

KEVIN KAMENETZ County Executive

May 25, 2012

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

Colbert Matz Rosenfelt, Inc. 2835 Smith Avenue Suite G Baltimore, Maryland 21209 Attention: Richard E. Matz, P.E. Vice President

Re: Spirit and Intent Letter
Forest Haven Nursing Home
701 Edmondson Avenue
CMR Project No. 204-224
Case #1963-0111-X and 2007-0125-SPHA
9th Election District

To Whom It May Concern:

Your spirit and intent letter sent to Arnold Jablon, Director of Permits, Approvals and Inspections has been referred to me for reply. Based upon the information provided therein, and our research of the zoning records, the following applies:

- 1. It has been determined that the proposed changes outlined in your letter and shown on your accompanied red lined site plan do meet the spirit and intent of the Baltimore County Zoning Regulations and the orders in Zoning Cases 2007-0125-SPHA and 1963-0111-X.
- 2. The porch enclosure to be used as a dayroom does not increase the footprint of the facility and it will not add to the number of approved nursing home beds.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

ORIGINAL SIGNED BY LEONARD J. WASILEWSKI Leonard Wasilewski Planner II Zoning Review

f 2-250/ľw 2007-0125-SPHA 1963-0111-X IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE

S/S of Edmondson Avenue at SW corner of Ingleside Avenue

1st Election District
1st Councilmanic District

(701 Edmondson Avenue)

Ronald Kurtz, Administrator; Forest Haven

Nursing Home Petitioner * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* CASE NO. 07-125-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owner of the subject property, Ronald Kurtz, Administrator; Forest Haven Nursing Home. The Petitioner is requesting Special Hearing relief for property owned at 701 Edmondson Avenue. The variance request is to permit a Non-Residential Building street setback in a DR - 5.5 zone of 11 feet in lieu of 35 feet required. The Special Hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an amendment to the site plan approved in Case No. 05-385-SPHA, for an addition to an existing nursing home.

The property was posted with Notice of Hearing on November 6, 2006, 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 November 16, 2006, 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 received from the Office of Planning dated October 11, 2006 which questioned the practical difficulty or an unreasonable hardship that would justify the requested variance. Thereafter the Planning Office amended its comments as shown on November 30, 2006 memo in which it no longer opposed the request as long as the addition is built according to the elevations provided by the Petitioner. If the request is granted, the Planning Office requests sidewalks along Edmondson Avenue frontage and the Ingleside Avenue frontage.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief were Ronald Kurtz, Administrator; Forest Haven Nursing Home, Robert S. Rosenfelt, with Colbert Matz Rosenfelt, Inc., who prepared the site plan and Keith Minton. Herbert Hubbard,

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Esquire, represented the Petitioner. Victor McFarland, an adjacent property owner, appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property contains 1.97 acres zoned DR 5-5 and is improved by the existing 2-story 161 bed nursing home known as the Forest Haven Nursing Home. This property was the subject of a prior request on Case No. 05-385-SPHA for an addition on the opposite side of the building as shown on Petitioner's exhibit 1. The Petitioner noted that this addition (hereinafter called the "05 addition") has not yet been built and consequently the landscape plan which was required under that case had not been submitted for County review or implemented although some changes had been made by the Petitioner such as new shutters and shrubbery.

In the subject request the Petitioner indicated that the home had need of additional recreational space for its existing patients as shown by the request for waiver submitted to the State as shown in exhibit 2. The document noted that the home is 1056 square feet deficient in recreational space. Mr. Hubbard noted that although the waiver had been granted in the past, there was no guarantee it would be approved in the future. Consequently the Petitioner proposes to erect a one story addition similar to that shown on exhibit 4 which would provide 1440 square feet of additional space. This addition is located nearest to Ingleside Avenue at Edmondson Avenue as shown. Mr. Hubbard noted that the Petitioner explained the new addition to the neighbors who signed the letter of support, exhibit 3.

The need for the variance arises because the addition will be 11 feet from the Ingleside Avenue property line; 35 feet is required. Mr. Hubbard noted that the Petitioner is not adding beds but rather the new space will be used exclusively for recreational space. As such the site has all parking needed.

 Mr. Minton indicated that patients are more mobile now and require more dining area and recreation space. Short term patients under Medicare often do not want to share recreational facilities with long term patients who are often not mobile or cognizant. The Home needs to provide more than simply the minimum space for these amenities. No new beds are possible because each new bed triggers the need for more dining area and recreational space under the regulations. As important families looking for nursing home care, are more favorable to homes with better and larger recreational facilities so that the Petitioner needs the addition regardless of the State requirement. For this reason, the Petitioner decided to ask for another addition even though it has not implemented the 05 addition.

Upon questioning by Mr. McFarland, Mr. Minton indicated that sidewalks are being requested for Ingleside and Edmondson Avenue. The Petitioner however, sees little need for either. More particularly sidewalks along Ingleside would be within the expanded right of way of Ingleside Avenue improvement of which Mr. McFarland greatly supports. He indicated that he has mixed feelings about the addition but wanted to be sure that the addition will not hinder improvement to Ingleside Avenue.

Findings of Fact and Conclusions of Law

I have no doubt the Home needs more recreational space. My problem as expressed at the hearing is why not construct the 05 addition which as I recall was justified for exactly the same reasons. That said I am satisfied that the Home needs more than minimum recreational space so the two additions are both needed. Perhaps there is more to this story than what was presented but I take the Petitioner's testimony at face value.

In case 05-385 SPHA I was told that in the 1970's the home added a 27,000 square feet addition along the Edmondson Avenue side of the property with a permit. Apparently, there was property of the addition from a zoning standpoint. I found that the addition existed since that

time and I saw no reason not to confirm this in the special hearing request. However, I noted what we missed in not having a hearing to modify the 1963 site plan was that the 1973 addition did not have a landscape plan to be sure the addition did not adversely affect the neighborhood. I required the landscape plan in case no. 05-385-SPHA. This was not completed or implemented but is still very much needed for this site. Therefore I will require a full landscape plan for the subject request.

