IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
E/S of Bloomsbury Avenue, 1,350 ft. S centerline of Frederick Road	*	DEPUTY ZONING COMMISSIONER
1st Election District	*	OF BALTIMORE COUNTY
1st Councilmanic District		
(205 Bloomsbury Avenue)	*	CASE NO. 05-065-SPHA
General German Orphans Association	*	
By: Andre Cooper, Exec Director		
Petitioners	*	

* * * * * * * * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed by the legal owner of the subject property, General German Orphans Association. The Petitioner originally requested special hearing and variance relief for property located at 205 Bloomsbury Avenue in the Catonsville area of Baltimore County. The special hearing request was approved in the Findings of Fact and Conclusions of Law dated October 13, 2004. However, the Petitioners also asked for a general variance by which they would not have to return to the zoning process should the actual design of the buildings require different relief. Not wanting to grant a general variance, the relief requested from Sections 1B01.2.C.1.a and 102.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit non-residential principal building to building setbacks in the D.R.3.5 zone for front yard, side yard and rear yard, and variations thereof, to be as close as 20 ft. in lieu of the maximum required setback for such areas of 100 ft., as shown, dimensioned and generally configured on the accompanying site plan and to confirm that said variances will apply to any future construction within the building envelope was denied.

WHEREAS, on November 2, 2004, the Petitioner filed a timely Motion for Reconsideration of this Deputy Commissioner's Order dated October 13, 2004. The motion was officially accepted by this office for filing on November 3, 2004.

WHEREAS, in its motion for reconsideration, the Petitioner requested the following variance relief for the following building to building setbacks:

Building	To Building	Variance for Setback of:	In Lieu of
A	B	50 feet provided	80 feet required (50 feet front yard building B plus 30 feet rear yard building A).
A	C	45 feet provided	100 feet required (50 feet front yard building A plus 50 feet front yard building B).
J	N	50 feet provided	80 feet required (50 feet front yard building J plus 30 feet rear yard building N).
J	K	25 feet provided	80 feet required (50 feet front yard building K plus 30 feet rear yard building J).
P*	P*	at least 20 feet setback provided between each of the three buildings of the senior dormitory complex	100 feet required by the most conservative interpretation of the zoning regulations.*
O	E	50 feet provided	100 feet required by the most conservative interpretation of the zoning regulations.*

As opposed to the general variance previously requested, these variances are quite specific and reasonable. I note again that these variances are internal to the Home and do not affect the adjoining community in any way. Consequently I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The new plan shows the existing buildings and the proposed additions. The existing buildings can not be moved to separate them further so that variances between building would not be required. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The Home needs to be able to plan its campus and the fund raising activities to support same. They need to be able to rely on the new plan for the future. I also find these such variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the

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public health, safety and general welfare. The Home is a wonderful asset to the community caring for neglected or troubled children. The new plan will have a positive effect on the community.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 29 day of November, 2004, that the Petitioners' Motion for Reconsideration to grant variances specifically for the above requested building to building setbacks, be and is hereby GRANTED as follows:

Building	To Building	Variance for Setback of:	In Lieu of
A	B	50 feet provided	80 feet required (50 feet front yard building B plus 30 feet rear yard building A).
A	C	45 feet provided	100 feet required (50 feet front yard building A plus 50 feet front yard building B).
J	N	50 feet provided	80 feet required (50 feet front yard building J plus 30 feet rear yard building N).
J	K	25 feet provided	80 feet required (50 feet front yard building K plus 30 feet rear yard building J).
P*	P*	at least 20 feet setback provided between each of the three buildings of the senior dormitory complex	100 feet required by the most conservative interpretation of the zoning regulations.*
O	E	50 feet provided	100 feet required by the most conservative interpretation of the zoning regulations.*

IT IS FURTHER ORDERED, that all other terms and conditions of the October 13, 2004 decision not modified herein shall remain in full force and effect.

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

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Date 11/29/04
By Raj

JVM:raj

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE E/S of Bloomsbury Avenue, 1,350 ft. S centerline of Frederick Road 1st Election District 1st Councilmanic District (**205 Bloomsbury Avenue**)	*	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 05-065-SPHA
General German Orphans Association By: Andre Cooper, Exec Director *Petitioners*	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Variance and Petition for Special Hearing for the property located at 205 Bloomsbury Avenue in the Catonsville area of Baltimore County. The Petition was filed by General German Orphans Association, by Andre Cooper, Executive Director, the Petitioners and legal owners of the property. Variance relief is requested from Sections 1B01.2.C.1.a and 102.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit non-residential principal building to building setbacks in the D.R.3.5 zone for front yard, side yard and rear yard, and variations thereof, to be as close as 20 ft. in lieu of the maximum required setback for such areas of 100 ft., as shown, dimensioned and generally configured on the accompanying site plan and to confirm that said variances will apply to any future construction within the building envelope. In addition, special hearing relief is requested pursuant to the B.C.Z.R. as follows:

1. to approve a "Building Construction and Parking Envelope" as shown on the accompanying site plan, and the configuration of the proposed buildings within such envelope generally as shown on said site plan;

2. to amend the special exception and approved site plan in Case No. 97-280 in accordance with the relief granted herein; and

3. affirm the continuation of the community care center use under B.C.Z.R., Section 502.5.A.

The property was posted with Notice of Hearing on September 18, 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 September 21, 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 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 307 of the B.C.Z.R. – ***Variances.***

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: ZAC comments were submitted by the Office of Planning dated September 27, 2004, a copy of which is attached hereto and made a part hereto.

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Date 10/13/04
By Rae

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief were Fred Thompson, the professional engineer who prepared the Plan to Accompany, Laurie Dickeson, professional architect, Norman Heathlote, and Andre Cooper, Executive Director of the Petitioner association. Dino C. La Fiandra, Esquire represented the Petitioners. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The Petitioners presented through their engineer and architect, both of whom were accepted as expert witnesses, a new master plan for the Children's Home that the Petitioners operate on 42 acres of land in the heart of Catonsville zoned DR 3.5. The new plan, which was accepted as Petitioners' Exhibit No. 1, shows the ultimate build out of the campus now foreseen by the Petitioners. In addition to new buildings, the Petitioners plan many renovations of existing structures to better serve its clients who range in age from 8 to 21 years of age. Many of the children live at the home after referral from social service agencies because of family problems. The Children's Home is a nonprofit charitable organization. The Petitioners were granted a Special Exception in case 97-280-X for a community care center under which they have operated the existing facilities and programs. Testimony indicated that there are presently 50 to 55 children at the home with a maximum of 64 children who are served by a staff of 105. Petitioners' Exhibit No. 1, shows that ultimately the fully built out plan could accommodate 156 children.

The new plan calls first for a new Diagnostic Center building in which children entering the home will be screened for needs. Apparently, the State has granted the home funding to erect the building and begin programs. The new plan also calls for residential wings to be added

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to the three existing dormitories, which have been recognized by the County as important to retain if not formally designated as historical. These buildings were constructed in the 1920's and are not suitable today for the task of housing the children. The new plan would redesign traffic flow on the campus, create clusters of similar structures and retain the large open space around the site.

The Home has entered into an extensive outreach program with the surrounding residential neighborhoods and has wide spread support for the new plan among all segments of the community. The new plan will be implemented in phases which triggers the Home's request to allow flexibility in the final design of the buildings and structures shown on the master plan. Mr. LaFiandra noted that it was nearly impossible to predict precisely what is needed for zoning purposes because exact dimensions of new buildings had not yet been designed. He also noted that if flexibility were not allowed, this nonprofit charitable organization would have to continually come back to the County to refine the plan at great expense. He mentioned that John Lewis, a well respected associate in the Zoning Office, suggested that under these circumstances, the Petition for Variance should be drafted only in a general way and have a note added to the Plan to Accompany that the plan depicts building and parking envelopes rather than specific designs. The intention is that any building or parking configuration that does not require a variance and is within the envelope would not need further review by the County.

The request for variance involves allowing the Petitioners to have nonresidential principal building to building setbacks for front yard, side yard and rear yard, and variations thereof, to be as close as 20 ft. in lieu of the maximum required setback for such areas of 100 ft., as shown, dimensioned and generally configured on the accompanying site plan and to confirm that said variances will apply to any future construction within the building envelope. Nonresidential principal buildings are technical descriptions of institutional use buildings that can ironically be

used in this case as residences. In short, all this means is that the Home wants to be able to have a minimum of 20 ft. between buildings in lieu of the required 100 ft. Petitioners' Exhibit No. 1 shows several examples of this concept. The existing residential cottages designated A, B and C would have new wings added to either side. As shown, the distance between buildings would be 45 ft., 50 ft. and 80 ft. The distance between the new Education Building (N) and the Technology Center (J) would be 50 ft. Finally, the distance between the Transitional Housing Building (F) and a new wing of the Senior Dormitory (P) will be 20 ft. The request for variance then is for the smallest distance foreseen of 20 ft. Mr. LaFiandra notes that all such variances are internal to the campus and no variance is requested for any dimension that impacts the surrounding community in any way. Again, he notes that none of the new buildings has been designed and variations from these distances are likely when the real design is finally made. As long as the distance between buildings is greater that 20 ft. the Home would not have to come back to have the new site plan approved.

With regard to the comments from the Office of Planning, the Petitioners agreed to submit a landscape plan as requested and to take photographs of the existing structures. However, although the plan calls for sidewalks along Bloomsbury Avenue, Mr. La Fiandra indicated that the Home wanted to install the sidewalks in the second phase when Bloomsbury is widened. They want to wait to install the sidewalks in the second phase not only because of the expense but to insure that the sidewalks match the widened configuration.

