

M E M O R A N D U M

DATE: November 7, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0022-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 5, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

October 5, 2012

David H. Karceski, Esquire
Venable, LLP
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Variance
Case No.: 2013-0022-A
Property: 1734 York Road

Dear Mr. Karceski:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
1734 York Road; W/S York Road, 285' S		
Of centerline of Ridgely Road	*	OF ADMINISTRATIVE
8 th Election & 3 rd Councilmanic Districts		
Legal Owners: Windsor Mercy Holding II, LLC*		HEARINGS FOR
Contract Purchaser(s): Mercy Medical Center	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2013-022-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

AUG 14 2012

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of August, 2012, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

IN RE: PETITION FOR VARIANCE
(1734 York Road)
Windsor Mercy Holdings, II, LLC,
Legal Owner
Mercy Medical Center, Inc.,
Lessee
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2013-0022-A

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by David H. Karceski, Esquire with Venable, LLP, on behalf of the legal owner, Windsor Mercy Holdings, II, LLC, and the lessee, Mercy Medical Center, Inc. (the "Petitioners"). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows:

- (1) From § 450.4 Attachment 1, 7(b)(VII), to allow an existing freestanding joint identification sign height of 30' in lieu of the permitted 25',
- (2) From § 450.4 Attachment 1, 7(b)(V), to allow an existing freestanding joint identification sign with a sign face/area of 219 square feet in lieu of the permitted 100 square feet, and
- (3) From § 450.4 Attachment 1, 7(b)(IX), to display 16 lines of sign text with sign copy a minimum of 6" in height in lieu of the permitted 5 lines of text and required 8" height for sign copy.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibits 1A and 1B.

Appearing at the public hearing in support for this case was Leigh Howe, Ryan Potter, and David Woessner with Bohler Engineering, the consulting firm that prepared the site plan. David

ORDER RECEIVED FOR FILING

Date 10-5-12

By DW

H. Karceski, Esquire with Venable, LLP appeared as counsel and represented the Petitioners. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. There were no adverse ZAC comments received from any of the County review agencies.

Testimony and evidence revealed that the subject property is 5 ½ acres in size and is zoned BL-CCC. The site is improved with a strip shopping center and large medical clinic building. The site has one (1) freestanding enterprise sign, approved in Case No. 1995-0207-A. The Petitioners want to continue using the sign, but to do so requires variance relief given the County's sign abatement regulations.

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioners have met this test.

Petitioners' engineer David Woessner, who was accepted as an expert, testified via proffer that the shopping center is located along a busy commercial corridor, and he referred to a photo (Exhibit 3A) showing that the center is set back from York Road, and the sign is hard to identify among other signs and utility poles. Mr. Woessner opined that the site is irregularly shaped and that for its size (5 ½ acres) it has a small amount of frontage on York Road. Finally, due to a topographical change along York Road, the site is not easily identified, especially by motorists traveling southbound.

ORDER RECEIVED FOR FILING

Date 10-5-12

By DW

If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty and/or hardship, since they would need to dismantle and replace a sign that has been in use for over 15 years without complaint. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of community or Baltimore County opposition.

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

THEREFORE, IT IS ORDERED, this 5th day of October, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows:

- (1) From § 450.4 Attachment 1, 7(b)(VII), to allow an existing freestanding joint identification sign height of 30' in lieu of the permitted 25',
- (2) From § 450.4 Attachment 1, 7(b)(V), to allow an existing freestanding joint identification sign with a sign face/area of 219 square feet in lieu of the permitted 100 square feet, and
- (3) From § 450.4 Attachment 1, 7(b)(IX), to display 16 lines of sign text with sign copy a minimum of 6" in height in lieu of the permitted 5 lines of text and required 8" height for sign copy,

be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 10-5-12

By DW

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 10-5-12

By DLW



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 1734 York Road which is presently zoned BL-CCC
 Deed References: 29607 / 39 10 Digit Tax Account # 0 8 0 7 0 3 0 3 0 0
 Property Owner(s) Printed Name(s) Windsor Mercy Holdings II LLC

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. X a Variance from Section(s)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING.

