

IN RE: PETITION FOR SPECIAL HEARING  
NE/S Maiden Choice Lane, 631' SE of  
McTavish Avenue  
(603 Maiden Choice Lane)  
1<sup>st</sup> Election District  
1<sup>st</sup> Council District

Little Sisters of the Poor  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 05-391-SPH  
\*

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Little Sisters of the Poor, through their attorney, Michael P. Tanczyn, Esquire. The Petitioner seeks approval, pursuant to Section 500.7 of the Baltimore County Zoning Regulations for Special Hearing (B.C.Z.R.), of an amendment to the previously approved site plan and special exception relief granted in prior Case No. 70-24-X, to add a fitness center to the existing retirement/convalescent home. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing on behalf of the Petitioner were the Reverend Thomas R. Ulshafer, S.S., Provincial Secretary for the Society of St. Sulpice, Herbert Malmud, the Land Surveyor who prepared the site plan for this property, and Michael P. Tanczyn, Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is located on the northeast side of Maiden Choice Lane, just north of Wilkens Avenue in Catonsville. The property contains a gross area of 1.78 acres, more or less, zoned D.R.5.5 and is improved with a one-story brick building which serves as a convalescent/retirement home for priests known as St. Charles Villa. This use was

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Date

By

3/11/05  
JGP



approved by virtue of the special exception relief granted in prior Case No. 70-24-X on July 31, 1969.

The Petitioner now comes before me seeking approval to construct a one-story addition to the east side of the existing building to provide a fitness center for the home's residents. It was indicated that there are 19 existing residential rooms and 12 are currently occupied.

The dimensions and unusual shape of the proposed center are more particularly shown on the site plan admitted as Petitioner's Exhibit 1. As shown thereon, the center will be "bottle-shaped" and extend 56.34 feet from the eastern wall of the existing building. At the entrance from the east wall, the building will be 26.22 feet wide; however, will widen to a width of 37 feet at a point 13 feet from the east wall, and then widen again to 49.33 feet at a point 34 feet from the east wall.

Herbert Malmud, a Registered Land Surveyor who was accepted as an expert witness, presented the site plan for this property and testified regarding existing and proposed uses thereon. He noted that there has been no other zoning relief requested or granted for the subject property since the special exception relief was obtained in 1969. He testified that the adjacent surrounding properties, including the adjacent Charlestown Community, are located within the D.R.5.5 zone, as more particularly described on the zoning excerpt map, 200 scale, Southwest 3E for Catonsville, admitted as Petitioner's Exhibit 2. Mr. Malmud also presented photo collages marked into evidence as Petitioner's Exhibits 3 through 7 which described the existing improvements and the surrounding land as it would have appeared on February 18, 2005 when the pictures were taken. These photographs show the existing convalescent home and the area where the fitness center will be built.

He further testified that the Petitioner had obtained approval of a lot line adjustment, by letter dated January 27, 2005 from the Director of Permits and Development Management. In this regard, testimony revealed that the Charlestown community, which is located immediately east of the subject

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Date 3/11/05  
By [Signature]



site, donated .0566 acres of land along the common boundary so that the Petitioner could avoid the need for variance relief from setback requirements. A copy of the site plan depicting the proposed lot line adjustments and subsequent approval letter were submitted into evidence as Petitioner's Exhibits 8B and 8A, respectively.

As noted above, the Petitioner seeks approval of an addition to the existing convalescent/retirement home previously approved in Case 70-24-X to provide a fitness center for the residents of the home. Special exception uses are governed by Section 502.1 of the B.C.Z.R. In the opinion of the Zoning Commissioner, the proposed fitness center is a desirable amenity and does not represent a change in the primary use of the property as a convalescent home. The proposed use will not be detrimental to the health, safety or general welfare of the locale, nor tend to create congestion in the roads, streets or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, or in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

Upon due consideration of all of the testimony and evidence offered in this case, I do not believe the proposed addition of a fitness center at this location will adversely impact adjacent or surrounding uses. Testimony proffered from the Petitioner's witness was that great care has been taken to minimize the impact of the proposed construction and land use. The comprehensive testimony and evidence presented on behalf of the Petitioner easily support this finding. In this case, I find the totality of the evidence offered overwhelming supports the grant of the Petition for Special Hearing to amend the special exception granted in Case 70-24-X. For the reasons stated, I will approve the relief requested, under the Petition for Special Hearing.

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

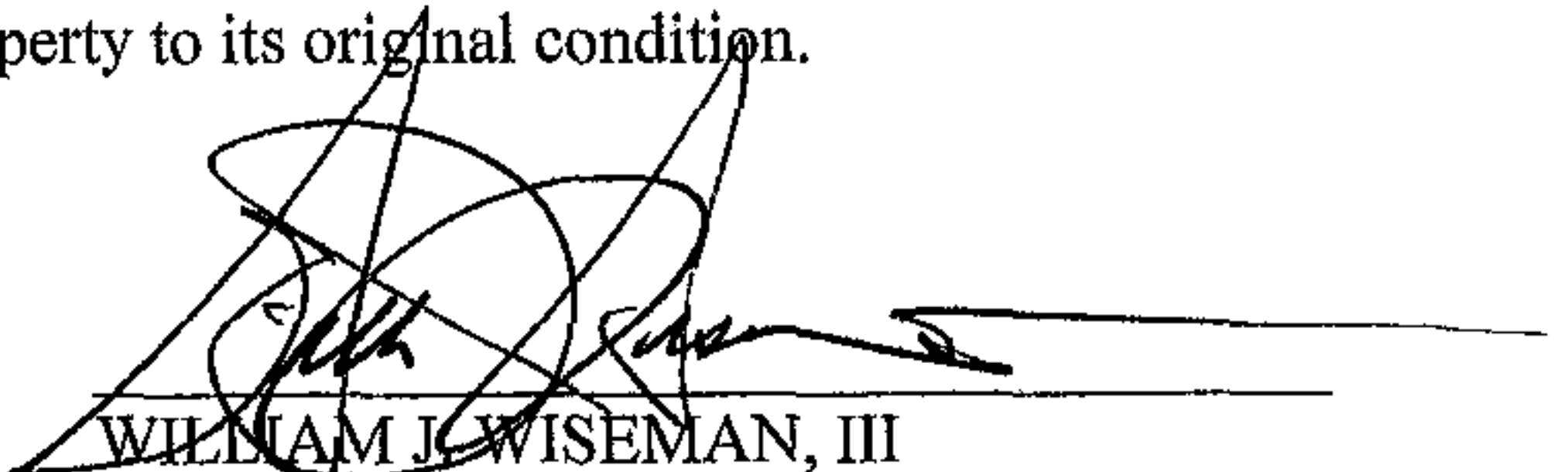
ORDER RECEIVED FOR FILING  
Date 3/11/15  
By [Signature]



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

THEREFORE, IT IS ORDERED by this Zoning Commissioner for Baltimore County this 11<sup>th</sup> day of March, 2005 that the Petition for Special Hearing to add a fitness center and to amend the special exception granted in Case 70-24-X and the site plan therefore be and is hereby GRANTED, subject to the following restrictions:

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

  
WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING  
Date 3/11/05  
By [Signature]



## 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  
William J. Wiseman III, Zoning Commissioner

March 11, 2005

Michael P. Tanczyn, Esquire  
606 Baltimore Avenue, Suite 106  
Towson, Maryland 21204

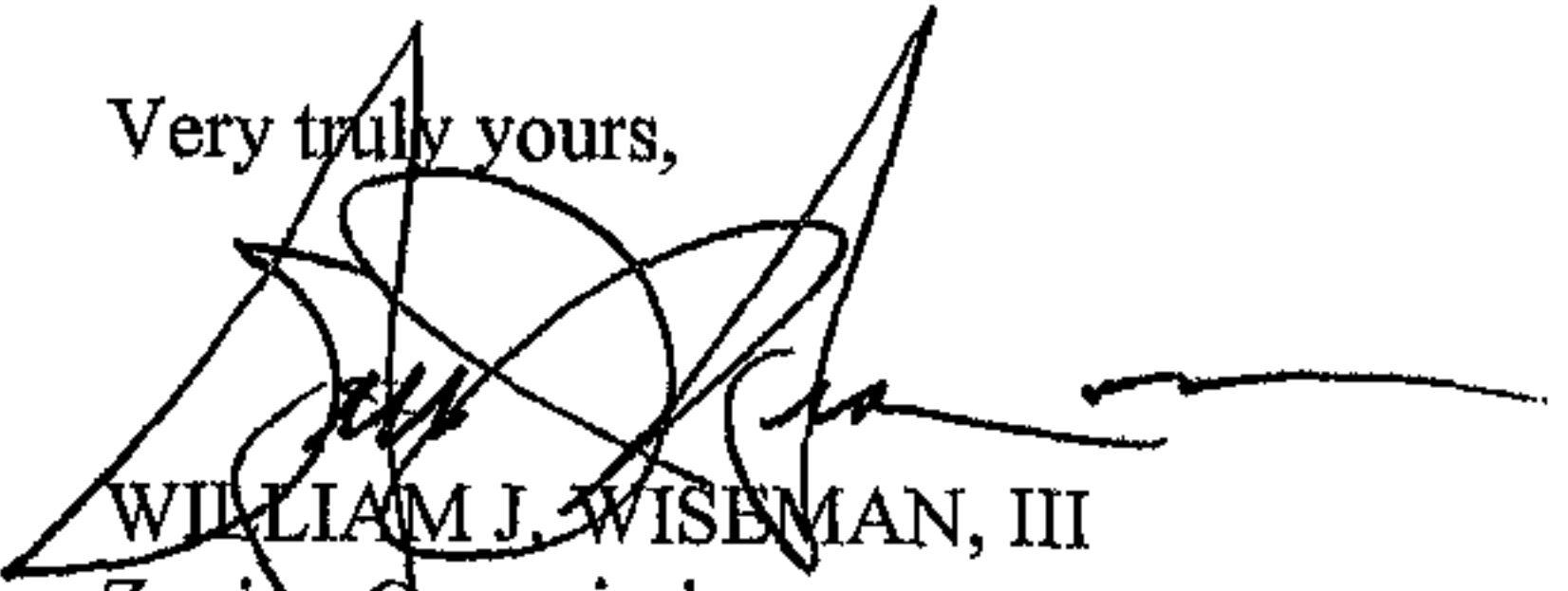
RE: PETITION FOR SPECIAL HEARING  
NE/S Maiden Choice Lane, 631' SE of the c/l McTavish Avenue  
**(603 Maiden Choice Lane)**  
1<sup>st</sup> Election District – 1<sup>st</sup> Council District  
Little Sisters of the Poor - Petitioners  
Case No. 05-391-SPH

Dear Mr. Tanczyn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

  
WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:bjs

cc: Reverend Thomas R. Ulshafer, SS, Sulpician Province House  
5408 Roland Avenue, Baltimore, MD 21210  
Mr. Herbert Malmud, 100 Church Lane, Baltimore, MD 21208  
People's Counsel; Case File

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)







# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 603 Maiden Choice Lane

which is presently zoned DR 5.5

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

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

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

~~Contract Purchaser/Lessee~~

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Michael P. Tanczyn

Name - Type or Print

Signature

Company Michael P. Tanczyn, P.A.

Address 606 Balto. Ave., Ste. 106

Telephone No.