Findings of Fact and Conclusions of Law

The Home provides essential services to abused and troubled children for the benefit of the metropolitan area. The new master plan rearranges, refines and retains the existing facilities and then looks forward to new services and new children to serve. For example, the new Diagnostic Center will assess the needs of the children upon their arrival at the Home in an

organized way, so as to provide those needs in a timely and compassionate manner. The site is an important asset to the Catonsville community because of the large open space that will continue on the new master plan. The changes proposed are internal to the site and should not adversely affect the surrounding community. Consequently, I will approve the "Building Construction and Parking Envelope" as shown on the site plan, Petitioners' Exhibit No. 1, with some exceptions as noted below. I further approve amending the special exception and approved site plan in Case No. 97-280 in accordance with the relief granted herein. Finally, I affirm the continuation of the community care center use under B.C.Z.R., Section 502.5.A.

I recognize the burden that nonprofit organizations have in constantly coming back to the County each time they are ready to move forward with another phase of a master plan. I further note the creative way that the Zoning Office suggests that these Petitioners request relief to avoid future hearings. However, as mentioned at the hearing, I am concerned that, if I grant what amounts to a general variance, this decision will be used as a precedent by developers who regularly build in phases, such as apartment complexes. Second and third phase development can have some surprising turns that can greatly impact the community in ways that perhaps years before could not be imagined. The County has consistently required developers to come back to the County when they are actually ready for a second or third phase for review. In particular, this has taken the form of applying new regulations to the second and third phase that would be avoided by approving a general variance.

Another troubling aspect of this request is that zoning authorities are to grant the minimum variance that will relieve the problem. Here the Petitioners ask for the maximum variance.

Finally, I note that testimony indicated that there were presently 102 staff personnel, 50 to 55 children being served, with a maximum of 64 children on site. The proposed master plan

increases the number of children to 156 children. Assuming the same ratio of staff to child, the staff would increase to 200 persons. Essentially, the size and scope of the Home is doubling from a zoning standpoint. I realize that approval by other government agencies may also be required.

This has potential impact, particularly on the public schools, which these children normally attend. These are often troubled children with very special educational needs. I am encouraged that the new plan contains an education building in which very specialized educational programs might be given. Nonetheless, the great weigh of educational responsibility will most likely continue with the public schools and I think it entirely appropriate to insure that at each step of the Home's expansion, our public schools or the Home can accommodate these students.

I also note that Section 502.5A of the B.C.Z.R. requires community care centers to be reviewed for performance every five years. I understand this to mean that the Council wants periodic checks on such centers because of the impact they can have on the community.

Taken together, I do not think it wise to grant a blanket variance nor to approve some of the notes on Petitioners' Exhibit No. 1. Specifically, I do not approve the note, which reads,

> "THIS SITE PLAN SHALL GUIDE FUTURE CONSTRUCTION WITHIN THE APPROVED *BUILDING CONSTRUCTION AND PARKING ENVELOPE*. AN ADDITIONAL SPECIAL HEARING SHALL NOT BE NECESSARY TO APPROVE DEVIATION FROM THE CONFIGURATION SHOWN HEREON, SO LONG AS ANY PROPOSED FUTURE CONSTRUCTION OCCURS WITHIN THE APPROVED *BUILDING CONSTRUCTION AND PARKING ENVELOPE* AND SO LONG AS ADDITIONAL VARIANCE RELIEF IS NOT NEEDED."

I will henceforth call this note the "special hearing " note.

Minor changes to the site plan can of course be made by spirit and intent letters. However, significant changes should be heard in public hearing.

Regarding the comments from the Office of Planning, the Petitioners agreed to the landscaping and photograph requests. However, they objected to installing sidewalks along Bloomsbury Avenue in the first phase. I accept Mr. La Fiandra's argument to install these sidewalks in the second phase when Bloomsbury Avenue is widened.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' special hearing request should be granted except as above noted. Variance requests should be heard when the actual dimensions of the new building are known and the impact on the community assessed in detail.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 13 day of October, 2004, that the Petitioners' request for special hearing relief filed pursuant to the B.C.Z.R. as follows:

1. to approve a "Building Construction and Parking Envelope" as shown on the Petitioners' Exhibit No. 1 striking the "Hearing Note", and the configuration of the proposed buildings within such envelope generally as shown on said site plan;

2. to amend the special exception and approved site plan in Case No. 97-280 in accordance with the relief granted herein; and

3. to affirm the continuation of the community care center use under B.C.Z.R., Section 502.5.A.

be and is hereby GRANTED subject to the following conditions:

1. The Petitioners must comply with the ZAC comments submitted by the Office of Planning dated September 27, 2004, a copy of which is attached hereto and made a part hereof except that they may delay installing the sidewalks along Bloomsbury Avenue until Bloomsbury Avenue is widened pursuant to County plans.

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

IT IS FURTHER ORDERED, that the variance relief requested from Sections 1B01.2.C.1.a and 102.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit non-

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By

residential principal building to building setbacks in the D.R.3.5 zone for front yard, side yard and rear yard, and variations thereof, to be as close as 20 ft. in lieu of the maximum required setback for such areas of 100 ft., as shown, dimensioned and generally configured on the accompanying site plan and to confirm that said variances will apply to any future construction within the building envelope, be and is hereby DENIED.

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

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 10/13/04
By Raj

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

October 13, 2004

Dino C. La Fiandra, Esquire
Whiteford, Taylor & Preston, L.L.P.
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Petitions for Variance & Special Hearing
Case No. 05-065-SPHA
Property: 205 Bloomsbury Avenue

Dear Mr. La Fiandra:

Enclosed please find the decision rendered in the above-captioned case.

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: Fred Thompson, Gower/Thompson, Inc., 429 E. Lake Avenue, Baltimore, MD 21212
Laurie Dickeson, Amos, Bailey, Arnold & Assoc., 3600 Clipper Mill Rd., #300, Baltimore, MD 21211
Norman Heathlote, 305 Gwynnbrook Ave., Owings Mills, MD 21117
Andre Cooper, Executive Director, 205 Bloomsbury Ave., Catonsville, MD 21228

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 205 Bloomsbury Avenue
which is presently zoned DR 3.5

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

Please see attached.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special 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:

N/A
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Dino C. LaFiandra
Name - Type or Print

Signature

Whiteford, Taylor & Preston LLP
Company

210 W. Pennsylvania Ave. 410-832-2000
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Legal Owner(s):

General German Orphans Association
Name - Type or Print (a/k/a The Children's Home)

Signature Andre Cooper, Executive Director

Name - Type or Print

Signature

205 Bloomsbury Ave. 410-744-7310
Address Telephone No.

Baltimore, Maryland 21228
City State Zip Code

Representative to be Contacted:

Dino C. LaFiandra
Name

210 W. Pennsylvania Ave. 410-832-2000
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2HRS

UNAVAILABLE FOR HEARING —

Reviewed By VL Date 8/03/04

Case No. 05-065-SPHA

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 10/13/04
By Rox

Petition for Special Hearing
205 Bloomsbury Avenue
Continuation Sheet

Relief Requested:

1. Approve a "Building Construction and Parking Envelope" as shown on the accompanying site plan, and the configuration of the proposed buildings within such Envelope generally as shown on said site plan.
2. Amend the Special Exception and approved site plan in Case No. 97-280 in accordance with the relief granted herein.
3. Affirm the continuation of the community care center use under BCZR §502.5.A

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 205 Bloomsbury Ave.
which is presently zoned DR 3.5

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

Please see attached.

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

To be shown at hearing.

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

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

Contract Purchaser/Lessee:

N/A
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Dino C. LaFiandra
Type or Print

Signature

Whiteford, Taylor & Preston LLP
Company

210 W. Pennsylvania Ave. 410-832-2000
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Legal Owner(s):

General German Orphans Association
Name - Type or Print (a/k/a The Children's Home)

Signature Andre Cooper, Executive Director

Name - Type or Print

Signature

205 Bloomsbury Ave. 410-744-7310
Address Telephone No.

Baltimore, Maryland 21228
City State Zip Code

Representative to be Contacted:

Dino C. LaFiandra
Name

210 W. Pennsylvania Ave. 410-832-2000
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2HRS

UNAVAILABLE FOR HEARING

Reviewed By JL Date 8/03/01

Case No. 05-065-SPHA

ORDER RECEIVED FOR FILING
Date 10/13/04
By REV 9/15/98

Petition for Variance
205 Bloomsbury Avenue
Continuation Sheet

Relief Requested:

Variance from BCZR § 1B01.2.C.1.a and §102.2 to permit non-residential principal building to building setbacks in the D.R. 3.5 zone for front yard, side yard and rear yard, and variations thereof, to be as close as 20 feet in lieu of the maximum required setback for such areas of 100 feet, as shown, dimensioned, and generally configured on the accompanying site plan and to confirm that said variances will apply to any future construction within the building envelope.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 39384

DATE 8/3/04 ACCOUNT R001-006-6150

AMOUNT $ 650.00

RECEIVED FROM: Whiteford, Taylor & Preston LLP

FOR: Special Hearing & Variance

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Item # 065

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
8/04/2004 8/03/2004 14:14:28 5
REG W005 WALKIN MHEL MAH
>>RECEIPT # 364975 8/03/2004 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 039384
Recpt Tot $650.00
$650.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #05-065-SPHA
205 Bloomsbury Avenue
E/side of Bloomsbury Avenue, 1,350 ft. south of Frederick Road
1st Election District — 1st Councilmanic District
Legal Owner(s): Andre Cooper, Exec. Director, General German Orphans Assodiation

Variance: to permit non-residential principal building to building setbacks in the D.R. 3.5 zone for front yard, side yard and rear yard, and variations thereof, to be as close as 20 ft. in lieu of the maximum required setback for such areas of 100 ft., as shown, dimensioned, and generally configured on the accompanying site plan to confirm that said variances will apply to any future construction within the building envelope. **Special Hearing:** to approve a "Building Construction and Parking Envelope" as shown on the accompanying site plan, and the configuration of the proposed buildings within such Envelope generally as shown on said site plan. To amend the Special Exception and approve site plan in Case No. 97-280 in accordance with relief granted herein. To affirm the continuation of the community care center use under BCZR section 502.5.