Considering all the evidence presented, in regard to the street yard setback of 11 feet in lieu of 35 feet, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The home operates in a 1870 mansion with several significant additions in the 1960's and 1970's. This is the kind of peculiar structure that the variance statute gives as a basis for variance. I find that the property is in a zoning sense unique.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The site is built out to a great extent. There is no practical alternative to locate yet another addition, which connects to the buildings.

I also find that there will be no increase in residential density beyond that otherwise allowable by the Zoning Regulations as a result the requested variance. As a nursing home, the operation complies with the County regulations for density in this DR 5.5 zone.

Finally, I find this variance 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 public health, safety and general welfare. I find this especially true in light of the landscape plan to be implemented by the Petitioner.

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Having granted the variance request I will grant the request for special hearing to modify the prior site plan for the reasons given and further find the addition will not adversely impact the community. In particular I see nothing in this request that would impede improvement to Ingleside Avenue as desired by Mr. McFarland.

I understand the Petitioner's reluctance to construct sidewalks on both Ingleside and Edmondson Avenues. However this is an urban property close to downtown Catonsville and each development should provide sidewalks so that pedestrians do not have to walk into the street. I realize that there are no sidewalks to connect to but the improvement has to start somewhere. As Mr. McFarland points out improvement to Ingleside (and Edmondson) Avenue is sorely needed.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 7th day of December, 2006, that the Petitioners' request for Variance is to permit a Non-Residential Building street setback in a DR - 5.5 zone of 11 feet in lieu of 35 feet required is hereby GRANTED; and

IT IS FURTHER ORDERED, the Petitioner's request for Special Hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an amendment to the site plan approved in Case No. 05-385-SPHA, for an addition to an existing nursing home is hereby GRANTED SUBJECT to the following:

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

2. The Petitioner shall construct the proposed addition according to the information submitted to the Planning Office and exhibit 4; and

3. Petitioner shall provide sidewalks along the Edmondson Avenue frontage and the

Ingleside Avenue frontage; and

4. The Petitioner shall submit a landscape plan to the County Landscape Architect for review and approval as required in case no. 05-385-SPHA to buffer adjoining residential properties from the 1973 addition, the 05 addition and the proposed addition.

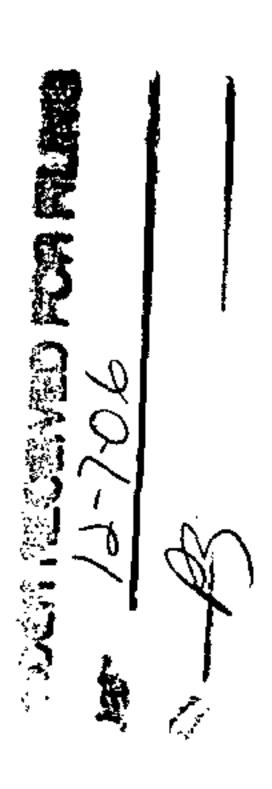
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

December 7, 2006

RONALD KURTZ, ADMINISTRATOR FOREST HAVEN NURSING HOME 701 EDMONDSON AVENUE BALTIMORE MD 21239

Re: Petition for Special Hearing and Variance

Case No. 07-125-SPHA

Property: 701 Edmondson Avenue

Dear Mr. Kurtz:

Enclosed please find the decision rendered in the above-captioned case. The petition for Special Hearing and Variance has been granted in accordance with the enclosed Order.

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:pz

Enclosure

c: Herbert Hubbard, Esquire, 1055 West Joppa Road, Apt. 607, Towson MD 21204 Robert Rosenfelt, Colbert Matz Rosenfelt, Inc., 2835 Smith Avenue, Suite G, Baltimore MD 21209 Keith Minton, 701 Edmondson Avenue, Baltimore MD 21228 Victor McFarland, 2109 Devere Lane, Catonsville MD 21229

TO CO EST



Petition for Variance

to the Zoning Commissioner of 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

	for the property located at	701 Edmondson Avenue
	which is presently zoned_	D.R5.5
This Petition shall be filed with the Department owner(s) of the property situate in Baltimore Cou	ent of Permits and Development Man	agement. The undersigned, legal
nade a part of thereof, hereby petition for a Varia	nce from Section(s)	
1B01.2.C.1 (a), BCZR, for a Non-Residential Pr	rincipal Building rear yard setback in a D.	R5.5 zone of 11 feet in lieu of 🗯

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 presented at hearing.

feet required.

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

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

Is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Ronald Kurtz, Administrator Forest Haven Nursing Home Name - Type or Print Name - Type or Print Signature Signature Name - Type or Print Telephone No. Address. Signature City Zip Code State 410-747-7425 701 Edmondson Avenue Attorney For Petitioner: Telephone No. Address. Md. 21228 Baltimore Herbert Hubbard, Esq. State Zip Code City Name - Type or Print-Representative to be Contacted: Signature Robert S Rosenfelt, P.E. COLBERT MATZ ROSENFELT, INC (eve) 410-358-8262 Company (day) 410-653-3838 410-823-0520 1055 West Joppa Road, Apt. 607 2835 Smith Avenue, Suite G Telephone No. Telephone No. Address Address 21209 MD 21204 Baltimore Md. Towson Zip Cç City State Zip Code City State OFFICE USE ONLY Case No. 07-125. SP4-ESTIMATED LENGTH OF HEARING_ UNAVAILABLE FOR HEARING JADER RECEVED FOR FILMO Reviewed By _ Date_(



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at:701 Edmondson Avenue
which is presently zonedD.R5.5

I/We do solemnly declare and affirm, under the penalties of

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

An amendment to the site plan approved in Case No. 05-385-SPHA, for an addition to an existing nursing home.