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Mercy Medical Center, Inc.

Name - Type or Print John T. Topper, Senior VP & CFO

Signature [Signature]
345 St. Paul Place Baltimore, MD

Mailing Address 21202 / 410-332-9313 /
 Zip Code Telephone # Email Address

Attorney for Petitioner:

David H. Karceski, Esquire

Name - Type or Print [Signature]
 Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500, Towson
 Mailing Address City State MD
21204 / 410-494-6285 / dhkarceski@venable.com
 Zip Code Telephone # Email Address com

Legal Owners (Petitioners):

Windsor Mercy Holdings II LLC

Name #1 - Type or Print William N. Apollony, President

Signature #1 [Signature] Signature #2 [Signature]
7312 Parkway Drive, Hanover, MD

Mailing Address City State
21076 / 410-579-3195 /
 Zip Code Telephone # Email Address

Representative to be contacted:

David H. Karceski, Esquire

Name - Type or Print [Signature]
 Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500, Towson, MD
 Mailing Address City State
21204 / 410-494-6285 / dhkarceski@venable.com
 Zip Code Telephone # Email Address

CASE NUMBER 2013-0022-A Filing Date 8/1/12 Do Not Schedule Dates: Reviewer ZK

REV. 10/4/11

ORDER RECEIVED FOR FILING

Date 10-5-12

By [Signature]

Variance for 1734 York Road

Variance from Section 450.4 Attachment 1, 7(b)(VII) of the Baltimore County Zoning Regulations ("BCZR") to allow an existing freestanding joint identification sign height of 30 feet in lieu of the permitted 25 feet.

Variance from BCZR Section 450.4 Attachment 1, 7(b)(V) to allow an existing freestanding joint identification sign with a sign face/area of 219 square feet in lieu of the permitted 100 square feet.

Variance from BCZR Section 450.4 Attachment 1, 7(b)(IX) to display 16 lines of sign text with sign copy a minimum of 6 inches in height in lieu of the permitted 5 lines of text and required 8 inch height for sign copy.

Prior Order
2011

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE**

W side of York Road, 285 feet S from
the c/l of Ridgley Road
8th Election District
3rd Councilmanic District
(1734 York Road)

Windsor Mercy Holdings II LLC
Legal Owner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
*
* **Case No. 2011-0221-XA**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Exception and Variance filed by William N. Apollony, President of Windsor Mercy Holdings II, LLC, the legal property owner. The Special Exception is to permit a state-licensed medical clinic (freestanding ambulatory care facility) pursuant to Section 4C-102 of the Baltimore County Zoning Regulations ("B.C.Z.R."). The Variance request is as follows:

- From Section 4C-102.A.2 of the B.C.Z.R. to allow a state-licensed medical clinic (freestanding ambulatory care facility) to be a minimum of 144 feet from a residentially zoned property line in lieu of the required 750 feet; and
- From Section 232.3.B of the B.C.Z.R. to allow the rear yard for a commercial building where the rear lot line abuts a lot in a residence zone to be a minimum of 19 feet in lieu of the required 20 feet.

The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the Special Exception and Variance requests were Petitioner William N. Apollony, President of Windsor Mercy Holdings II, LLC, the legal property owner, Leigh T. Howe with Windsor Health Care, Ryan Potter, Esquire with Gallagher

Evelius & Jones, LLP, Robert Edwards and Helen Leek with Mercy Medical Center, George E. Love, M.D. with Mercy Medical Center, Robert Mulreaney, and Matthew Allen with Bohler Engineering, the professional engineer who prepared the site plan. Also attending in support of the requests was David H. Karceksi, Esquire and Kedrick Whitmore, Esquire of Venable LLP, attorney for the Petitioner. Also, Eric Rockel, President of the Timonium Community Council, Inc., was in attendance.