Hearing: Tuesday, October 5, 2004 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 9/730 Sept. 21 22454

CERTIFICATE OF PUBLICATION

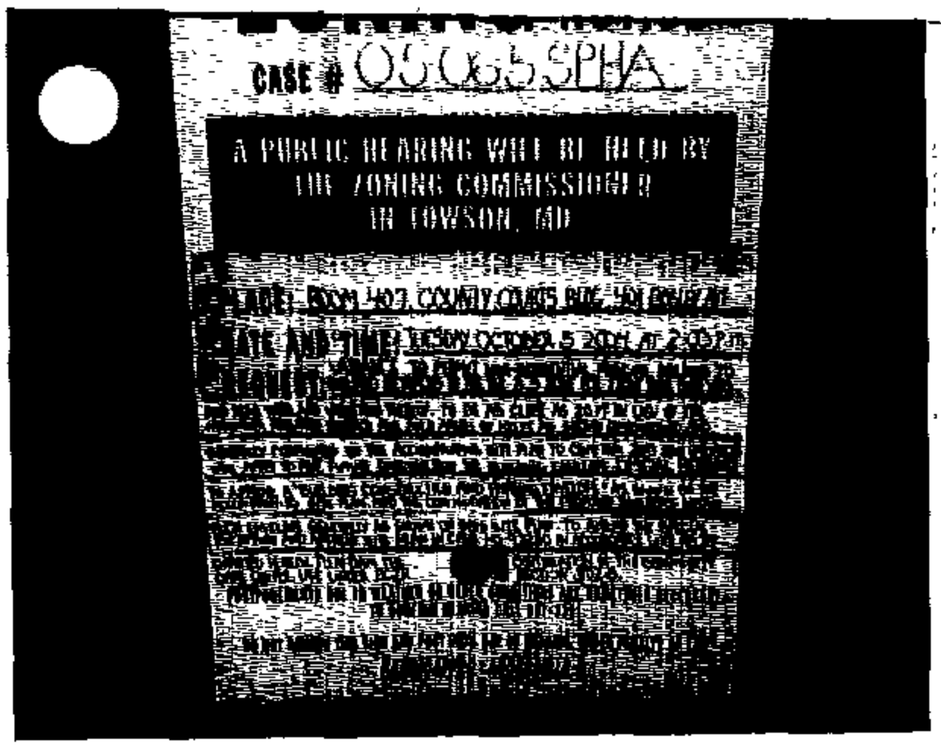
9/23/, 2004

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 9/21/, 2004.

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

S. Wilkinson

LEGAL ADVERTISING



(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

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

August 12, 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: 05-065-SPHA
205 Bloomsbury Avenue
E/side of Bloomsbury Avenue, 1,350 ft. south of Frederick Road
1st Election District – 1st Councilmanic District
Legal Owners: Andre Cooper, Exec. Director, General German Orphans Association

Variance to permit non-residential principal building to building setbacks in the D.R. 3.5 zone for front yard, side yard and rear yard, and variations thereof, to be as close as 20 ft. in lieu of the maximum required setback for such areas of 100 ft., as shown, dimensioned, and generally configured on the accompanying site plan to confirm that said variances will apply to any future construction within the building envelope. Special Hearing to approve a "Building Construction and Parking Envelope" as shown on the accompanying site plan, and the configuration of the proposed buildings within such Envelope generally as shown on said site plan. To amend the Special Exception and approve site plan in Case No. 97-280 in accordance with relief granted herein. To affirm the continuation of the community care center use under BCZR section 502.5.

Hearing: Tuesday, October 5, 2004, at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Dino LaFiandra, 210 W. Pennsylvania Avenue, Towson 21204
Andre Cooper, The Children's Home, 205 Bloomsbury Avenue, Baltimore 21228

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, SEPTEMBER 20, 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, September 21, 2004 Issue - Jeffersonian

Please forward billing to:
Dino LaFiandra, Esq. 410-832-2000
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204

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: 05-065-SPHA
205 Bloomsbury Avenue
E/side of Bloomsbury Avenue, 1,350 ft. south of Frederick Road
1st Election District – 1st Councilmanic District
Legal Owners: Andre Cooper, Exec. Director, General German Orphans Association

Variance to permit non-residential principal building to building setbacks in the D.R. 3.5 zone for front yard, side yard and rear yard, and variations thereof, to be as close as 20 ft. in lieu of the maximum required setback for such areas of 100 ft., as shown, dimensioned, and generally configured on the accompanying site plan to confirm that said variances will apply to any future construction within the building envelope. Special Hearing to approve a "Building Construction and Parking Envelope" as shown on the accompanying site plan, and the configuration of the proposed buildings within such Envelope generally as shown on said site plan. To amend the Special Exception and approve site plan in Case No. 97-280 in accordance with relief granted herein. To affirm the continuation of the community care center use under BCZR section 502.5.

Hearing: Tuesday, October 5, 2004, at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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: 05-065-SPHA

Petitioner: General German Orphans Association

Address or Location: 205 Bloomsbury Ave.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dino C. LaFiandra, Esquire

Address: ~~188 W. Pennsylvania Ave~~ 210 W. Pennsylvania Ave #402
Towson, MD 21204

Telephone Number: 410 832-2000

Revised 2/20/98 - SCJ

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

September 29, 2004

Dino C. LaFiandra
Whiteford, Taylor & Preston, LLP
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Dear Mr. LaFiandra:

RE: Case Number:05-065-SPHA, 205 Bloomsbury Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 3, 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
General German Orphans Association Andre Cooper Executive Director 205 Bloomsbury Avenue Baltimore 21228

Fire Department

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

Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

August 24, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: August 16, 2004

Item No.: 061-069, 071, 072, 074, 076-080

Pursuant to your request, the referenced plan(s) have been reviewed 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

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

SHA State Highway Administration — Driven to Excel

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

Maryland Department of Transportation

Date: 8.13.04

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

RE: Baltimore County
Item No. 065 JLL

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,

S. D. Foster

Steven D. Foster, Acting Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr JDO

DATE: September 3, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 16, 2004

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

05-061
04-062
04-063
04-065
04-067
04-068
04-069
04-071
04-072
04-077
04-079
04-080
04-081

Reviewers: Sue Farinetti, Dave Lykens

JM 10/5

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 27, 2004

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

RECEIVED

OCT - 1 2004

ZONING COMMISSIONER

SUBJECT: 205 Bloomsbury Avenue

INFORMATION:

Item Number: 5-065

Petitioner: General German Orphans Association

Zoning: DR 3.5

Requested Action: Special Hearing/Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. Provide landscaping along the front of the subject property. The petitioner should meet with Avey Harden, Baltimore County Landscape Architect to determine the landscaping details.
2. Provide photographs and any other available information on the three existing historic structures on the subject property.
3. Provide a 4-foot sidewalk along the entire front of the subject property.

Prepared by: Mark A Cummings

Division Chief: Lynn Lanham

AFK/LL:MAC:

ORDER RECEIVED FOR FILING
Date 10/13/04
By Bay

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 1, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For August 23, 2004
Item Nos. 061, 062, 063, 064, 065,
066, 067, 068, 069, 070, 072, 074, 075,
076, 077, 079, 080, and 081

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

RWB:CEN:jrb

cc: File

ZAC-08-23-2004-NO COMMENT ITEMS-061 – 081-09012004

RE:	PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
	205 Bloomsbury Avenue; E/side Bloomsbury Avenue, 1,350' S of Frederick Rd	*	ZONING COMMISSIONER
	1st Election & 1st Councilmanic Districts	*	FOR
	Legal Owner(s): Andre Cooper, Executive Director General German Orphans Associates (a/k/a The Children's Home)	*	BALTIMORE COUNTY
	Petitioner(s)	*	05-065-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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of August, 2004, a copy of the foregoing Entry of Appearance was mailed to Dino LaFiandra, Esquire, Whiteford, Taylor & Preston, LLP, 210 W. Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
AUG 19 2004
Per.....

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

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

20 COLUMBIA CORPORATE CENTER
10420 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044-3528
TELEPHONE 410 884-0700
FAX 410 884-0719

DINO C. LA FIANDRA
DIRECT NUMBER
410 832-2084
DLafiandra@wtplaw.com

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

November 2, 2004

Hon. John V. Murphy
Deputy Zoning Commissioner
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

Re: Case No. 05-065-SPHA
205 Bloomsbury Avenue
The Children's Home
Request for Reconsideration

Dear Mr. Murphy:

As you know, this firm represents the General German Orphans Association ("The Children's Home"), the Petitioner in the above-referenced matter. This letter shall serve as The Children's Home's request for reconsideration of the Petition for Variance.

Your "Findings of Fact and Conclusions of Law" was issued on October 13, 2004, in which you denied the request for variances as requested in the Petition for Variance. Zoning Commissioner's Rule 4.K allows you reconsider your denial on written motion of a party filed within 30 days of the date of your original Order. Therefore this Motion for Reconsideration is timely.

I note that, within the context of the Petition for Special Hearing, you granted the relief which was requested in its entirety, with the exception of the "Special Hearing Note", as you identify in the Order. This includes approval of the "Building Construction and Parking Envelope" and the configuration of the proposed buildings within such envelope generally as shown on the site plan, amendment of the special hearing and plan in case no. 97-280 in accordance with the relief granted, and

affirmation of the continuation of the community care center use under BCZR § 502.5.A. Nonetheless, you denied the request for variances outright.