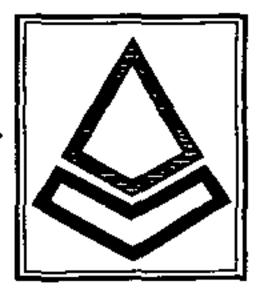
Property is to be posted and advertised as prescribed by the zoning regulations.

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.

perjury, that I/we are the legal owner(s) of the property which Is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Forest Haven Nursing Home Ronald Kurtz, Administrator Name - Type or Print Name - Type or Print Signature Signature Name - Type or Print Address. Telephone No. City Zip Code State Signature 701 Edmondson Avenue 410-747-7425 Attorney For Petitioner: Address. Telephone No. Md. 21228 Herbert Hubbard, Esq. Baltimore Name - Type or Print Zip Code City State Representative to be Contacted: √Signatufe Robert S Rosenfelt, P.E. COLBERT MATZ ROSENFELT, INC (eve) 410-358-8262 Company 410-653-3838 1055 W. Joppa Road, Apt. 607 410-823-0520 (day) 2835 Smith Avenue, Suite G Address Telephone No. Address Telephone No. 21204 Baltimore MD 21209 Md. Towson City City State Zip Code State Zip Code OFFICE USE ONLY Case No. 07-125-5PH1 ESTIMATED LENGTH OF HEARING UNAVAILABLE FOR HEARING_ Date 9

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

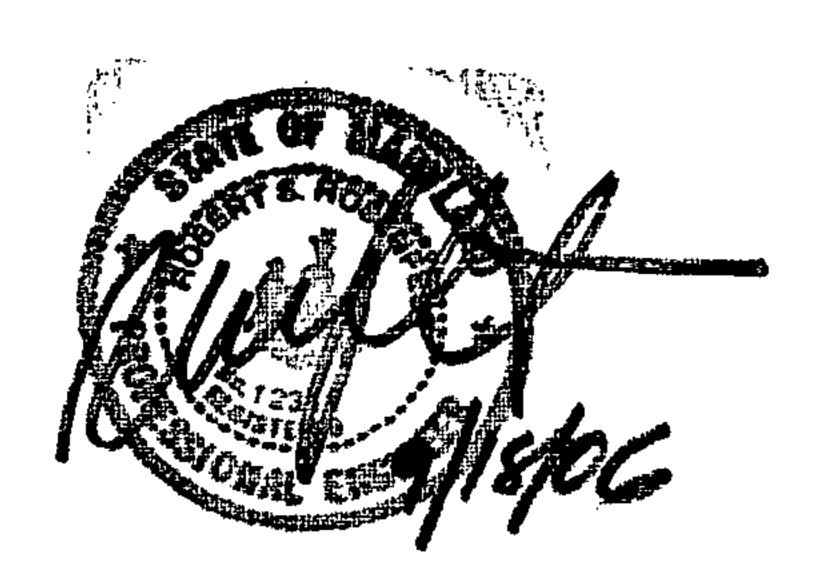


ZONING DESCRIPTION 701 EDMONDSON AVENUE

Beginning at a point on the south side of Edmondson Avenue, which is 85 feet wide, on the southwest corner of the intersection of Edmondson Avenue and Ingleside Avenue, which is 30 feet wide. Thence the following courses and distances:

S 08°00'00" E, 286.00 feet; N 87°46'00" W, 356.50 feet; N 09°28'00" W, 199.96 feet, thence, N 78°18'00" E, 354.00 feet, to the Point of Beginning.

As recorded in Deed Liber 3281, folio 402 and containing 1.97 acres. Also known as 701 Edmondson Avenue and located in the 1st Election District, 1st Councilmanic District.



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:									
Item Number or Case Number: 07-125-SPHA									
Petitioner: Forest Hoven Nuverna Home									
Address or Location: 701 Edward Son Ave.									
1									
PLEASE FORWARD ADVERTISING BILL TO:									
Name: Mr. Ron Kurtz									
Address: Forcest Howen Nursua Hame									
Mol Edmondson-Ave									
Baltime, Md- 21228									
Telephone Number: 46 - 747 - 74-25									

Revised 7/11/05 - SCJ

07-125. SPHA

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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: #07-125-SPHA

701 Edmonson Avenue
South side of Edmonson Avenue at southwest corner

of Ingleside Avenue.

1st Election District - 1st Councilmanic District Legal Owner(s): Ronald Kurtz, Administrator;

Forest Haven Nursing Home

Special Hearing: To permit an amendment to the site plan approved in Case No. 05-385-SPHA, for an addition to an existing nursing home. Variance: To permit a Non-Residential Building street setback in a DR - 5.5 zone of 11 feet in lieu of 35 feet required.

Hearing: Friday, December 1, 2006 at 9:00 a.m. In Room 407, County Courts Building, 401 Bosley Ave-

nue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

11/197 Nov. 16

116249

CERTIFICATE OF PUBLICATION

11/16/,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
nce in each ofsuccessive weeks, the first publication appearing
n 1116,2006.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Case Number: 07-125-SPHA