City Towson, MD 21204 410-296-8823

State Zip Code

Legal Owner(s):

Little Sisters of the Poor

Name - Type or Print

Signature Sr. Gerard M. O'Connor, pres.

Sr. Gerard M. O'Connor, President

Name - Type or Print

Signature

601 Maiden Choice Lane 410-744-9367

Address Telephone No.

Catonsville, Maryland 21228

City State Zip Code

Representative to be Contacted:

Herb Malmud & Assoc., Inc.

Name

12018 Ridge Valley Drive 410-382-2959

Address Telephone No.

Owings Mills, Maryland 21117

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING

By Date 2/03/05

FILED  
DROP-OFF

ORDER RECEIVED FOR FILING

Date 3/11/05  
Case No. 05 391 SPH  
RSP 9/15/98



ATTACHMENT - SPECIAL HEARING

To approve, by special hearing, an amendment to a previously approved site plan and special exception in Case 70-24X, granted July 31, 1969, for a convalescent/retirement home for priests. To add a fitness center to the original plan approved.

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391

H. MALMUD & ASSOCIATES, INC.  
12018 RIDGE VALLEY DRIVE  
OWINGS MILLS, MARYLAND 21117

TELEPHONE 410 382-2959

ZONING DESCRIPTION FOR  
ST. CHARLES VILLA  
#603 MAIDEN CHOICE LANE  
BALTIMORE COUNTY, MARYLAND

TO GET TO THE POINT OF BEGINNING START AT CENTER OF MCTAVISH AVENUE AND BIND SOUTHEASTERLY ON THE CENTER OF MAIDEN CHOICE LANE 630 FEET, THENCE LEAVE MAIDEN CHOICE AND RUN NORTHEASTERLY 481 FEET TO THE POINT OF BEGINNING OF #603 MAIDEN CHOICE LANE THENCE BIND THE OUTLINE THEREOF EIGHT (8) FOLLOWING COURSES AND DISTANCES:

- (1) NORTH 40 DEGREES 07' 00" EAST 300.00 FEET,
- (2) SOUTH 49 DEGREES 53' 00" EAST 81.50 FEET,
- (3) NORTH 40 DEGREES 07' 00" EAST 30.00 FEET,
- (4) SOUTH 49 DEGREES 53' 00" EAST 82.20 FEET,
- (5) SOUTH 40 DEGREES 07' 00" WEST 30.00 FEET
- (6) SOUTH 49 DEGREES 53' 00" EAST 86.30 FEET
- (7) SOUTH 40 DEGREES 07' 00" WEST 300.00 AND
- (8) NORTH 49 DEGREES 53' 00" WEST 250.00 FEET  
TO THE PLACE OF BEGINNING.

CONTAINING 1.78 ACRES OF LAND, MORE OR LESS.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE.

THIS PROPERTY IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY, AND/OR COVENANTS OF RECORD AND LAW.



HERBERT MALMUD  
REGISTERED LAND SURVEYOR  
MARYLAND # 7558  
JANUARY 28, 2005



CERTIFICATE OF POSTING

RE: Case No.: 05-391-SPH

Petitioner/Developer: LITTLE SISTERS OF THE POOR

Date of Hearing/ Closing: FEB-28, 2005

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

Attention: Becky Hart

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 603 MAIDEN CHOICE LANE

The sign(s) were posted on FEB-14, 2005  
(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

(Address)

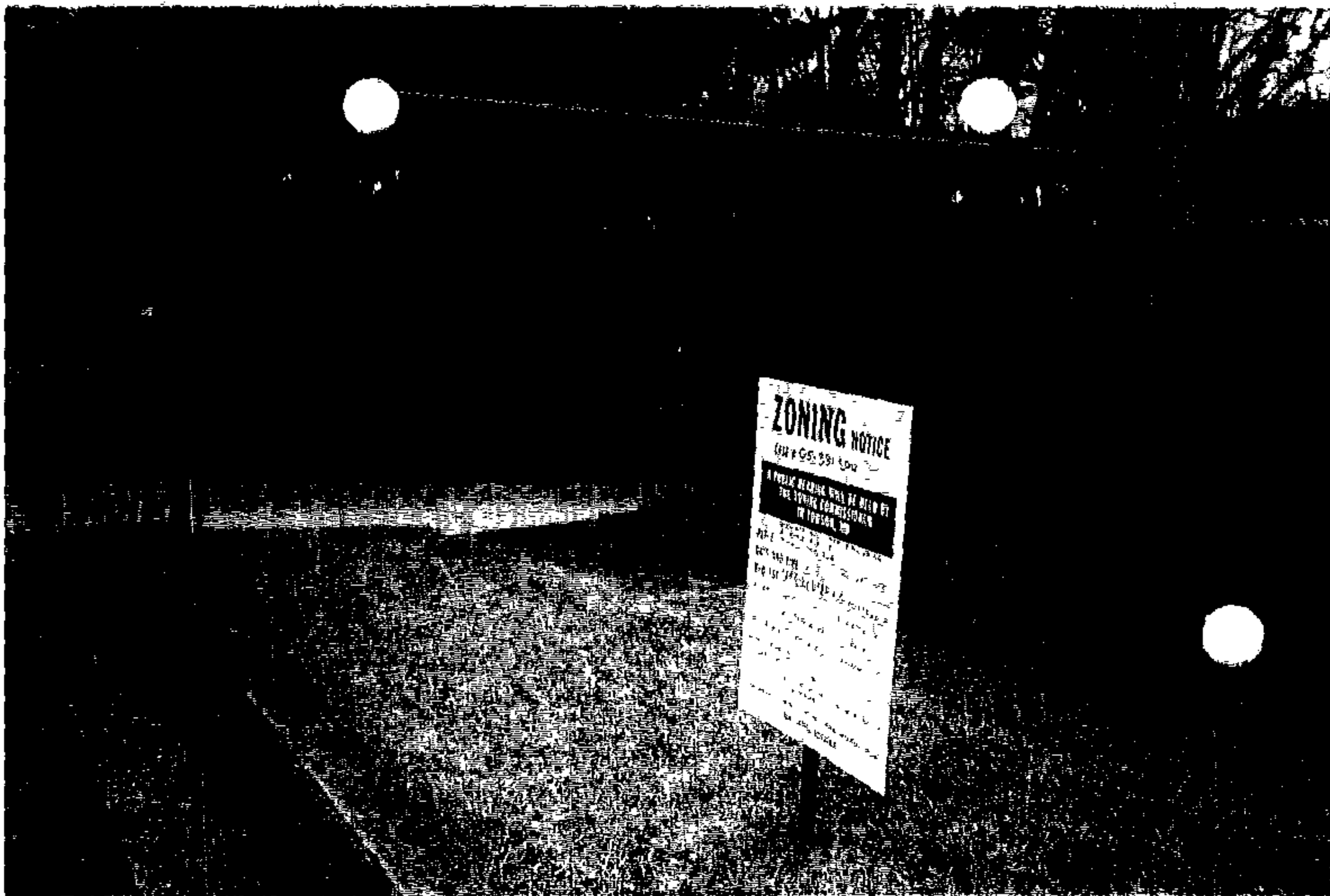
BAUTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)





# ZONING NOTICE

CASE # 05-391-SPH

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD

ROOM 401, COUNTY OFFICE BUILDING  
401 BOWLEY AVENUE

PLACE: TOWSON, MD 21204

DATE AND TIME: MONDAY, FEBRUARY 28, 2005  
AT 2:00 P.M.

REQUEST: SPECIAL HEARING TO APPROVE  
AN AMENDMENT TO A PREVIOUSLY APPROVED

SITE PLAN AND SPECIAL EXCEPTION CASE

70-24-X FOR A CONVALESCENT/RETIREMENT

HOME FOR PRIESTS FOR THE ADDITION OF A  
FITNESS CENTER

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 410-338-3381

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW.  
STANDARD FEE \$100.00

RECEIVED

FEB 15 2005

DEPT. OF PERMITS AND  
DEVELOPMENT MANAGEMENT



BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 441457

DATE 2/3/05 ACCOUNT 001-006-6150

AMOUNT \$ 325.00

RECEIVED FROM: Michael Tarasyn

FOR: 603 Warden (House Lane)  
St. Henry

DISTRIBUTION  
WHITE - CASHIER      PINK - AGENCY      YELLOW - CUSTOMER

PAID RECEIPT

| BUSINESS                     | ACTUAL    | TIME                    | ROW  |
|------------------------------|-----------|-------------------------|------|
| 2/03/2005                    | 2/03/2005 | 09:44:37                | 2    |
| REG 4504                     | BAKTR     | 1000                    | 1000 |
| >>RECEIPT # 301329 2/03/2005 |           |                         |      |
| Dept                         | 5         | 528 ZONING VERIFICATION | 0114 |
| CR NO.                       | 441457    |                         |      |
| Receipt Tot                  |           | \$325.00                |      |
| \$325.00                     | OK        | \$4.00                  | CA   |
| Baltimore County, Maryland   |           |                         |      |

CASHIER'S VALIDATION



**Department of Permits and  
Development Management**



**Baltimore County**

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

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

February 14, 2005

**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: 05-391-SPH**

603 Maiden Choice Lane

481 feet from n/east side of Maiden Choice Lane, as measured from a point 631 feet s/east of  
McTavish Avenue

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owner: Little Sisters of the Poor, Sr. Gerard M. O'Connor, President

Special Hearing to approve an amendment to a previously approved site plan and special exception case 70-24-X, for a convalescent/retirement home for priests, for the addition of a fitness center.

Hearing: Monday, February 28, 2005 at 2:00 p.m. in Room 407, County Courts Building,  
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco  
Director

TK:klm

C: Michael Tanczyn, 606 Baltimore Ave., Ste. 106, Towson 21204  
Sr. Gerard M. O'Connor, 601 Maiden Choice Lane, Catonsville 21228  
Herb Malmud, 12018 Ridge Valley Dr., Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, FEBRUARY 14, 2005**
- (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  
Thursday, February 17, 2005 Issue - Jeffersonian

Please forward billing to:

Michael Tanczyn  
606 Baltimore Ave., Ste. 106  
Towson, MD 21204

410-296-823

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WILLIAM WISEMAN  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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WILLIAM WISEMAN  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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**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.**

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**For Newspaper Advertising:**

Item Number or Case Number:

05-391-SPH

Petitioner:

LITTLE SISTERS OF THE POOR

Address or Location:

603 MAIDEN CHOICE LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name:

Michael P. TANGZYU

Address:

STE 106 606 BALTIMORE AVE  
TOWSON MD 21204

Telephone Number:

410 296 8823



**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*

February 14, 2005

Michael P. Tanczyn  
606 Baltimore Avenue, Ste. 106  
Towson, Maryland 21204

Dear Mr. Tanczyn:

RE: Case Number: 05-391-SPH, 603 Maiden Choice Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 3, 2005.

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  
Little Sisters of the Poor Sr. Gerard M. O'Connor Catonsville 21228  
Herb Malmud & Associates 12018 Ridge Valley Drive Owings Mills 21117





## 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

February 14, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: February 22, 2005

Item No.: 379, 380-392, 394 *(391)*

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.