It appears from your Order that you intended to approve the configuration of the buildings as shown on the site plan, but that you declined to approve the request for "flexibility" in future revisions to the approved plan which was incorporated into the language of the variance request. As indicated at the hearing, we worded the request for variance relief in this manner in order to avoid the need to come back for future hearings in the event that *minor* deviations from the approved plan were necessary, and we did so at the suggestion of a senior reviewer in the Bureau of Zoning Review. For our part, perhaps we could have been clearer in the degree of flexibility which we were seeking, because the illustrations which you provided in your order which you sought to prevent were certainly outside of the scope of the flexibility which we sought. Nonetheless, we respect your decision to decline the requested "flexibility" and we are not asking you to revisit that issue.

We are asking that you revisit the outright denial of the variance altogether, however. Your approval of the Special Hearing relief suggests that you intended to approve the configuration of the buildings as shown on the site plan to accompany the request. Nonetheless, even the configuration shown on the site plan requires variance relief for non-residential principal building to building setbacks. That is to say, your approval of the site plan in the context of the Special Hearing does not reconcile with your denial of the variances. For the reasons explained at the hearing, these buildings have been configured in a manner such that the required non-residential principal building to building setbacks are not achieved.

While we respect that you found the request for "flexibility" in the Petition for Variance troubling, we ask that you reconsider the outright denial of the Petition for Variance in favor of approval of setback variances *only to the extent necessary* to permit the configuration of the buildings as shown on the site plan. You comment in your Order that The Children's Home had asked for the "maximum variance" which would permit the configuration as shown. Indeed, we would ask that you reconsider the outright denial in favor of the "minimum variance" required to permit the configuration as shown.

To this end, I would suggest that you could pass an Order generally granting the "minimum variance relief necessary to achieve the configuration of buildings as shown on the Plan to Accompany the Petition for Special Hearing and Variance." Alternatively, we would request that you reconsider and grant variances specifically for the following building to building setbacks:

Building	To Building	Variance for Setback of:	In Lieu of:
A	B	50 feet provided	80 feet required (50 feet front yard building B plus 30 feet rear yard building A).
A	C	45 feet provided	100 feet required (50 feet front yard building A plus 50 feet front yard building B).
J	N	50 feet provided	80 feet required (50 feet front yard building J plus 30 feet rear yard building N).
J	K	25 feet provided	80 feet required (50 feet front yard building K plus 30 feet rear yard building J).
P*	P*	at least 20 feet setback provided between each of the three buildings of the senior dormitory complex	100 feet required by the most conservative interpretation of the zoning regulations.*
O	E	50 feet provided	100 feet required by the most conservative interpretation of the zoning regulations.*

With regard to the setbacks noted with an asterisk (*), I note that the Bureau of Zoning Review (Mr. John Lewis) does not believe that variances are necessary for the setback between the multiple buildings which constitute "P", Senior Dormitory, or between Building O and Building E. For example, under the Bureau of Zoning Review's interpretation, each of the buildings which constitute "P", Senior Dormitory, is located within the "interior side yard" of the next closest dormitory building. As such the required interior side setback of 20 feet is met for each of these three buildings. Nonetheless, it would appear that one might advance a more conservative interpretation of the setback regulations that each of these three buildings is in the "front yard" of the other, (not the side yard), and that as such a setback of 100 feet is required, not 20' as indicated by the Bureau of Zoning Review. The same is true for the relative configuration of Building O with regard to Building E. In an abundance of caution, we would request that you consider whether a variance is needed for these configurations. If you determine that variances are necessary, we respectfully request that you grant the variances as indicated in the table above.

Thank you for your consideration of confusing, yet important, matter. Should you have any questions, please contact me at 410-832-2084.

Sincerely,

Dino C. La Fiandra

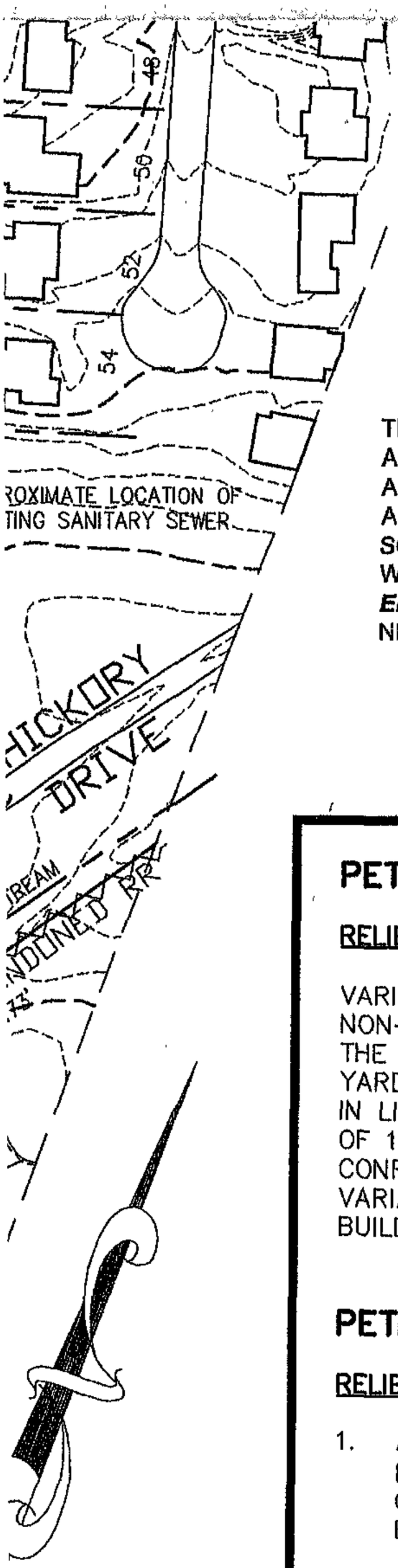
C: Mr. Andre Cooper, Executive Director, The Children's Home
Mr. Fred Thompson

PLEASE PRINT CLEARLY

CASE NAME 05-065-
CASE NUMBER The Childrens Home
DATE 10/5/04

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
FRED THOMPSON	GOWER THOMPSON INC 427 E LAKE AVE	BALTIMORE MD 21212	GOWERTHOMP@AOL.COM
Laurie Dickeson	Amos Bailey Arnold + Assoc. 3600 Clipper Mill Rd #300	Baltimore, MD 21211	Ldickeson@abaarchitects.com
Andre Cooper	205 Bloomsbury Ave.	Catonsville, MD 21228	acooper@thechildrenshome.net
DINO C. Lafiandra	210 W. Penn #400	Towson, MD 21204	dlafiandra@wtplaw.com
NORMAN HEATHCOTE	305 GREENBROOK AVE	OWINGS MILLS, MD. 21117	nheath@blkma.com



PARKING REQUIRED:

FACILITY OWNED VEHICLES:		8
EMPLOYEES/INSTRUCTORS (LARGEST SHIFT)	=	40
RESIDENTIAL LIVE IN SUPERVISORS: 5*2	=	10
OFFICE: 3.3/1,000 * 12,000	=	40
TOTAL	=	98

PARKING PROVIDED: 107 SPACES

THIS SITE PLAN SHALL GUIDE FUTURE CONSTRUCTION WITHIN THE APPROVED *BUILDING CONSTRUCTION AND PARKING ENVELOPE* . AN ADDITIONAL SPECIAL HEARING SHALL NOT BE NECESSARY TO APPROVE DEVIATION FROM THE CONFIGURATION SHOWN HEREON, SO LONG AS ANY PROPOSED FUTURE CONSTRUCTION OCCURS WITHIN THE APPROVED *BUILDING CONSTRUCTION AND PARKING ENVELOPE* AND SO LONG AS ADDITIONAL VARIANCE RELIEF IS NOT NEEDED.

PETITION FOR VARIANCE

RELIEF REQUESTED:

VARIANCE FORM BCZR §1B01.2.C.1.a AND §102.2 TO PERMIT NON–RESIDENTIAL PRINCIPAL BUILDING TO BUILDING SETBACKS IN THE D.R. 3.5 ZONE FOR FRONT YARD, SIDE YARD AND REAR YARD, AND VARIATIONS THEREOF, TO BE AS CLOSE AS 20 FEET IN LIEU OF THE MAXIMUM REQUIRED SETBACK FOR SUCH AREAS OF 100 FEET, AS SHOWN, DIMENSIONED, AND GENERALLY CONFIGURED ON THIS SITE PLAN AND TO CONFIRM THAT SAID VARIANCES WILL APPLY TO ANY FUTRE CONTRUCTION WITHIN THE BUILDING ENVELOPE.

PETITION FOR SPECIAL HEARING

RELIEF REQUESTED:

1. APPROVE A "BUILDING CONSTRUCTION AND PARKING ENVELOPE" AS SHOWN ON THIS SITE PLAN, AND THE CONFIGURATION OF THE PROPOSED BUILDINGS WITHIN SUCH ENVELOPE GENERALLY AS SHOWN ON THIS SITE PLAN.
2. AMEND THE SPECIAL EXCEPTION AND APPROVED SITE PLAN IN CASE NO. 97–280 IN ACCORDANCE WITH THE RELIEF GRANTED HEREIN.

501.6 Appeals from the Zoning Commissioner shall be heard by the board of zoning appeals de novo. At such hearing, all parties, including the Zoning Commissioner, shall have the right to be represented by counsel, to produce witnesses and to file and submit all proper oral or written evidence.

501.7 The decision and order of the board of zoning appeals may affirm or reverse in whole, or in part, any decision or order of the Zoning Commissioner, or may modify the order appealed from and direct the issuance of a permit for such modified use as it may deem proper, subject, however, to zoning regulations and restrictions.

501.8 The charges and fees for procedures before the Zoning Commissioner to be paid by petitioner and before the board of appeals by the appellant or petitioner, shall be as follows. **[Bill Nos. 64-1960; 57-1982; 36-1984]**

A. Cost of procedure before Zoning Commissioner,.

(1) Petition for special exception: $100.