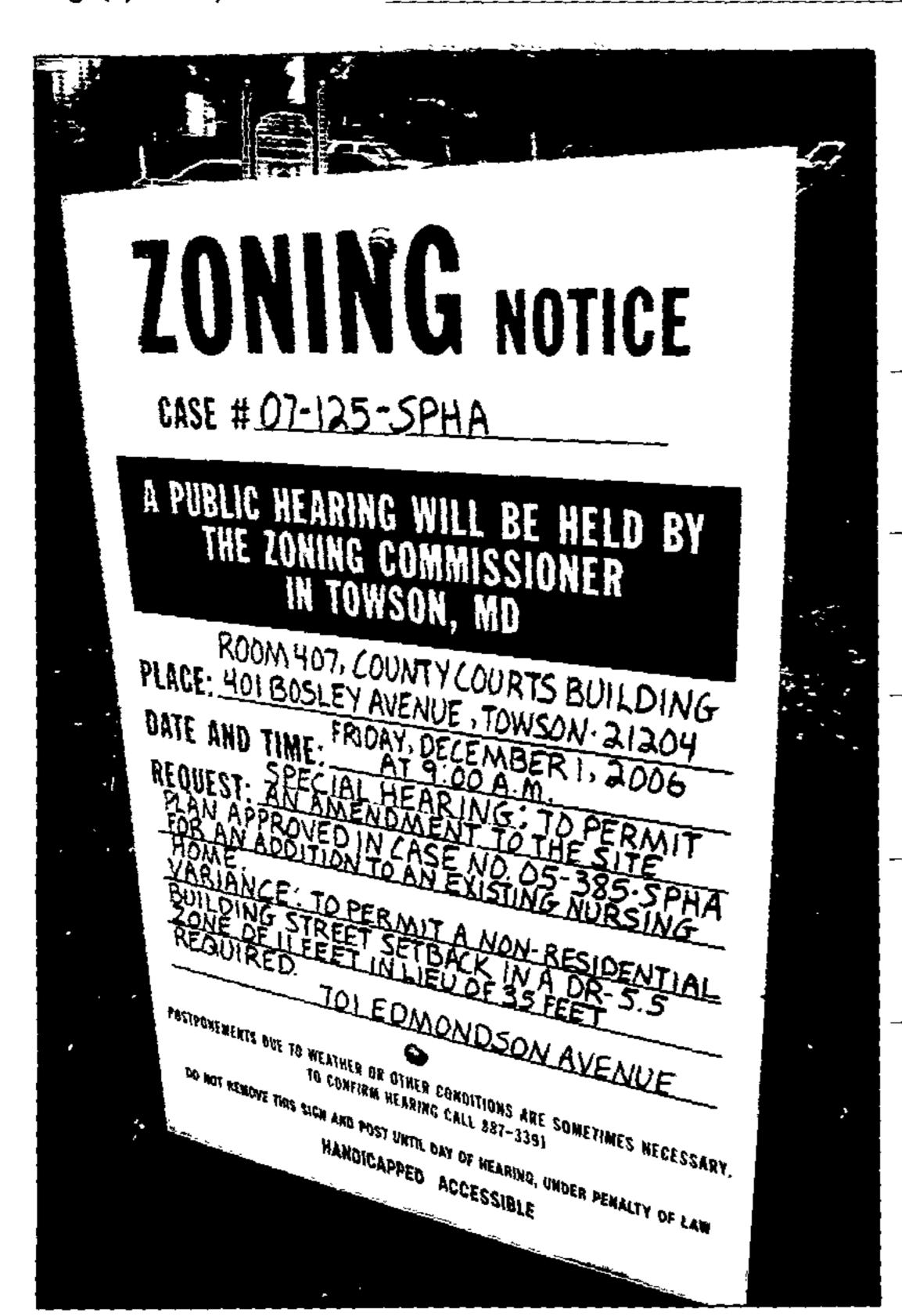
Petitioner/Developer: Ronald Kurtz~Herbert Hubbard Esq.~Robert Rosenfelt

Date of Hearing (Closing): 12/01/06

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 701 EDMONDSON AVENUE

The sign(s) were posted on:

11/06/06



(Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City, State, Zip Code of Sign Poster)

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



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

NOTICE OF ZONING HEARING

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CASE NUMBER: 07-125-SPHA

701 Edmonson Avenue

South side of Edmonson Avenue at southwest corner of Ingleside Avenue.

1st Election District – 1st Councilmanic District

Legal Owner(s): Ronald Kurtz, Administrator; Forest Haven Nursing Home

SPECIAL HEARING To permit an amendment to the site plan approved in Case No. 05-385-SPHA, for an addition to an existing nursing home.

VARIANCE To permit a Non-Residential Building street setback in a DR – 5.5 zone of 11 feet in lieu of 35 feet required.

Hearing: Friday, December 1, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:amf

C: Ronald Kurtz, Administrator Forest Haven Nursing Home 701 Edmonson Avenue Baltimore 21228 Herbert Hubbard, Esq. 1055 West Joppa Road, Apt 607 Towson 21204 Robert S. Rosenfelt, P.E. Colbert Matz Rosenfelt, Inc. 2835 Smith Avenue, Suite G. Baltimore 21209

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, NOVEMBER 16, 2006.

- (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

November 16, 2006 Issue - Jeffersonian

Please forward billing to:

Ronald Kurtz Forest Haven Nursing Home 701 Edmonson Avenue Baltimore, MD 21228 410-747-7425

NOTICE OF ZONING HEARING

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CASE NUMBER: .07-125-SPHA

701 Edmonson Avenue

South side of Edmonson Avenue at southwest corner of Ingleside Avenue.

1st Election District – 1st Councilmanic District

Legal Owner(s): Ronald Kurtz, Administrator; Forest Haven Nursing Home

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Hearing: Friday, December 1, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401

Bostey Avenuer Towson 21204

WILLIAM J. WISEMAN III 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.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

November 20, 2006

Herbert Hubbard, Esquire 1055 West Joppa Road, Apt. 607 Towson, MD 21204

Dear Mr. Hubbard:

RE: Case Number: 07-125-SPHA, 701 Edmondson Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 19, 2006.

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.

MAN

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

Ronald Kurtz, Administrator Forest Haven Nursing Home 701 Edmondson Avenue Baltimore 21228

Robert S. Rosenfelt, P.E. Colbert Matz Rosenfelt, Inc. 2835 Smith Avenue, Suite G. Baltimore 21209

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: November 30, 2006

RECEIVED

NOV 3 0 2006

ZONING COMMISSIONER

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

701 Edmonson Avenue

INFORMATION:

Item Number:

7-125 (revised comment)

Petitioner:

Ronald Kurtz, Administrator

Forest Haven Nursing Home

Zoning:

DR 5.5

Requested Action:

Variance and Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the proposed addition is constructed in a fashion similar to the provided Wilmont modular Structures, Inc sample provided by Richard Matz, Colbert Matz and Rosenfeld. The said structure is constructed of brick materials with a shingled hip roof. Additionally the petitioner shall provide sidewalks along the Edmondson Avenue frontage and the Ingleside Avenue frontage.