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

Lieutenant Franklin J. Cook  
Fire Marshal's Office  
(O) 410-887-4881 (C) 443-829-2946  
MS-1102F

cc: File

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



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



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

Maryland Department of Transportation

Date: 2-11-05

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

RE: Baltimore County  
Item No. 351 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,

Steven D. Foster, Chief  
Engineering Access Permits Division



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr <sup>JO</sup>

DATE: February 25, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of February 14, 2005

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

05-379

05-381

05-385

05-386

05-387

05-388

05-389

05-390

05-391

05-394

Reviewers: Sue Farinetti, Dave Lykens



# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** February 18, 2005

RECEIVED

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

FEB 23 2005

**SUBJECT:** Zoning Advisory Petition(s): Case(s) 5-391

ZONING COMMISSIONER

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark Cunningham in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



MAC/LL



**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** March 7, 2005

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For February 22, 2005  
Item Nos. 379, 380, 381, 383, 384, 386,  
387, 388, 390, 391, 392, 393, and 394

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

RWB:CEN:jrb

cc: File



RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
603 Maiden Choice Lane; 481' NE/S Maiden  
Choice Lane, 631' SE McTavish Avenue \* ZONING COMMISSIONER  
1<sup>st</sup> Election & 1<sup>st</sup> Councilmanic Districts  
Legal Owner(s): Little Sisters of the Poor, \* FOR  
Sr. Gerald M. O'Connor, President  
Petitioner(s) \* BALTIMORE COUNTY  
\* 05-391-SPH

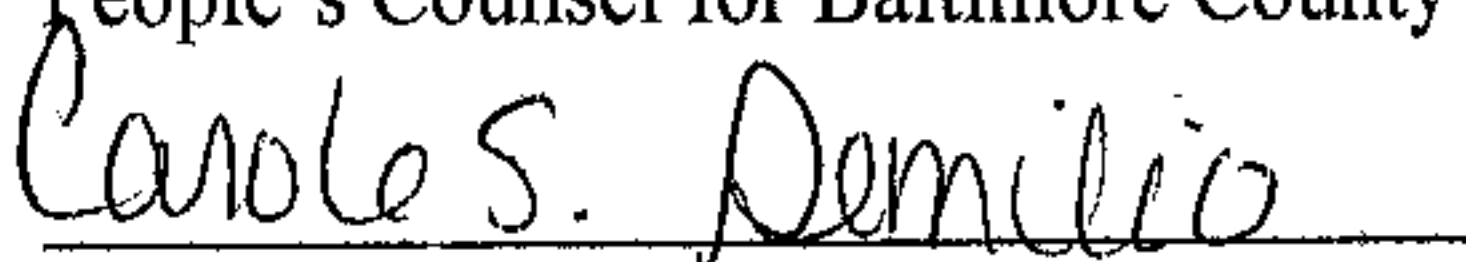
\* \* \* \* \*

**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 and documentation filed in the case.

**RECEIVED**

**Per.....**

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 17<sup>th</sup> day of February, 2005, a copy of the foregoing Entry of Appearance was mailed to Herb Malmud & Associates, Inc, 12018 Ridge Valley Drive, Owings Mills, MD 21117 and Michael Tanczyn, Esquire, 606 Baltimore Avenue, St. 106, Towson, MD 21204, Attorney for Petitioner(s).

  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



✓L

Intake Planner

DROPPED OFF 2/02/05  
Date Assigned

**DROP-OFF PETITIONS  
PROCESSING CHECK-OFF**

✓ OK    ✗ NOT OK



**Two Questions Answered on Cover Sheet:**

Any previous reviews in the zoning office? NO REFERENCE

Any current building or zoning violations on site? NO REFERENCE



**Petition Form Matches Plat in these areas:**

Address

Zoning

Legal Owner(s)

Contract Purchaser(s)

Request (if listed on plat)

WHEN THIS WAS BEING DROPPED  
OFF THIS INFO WAS SPECIFICALLY  
REQUESTED BY THIS REVIEWER  
TO ATTNV WHO SAID IT "WAS ALL IN  
THE LTR".



**Petition Form (must be current PDM form) is Complete:**

Request:

Section Numbers

Correct Wording (must relate to the code, especially floodplain and historical standard wording. Variances must include the request in lieu of the required code quantities.

Hardship/Practical Difficulty Reasons

Legal Owner/Contract Purchaser:

Signatures (originals)

Printed/Typed Name and Title (if company)

Attorney (if incorporated)

Signature/Address/Telephone Number of Attorney

A VARIANCE WHICH THIS REVIEWER  
BELIEVES IS NECESSARY IS NOT  
REQUESTED. THE ATTORNEY  
HAS BEEN ADVISED AND  
WISHES TO PROCEED WITHOUT IT  
SEE ZONING COMMENTS  
TO Z.C. IN FILE.



**Correct Number of Petition Forms, Descriptions and Plats**



**200 Scale Zoning Map NOT TO SCALE.**



**Check: Amount Correct? Signed?**



**ZAC Plat Information:**

Location (by Carl) 481 FT. NORTH EAST OF MARDEN CHOICE LANE WHICH POINT  
IS 631 FT. SOUTH EAST OF MCTAYISH AVE.

Zoning: DR 5.5

Acreage: 1.78

Previous Hearing Listed With Decision

Election District 1

Councilmanic District 1

Case # 70-24-X

Check to See if the Subject Site or Request is:

☒ CBCA

☒ Floodplain

☐ Elderly

☒ Historical

☐ Pawn Shop

☐ Helicopter

\*If Yes, Print Special Handling Category Here

\*If No, Print No

THESE AND OTHER  
ZONING CHECKLIST INFORMATIONAL REQUIREMENTS  
NOT FOLLOWED. INFORMATION OF VARIOUS NATURE  
IS LACKING ON PLANS SOME OF WHICH MAY BE  
CRITICAL. ATTNV ADVISED SEE COMMENTS.

05-391-SPH

Item Number Assigned

2/03/05

Date Accepted for Filing



391

LAW OFFICES  
**MICHAEL P. TANCZYN, P.A.**

Suite 106, 606 Baltimore Avenue  
Towson, Maryland 21204

(410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827

---

January 26, 2005

**VIA HAND-DELIVERY**

Baltimore County DRC  
Attn: Mr. Donald Rascoe, Director  
111 W. Chesapeake Avenue  
Room 123  
Towson, MD 21204

Re: DRC/St. Charles Villa  
Location: 603 Maiden Choice Lane - 011005A

Dear Mr. Rascoe:

Pursuant to our earlier conversations, I am writing to advise you that following the DRC meeting of January 10, 2005 in which the request for the lot line adjustment was approved, Mr. Herbert Malmud and I reviewed the Land Records for Baltimore County, to check for plats for the property, which is the subject of this request, or any neighboring properties, as part of the Charlestown Community Development. My research has revealed that there are only two plats for any portion of the entire property. The first is described as Plat of Lot 1, St. Charles Associates Ltd. Property, dated November 10, 1995 and recorded among the Land Records of Baltimore County in Plat Book SM68, folio 28. The second plat, entitled "Plat of Lot 2", St. Charles Associates, Ltd. Property, dated November 13, 1996 and recorded among the Land Records of Baltimore County in Plat Book SM69, folio 19, was also recorded. The remainder of the Charlestown holdings of Maryland Health and Higher Education Facilities Authority, who took title pursuant to Deed, January 15, 1998 from St. Charles Associates Ltd., doing business as St. Charles (Charlestown) Ltd. Partnership, a Florida limited partnership, and recorded in the Land Records of Baltimore County in Liber 12614/001, refers to the assemblage of property more particularly described in several deeds, the first being dated October 13, 1983 and recorded in the Land Records of Baltimore County, in Liber EHKJr 6643, folio 132, by which the Most Reverend, Michael J. Dudick, Bishop of the Eparchy of Passaic, New Jersey, to St. Charles Associates Ltd, conveyed the bulk of this property and by a second Deed, dated June 10, 1983, recorded among the Land Records of Baltimore County in EHK 6540, folio 001, was conveyed by St. Mary's Seminary and University to St. Charles Associates Ltd. Those deeds join a third parcel, which by Deed dated November 1, 1966 and recorded in the Land Records of Baltimore County, in Liber OTG 4692, folio 47, was conveyed by the Trustees of St. Charles College to the Little Sisters of the Poor.

The two plats cover properties over near the entrance to Charlestown from Maiden Choice Lane, and do not touch the subject property of the lot line request. The Plat of Lot 1 abuts the Wilkins Beltway Plaza Shopping Center property and Maiden Choice Lane, and is bounded on the



Page Two  
Baltimore County DRC  
Attn: Mr. Donald Rascoe, Director  
January 26, 2005

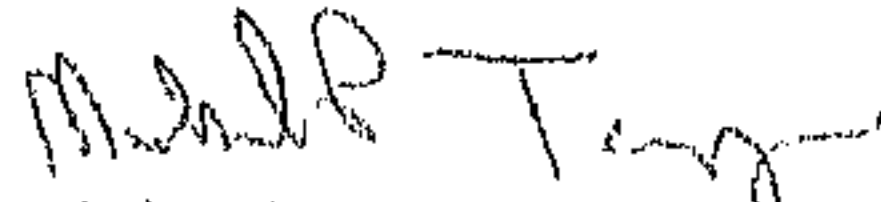
391

north by the entrance road to Charlestown. The property described by the Plat of Lot 2 lies on the other side of the entrance road coming into Charlestown Community and does not touch either of the properties, which were the subject of the aforesaid lot line adjustment.

I have checked the index file for all plats in Baltimore County, and found that there are no other plats for Charlestown indexed therein, or reflected on the State Tax Map 101, for either of these parcels. As is shown on our DRC request plat, the parcel number on that tax map for the Maryland Health and Hire Education Property is parcel 2050, and the parcel of the Little Sisters of the Poor is known as parcel 1788 on the same tax map.

Therefore, we earnestly request that the lot line adjustment letter be issued, so that we can proceed with the zoning hearing to amend the special exception. If this is agreeable to you, when the letter is ready, could you have your assistant call me and I will be happy to come pick it up from your office and deliver it to our engineer, as well as to my clients.

Very truly yours,

  
Michael P. Tanczyn, Esquire

MPT/cbl

cc: Fr. Thomas R. Ulshafer  
Herbert Mahmud  
Susan L. Oliveri, Esquire  
S. Nelson Weeks, Esquire  
Kate Allen, Esquire  
Little Sisters of the Poor  
Attn: Mother Christine



MSO TO MIKE T  
+TIM K 2/01/05  
STBKS R/10

LAW OFFICES  
**MICHAEL P. TANCZYN, P.A.**

Suite 106 • 606 Baltimore Avenue  
Towson, Maryland 21204

Phone: (410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827

---

February 1, 2005

391

**VIA HAND-DELIVERY**

Permits and Developments Management

Attn: W. Carl Richards, Jr.

111 W. Chesapeake Avenue

Towson, MD 21204

Re: St. Charles Villa  
603 Maiden Choice Lane, Baltimore County, Maryland

Dear Carl:

Enclosed herewith you will find for a drop-off filing the following:

1. Three (3) copies of the Petition to Amend the Special Exception previously granted in Case 70-24X, a convalescent home granted by Order July 31, 1969;
2. Three (3) sealed surveyor's descriptions;
3. Twelve (12) plats;
4. Excerpt of zoning map, Catonsville S.W. 3-E, showing the site;
5. Advertising authorization form.