The Petitioner and affiliated entities propose to open on the subject property a state of the art medical facility with various specialties and treatment modalities under one roof. The facility is proposed for 1734 York Road (zoned BL-CCC), part of the Ridgely Plaza Shopping Center, and would occupy the space previously used by a Giant food store which closed some time ago.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Most County agencies offered no comment, although the Office of Planning on February 11, 2011, indicated that after a comprehensive review of the submittal and a conference with the Petitioner, it supports the request and believed the medical facility would be an enhancement to this section of the York Road corridor.

Turning first to the requested special exception and variance under B.C.Z.R. Section 4C-102, I am persuaded to grant the relief. The undersigned is intimately familiar with Bill 39-02 (now codified at B.C.Z.R. 4C-101 et. seq.) and its enhanced 750 foot setback and special exception requirements. The Baltimore County Council enacted the law in response to a rash of community complaints concerning certain State licensed medical clinics which opened immediately adjacent to residential areas. In fact, Baltimore County litigated for over seven years in defending a challenge to the law brought by a drug treatment clinic in Pikesville. (See Helping Hand LLC v.

Baltimore County). Bill 39-02 was ultimately upheld by the Federal court, but none of the concerns which animated that litigation are found in the present case.

Indeed, the medical clinic proposed in this case will be run by Mercy Hospital affiliated entities, which are recognized leaders in health care in the Maryland area. The facility will contain a vast array of physicians and will offer “one stop shopping” for medical services to area residents. The facility will contain “major medical equipment” (such as a CT scanner) and as such qualifies as a “state licensed medical clinic” under Section 19-3B-101 of the State Health-General Code. Hence the need for the special exception – since the facility will be located in a business zone – and the 750 foot setback.

Of course, special exception uses are presumptively valid, People’s Counsel v. Loyola College, 406 Md 54, 77 n. 23 (2008), and no evidence was offered here to rebut the presumption. Indeed, only one community member appeared at the hearing – Eric Rockel – and he is in fact the President of the Timonium Community Council. Mr. Rockel testified that the neighboring York Manor community offered no objection and that the President of the Lutherville Community Association initially had a concern about the project, but that the Petitioner had addressed that concern, meaning that group was also supportive of the project. Finally, Mr. Rockel testified that the facility will be a much-needed boost for a moribund shopping center that has been plagued with many vacancies.

Simply put, the project would not pose any threat to the health or safety of area residents, nor would it overburden roads or public infrastructure. The Planning Office and Petitioner’s engineer – Matthew Allen – so opined, and the State Highway Administration, in a revised comment marked as Petitioner’s Exhibit 4, advised the project will not cause congestion in area roads. As is apparent from the architectural drawings submitted at the hearing (Petitioner’s

Exhibit 7), the Mercy facility will be an attractive and positive addition to this area of the County. Having satisfied the factors set forth in B.C.Z.R Section 502 and the test applied in cases such as Schultz v. Pritts, 291 Md 1 (1981), I find the special exception under B.C.Z.R. 4C-102 for this freestanding ambulatory care facility should be granted.

That provision of the zoning regulations also imposes a 750 foot setback requirement (from a residentially zoned line) and I also find that Petitioner's variance request should be granted to allow this facility to be located 130 feet from a residentially zoned line. Mr. Allen testified – via proffer – that the property in question is uniquely shaped with “jagged edges.” Mr. Allen testified the shopping center was originally approved in the 1970s (as shown on the 1972 Plan marked as Petitioner's Exhibit 5), and that Mercy was proposing a unique, readaptive use from the food store which originally occupied the site. Mr. Allen also opined that Petitioner would experience a hardship or practical difficulty if variance relief were not granted, given that it could not satisfy the 750 foot setback requirement anywhere on the site, and could therefore not open the facility.