For further information concerning the matters stated here in, please contact Dennis Wertz at

410-887-3480.

Prepared by:

Division Chief: AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: October 11, 2006

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

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

SUBJECT:

701 Edmonson Avenue

INFORMATION:

Item Number:

Petitioner:

Ronald Kurtz, Administrator

Forest Haven Nursing Home

Zoning:

DR 5.5

Requested Action: Variance and Special Hearing

SUMMARY OF RECOMMENDATIONS:

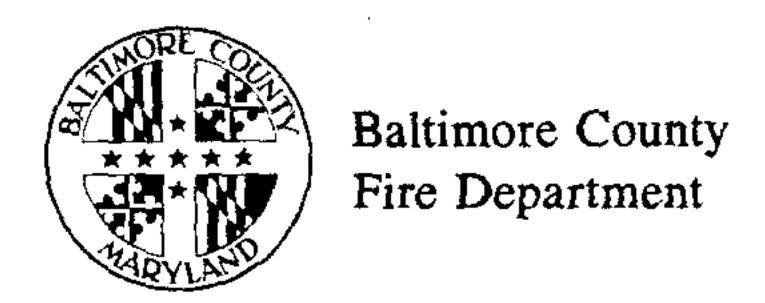
The Office of Planning has reviewed the petitioner's request and is unable to determine a practical difficulty or an unreasonable hardship that would justify the requested variance. The Office of Planning requests that the Zoning Commissioner take into account the architectural differences between the existing building and the proposed addition. This office is unclear how a one-story addition would serve a existing two-story building nor does this office think that they are architecturally compatible. If the petitioner's request is granted the petitioner shall provide sidewalks along the Edmondson Avenue frontage and the Ingleside Avenue frontage.

For further information concerning the matters stated here in, please contact Dennis Wertz at 410-887-3480.

Prepared by:

Division Chief:

AFK/LL: CM



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 October 4, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 2, 2006

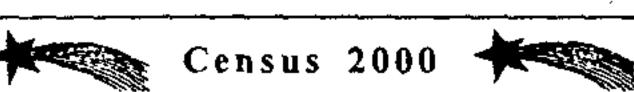
Item Number(s): 113-13,0

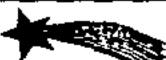
Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File









BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 2, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 2, 2006

Item Nos. 07-113, 118, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130,

and 133

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS- 10022006.doc

RE: PETITION FOR SPECIAL HEARING

AND VARIANCE

701 Edmonson Avenue; S/S Edmonson Ave, *

SW corner Ingleside Avenue

1st Election & 1st Councilmanic Districts

Legal Owner(s): Ronald Kurtz, Administrator

Forest Haven Nursing Home

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-125-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

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 28th day of September, 2006, a copy of the foregoing Entry of Appearance was mailed Robert S. Rosenfelt, P.E., Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and Herbert Hubbard, Esquire, 1055 W. Joppa Road, Apt. 607, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

2 6 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE
S/S of Edmondson Avenue, @ intersection
W/S of Ingleside Avenue
1st Election District
1st Councilmanic District

Forest Haven, LLC, By: Diana Dew, President Petitioners

(701 Edmondson Avenue)

BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 05-385-SPHA - Prior Zoning

* * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on Petitions for Special Hearing and Variance filed by the legal owners of the subject property, Forest Haven, LLC, by Diana Dew, President. The Petitioners are requesting a special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an amendment to the site plan approved in Case No. 63-111-X, for an addition to an existing nursing home. The amendment includes an undocumented expansion of 27,000 sq. ft. constructed between 1963 and the present and a proposed present expansion of 2,800 sq. ft. In addition, variance relief is requested from Section 1B01.2.C.1(a) of the B.C.Z.R., for an interior side yard non-residential principal building setback in a D.R. 5.5 zone of 0 ft. in lieu of the 20 ft. required and from Section 1B01.1.B.1.e(5) of the B.C.Z.R., for RTA building and parking setbacks of as little as 0 ft. in lieu of the 75 ft. required and RTA buffers of as little as 0 ft. in lieu of the 50 ft. required.

The property was posted with Notice of Hearing on March 2, 2005, 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 March 3, 2005, to notify any interested persons of the scheduled hearing date.

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Amended Petition

The Petitioner indicated that although they had asked for a zero ft. setback from the interior side yard setback of the DR 5.5 zoning regulations initially, in light of the Planning Office comments they amended their request to 3 feet interior side yard setback in lieu of 20 feet. This makes the addition smaller by 3 feet which in turn reduces the new addition from 2800 sq. ft to 2560 sq. feet. Similarly, the Petitioner reduced the request for RTA building and parking setbacks to as little as 3 ft. in lieu of the 75 ft. required and RTA buffers to as little as 3 ft. in lieu of the 50 ft. required.

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, offstreet 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." 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.

Zoning Advisory Committee Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: A ZAC comment was submitted by the Office of Planning dated March 4, 2005, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief was Robert Rosenfelt, professional engineer, Diana Dew, manager, and Castro Skinner, maintenance for the Petitioner LLC. Herbert Hubbard, Esquire represented the Petitioners. Roy Adams, Eugene Adams, Ernest Elgert and Carol Shaw, adjacent property owners opposed the Petition at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Mr. Hubbard proffered that the property is the site of the Forest Haven Nursing Home, which has had a nursing home operating on it since 1958. This 2 acre site is zoned DR 5.5. He indicated that he became familiar with the property in 1957 when his client purchased an existing 40-bed nursing home, which was based primarily in the old mansion portion of the home built in 1870. In 1963, the owners were granted a special exception for a nursing home by the Board of Appeals. Sometime in the 1970's, the owners received a permit to build an addition on the existing building of approximately 27,000 sq. feet which would allow the home to accommodate up to 174 patients. For whatever reason, Mr. Hubbard indicated that he could find no record in the County granting a special hearing to modify the 1963 site plan and document the 27,000 sq. ft. addition. Finally he noted that the present bed capacity is 161 beds.