As you may recall, this property was recently the subject of a lot line adjustment for the DRC, entitled DRC/St. Charles Villa, 603 Maiden Choice Lane - 011005A. We were verbally advised by the DRC that this lot line adjustment would be approved. We have supplemented, based on our research, our request in a letter to Mr. Rascoe, January 26, 2005, copy attached. This property is not the subject of a code violation case. The purpose for the request is to amend the special exception previously granted, to add a fitness center for the retired priests who reside at the site approved under the original special exception. The lot line adjustment approval letter, when received, will be forwarded to your office for inclusion in this file.

After meeting with the Director of PDM last week, this case has tentatively been assigned a hearing date of 2:00 p.m. on February 28, 2005 at the direction of the Director, and that has been coordinated with Ms. Kristin Mathews, of the zoning office. I would, therefore, ask that this petition and documentation be reviewed and accepted for filing. I also enclose our check for the filing fee. We will arrange for the posting as soon as we receive a case number. If you have any questions, please do not hesitate to contact me. I appreciate your assistance in expediting this request. It has taken quite a bit of time to get to this point, and the Petitioner would like to move forward with the



Page Two  
Permits and Developments Management  
Attn: W. Carl Richards, Jr.  
February 1, 2005

391

construction of the fitness center as soon as possible after the Zoning Commissioner hearing, if we receive a favorable decision.

Very truly yours,



Michael P. Tanczyn, Esquire

MPT/cbl

Encl.

cc: Fr. Ulshafer  
Herb Malmud



THIS COPY TO Z.C.  
By MAIL.

**Memo to Zoning Case file #** 05-391-SPH

February 3, 2005

**To: Zoning Commissioner**

**From: John L. Lewis, Planner II**

**Subject: Zoning Comments on "Drop off Petition"**  
**603 Maiden Choice Lane**

RECEIVED

FEB - 7 2005

ZONING COMMISSIONER

Mr. Tanczyn (the attorney) has been advised of the following:

It appears that zoning variance(s) are required for setback deficiencies created by the proposed addition. Neither the R-10 zoning regulations under which the original special exception was approved nor the zoning regulations for the current DR 5.5 zone are met for a non-residential principal building. Due to the special exception, this use is considered institutional and should have setbacks for same.

A variety of zoning hearing checklist requirements are un-addressed on the plans, such information as building orientation, building locations and uses within 100 feet of the property line, if in flood plain, if historic etc. are lacking. The absence of such information may not be critical to the approval of the plan, however, without all check list information staff cannot make informed comments.

Please see the attached: Policy Procedures Petition Filing form and the attached policy manual page 1B-26-1 regarding measurement of setbacks.

P.S.  
The attorney wishes to proceed at own risk after being advised. ALH



• 70-24-4X

6/17/69

6/17/69

7/10/69

7/10/69

7/31/69

1st  
N/E Side of Maiden Choice Lane 1587' SE of Kenwood Ave.  
Petition for Special Exception for a Convalescent Home for Paul Philip Purta  
S.S. on behalf of the Trustees of St. Charles College, Provincial \$41.35 paid.  
Hearing date set for 11:00 A.M. 7/30/69  
Certificate of posting filed  
Certificate of publication filed  
Order for the special exception granted by the Zoning Commissioner.



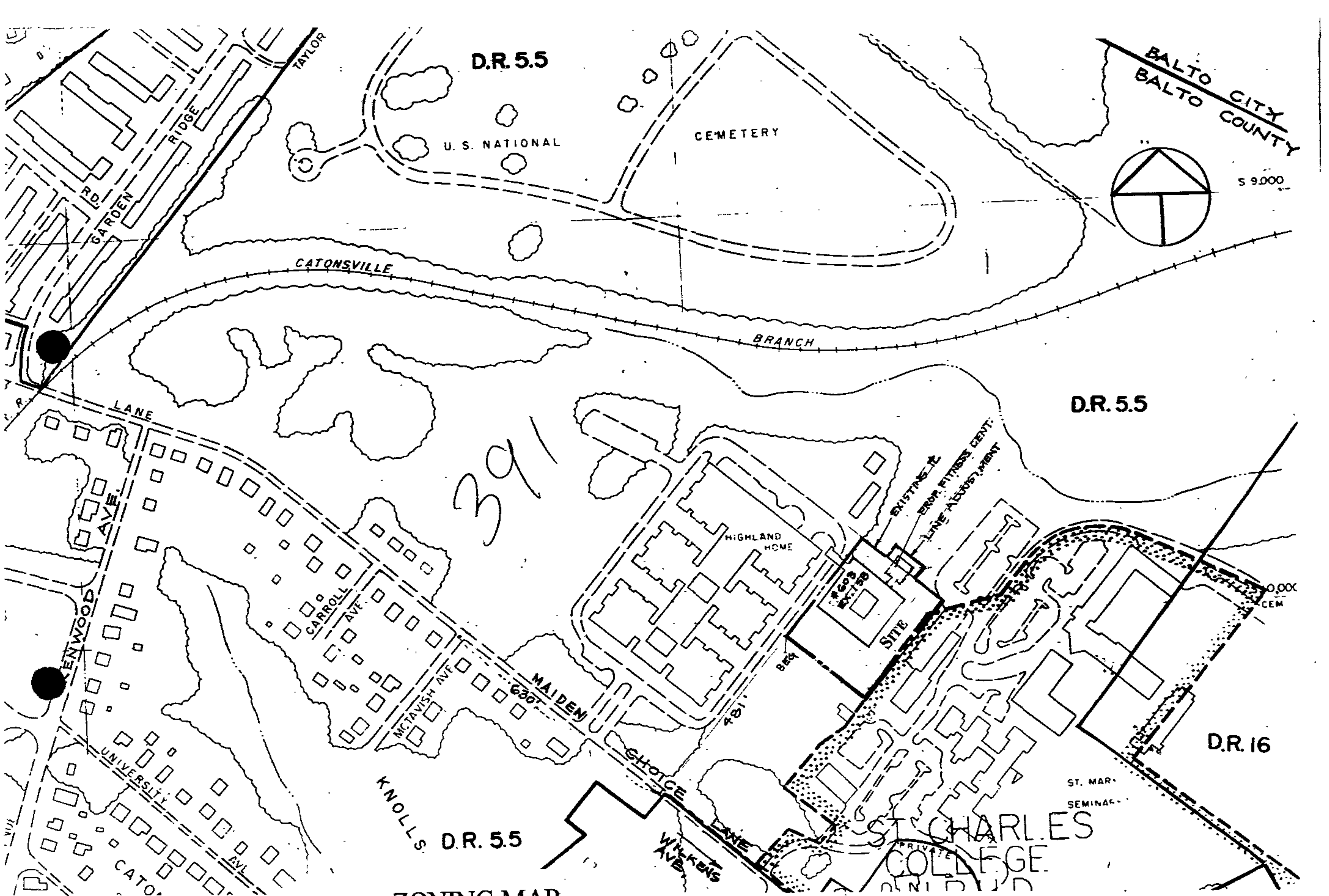
Little Sisters of the Poor  
CASE NAME 603 Modern Christ Home  
CASE NUMBER 05-3915PH  
DATE Feb 28, 2005

PLEASE PRINT CLEARLY

# PETITIONER'S SIGN-IN SHEET

[illegible]





**ZONING MAP**  
**CATONSVILLE S.W. 3-E**  
SCALE: 1"=300'



Case No.:

05-391 SPH

## Exhibit Sheet

Petitioner/Developer

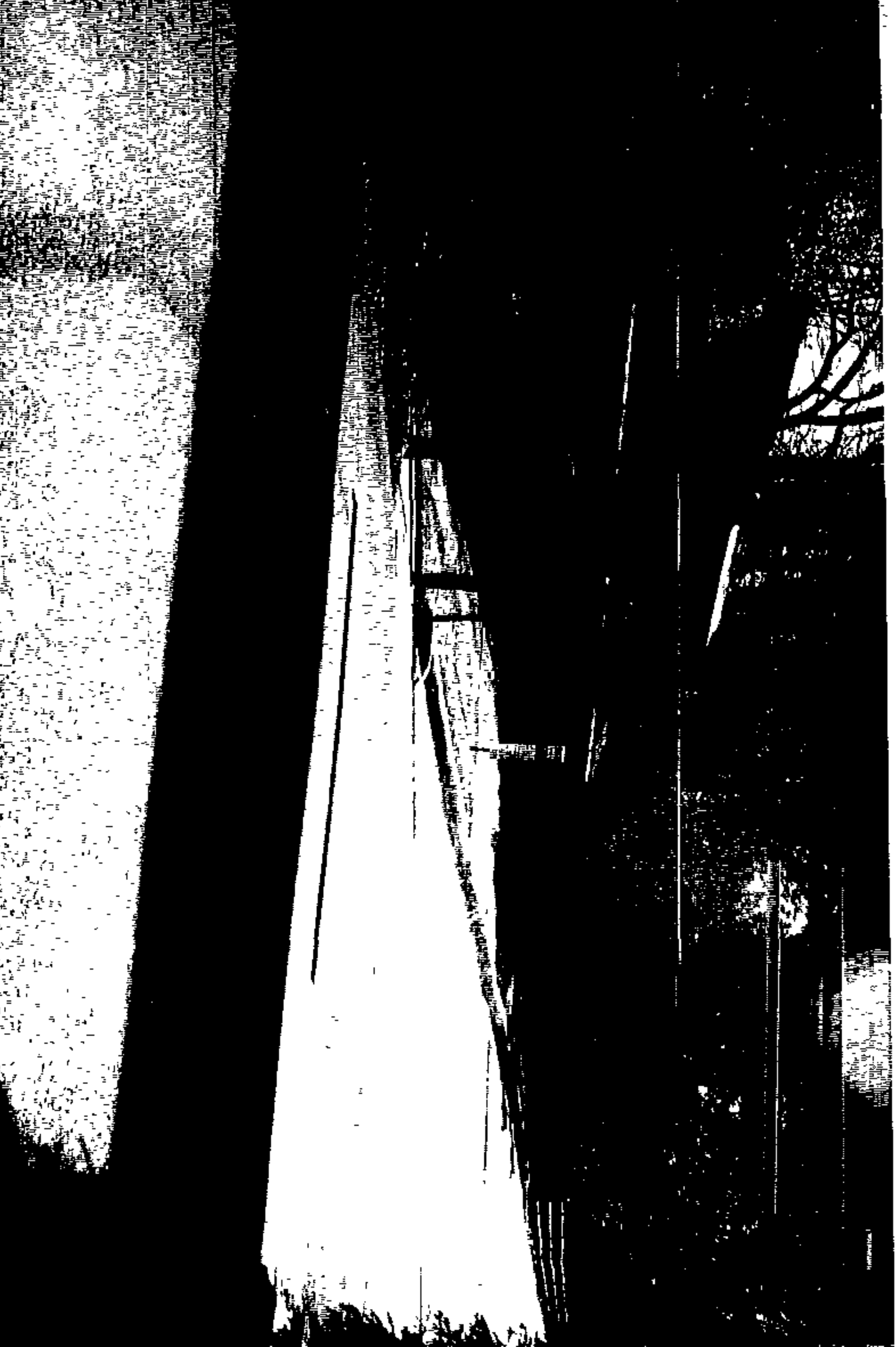
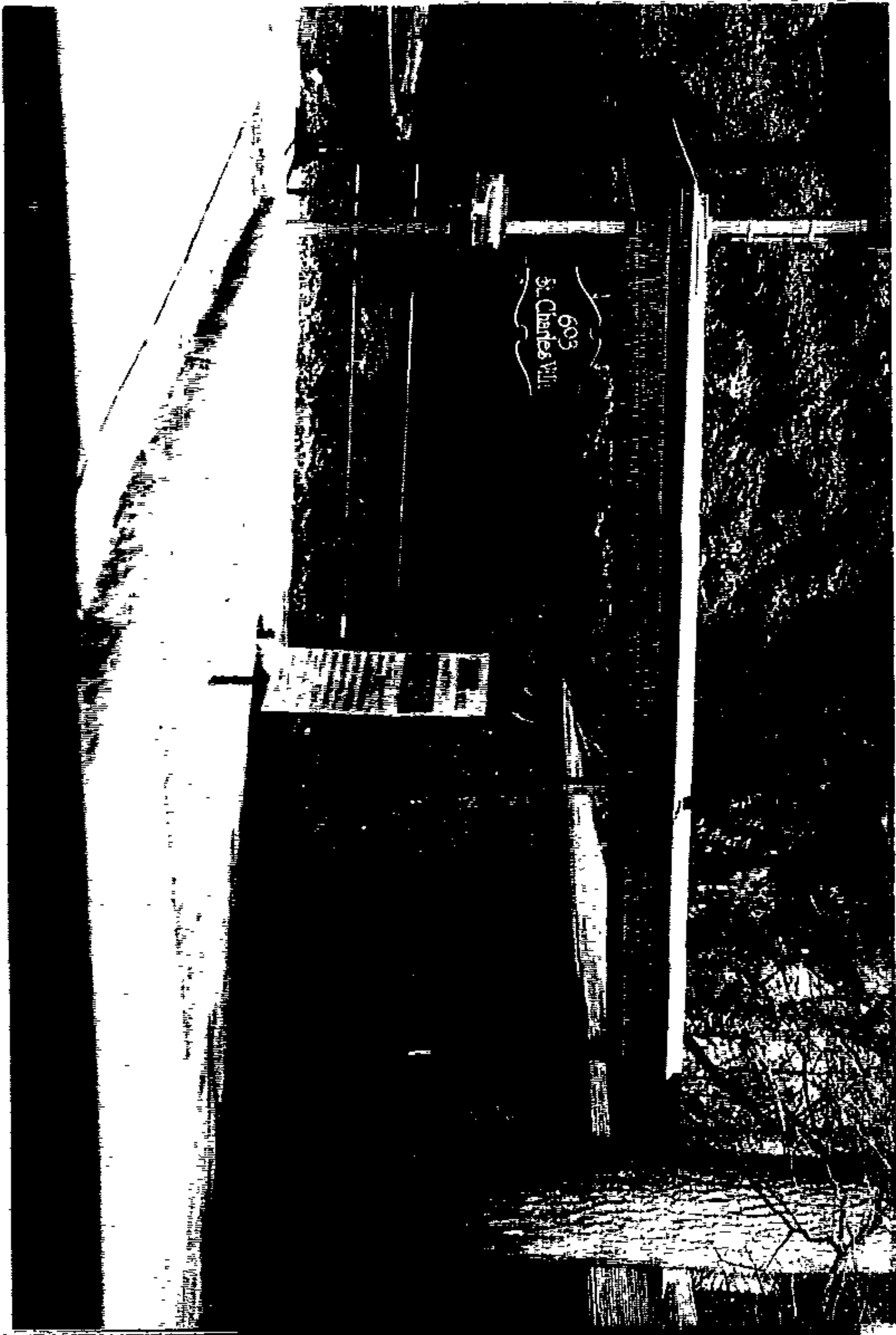
Protestant