With respect to the variance sought under Section 232.3.B of the B.C.Z.R., the above comments concerning the uniqueness of the site are likewise applicable. The variance seeks a rear yard setback of 19 feet instead of the required 20 feet, and Petitioner's engineer testified that in reality the discrepancy will be on the order of several inches. Finally, the rear lot in question faces athletic fields owned by the School Board, and though that property is zoned residential (DR 3.5) and triggers B.C.Z.R. Section 232.3.B, the concerns addressed by that regulation are not really implicated here since a dwelling is not located on the parcel.

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests, that strict compliance with the Zoning Regulations

for Baltimore County would result in practical difficulty or unreasonable hardship, and that the variance request 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.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered, I find that Petitioner's Special Exception and Variance requests should be granted.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 21st day of March, 2011, that Petitioner's request for Special Exception to permit a state-licensed medical clinic (freestanding ambulatory care facility) pursuant to Section 4C-102 of the Baltimore County Zoning Regulations ("B.C.Z.R.") be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's Variance requests as follows:

- From Section 4C-102.A.2 of the B.C.Z.R. to allow a state-licensed medical clinic (freestanding ambulatory care facility) to be a minimum of 144 feet from a residentially zoned property line in lieu of the required 750 feet; and
- From Section 232.3.B of the B.C.Z.R. to allow the rear yard for a commercial building where the rear lot line abuts a lot in a residence zone to be a minimum of 19 feet in lieu of the required 20 feet

be and are hereby GRANTED.

The granting of the above relief shall be subject, however, to the following condition:

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

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/pz

PROPERTY DESCRIPTION (PARCEL 524)

BEGINNING AT A POINT ON THE WESTERLY SIDE OF YORK ROAD (MD ROUTE 45), EXISTING VARIABLE WIDTH RIGHT OF WAY, AT A POINT LYING 285 FEET SOUTHERLY FROM THE CENTERLINE OF THE PAVING OF RIDGELY ROAD AND RUNNING:

1. SOUTH 20 DEGREES 09 MINUTES 58 SECONDS EAST 247.89 FEET TO A POINT, AND;
2. SOUTH 74 DEGREES 30 MINUTES 47 SECONDS WEST 135.91 FEET TO A POINT, AND;
3. SOUTH 20 DEGREES 29 MINUTES 34 SECONDS EAST 134.06 FEET TO A POINT, AND;
4. NORTH 86 DEGREES 36 MINUTES 15 SECONDS WEST 45.60 FEET TO A POINT, AND;
5. SOUTH 03 DEGREES 17 MINUTES 45 SECONDS WEST 22.75 FEET TO A POINT, AND;
6. SOUTH 81 DEGREES 04 MINUTES 45 SECONDS WEST 122.88 FEET TO A POINT, AND;
7. SOUTH 77 DEGREES 54 MINUTES 45 SECONDS WEST 39.16 FEET TO A POINT, AND;
8. NORTH 20 DEGREES 27 MINUTES 58 SECONDS WEST BINDING ALONG (BUT NOT NECESSARILY ON) THE FACE OF THE AFORESAID MASONRY BUILDING HERETOFORE CONSTRUCTED 62.70 FEET TO A POINT APPROXIMATELY 2.6 FEET BEYOND THE FACE OF AN INTERSECTING WALL TO A POINT WITHIN THE BUILDING, AND;
9. NORTH 69 DEGREES 32 MINUTES 02 SECONDS EAST 10.00 FEET TO A POINT, AND;
10. NORTH 20 DEGREES 27 MINUTES 58 SECONDS WEST 121.25 FEET TO A POINT, AND;
11. SOUTH 69 DEGREES 31 MINUTES 10 SECONDS WEST 89.00 FEET TO A POINT, AND;
12. NORTH 20 DEGREES 05 MINUTES 50 SECONDS WEST 199.12 FEET TO A POINT, AND;
13. NORTH 72 DEGREES 18 MINUTES 05 SECONDS EAST 98.84 FEET TO A POINT, AND;
14. NORTH 53 DEGREES 37 MINUTES 45 SECONDS EAST 99.72 FEET TO A POINT, AND;
15. SOUTH 25 DEGREES 43 MINUTES 37 SECONDS EAST 63.54 FEET TO A POINT, AND;
16. NORTH 69 DEGREES 33 MINUTES 33 SECONDS EAST 223.90 FEET TO THE POINT OF BEGINNING HEREOF.