He indicated that the home had no intention of expanding the number of beds, although he would like the flexibility to do so should business conditions and State regulators allow. The primary purpose of the variance requests was to allow the home to build additional recreational space for existing residents. In addition, the Petitioner would like to add 6 parking spaces on site for employees. Finally, he wanted to amend the 1963 site plan to reflect the prior additions and the new addition. He indicated that he reviewed the Planning comments and agreed to each recommendation that is reflected on the redline plan to accompany, Petitioner's Exhibit 2.

Diana Dew, nursing home manager, testified that the existing patients needed a place to gather for recreation, a new smoking area and entertainment area. She indicated that she studied possible locations for these functions determining that the 2800 sq. ft addition shown on Petitioner's Exhibit 2 would best attach to the existing structures and connect functionally best at the location shown. This meant, however, that the addition would project beyond the 20 ft. setback for an interior side yard non-residential principal building setback in a D.R. 5.5 zone. In addition, she indicated that if the RTA variances are granted the Petitioner could create 5 parking spaces for employees to move them onto the site and off Edmondson Avenue. This request will not add traffic to the site.

She indicated, along with Mr. Rosenfelt, that the Petitioner could live with the Planning Office comment reducing the size of the addition by 3 feet, which would reduce the overall size from 2800 sq. feet to 2560 sq. feet. Similarly, the Petitioner reduced the request for RTA building and parking setbacks to as little as 3 ft. in lieu of the 75 ft. required and RTA buffers to as little as 3 ft. in lieu of the 50 ft. required. They also agreed to add landscaping as requested by Planning.

Upon questioning, she indicated that the home had a 98% occupancy rate with 161 beds, but that she would like the flexibility to add a few more beds if they could be filled. In response to Mr. Elgert's question, she agreed that the addition would be constructed over a drainage ditch that

directs storm water away from his property, which lies south of private Keidel Lane. She noted that whether or not the addition is actually constructed is questionable, as the financial aspects of nursing homes are tightly controlled by the government. When asked if she needed more time than the normal two years to utilize the revised site plan (build the addition), she indicated that the Petitioner could need more time.

Mr. Elgert expressed his concern that the drainage ditch on the subject property, which diverts storm water away from his property, will be covered over by the new addition. In addition, he indicated that the addition was too close to the property line but did not object to the proposal to have 5 more parking spaces on site.

Eugene Adams, whose property is adjacent to the subject property, objected to the many employees parking on Edmondson Avenue that severely limit his ability to see traffic on Edmondson as he exits his driveway. Roy Adams indicated that 5 additional off street spaces are not nearly enough as cars now routinely park on both sides of Edmondson Avenue. He opposed the new addition as being too close to the property line.

Ms. Shaw who lives to the west of the property beyond the Adams home, indicated that the property is not unique, that the addition takes away green space and her view down Keidel Lane will be marred by seeing fire escapes coming from the new addition. She also noted that sometimes visitors to the front entrance to the home have to back out onto Edmondson Avenue, that there have been maintenance problems with the home in the past, and there are no sidewalks on the subject property along Edmondson Avenue.

In rebuttal, the Petitioners representatives pointed out that many of their employees take public transportation, that the County reduced parking on Ingleside Avenue and they would like sidewalks on Edmondson but the County has not constructed same. They presented photographs of

the site and surrounding properties, which showed, among other things, that the Shaw home is not visible from the site of the addition due to foliage.

At this point in the hearing, a general discussion of the County's approach to sidewalks and the need for landscaping of the property ensued. The Petitioner indicated that they had previously hired a landscape company but were not impressed with the results. They welcomed having the Baltimore County Landscape Architect visit the site and specify an overall landscape plan, which the Petitioner pledged to implement.

Findings of Fact and Conclusions of Law

As mentioned at the hearing, I heard no objection to adding 5 parking spaces on the Keidel side of the nursing home within the RTA buffer. The only negative comment in this regard was from Mr. Adams that it was not enough spaces. As shown on Petitioner's Exhibit 1, the 50 foot RTA buffer line, the 75 foot RTA setback line, and the 100 foot RTA line go through various parts of the old 1870 mansion and 1973 addition. These buildings pre-existed the 1981 adoption of the RTA legislation. Obviously, it is impractical to move them to comply with the RTA requirements. I find that adding 5 parking spaces within the buffer area will not adversely impact the neighborhood but in fact will improve safety by moving at least some employees from parking on Edmondson Avenue.

I also heard no objection to confirming the fact that in the 1970's the home added a 27,000 sq. ft addition along the Edmondson Avenue side of the property with a permit. Apparently, there is no record of the addition from a zoning standpoint. The addition has existed since that time and I see no reason not to confirm this in the special hearing request. However, what we missed in not having a hearing to modify the 1963 site plan was that the 1973 addition did not have a landscape plan to be sure the addition did not adversely affect the neighborhood. Again, I find that confirming

the addition will not adversely impact the neighborhood. The additional beds so provided are a service to the community. However, we need a full landscape plan.

In regard to the side yard setback from Keidel Lane, I note there is an existing privacy fence along Keidel Lane that allows patients to wander outside to picnic tables and some grassy areas. This area will be reduced slightly in size to allow the 5 additional parking spaces proposed. The fence blocks the view of adjacent property owners for the first floor of the home. So the issue is what effect does the second floor of the proposed addition have on the neighborhood?

The Petitioners agreed to involve the Baltimore County Landscape Architect to review and approve a landscape plan for the home. In my view this is sorely needed. The two-story addition along Edmondson Avenue is bland to put it mildly. The front of the old mansion on Ingelside Avenue is out of sync with the additions added later with needed security bars erected in such a way that one could envision an old prison. The site occupies a prominent location at the corner of Ingelside and Edmondson Avenues and to some degree serves as the entrance to old Catonsville. A full landscape plan would add significantly to the home and the community. The Adams and Shaw homes are significant examples of 19th century Catonsville.