|        |                                                                                  |  |
|--------|----------------------------------------------------------------------------------|--|
| No. 1  | Site PLAT<br>With Lot Line ADJUSTMENT NOTED                                      |  |
| No. 2  | EXCERPT MAP DR S.S                                                               |  |
| No. 3  | Photographs. <sup>VIEWING</sup> BLDG<br>from SIDS                                |  |
| No. 4  | " Charleston<br>in<br>Background.<br>Bottom Left<br>Area Bumpout                 |  |
| No. 5  | " Area to be<br>built upon                                                       |  |
| No. 6  | " Viewing from<br>Western end —<br>NO Construction.                              |  |
| No. 7  | " Parking Area                                                                   |  |
| No. 8  | A - Approval of Lot<br>B - Lien Adg.<br>PLAN - Showing Notch given by Charleston |  |
| No. 9  |                                                                                  |  |
| No. 10 |                                                                                  |  |
| No. 11 |                                                                                  |  |
| No. 12 |                                                                                  |  |





Plot 3  
 Feb 18, 2005





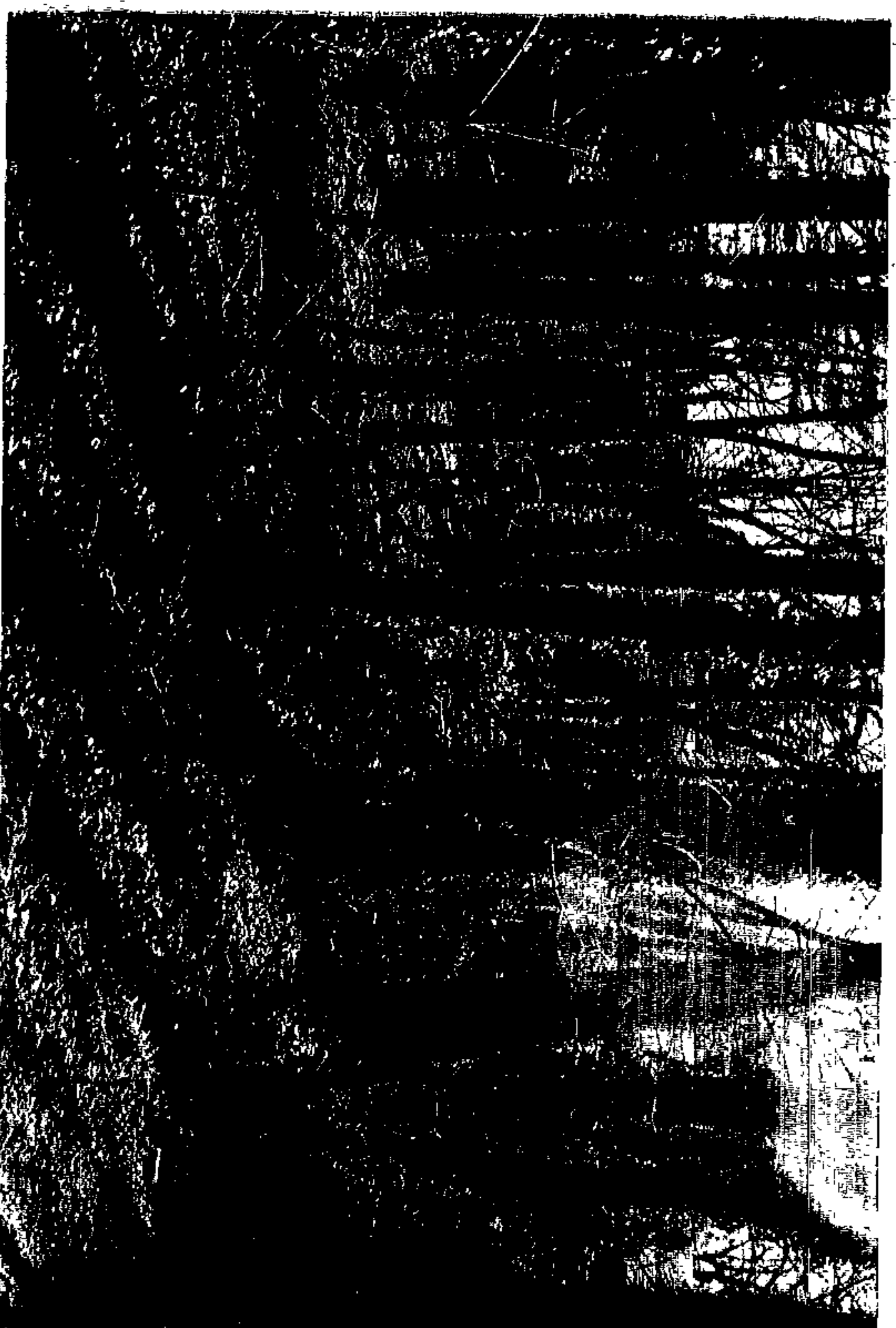


Pat & I

Feb 18, 2005







Plot 34 5  
Feb 18, 2005



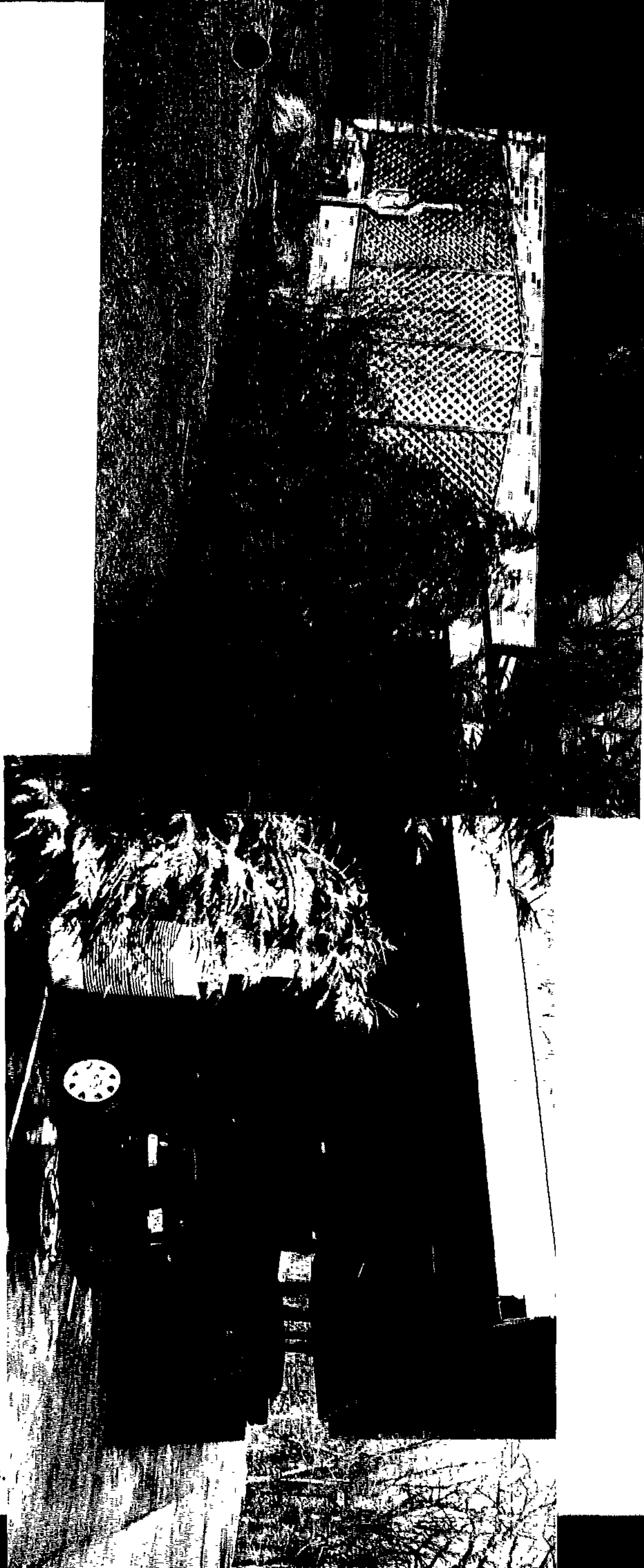


Pl 35 /  
Feb 18, 2000





Pat Ex 7  
Feb 18, 2005





Baltimore County Government  
Department of Permits and  
Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

410-887-3335

January 27, 2005

Michael P. Tanczyn  
606 Baltimore Avenue; Ste. 106  
Towson, MD 21204

RE: Saint Charles Villa  
603 Maiden Choice Lane  
DRC Number 011005A, Dist. 1C1

Dear Mr. Tanczyn:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Sections 32-1-101, 32-3-401, and 32-3-517 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 32-4-106 and Section 32-4-262 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management (PDM).