(2) Petition for special hearing pertaining to a one-family residence: $35.

(3) Petition for variance pertaining to a one-family residence: $35.

(4) All other petitions for variance or special hearing: $100.

(5) Maximum charge for petitions filed together: $250.

B. Cost of proceedings before the County Board of Appeals.

(1) Appeals from granting or refusing to grant a special exception: $100.

(2) Petition for reclassification: $100.

(3) All other hearings or appeals: $75.

C. The fees established herein may be changed by the County Administrative Officer from time to time and shall be in addition to advertising and posting expenses as established by the County Administrative Officer. In addition, the County Administrative Officer shall waive any or all of the fees or expenses established herein for the filing of a petition for special exception or variance when such petition is filed by a Baltimore County volunteer fire, ambulance or rescue company.

Section 502
Special Exceptions
[BCZR 1955]

(See Section 270, Schedule of Special Exceptions.)

NOTE: Certain types of uses are required to secure a permit to allow them to be placed in one or more zones in which their uncontrolled occurrence might cause unsatisfactory results of one kind or another. A few uses, such as dumps and junkyards, are inherently so objectionable as to make extra regulations and controls advisable even in the M.H. Zone, to which they are restricted. Others, like a cemetery, do not fit into any of the zone categories, that is, residential,

business and industrial, and therefore must be located with discrimination in relation to their surroundings. All the items listed are proper uses of land, but have certain aspects which call for special consideration of each proposal. Because under certain conditions they could be detrimental to the health, safety or general welfare of the public, the uses listed as special exceptions are permitted only if granted by the Zoning Commissioner, and subject to an appeal to the County Board of Appeals.

In granting any special exception, the Zoning Commissioner and the County Board of Appeals, upon appeal, shall be governed by the following principles and conditions.

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 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 spirit 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]**

502.2 In granting any special exception, the Zoning Commissioner or the Board of Appeals, upon appeal, shall impose such conditions, restrictions or regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties. The owners, lessees or tenants of the property for which a special exception is granted, if required by the Zoning Commissioner, or Board of Appeals, upon appeal, shall enter into an agreement in writing with said Zoning Commissioner and/or the County Commissioners of Baltimore County,[1] stipulating the conditions, restrictions or regulations governing such special exception, the same to be recorded among the land records of Baltimore County. The cost of such agreement and the cost of recording thereof shall be borne by the party requesting such special exception. When so recorded, said agreement shall govern the exercise of the special exception

---

1 **Editor's Note: Under Section 1107 of the Baltimore County Charter, the County Council and County Executive have succeeded "to all powers heretofore vested in the county commissioners by the constitution and laws of this state."**

as granted, as to such property, by any person, firm or corporation, regardless of subsequent sale, lease, assignment or other transfer.

502.3 A special exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void. The Zoning Commissioner or, on appeal, the County Board of Appeals, in connection with the grant of any special exception, shall fix within the aforegoing limits the period of time for its utilization. Any party to the proceedings may, by so specifying, appeal from either the order of the Zoning Commissioner or of the County Board of Appeals as the case may be, solely as to the reasonableness of the period of time allowed or, alternatively, may have such question determined in conjunction with any appeal from the grant or refusal of the application for a special exception. After a final order granting a special exception, the Zoning Commissioner, at any time prior to expiration of the period of time authorized for its utilization, may grant one or more extensions of such period, provided that a maximum time for utilization of the special exception is not thereby extended for a period of more than five years from the date of the final order granting same. **[Bill Nos. 42-1962; 85-1967]**

A special exception which requires any construction for its utilization shall be deemed to have been used within its authorized time if such construction shall have commenced during the authorized period, or any extension thereof, provided said construction is thereafter pursued to completion with reasonable diligence. **[Bill Nos. 42-1962; 85-1967]**

Notwithstanding the above provisions, in any case where a special exception in effect on or after January 1, 1957, cannot be utilized within the maximum allowable time because of inadequacy or unavailability of public sewer or water facilities, the Zoning Commissioner shall extend such time for utilization to a date 18 months after such facilities become adequate and available, as evidenced by the ability to obtain a public works agreement permitting exercise of the special exception. A copy of the extension order shall be sent by the Zoning Commissioner to the Director of Public Works, who shall give certified or registered mail notice when such public works agreement is obtainable, to the party, and for the property, named in the extension order at the address shown in said order, except that the party named in the extension order, by certified or registered mail notice to the Director of Public Works and the Zoning Commissioner, may change the name of the party to receive such notice from the Public Works Director, or the address to which said notice is to be sent, or both. The date on which the notice is sent by the Director of Public Works to the last party of record within, at the last address furnished, shall be the commencement date for the running of the eighteen-month extension period in which there must be utilization of the special exception. **[Bill Nos. 85-1967; 68-1968; 172-1993]**

502.4 The building size, shape and location, the accessory uses and the number of dwelling units authorized under any special exception for an elevator apartment building or office building granted pursuant to the Zoning Regulations in effect before [effective

date of bill] shall not be affected by the enactment of Bill No. [number], [year of passage].[1] **[Bill No. 100-1970]**

502.5 In addition to consideration of the requirements imposed generally on the issuance of special exceptions by Section 502.1 of these regulations, the following special requirements, regulations and limitations shall apply to and be effective with regard to special exceptions which may be issued under these regulations, viz: **[Bill No. 142-1979[2]]**

A. Any special exception or renewal thereof granted for a community care center under the authority of these regulations shall be for the limited duration of five years and shall thereafter be of no further force and effect, unless, no later than three months prior to the expiration of such special exception application is filed for renewal. Applications for renewal shall be heard by the Zoning Commissioner as in the case of an original petition, except that additional testimony and competent evidence shall be presented pertaining to applicant's standard of performance of the requirements imposed in the original order or any renewal order. Such renewal order, if granted, may impose new or amended conditions as may be appropriate. **[Bill No. 124-1993]**

B. Any special exception or renewal thereof which was granted for a boardinghouse or rooming house prior to the effective date of Bill No. 124-1993 and pursuant to the law in effect at that time shall, after the effective date of Bill No. 124-1993, be of no further force and effect, unless permitted pursuant to the procedure delineated in Section 408B of these regulations. **[Bill Nos. 44-1982; 124-1993[3]]**

502.5A Bill No. 167-1980 does not affect the validity of any order granting a special exception for an office or office building pursuant to Section 1B02.1. Any such special exception may be used in accordance with both the applicable provisions of these regulations and the zoning classification of the property in effect at the time of the grant of such special exception, provided that construction is started prior to the expiration date of such special exception, and provided the zoning classification at the time construction is started is either D.R.16, R-O, O-1 or O-2. **[Bill Nos. 167-1980;[4] 124-1993]**

502.6 In addition to the other requirements of this section, the Zoning Commissioner and the Board of Appeals, upon appeal, when considering a special exception for a use in

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1 **Editor's Note: Thus in Bill No. 100-1970, which is presumably the bill referred to. Regarding the effective date of the provisions of Bill No. 100-1970, the bill states (Section 20) that "any amendments herein...shall be effective only upon the adoption by the County Council of any new Zoning Maps on or before March 31, 1971." The subsequent Zoning Maps were passed by the County Council on March 24, 1971. However, the bill also states (Section 21) that "this act shall take effect forty-five days after its enactment." The bill was enacted on August 5, 1970, and the forty-fifth day thereafter was September 19, 1970.**

2 **Editor's Note: Bill Nos. 142-1979 and 167-1980 both added a new Section 502.5 to these Zoning Regulations. Each involved different material and they are included in the order in which they became effective.**

3 **Editor's Note: This bill also repealed former Subsection C, Applications for renewal.**

4 **Editor's Note: Bill Nos. 142-1979 and 167-1980 both added a new Section 502.5 to these Zoning Regulations. Each involved different material and they are included in the order in which they became effective.**

a residential transition area, shall conform with the requirements of Section 1B01.1.B.1, where applicable. **[Bill No. 124-1981]**

502.7 Wireless telecommunications towers. **[Bill Nos. 117-1984; 64-1986; 30-1998[5]; 121-2001]**

A. A special exception may not be granted for any wireless telecommunications tower over 200 feet in height which is within 1 1/2 miles of an existing district on the Baltimore County Final Historic Landmarks list or any of the following historical districts on the National Register of Historic Places, namely, Oella, My Lady's Manor, Western Run, Worthington Valley, Greenspring Valley, Corbett and Long Green Valley, unless the Zoning Commissioner or the Board of Appeals, upon appeal, finds that the proposed use will not be detrimental to or materially detract from the documented values of any such district due to the height of the proposed tower and its placement and visibility relative to such district.

B. Towers within scenic viewshed.

1. A Special exception may not be granted for a wireless telecommunications tower located in an RC-2, RC-3, RC-4, RC-5, RC-6 or RC-7 Zone within a scenic viewshed unless the Zoning Commissioner finds that the proposed tower will not interfere with or be detrimental to the scenic viewshed elements.

2. The Zoning Commissioner shall determine interference or detriment based upon substantial evidence, comparing the scenic viewshed elements to the proposed tower location, in order to determine whether the proposed tower blocks any scenic viewshed elements or is not visually in harmony with any scenic viewshed elements when the elements and the tower can be seen simultaneously.

3. The Zoning Commissioner may also consider whether public funds have been spent acquiring easements or entering into other agreements to minimize development or protect aesthetics in areas immediately adjacent to the proposed tower and whether other public or private agreements exist to minimize development or protect aesthetics in areas immediately adjacent to the proposed tower.

a. Except as provided in this paragraph, the presence of the easements and agreements may be probative of the possible interference of the proposed tower with scenic viewshed elements.

b. The absence of the easements and agreements may not be probative of the possible interference of the proposed tower with scenic viewshed elements.