CONTAINING 128,258 SQUARE FEET (2.944 ACRES) OF LAND, MORE OR LESS.



2013-0022-A

PROPERTY DESCRIPTION (PARCEL 524)

BEGINNING AT A POINT ON THE WESTERLY SIDE OF YORK ROAD (MD ROUTE 45), EXISTING VARIABLE WIDTH RIGHT OF WAY, AT A POINT LYING 285 FEET SOUTHERLY FROM THE CENTERLINE OF THE PAVING OF RIDGELY ROAD AND RUNNING:

1. SOUTH 20 DEGREES 09 MINUTES 58 SECONDS EAST 247.89 FEET TO A POINT, AND;
2. SOUTH 74 DEGREES 30 MINUTES 47 SECONDS WEST 135.91 FEET TO A POINT, AND;
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5. SOUTH 03 DEGREES 17 MINUTES 45 SECONDS WEST 22.75 FEET TO A POINT, AND;
6. SOUTH 81 DEGREES 04 MINUTES 45 SECONDS WEST 122.88 FEET TO A POINT, AND;
7. SOUTH 77 DEGREES 54 MINUTES 45 SECONDS WEST 39.16 FEET TO A POINT, AND;
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11. SOUTH 69 DEGREES 31 MINUTES 10 SECONDS WEST 89.00 FEET TO A POINT, AND;
12. NORTH 20 DEGREES 05 MINUTES 50 SECONDS WEST 199.12 FEET TO A POINT, AND;
13. NORTH 72 DEGREES 18 MINUTES 05 SECONDS EAST 98.84 FEET TO A POINT, AND;
14. NORTH 53 DEGREES 37 MINUTES 45 SECONDS EAST 99.72 FEET TO A POINT, AND;
15. SOUTH 25 DEGREES 43 MINUTES 37 SECONDS EAST 63.54 FEET TO A POINT, AND;
16. NORTH 69 DEGREES 33 MINUTES 33 SECONDS EAST 223.90 FEET TO THE POINT OF BEGINNING HEREOF.

CONTAINING 128,258 SQUARE FEET (2.944 ACRES) OF LAND, MORE OR LESS.



2013-0022-A

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2013-0022-A

Petitioner: Windsor Mercy Holdings II LLC

Address or Location: 1734 York Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barbara Lukasevich

Address: 210 W. Pennsylvania Avenue

Suite 500

Towson, MD

Telephone Number: (410) 494-6352

Revised 2/20/98 - SCJ

July 31, 2012

David H. Karceski

Hand Delivered

Mr. W. Carl Richards, Jr., Supervisor
Zoning Review Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

T (410) 494-6285
F 410.821.0147
dkarceski@venable.com

Re: Petition for Variance
Petitioner: Windsor Mercy Holdings II LLC
Location: 1734 York Road

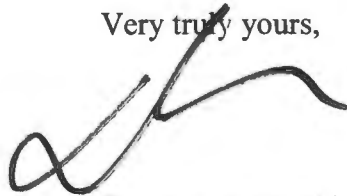
Dear Mr. Richards:

I am drop filing the enclosed Petition for Variance for the above referenced property. I do not know of any violations of any zoning laws on the property. With this letter, I have enclosed the following documents:

1. Petition for Variance (3)
2. Description (3)
3. Site Plans (12)
4. Newspaper advertising form (1)
5. Zoning Map (1)
6. Check in the amount of \$385.00

If you have any questions or concerns regarding this filing, please give me a call.