The DRC has, in fact, met in an open meeting on January 10, 2005, and made the following recommendations:

The DRC has determined that your project meets the requirements of refinement to the CRG plan, under Section 32-4-262, for Charlestown, and your project meets the requirements of a limited exemption under Section 32-4-106(a)(1)(viii) for the Villa. Please provide copies of the newly recorded deeds to the Land Acquisition Office so our Geographical Information System (GIS) database files can be brought up-to-date.

Pat 8A



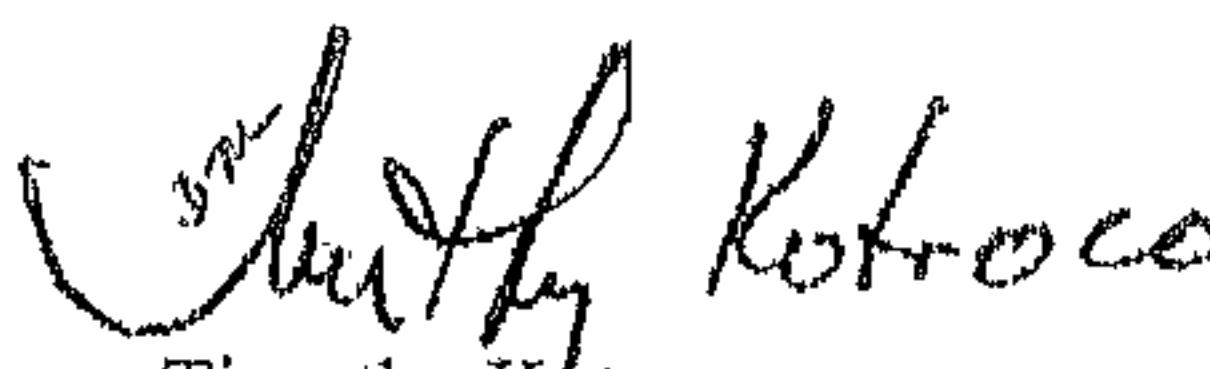
Michael P. Tanczyn  
Saint Charles Villa  
January 27, 2005  
Page 2

After resolution of any outstanding issues, please submit a copy of this letter, and ten copies of the plan to this office, Room 123, for signature.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 27th day of January 2005, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

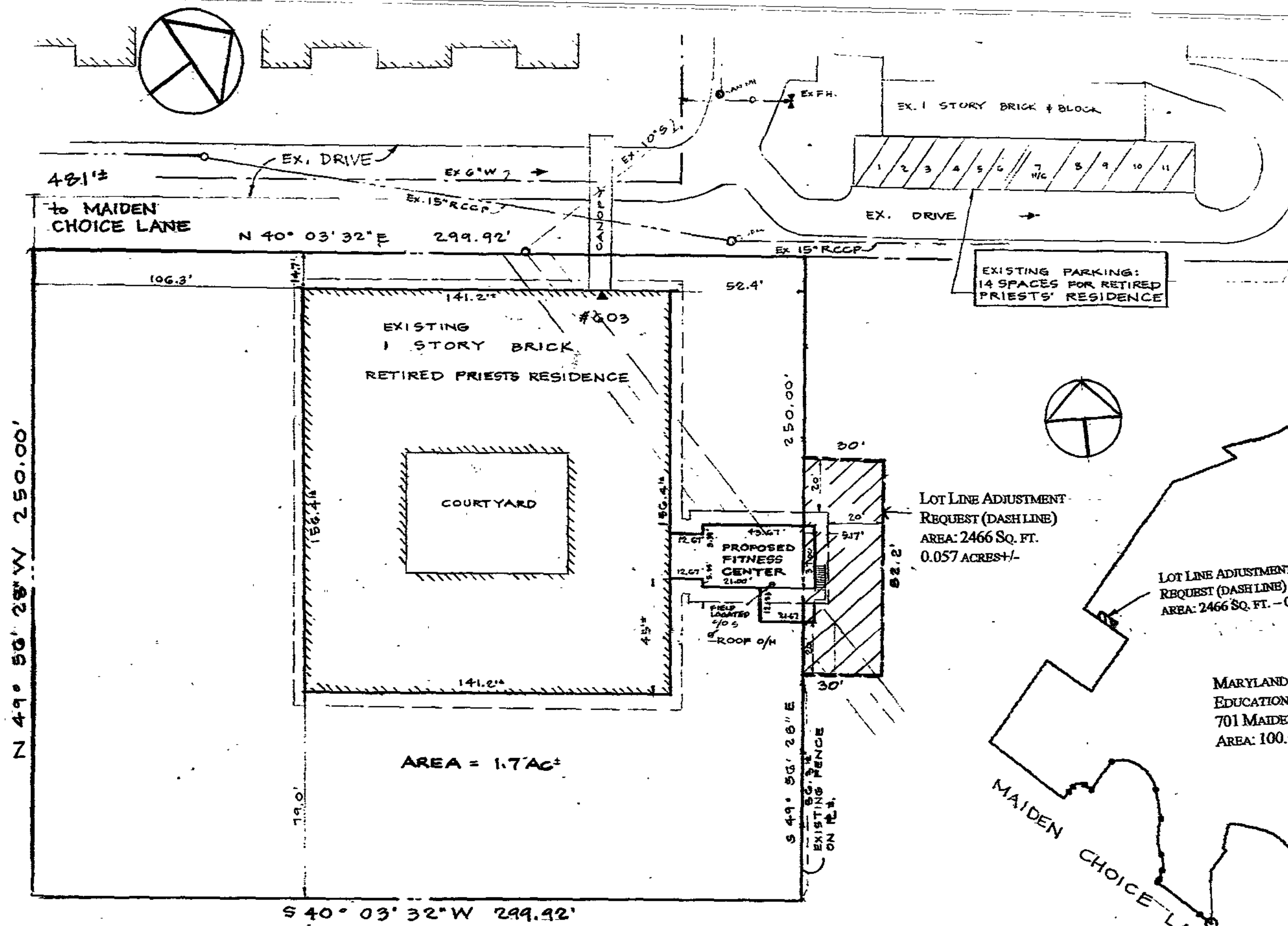
Sincerely,

  
Timothy Kotroco  
Director

TK:DTR:dak

c: Kristin Weis  
File



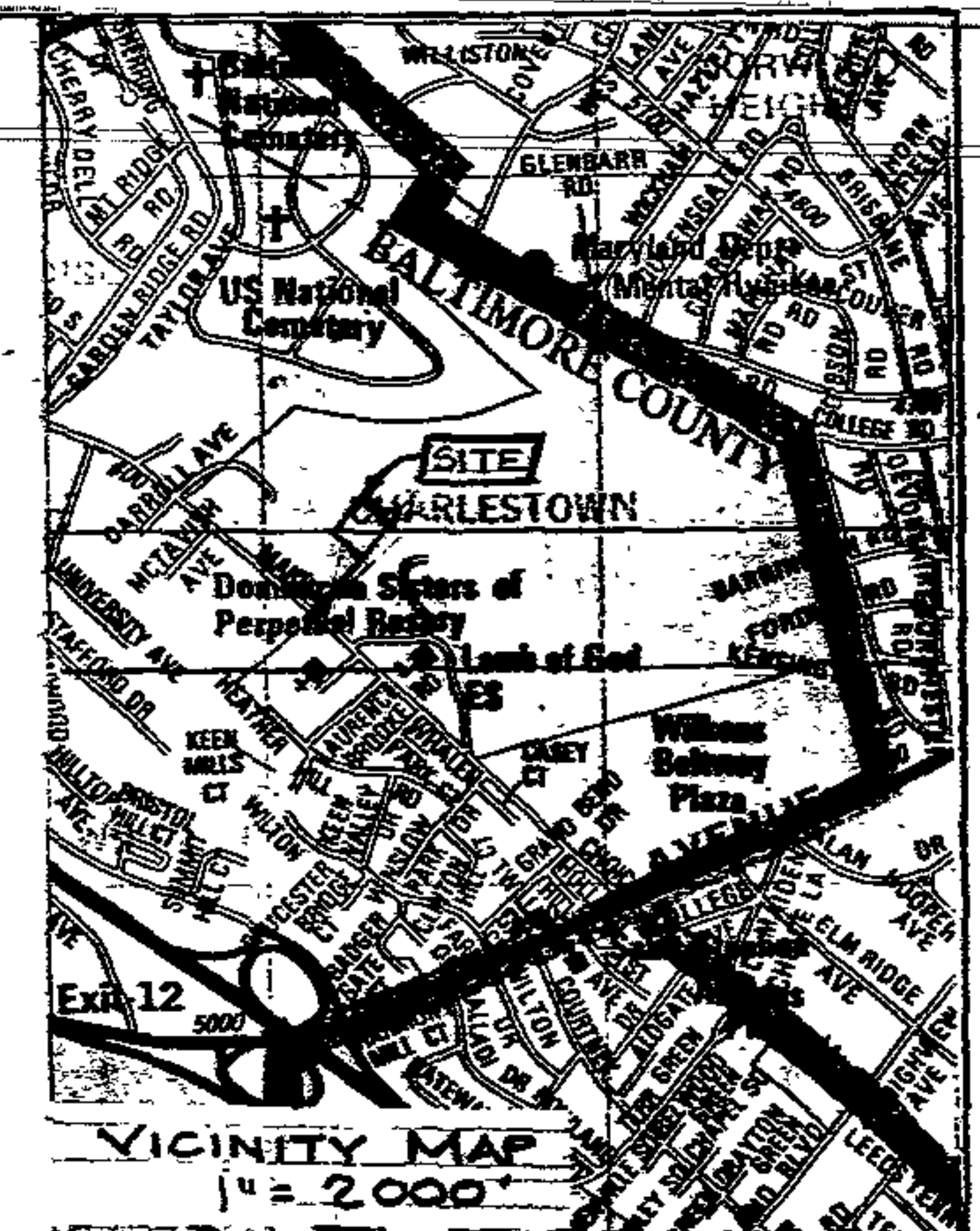


PROPERTY OUTLINE  
603 MAIDEN CHOICE LANE  
SCALE: 1"=50'

PROPERTY OUTLINE  
701 MAIDEN CHOICE LANE  
SCALE: 1"=600'

OWNER & GRANTOR:  
MARYLAND HEALTH AND HIGHER  
EDUCATION FACILITIES AUTHORITY  
C/O CHARLESTOWN COMMUNITY INC.  
701 MAIDEN CHOICE LANE  
BALTIMORE, MARYLAND 21228  
DEED REFERENCE: 12614/1  
ACCT. NO. 1900008869  
TAX MAP 101, GRID 11, PARCEL 2050  
TOTAL AREA: 100.900 ACRES±/-  
AREA TO BE TRANSFERRED: 0.057 ACRE±/-

GRANTEE:  
LITTLE SISTERS OF THE POOR  
603 MAIDEN CHOICE LANE  
DEED REFERENCE: 5245/503  
ACCT. NO. 1600005255  
TAX MAP 101, GRID 101, PARCEL 1788



APPLICANT:  
MICHAEL P. TANCZYN, ESQUIRE  
SUITE 106, 606 BALTIMORE AVENUE  
TOWSON, MARYLAND 21204  
TELEPHONE: 410 296-8823

EXISTING ZONING: D.R. 5.5  
SETBACKS: 20 FEET ALL SIDES.