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5 Editor's Note: Section 5 of Bill No. 30-1998 provided that "...this Act shall be construed only prospectively and may not be applied or interpreted to have any effect on or application to any person who has had a hearing on a proposed tower before the Zoning Commissioner before the effective date of this Act" (March 30, 1998), and Section 6 of Bill No. 30-1998 provided that "...the provisions of this Act shall be interpreted consistent with the Telecommunications Act of 1996."

Petitioners 2

IN RE: PETITION FOR SPECIAL EXCEPTION
E/S Bloomsbury Avenue, 735' S of the c/l of Bloomingdale Avenue
(205 Bloomsbury Avenue)
1st Election District
1st Councilmanic District

The Children's Home, Inc.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-280-X

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception for that property known as 205 Bloomsbury Avenue, located in the vicinity of Frederick Road in Catonsville. The Petition was filed by the owner of the property, The Children's Home, Inc., by Josephine L. Hill, Executive Director. The Petitioner seeks a special exception for a community care center on the subject property, zoned D.R. 3.5, pursuant to Section 1B01.C.6.a of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Josephine Hill, Executive Director of The Children's Home, Inc., and Richard Matz, Professional Engineer who prepared the site plan for the property. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 42.56 acres,m ore or less, zoned D.R. 3.5 and is improved with a number of buildings, including living quarters, gymnasium and a swimming pool, all of which support The Children's Home, Inc., for the purpose of providing a healthy living environment for abused and neglected children. The Children's Home has operated from the subject site for many decades

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Date 2-19-97
By

and is, in fact, nonconforming as a community care center. The Petitioner proposes to add a one-story Boys' Shelter and an addition to the existing Administration Building, as more particularly described on Petitioner's Exhibit 1. The Petitioner felt it appropriate at this time while proceeding through the permit process for the proposed improvements to legitimize the existing facilities, which, as noted above, have existed on the property for many years and are nonconforming. However, a special exception is necessary for such a use in the D.R. zone.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use 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

ORDER RECEIVED FOR FILING

of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of February, 1997 that the Petition for Special Exception for a community care center on the subject property, zoned D.R. 3.5, pursuant to Section 1B01.C.6.a of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

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 reason, this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

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By

1-11

Petitioners 3

Laurie D. Dickeson, RA, LEED

Associate

Laurie Dickeson has been practicing architecture since 1986 at all levels of service. She has extensive experience in the design of many types of facilities, including new construction as well as additions and renovations.

Her expertise in the renovation of existing buildings includes the adaptive reuse of historic structures. This encompasses initial planning with feasibility studies, existing facility evaluations, and code analysis as well as complex phased renovations involving occupied buildings often with hazardous material abatement.

Ms. Dickeson has had great success in design, translating complex program requirements into innovative projects, often with limited budgets.

Her extensive experience includes working with community groups, often involving building committees with volunteer members who are not construction professionals. She also has a great deal of education experience at the elementary, secondary, and college levels.

Ms. Dickeson is LEED accredited.

EDUCATION

BFA - Art History, Wichita State University, Wichita, KS

M. Arch., University of Texas, Austin, Texas

CONTINUING EDUCATION:

US Green Buildings Council, LEED Intermediate Workshop

Sustainable Buildings Industry Council for "High Performance School Buildings"

PROFESSIONAL REGISTRATION

Maryland

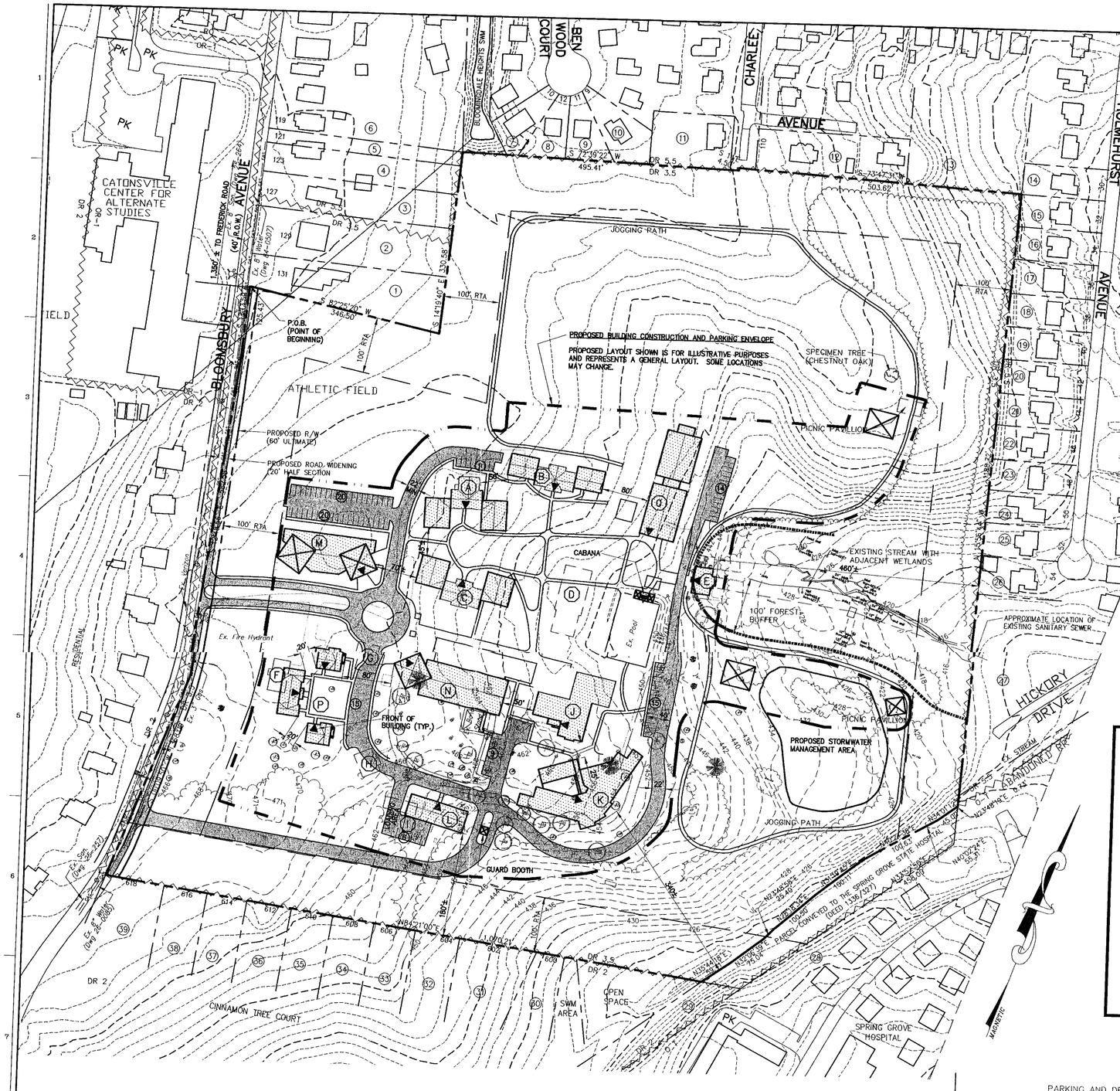
HONORS AND AWARDS:

- Design Award, ASID, Baltimore Chapter, 1994 for The Family Place, Baltimore, MD
- Preservation Award, Baltimore Heritage Foundation, 1994 for The Family Place, Baltimore, MD
- "Carshow" Exhibit, ARTSCAPE '94, Baltimore, Maryland: Designed and constructed outdoor Installation "Virtual Cruiser"
- "A3" Exhibit, ARTSCAPE '91, Baltimore, Maryland: Designed and constructed outdoor Installation "Kaleidoscope"

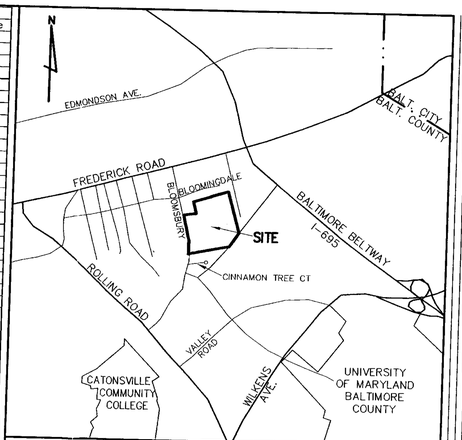
3600 Clipper Mill Road, Suite 300
Baltimore, Maryland 21211
TEL 410.235.9812 FAX 410.235.3714

The quality of Ms. Dickeson's work is exemplified by the following projects:

- The Delaware, Baltimore, Maryland
- Paca Street Housing, Baltimore, Maryland
- Chase Street Apartments, Baltimore, Maryland
- Villa Maria, Fallston, Maryland
- The Thomas Pumphrey House, Anne Arundel County, Maryland
- Child Development Center, Walter Reed Army Medical Center, Washington
- Physical Security Upgrades - Walter Reed Army Medical Center, Washington, DC
- *Southwest Waterfront Projects - Phases 1 and 2, Washington, DC*
- Washington Home and Hospice of Washington, Washington, DC
- Plymouth Congregational United Church of Christ, Washington, DC
- The Children's Home, Catonsville, Maryland
- Emmanuel Monastery, Lutherville, Maryland
- Scope Study and Ed Spec, Digital Harbor High School, Baltimore, Maryland
- The Family Place, Baltimore, Maryland
- Stony Run Meeting House, Baltimore, Maryland
- Manna House, Baltimore, Maryland
- The Family Tree, Baltimore, Maryland
- Classroom and Academic Support Center, Essex Community College, Baltimore County, Maryland
- Middlesex Elementary School, Baltimore County, Maryland
- Sussex Elementary School, Baltimore County, Maryland
- Scotts Branch Elementary School, Baltimore County, Maryland
- Arts & Sciences Building, Cecil Community College, NorthEast, Maryland