My problem is that the request is for a minor addition on the south side of the property. I will impose a landscape plan along Keidel Lane to buffer the adjacent community from the second story addition proposed. This would likely involve planting tall evergreen trees along the south property line. However, the whole site desperately needs a landscape plan, which was lost, when the 1973 amendment was lost or did not occur. Consequently, I will require the Petitioner and Landscape Architect to tackle an overall landscape project.

It has been my experience with the Landscape Architect that tall evergreen trees will need more than 3 feet between the fence and the new addition to function and grow. I understand that there needs to be at least 5 feet between the two to give the root system room to support the trees.

Consequently, I will approve the variance requested but will reduce the addition from 32 feet on the west side to 30 feet and 27 feet on the east side to 25 feet. I realize that this will reduce the sq. footage of the addition from 2650 sq. feet to 2400 sq. feet, which still should provide significant additional recreational space for patients.

Considering all the evidence presented, in regard to the interior side yard setback, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The home operates in a 1870 mansion with several significant additions in the 1960's and 1970's. This is the kind of peculiar structure that the variance statute gives as a basis for variance. I find that the property is in a zoning sense unique.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The site is built out to a great extent. There is no practical alternative to locate an addition, which connects to the buildings. I also find that there will be no increase in residential density beyond that otherwise allowable by the Zoning Regulations as a result the requested variance. As a nursing home, the operation complies with the County regulations for density in this DR 5.5 zone. Finally, I find this variance 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 public health, safety and general welfare. I find this especially true in light of the landscape plan to be implemented by the Petitioner.

I will also grant the variances from the RTA requirements for the same reasons as above. I find that these variances can be granted without adversely affecting the adjacent residential community when the addition is further reduced to allow room for the tall evergreen trees and the site is generally landscaped.

In regard to the request for special hearing, I will grant the request to amend the previously approved 1963 site plan for special exception to include an undocumented expansion of 27,000 sq.

ft. constructed between 1963 and the present. However for the reasons above, I will approve an expansion of 2,400 sq. ft.

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Finally, in regard to when the Petitioner must utilize the amended site plan for the addition, in my view, the rules applicable to special exceptions apply to the modified plan even though the actual mechanism is a special hearing. Consequently, the time to utilize the modified special hearing site plan (build the addition) is two years. Otherwise, the right to build the addition expires. Ms. Dew indicated that because of the uncertainties of government approval for building any addition, the Petitioner needed more than two years to utilize the modified site plan. I find this request most reasonable and will grant three years to implement the revised site plan.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioners' variance and special hearing requests should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this ____ day of March, 2005, that the Petitioners' request for special hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an amendment to the site plan approved in Case No. 63-111-X, for an addition to an existing nursing home (the amendment includes an undocumented expansion of 27,000 sq. ft. constructed between 1963 and the present and a proposed present expansion of 2,400 sq. ft.), be and is hereby GRANTED subject to the following conditions:

- 1. The Petitioner shall utilize the revised site plan (build the addition) within three (3) years of the date of this Order.
- 2. The Petitioner shall submit a landscape plan to the County Landscape Architect for review and approval to buffer adjoining residential properties from the new addition and the 1973 addition, which is now approved.

IT IS FURTHER ORDERED, that the variance relief requested from Section 1B01.2.C.1(a)

of the B.C.Z.R., for an interior side yard non-residential principal building setback in a D.R. 5.5

zone of 5 ft. in lieu of the 20 ft. required and from Section 1B01.1.B.1.e(5) of the B.C.Z.R., for

RTA building and parking setbacks of as little as 5 ft. in lieu of the 75 ft. required and RTA buffers

of as little as 5 ft. in lieu of the 50 ft. required, be and is hereby GRANTED, subject, however, to

the following restrictions which are conditions precedent to the relief granted herein:

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 Petitioners would be required

to return, and be responsible for returning, said property to its original condition;

2. Except as modified herein, compliance with the ZAC comments submitted by the Office of Planning dated March 4, 2005, a copy of which is attached hereto and made a part

hereof; and

3. When applying for a building permit, the site plan filed must reference this case and set

forth and address the restrictions of this Order.

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

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

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PRINTED: 12/21/2005 FORM APPROVED FEALTH AND HUMAN SERVICES OMB NO. 0938-0391 ÉDICARE & MEDICAID SER ES (X3) DATE SURVEY (X2) MULTIPLE CONSTRUCTION (X1) PROVIDER/SUPPLIER/CLIA **ENCIES** COMPLETED IDENTIFICATION NUMBER: **ECTION** A BUILDING B. WING ______ 11/08/2005 215252 STREET ADDRESS, CITY, STATE, ZIP CODE OVIDER OR SUPPLIER 701 EDMONDSON AVENUE HAVEN NURSING HOME CATONSVILLE, MD 21228 PROVIDER'S PLAN OF CORRECTION · (X5) SUMMARY STATEMENT OF DEFICIENCIES JD. COMPLETION (EACH CORRECTIVE ACTION SHOULD BE 4) ID PREFIX (EACH DEFICIENCY MUST BE PRECEEDED BY FULL DATE CROSS-REFERENCED TO THE APPROPRIATE EFIX REGULATORY OR LSC IDENTIFYING INFORMATION) TAG AG **DEFICIENCY**) F 492 Continued From page 19 : 492 | on Station 1. Room 3 (a three -bed room) was missing two chairs; Room 4 (a three-bed room) was missing one chair, Room 5 (a three-bedroom) was missing one chair; Room 6 (a three-bed room) was missing two chairs; Room 8 (a two-bed room) was missing one chair; Room 9 (a three-bed room) was missing one chair; Room 10 (a three-bed room) was missing two chairs; Room 11 (a one-bed room) was satisfactory; Room 14 (a four-bed room) was missing three chairs; Room 15 (a three-bed room) was missing one chair; Room 18 (a two-bed room) was missing two chairs and one nightstand; Room 19 (a three-bed room) was missing two chairs. It is required by law that each patient's room meets the minimum requirements for furnishing. 4. The facility failed to provide minimum space requirements for activity or multi purpose rooms. On November 4, 2005 the surveyor accompanied by the Director of Maintenance made a detailed accounting of the multi-purpose area for the entire facility. Total area provided facility wide is 3591 square feet and total area required is 4647 square feet (30 sq. ft. for the first 100 beds and

F 514 SS=D 483.75(I)(1) CLINICAL RECORDS

gather or sit outside of their rooms.