LOT LINE ADJUSTMENT  
REQUEST (DASH LINE)  
AREA: 2466 SQ. FT. -0.057 ACRES±/-

MARYLAND HEALTH AND HIGHER  
EDUCATION FACILITIES AUTHORITY  
701 MAIDEN CHOICE LANE  
AREA: 100.900 ACRES±/-

LITTLE SISTERS OF THE POOR  
603 MAIDEN CHOICE LANE  
AREA: 1.722 ACRES±/-

PLAN TO ACCOMPANY DRC REQUEST  
FOR A NON-DENSITY LOT LINE ADJUSTMENT  
701 MAIDEN CHOICE LANE  
1<sup>ST</sup> ELECTION DISTRICT  
COUNCILMANIC DISTRICT NO. 1  
BALTIMORE COUNTY, MARYLAND

SCALE: AS SHOWN  
JOB 9621

DECEMBER 8, 2004  
REF: 41E3

Prepared by:

H. Malmud & Associates, Inc.  
12018 Ridge Valley Drive  
Owings Mills, Maryland 21117  
Telephone 410 382-2959

Ret  
8B



75

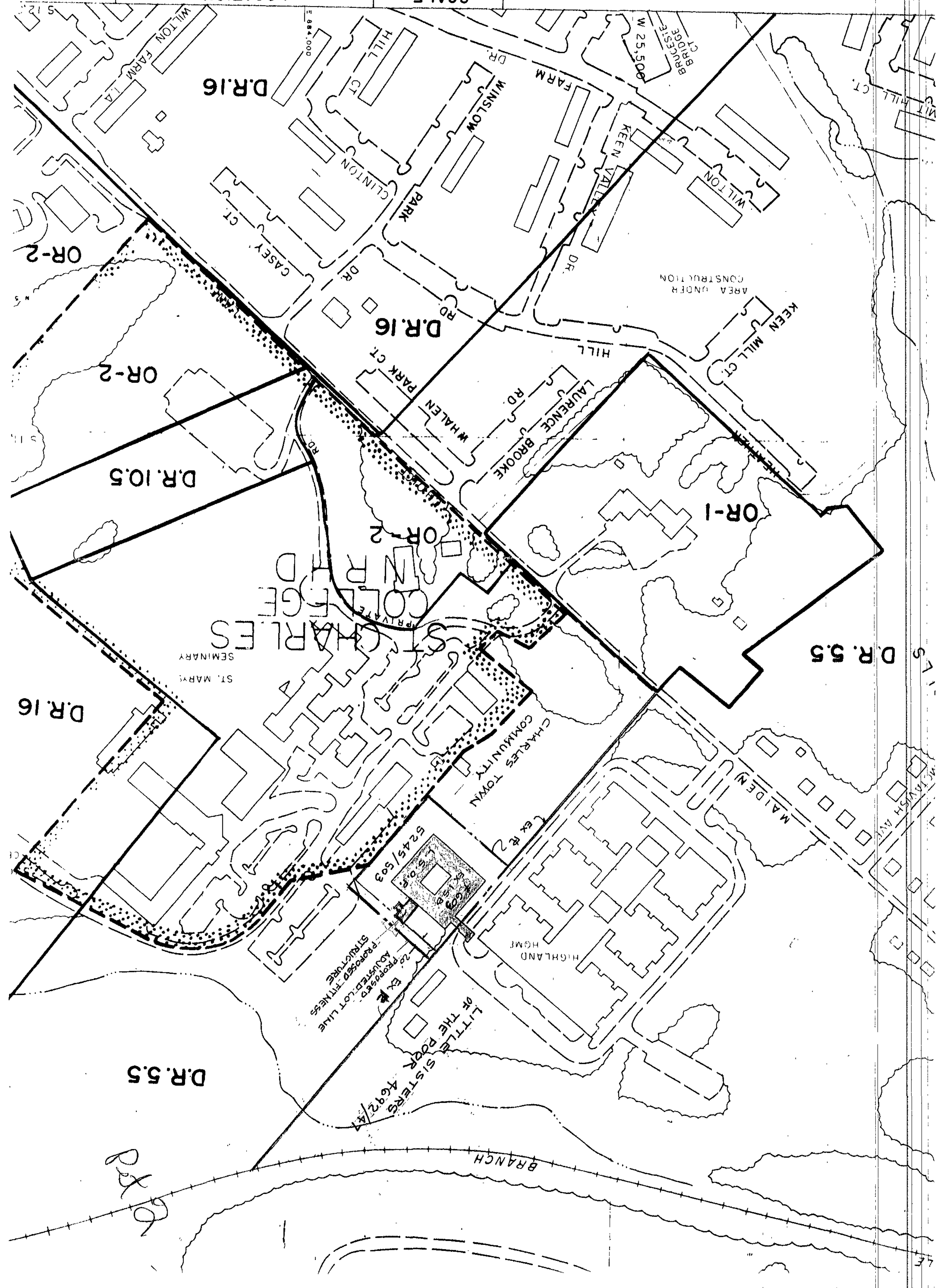
SCALE  
1" = 200' ±

CAT:SVILLE

S.W.  
3-E

LOCATION

SHEET





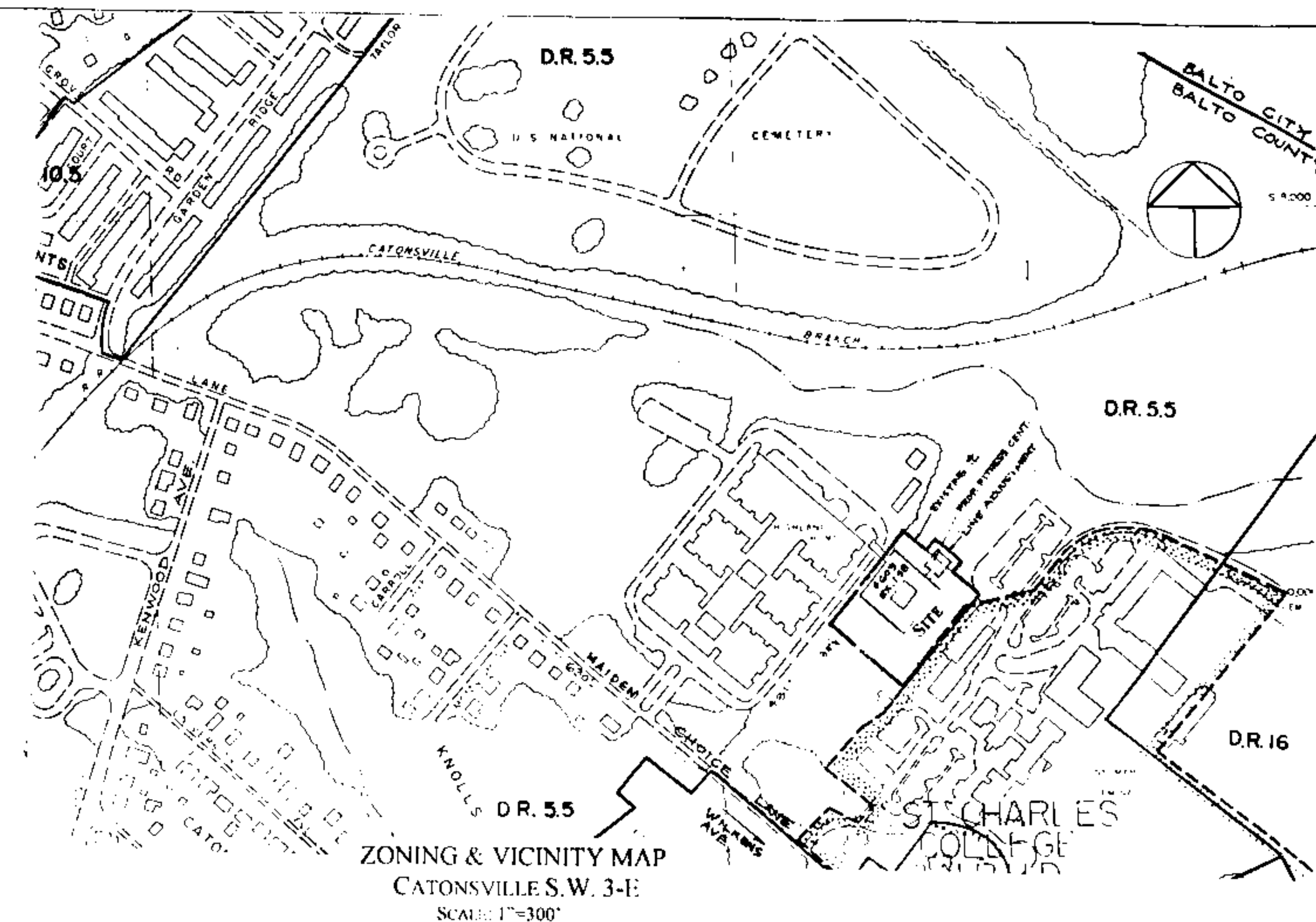
NOTE

1. OWNER: LITTLE SISTERS OF THE POOR  
LIBR 5245, 10160 503  
TAX PARCEL 1788, TAX MAP 101, GRID 10  
ACCOUNT #1600005255  
PETITIONER
2. EXISTING ZONING: D.R. 5.5
3. PUBLIC WATER & SEWER SERVES THIS SITE.
4. EXISTING USE: RETIREMENT HOME FOR PRIESTS  
PROPOSED USE: SAME WITH THE ADDITION OF FITNESS CENTER
5. ZONING HISTORY: 70-24-X PETITION FOR SPECIAL EXCEPTION FOR A CONVALESCENT HOME GRANTED JULY 31, 1969.
6. AREA OF PROPERTY: 1.78 ACRE +/-
7. PARKING DATA: 14 EXISTING SPACES PROVIDED WHICH INCLUDES 1 HANDICAP SPACE.