ADJACENT PROPERTY OWNERS			
LOT #	Owner	Tax Acct. #	Deed Reference
1	James P. & Sandra F. Kuszewski	01-19-510460	16488/740
2	General German Orphan Associates	01-07-150030	516/552
3	Nick J. & Despina Noputos	01-14-550220	1902/173
4	Paul & Mary Pohuski	01-04-351820	5834/480
5	Ruth Ann Jones	01-19-073880	8184/101
6	John K. & Donna L. Coleman	01-04-500000	7277/505
7	Michael & Sharon Runge	22-00-013597	13919/463
8	Kim T. Sandosky	22-00-013958	16851/712
9	George & Jessy Cherupil	22-00-013959	10073/408
10	Shawn & Jennifer M. Jackson	22-00-013960	18168/645
11	Patricia Ann Milton	01-23-153350	8034/260
12	Joan & Charles N. Schatz, Jr.	01-19-070763	12493/169
13	Tracy S. Gunder	01-06-570960	12908/724
14	David B. Shapiro & Andrea J. Ruff	01-02-850130	8107/442
15	ThomasM. & Lore Ann Ajluni	01-07-470000	9027/592
16	Carolyne K. & William Y. Crider, Jr.	01-03-672270	
17	Gloria Carol & Donald E. Murphy	01-19-070230	7445/46
18	Cecelia N. & Richard W. Merrick	01-13-402340	4537/565
19	Geralyn M. & Michael D. Fromm	01-10-451680	6447/300
20	Laurie A. & Richard C. Dempsey	01-16-600130	8993/734
21	Jo-Ellen & David H. Odell	01-19-075040	16033/281
22	Susan S. & Peter R. Lacount	01-01-540360	17068/86
23	Katherine L. Leslie G. Metcalf	01-19-712980	6587/202
24	Louise S. Hawkins Trustees William L. Hawkins, Jr.	01-08-004630	14128/217
25	Anna M. & Stephen G. Provenza	01-12-591190	6162/444
26	Evelyn D. & Richard D. Payne	01-16-001881	4209/23
27	Evelyn D. & Richard D. Payne	16-00-005315	5223/477
28	Department of Mental Hygiene of the State of Maryland	01-04-201460	3662/537
29	Howard L. & E. Robert Chertkof	22-00-026693	10960/121
20	Patricia & William H. Aydlett	22-00-027046	12683/609
31	Queen E. & Wilson J. Black	22-00-027045	12629/412
32	Leigh A. & Kyle C. Snowden	22-00-027044	15675/16
33	Letha M. & Tony D. Christian	22-00-027043	12537/137
34	Mable D. Horemend	22-00-027042	12476/195
35	Portia O. & Eric A. Perry	22-00-027041	12839/604
36	Hoi T. & Chien V. Dinh	22-00-027040	12735/236
37	Julie P. & Edgar L. Howard	22-00-027039	12735/93
38	Heather & Patrick J. Keating, Jr.	22-00-027038	12976/528
39	Michele & Stanley L. Blum	22-00-027037	14601/631



VICINITY MAP SCALE: 1" = 2,000'

PARKING REQUIRED:

FACILITY OWNED VEHICLES:		8
EMPLOYEES/INSTRUCTORS (LARGEST SHIFT)=		40
RESIDENTIAL LIVE IN SUPERVISORS: 5*2	=	10
OFFICE: 3.3/1,000 * 12,000	=	40
TOTAL	=	98

PARKING PROVIDED: 107 SPACES

THIS SITE PLAN SHALL GUIDE FUTURE CONSTRUCTION WITHIN THE APPROVED *BUILDING CONSTRUCTION AND PARKING ENVELOPE* . AN ADDITIONAL SPECIAL HEARING SHALL NOT BE NECESSARY TO APPROVE DEVIATION FROM THE CONFIGURATION SHOWN HEREON, SO LONG AS ANY PROPOSED FUTURE CONSTRUCTION OCCURS WITHIN THE APPROVED *BUILDING CONSTRUCTION AND PARKING ENVELOPE* AND SO LONG AS ADDITIONAL VARIANCE RELIEF IS NOT NEEDED.

PETITION FOR VARIANCE

RELIEF REQUESTED:

VARIANCE FORM BCZR §1B01.2.C.1.a AND §102.2 TO PERMIT NON-RESIDENTIAL PRINCIPAL BUILDING TO BUILDING SETBACKS IN THE D.R. 3.5 ZONE FOR FRONT YARD, SIDE YARD AND REAR YARD, AND VARIATIONS THEREOF, TO BE AS CLOSE AS 20 FEET IN LIEU OF THE MAXIMUM REQUIRED SETBACK FOR SUCH AREAS OF 100 FEET, AS SHOWN, DIMENSIONED, AND GENERALLY CONFIGURED ON THIS SITE PLAN AND TO CONFIRM THAT SAID VARIANCES WILL APPLY TO ANY FUTRE CONTRUCTION WITHIN THE BUILDING ENVELOPE.

PETITION FOR SPECIAL HEARING

RELIEF REQUESTED:

1. APPROVE A "BUILDING CONSTRUCTION AND PARKING ENVELOPE" AS SHOWN ON THIS SITE PLAN, AND THE CONFIGURATION OF THE PROPOSED BUILDINGS WITHIN SUCH ENVELOPE GENERALLY AS SHOWN ON THIS SITE PLAN.
2. AMEND THE SPECIAL EXCEPTION AND APPROVED SITE PLAN IN CASE NO. 97-280 IN ACCORDANCE WITH THE RELIEF GRANTED HEREIN.

ELECTION DISTRICT 1

COUNTY COUNCILMANIC DISTRICT 1

OWNER: GENERAL GERMAN ORPHAN ASSOCIATION
205 BLOOMSBURY AVENUE
BALTIMORE, MD 21228

TAX ACCOUNT NO. 01-07-150030

DEED REFERENCE: 516/552

SITE AREA: 42.562 ACRES (NET) 42.94 ACRES (GROSS)

ZONING: DR 3.5 (COMMUNITY CARE CENTER USE IS PERMITTED AS A SPECIAL EXCEPTION)

ZONING HISTORY:

CASE NO. 97-280-X
THEREFORE, IT IS ORDERED BY THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY THIS 21ST DAY OF FEBRUARY, 1997 THAT THE PETITION FOR SPECIAL EXCEPTION FOR A COMMUNITY CARE CENTER ON THE SUBJECT PROPERTY, ZONED D.R. 3.5, PURSUANT TO SECTION 1B01.C.6.a OF THE BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.), IN ACCORDANCE WITH THE FOLLOWING RESTRICTION:

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 REASON, THE RELIEF GRANTED HEREIN SHALL BE RESCINDED.

THERE ARE NO APPROVED CRG OR DEVELOPMENT PLANS, AT THIS TIME, FOR THIS PROJECT.

SITE IS SERVED BY PUBLIC WATER AND SEWER.

DENSITY ISSUES:

MINIMUM YARDS

	REQUIRED	PROVIDED (TO R)
FRONT	50'	100'
INTERIOR SIDE	20'	180'
CORNER SIDE	35'	NA
REAR	30'	340'

A PERMIT WAS ISSUED IN 1997 FOR ADDITIONS TO EXISTING BUILDING J.

MAXIMUM BUILDING HEIGHT WILL NOT EXCEED 50'. TYPICAL BUILDINGS ARE 1 AND 2 STORY.

SIGNS WILL CONFORM TO SECTION 450 OF THE ZONING REGULATIONS.

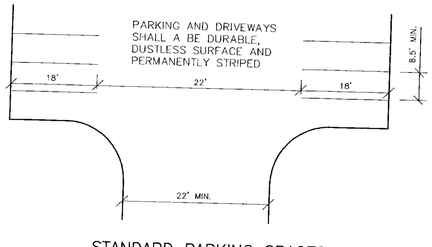
FAR PROPOSED < 0.10

THERE IS NO DEFINED FLOODPLAIN ON THE SITE.

INSTITUTION IS SELF-CONTAINED AND DOES NOT SERVICE THE OUTSIDE COMMUNITY.

OUTLINE SURVEY PLAT BY McKEE & ASSOCIATES, INC. JUNE 10, 1992

GRAPHIC SCALE
100 0 50 100 200 400
(IN FEET)
1 inch = 100 ft.