The facility must maintain clinical records on each resident in accordance with accepted professional standards and practices that are complete; accurately documented; readily accessible; and systematically organized.

27 sq. ft. for all beds in excess of 100). Therefore

a deficit of 1056 sq. ft. exists. The second floor of.

unit one had no activities space for residents to

F 514 F514 Clinical Records

- a. Resident #6: No action necessary.

 Resident #3: No action necessary.
- b. Nursing will conduct random audit of MAR sheets to confirm accuracy of medication

If continuation sheet Page 20 of 22

RM CMS-2567(02-99) Previous Versions Obsolete

Event ID: LN9N11

Facility ID: 03012



To Whom It May Concern:

I have reviewed this project and I support Forest Haven's effort to provide additional space for resident activities and rehabilitation:

Name
Richard James JoHnson
Charles Hanson
Marian, Hanson
Marian, Hanson
Malla Spillister
Maille Voulk

Englut Adams

Address

306 THAKKER AVE 21228 617 & Edmondson Ceve 21228

150 Elmondson Dev. 120 Elmondson Lev. 117 Elmondson Care

715 Edwardson Aue 212 28

Det 3

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PELLICNER'S SIGN-IN SHEET

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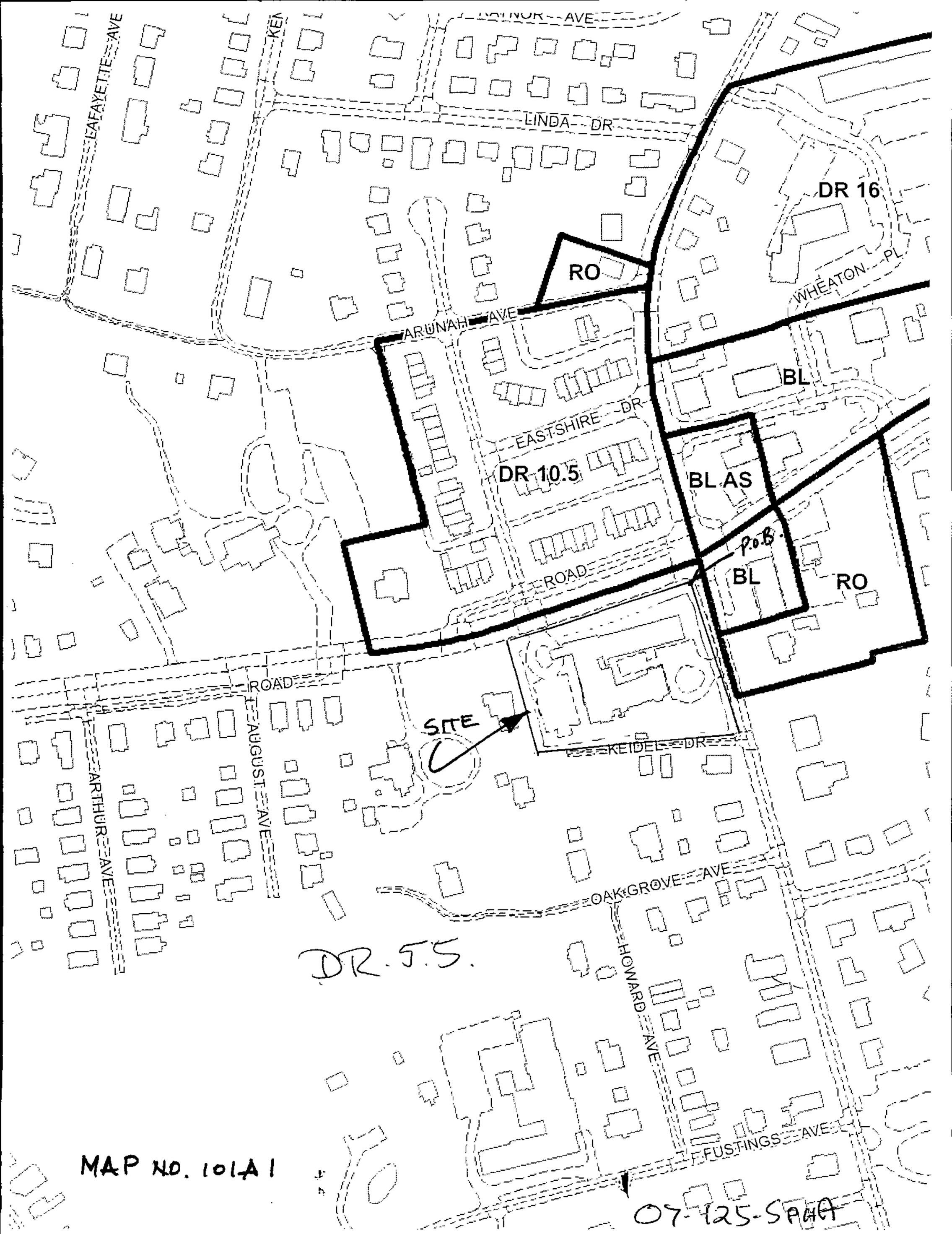
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
CITIZEN'S SIGN-IN SHEET

										C. Uden Me Garanie	NAME
									Este Mille Massesser	2109 DELETE LAKE	ADDRESS
	-										CITY, STATE, ZIP
											E- MAIL



Red Hill





= ____: