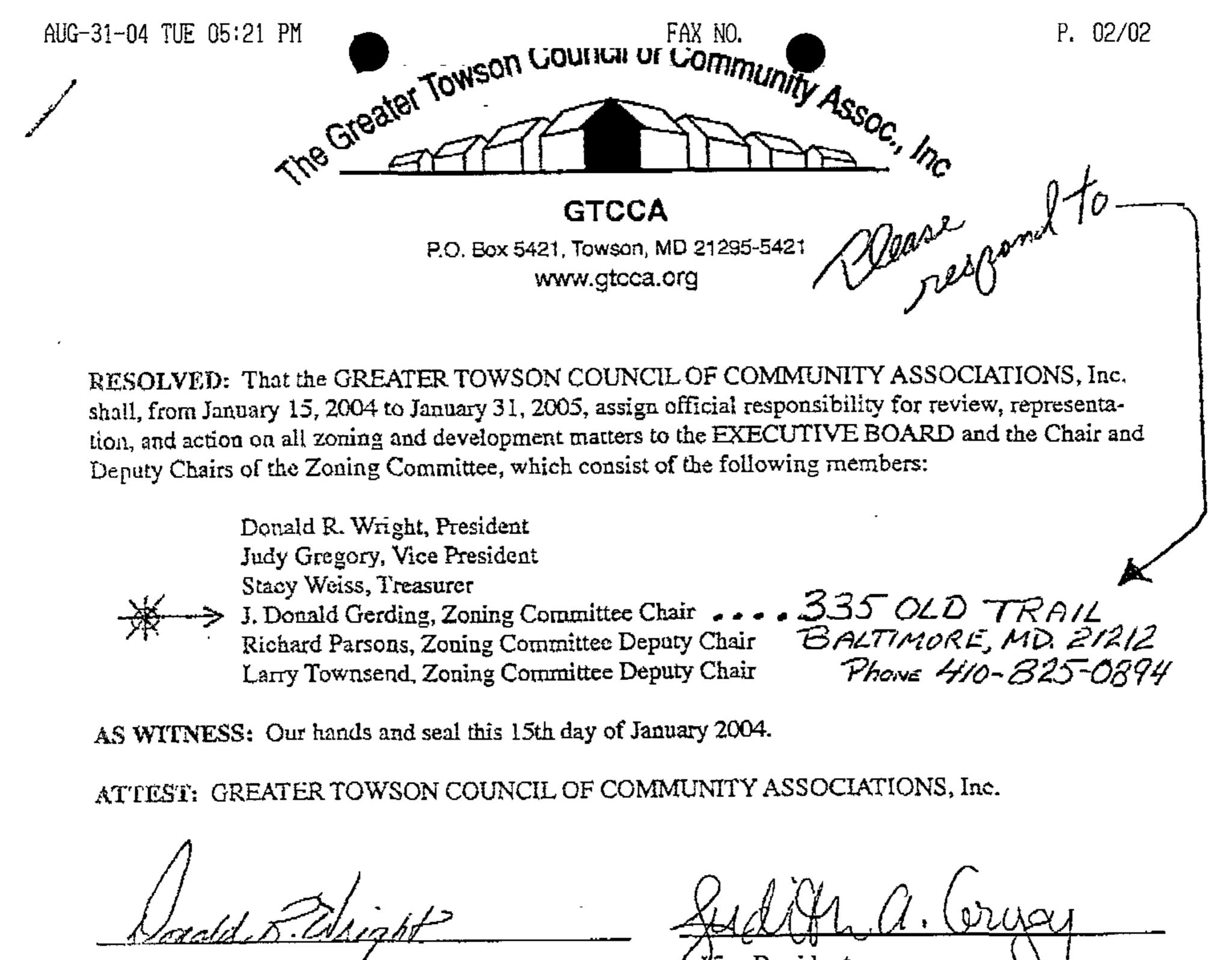
If there are any questions, please do not hesitate to contact us.

Very truly yours,

Amy Lypontell Dontall

Paralegal

ALD Enclosure



NOTE President

Presid

PLEASE PRINT CLEARLY

CASE NAME 7601 OSICA Dr.
CASE NUMBER 05-020-SPHX
DATE 9/2/04

PETITIONER'S SIGN-IN SHEET

RAHO HANDIL Wendering		LEETVER OFT, WET Dum 410-825-0894 EMAIN Taboue address	
CITY, STATE, ZIP TOUSON ALLOY TOUSON ALLOY ATTOUR STRAIGHT	BANTO. MD 21201 REPURE, MD 21231 Satimore, MD 2123 Touson, MD 21204	Battimos ma 21093 mnchais - GTCCA ax	
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ROB HO FEMALON Dave Kanlaski	Sean T. Flanned An Michael J. Eridion J. Eridion Andron	Mondell Serving Towns Chairs	

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE E/S

Osler Drive, 550' N of

Stevenson Lane

9th Election District 4th Councilmanic District

The Sisters of the 3rd Order of St. Francis, St. Joseph's Hosp. - * recitioners.

BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case/No. 89-137-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve a proposed medical office building and parking structure connected to the existing St. Joseph's Hospital building as accessory uses and structures to the existing hospital complex, and a variance to permit maximum widths of building elevations of 885 feet and 702 feet in lieu of the maximum permitted 300 feet, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by James Studnicki, Director of Hospital Adminisration, and Keith Fishel, Construction Division, appeared, testified, and the Petition were: Jerry Spencer, Senior Vice President of Universal Medical Buildings; Bernard F. Semon, Real Estate Appraiser; Bernard Planning and Zoning Consultant; and William F. Kirwin with William F. Kirwin, Inc., a Land Planning and Architectural firm. Appearing in opposition were the following residents of the La Paix Lane, Yorktowne Drive, Dunkirk Road area: Daniel E. Harris, Elizabeth D. Levy, Gibria Bledsce, Gertrude B. Hoover, and Lewis E. Porter Gary Cornelius,

a resident of La Paix Lane, was unable to attend the hearing but sent a

Aleuter secting forth his objection.

- 1B01.2.--General Density, Bulk, Building Separation, Open Space, and Other Height and Area Standards and Regulations. {Bill No. 100, 1970.}
 - A. Density Controls. {Bill No. 100, 1970.}
 - 1. Application of Maximum Density Standards to Tract in One Zone. The maximum gross residential density permitted in any one D.R. zone shall control only as applied to the total gross residential acreage within a subdivision tract, and shall not apply to or establish minimum areas of lots created by subdivision within such tract. {Bill No. 100, 1970.}
 - 2. Application to Tract Divided by Zone Boundary. In D.R. 10.5, D.R. 16, or in any nonresidential zone which allows residential development, wherever a single tract is divided by a zone boundary so that portions of such tract lie within D.R. zones of different classification, the total number of dwelling or density units permitted, as determined by multiplying the gross acreage of each portion by the maximum density permitted under Subsection 1B02.2 in the zone within which that portion lies and totalling the results, shall be permitted without further regard to the zone boundary, and the units may be distributed over the tract as though it were in a single zone. {Bill No. 100, 1970; Bill No. 2, 1992.}
 - B. Bulk Regulations. {Bill No. 100, 1970.}
 - 1. Detached and Attached Buildings. In the application of the provisions of this article, buildings shall be considered as detached if there are no above-grade structural connections between them. If buildings are, in fact, structurally connected above grade, they shall be considered as mutually attached buildings if divided by lot lines, or as one building if situated on a single lot. {Bill No. 100, 1970; Bill No. 2, 1992.}
 - Building Lengths. The building lengths have been described in accordance with Section 504.2, Comprehensive Manual of Development Policies. {Bill No. 100, 1970; Bill No. 2, 1992.}