STANDARD PARKING SPACES

ULTIMATE CONDITIONS			
BUILDING DESIGNATION	USE	AREA (SF)	RESIDENTS
A (Expanded)	Junior Boys Cottage	14,979	40
B (Expanded)	Senior Boys Cottage	14,960	40
C (Expanded)	Girls Cottage	14,960	40
D	Gymnasium*	To Be Demolished	na
E	Arts & Crafts (Ex. Maint.)	3,496	
F	Transitional Housing	To Be Demolished	
G	Independent Living*	To Be Demolished	
H	Independent Living*	To Be Demolished	
I	Maintenance Barn	To Be Demolished	
J	Technology Center (Ex. Admin.)	11,460	
K (Phase I)	Diagnostic Shelter	16,250	16
L (Phase I)	Maintenance Building	6,000	na
M (Proposed)	Adminstration Building	12,000	
N (Proposed)	Education Building	12,000	
O (Proposed)	Gymnasium	12,000	
P (Proposed)	Senior Dormitory	6,600	20

065

REVISIONS

NO.	DATE	COMMENTS

GI
GOWER THOMPSON INC.
CIVIL ENGINEERING - SITE PLANNING
428 E. Lake Avenue
Baltimore County, MD 21212
Phone 410-532-0101
Fax 410-532-0104
Email GOWERTHOMP@AOL.COM

SEAL

STATE OF MARYLAND
FREDERICK J. THOMPSON
No. 6
REGISTERED PROFESSIONAL ENGINEER

PROJECT TITLE
CHILDRENS HOME
205 BLOOMSBURY AVENUE
BALTIMORE COUNTY, MARYLAND 21228

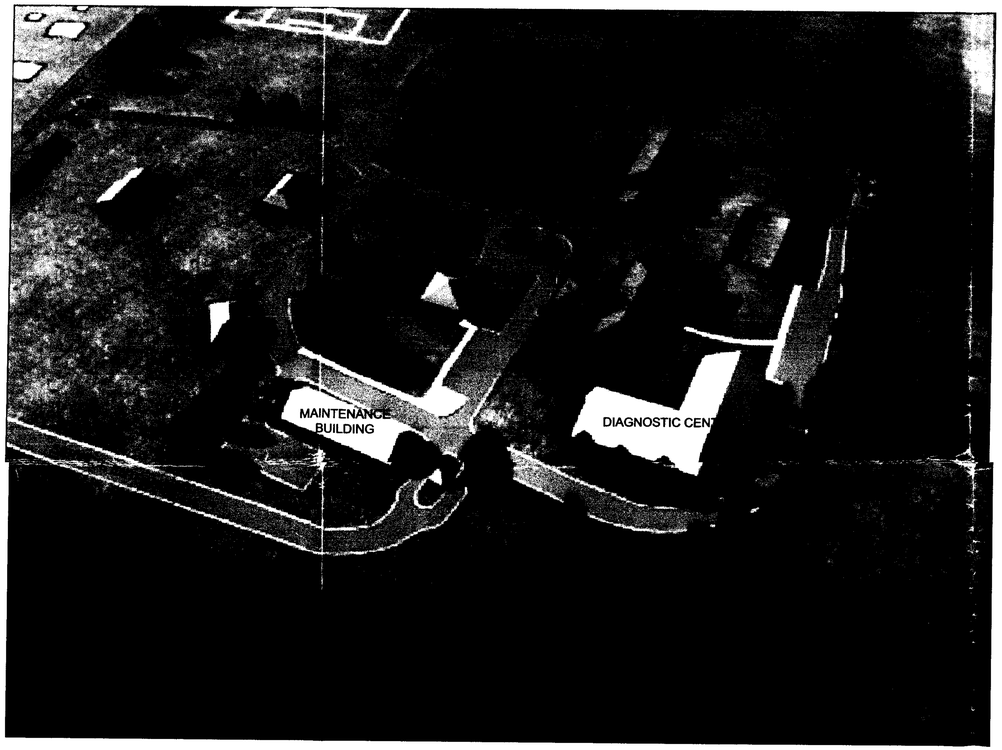
SHEET TITLE
SITE PLAN TO ACCOMPANY VARIANCES AND SPECIAL HEARING #

PROJECT NO.: —

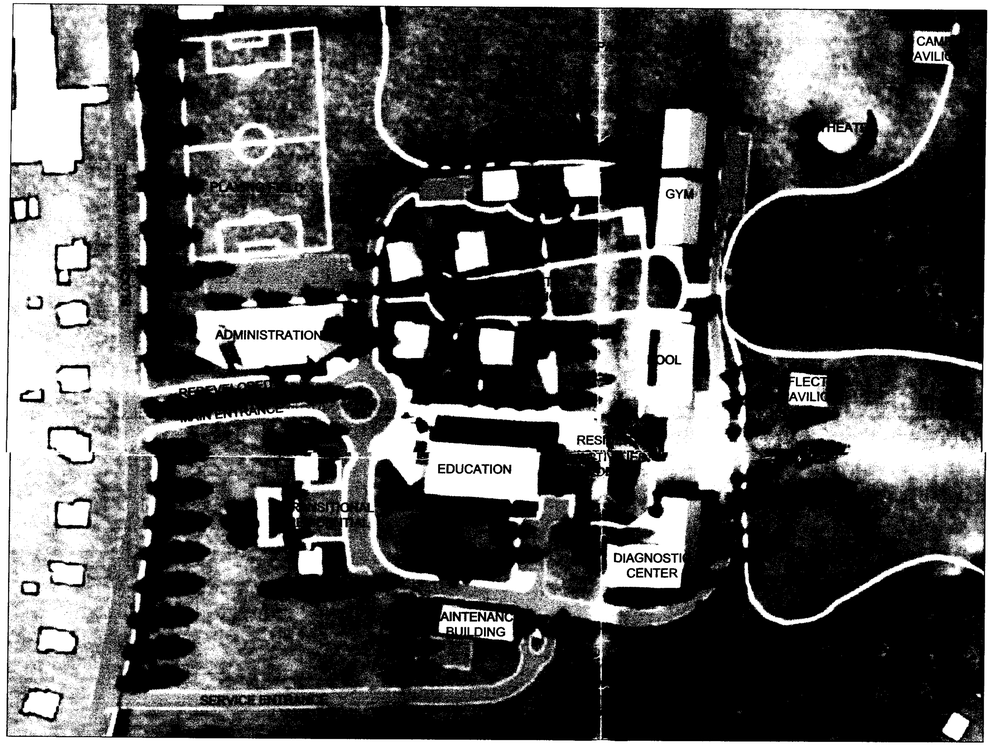
DATE: 8/1/04

DRAWING NO.
C-1

SHEET OF



Phase 1: Service Entrance, Maintenance Building & Diagnostic Shelter

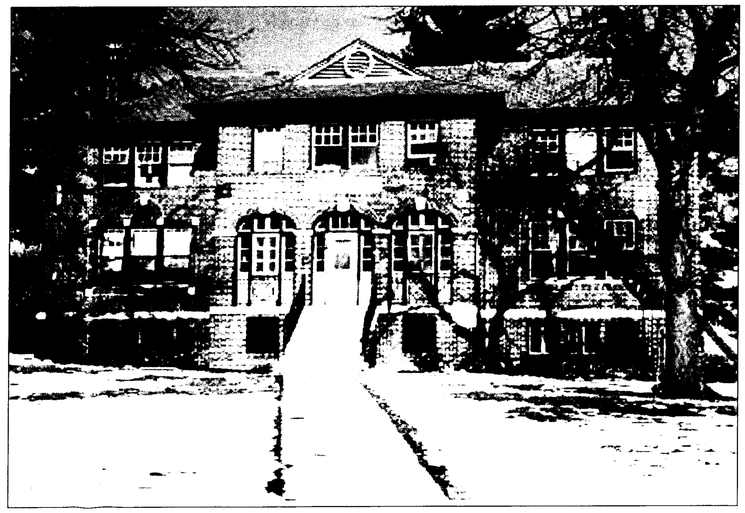


Final Master Plan Build-Out

Master Plan

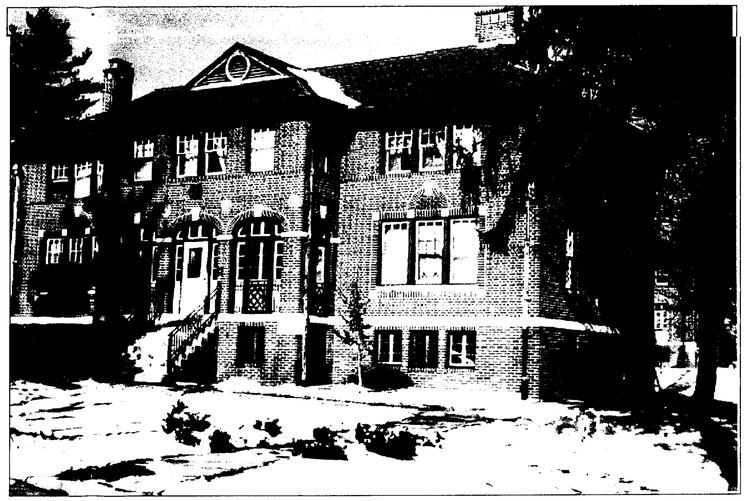
The Children's Home
Catonsville, Maryland

āba ARCHITECTS
Amos Bailey Arnold + Associates, Inc.
3600 Clipper Mill Road, Suite 300
Baltimore, Maryland 21211
Phone: 410.235.9812 Fax: 410.235.3715

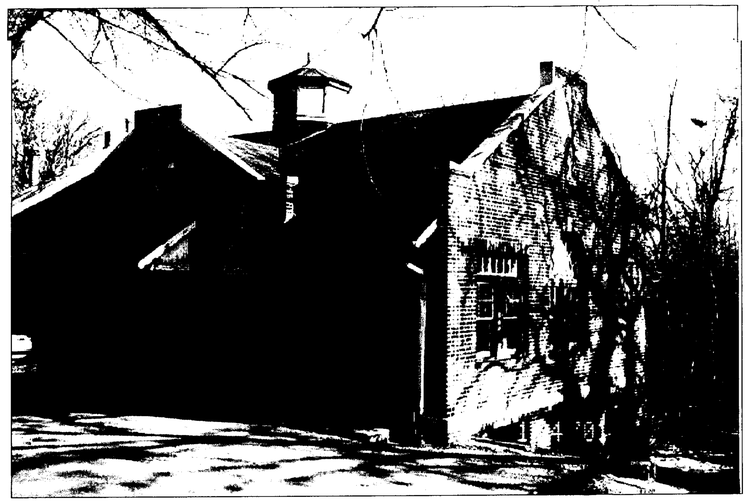


FM Cottage

JR Cottage



VR Cottage



Maintenance Building (former Laundry)

Existing Buildings

The Children's Home
Catonsville, Maryland

aba ARCHITECTS
Amos Bailey Arnold + Associates, Inc.
3600 Clipper Mill Road, Suite 300
Baltimore, Maryland 21211
Phone: 410.235.9812 Fax: 410.235.3715