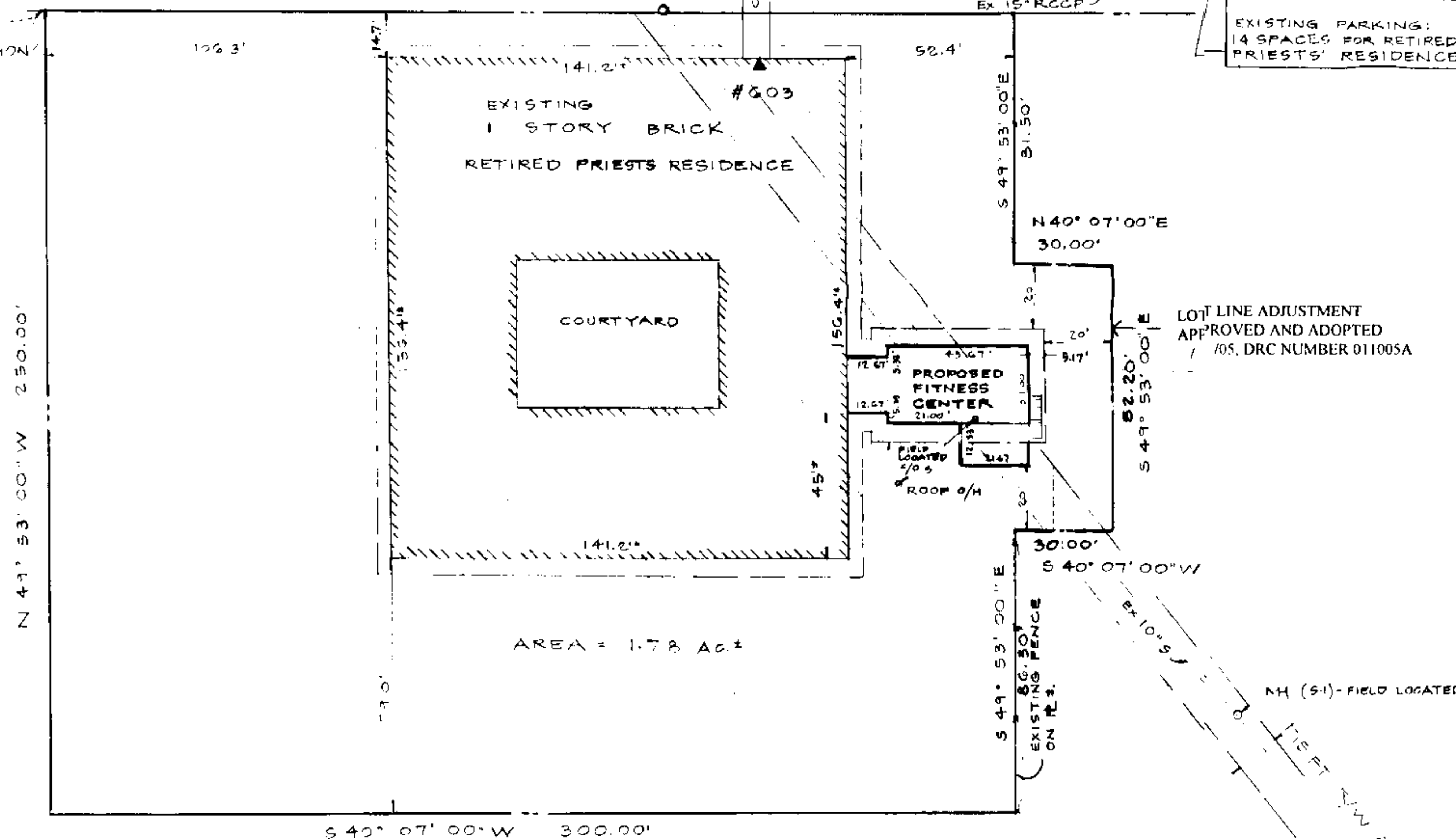
HEARING REQUESTED TO EXPAND PREVIOUSLY GRANTED PETITION 70-24-X FOR A CONVALESCENT HOME

THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAW. A TITLE REPORT WAS NOT FURNISHED FOR THIS SURVEY.

LITTLE SISTERS OF THE POOR  
601 MAIDEN CHOICE LANE  
PARCEL 440  
DEED 4692/488  
ACCT #0112401720  
USE: HOME FOR THE AGED



MAIDEN CHOICE LANE



MARYLAND HEALTH AND HIGHER  
EDUCATIONAL FACILITIES AUTHORITY  
C/O CHARLESTON COMMUNITY INC  
701 MAIDEN CHOICE LANE  
PARCEL 2050  
DEED 12614/1  
ACCT #1900008869  
USE: RETIREMENT VILLAGE

PLAT TO ACCOMPANY A PETITION  
FOR A SPECIAL HEARING TO AMEND  
THE PREVIOUSLY GRANTED SPECIAL  
EXCEPTION

ST. CHARLES VILLA  
603 MAIDEN CHOICE LANE  
1<sup>ST</sup> ELECTION DISTRICT  
COUNCILMANIC DISTRICT NO. 1  
BALTIMORE COUNTY, MARYLAND

SCALE: 1"=30'

JANUARY 28, 2005  
JOB 9815



Prepared by  
H. Malmud & Associates, Inc.  
12018 Ridge Valley Drive  
Owings Mills, Maryland 21117  
Telephone 410 382-2959



NOTE

1. OWNER: LITTLE SISTERS OF THE POOR  
LIBR 5245, LOT 503  
TAX PARCEL: 1788, TAX MAP: 101, GRID: 10  
ACCOUNT #1600005255  
PETITIONER
2. EXISTING ZONING: D.R. 5.5
3. PUBLIC WATER & SEWER SERVES THIS SITE
4. EXISTING USE: RETIREMENT HOME FOR PRIESTS  
PROPOSED USE: SAME WITH THE ADDITION OF FITNESS CENTER
5. ZONING HISTORY: 70-24-X Petition for Special Exception for a Convalescent Home granted July 31, 1969
6. AREA OF PROPERTY: 1.78 ACRES +/-
7. PARKING DATA: 14 EXISTING SPACES PROVIDED WHICH INCLUDES 1 HANDICAP SPACE

THE ZONING REQUIREMENTS TO EXPAND PREVIOUSLY GRANTED PETITION 70-24-X FOR A CONVALESCENT HOME

THE PROPERTY SET FORTH HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR CONSTRAINTS OF RECORD AND LAW. A TITLE REPORT WAS NOT FURNISHED FOR THIS SURVEY.

LITTLE SISTERS OF THE POOR  
601 MAIDEN CHOICE LANE  
PARCEL 440  
DEED 4692/488  
ACCT #0112401720  
USE: HOME FOR THE AGED

ST. MARTIN'S  
EXISTING  
HOMES FOR  
THE AGED

1 STORY  
METAL

EX. 1 STORY BRICK & BLOCK

EX. DRIVE

EXISTING PARKING:  
14 SPACES FOR RETIRED  
PRIESTS' RESIDENCE

EXISTING  
1 STORY BRICK  
RETIRED PRIESTS RESIDENCE

COURTYARD

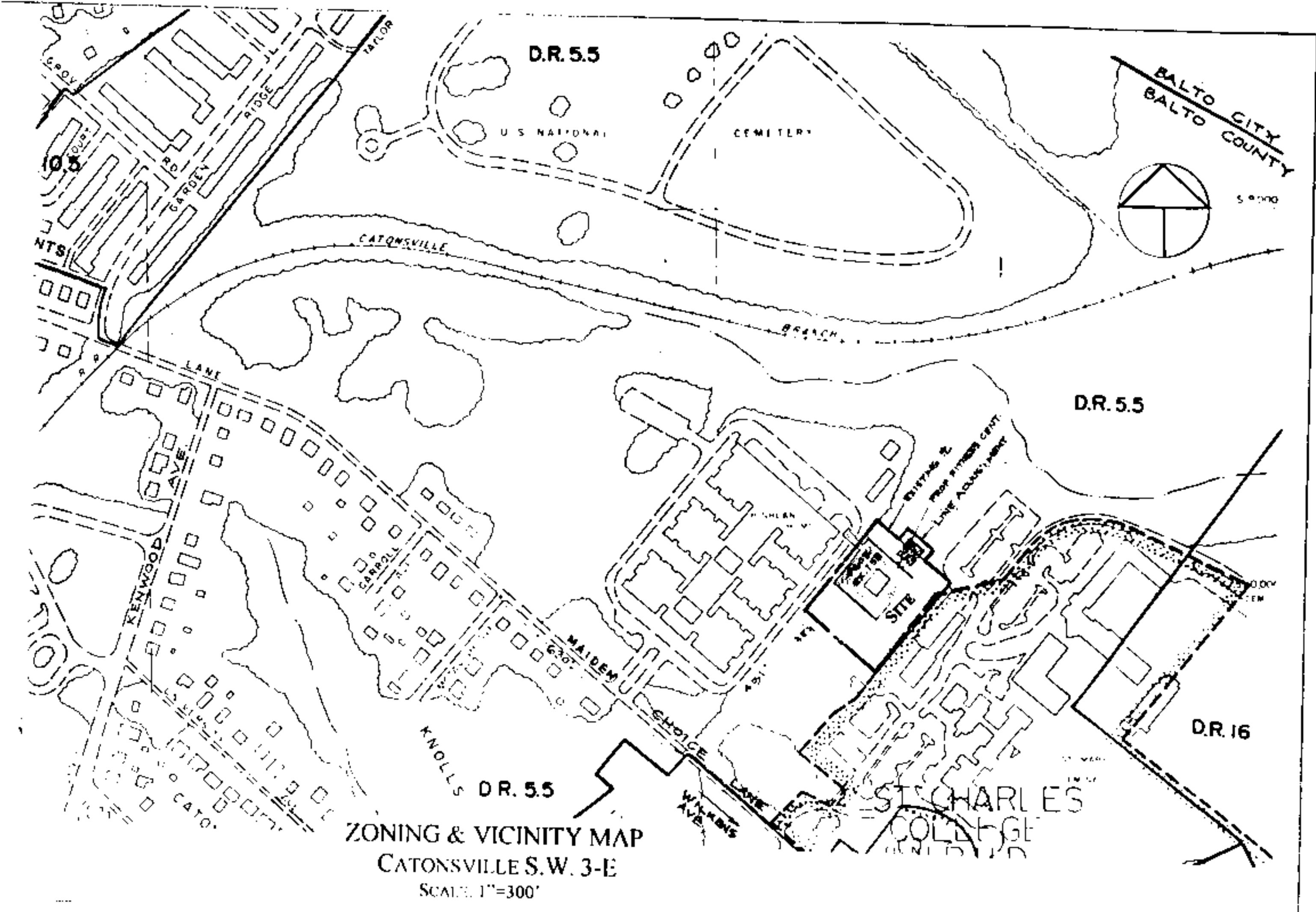
PROPOSED  
FITNESS  
CENTER

LOT LINE ADJUSTMENT  
APPROVED AND ADOPTED  
1/28/05, DRC NUMBER 011005A

AREA = 1.78 AC.

MARYLAND HEALTH AND HIGHER  
EDUCATIONAL FACILITIES AUTHORITY  
C/O CHARLESTON COMMUNITY INC  
701 MAIDEN CHOICE LANE  
PARCEL 2050  
DEED 12614/1  
ACCT #1900008869  
USE: RETIREMENT VILLAGE

NH (S1)-FIELD LOCATED



PLAT TO ACCOMPANY A PETITION  
FOR A SPECIAL HEARING TO AMEND  
THE PREVIOUSLY GRANTED SPECIAL  
EXCEPTION  
ST. CHARLES VILLA  
603 MAIDEN CHOICE LANE  
1<sup>ST</sup> ELECTION DISTRICT  
COUNCILMANIC DISTRICT NO. 1  
BALTIMORE COUNTY, MARYLAND  
SCALE: 1"=30' JANUARY 28, 2005  
JOB 9815



Prepared by  
H. Malmud & Associates, Inc.  
12018 Ridge Valley Drive  
Owings Mills, Maryland 21117  
Telephone 410-382-2959

PW  
LETTERS #1