Very truly yours,



David H. Karceski

DHK/jaw

Enclosures

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **87198**
 Date: **8/7/12**

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					385.00

Total: **385.00**

Rec From: **Venable LLP D. Koweski**

For: **1734 York Rd**

VARANCC

2013-0022-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS: **VENABLE LLP** DATE: **8/7/2012**
 REG NO: **0005** MAILING: **PO BOX 100**
 RECEIPT NO: **630116** DATE: **8/7/2012** OFF: **DRLF**
 Recpt Tot: **\$385.00**
 \$385.00 1.00 CR
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 13, 2012 Issue - Jeffersonian

Please forward billing to:

Barbara Lukasevich
Venable

410-494-6352

210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2013-0022-A

1734 York Road

W/s of York Road, 285 ft. +/- south of centerline of Ridgely Road

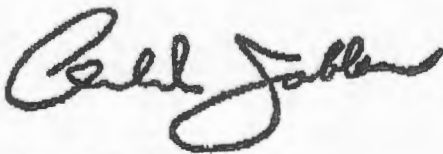
8th Election District – 3rd Councilmanic District

Legal Owners: Windsor Mercy Holdings, LLC

Contract Purchaser: Mercy Medical Center, Inc.

Variance to allow an existing freestanding joint identification sign height of 30 feet in lieu of the permitted 25 feet; to allow an existing freestanding joint identification sign with a sign/face area of 219 square feet in lieu of the permitted 100 square feet; to display 16 lines of sign text with sign copy a minimum of 6 inches in height in lieu of the permitted 5 lines of text and required 8 inch height for sign copy.

Hearing: Thursday, October 4, 2012 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive
August 29, 2012

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

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2013-0022-A

1734 York Road

W/s of York Road, 285 ft. +/- south of centerline of Ridgely Road

8th Election District – 3rd Councilmanic District

Legal Owners: Windsor Mercy Holdings, LLC

Contract Purchaser: Mercy Medical Center, Inc.

Variance to allow an existing freestanding joint identification sign height of 30 feet in lieu of the permitted 25 feet; to allow an existing freestanding joint identification sign with a sign/face area of 219 square feet in lieu of the permitted 100 square feet; to display 16 lines of sign text with sign copy a minimum of 6 inches in height in lieu of the permitted 5 lines of text and required 8 inch height for sign copy.

Hearing: Thursday, October 4, 2012 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Ave., Ste. 500, Towson 21204
John Topper, Mercy Medical Center, Inc., 345 St. Paul Place, Baltimore 21202
William Apollony, Windsor Mercy Holdings, 7312 Parkway Dr., Hanover 21076

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, SEPTEMBER 14, 2012.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

NOTICE OF ZONING HEARING

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1734 York Road
W/S of York Road, 285 ft. +/- south of centerline of
Ridgely Road
8th Election District - 3rd Councilmanic District
Legal Owner(s): Windsor Mercy Holdings, LLC
Contract Purchaser: Mercy Medical Center, Inc.

Variance: to allow an existing freestanding joint identification sign height of 30 feet in lieu of the permitted 25 feet; to allow an existing freestanding joint identification sign with a sign/face area of 219 square feet in lieu of the permitted 100 square feet; to display 16 lines of sign text with sign copy a minimum of 6 inches in height in lieu of the permitted 5 lines of text and required 8 inch height for sign copy.

Hearing: Thursday, October 4, 2012 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
9/09/13 Sept. 13 874112



501 N. Calvert Street, Baltimore, MD 21278

September 13, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, the publication appearing on September 13, 2012.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson



KEVIN KAMENETZ
County Executive

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

September 26, 2012

Windsor Mercy Holdings II LLC
William N. Apollony, President
7312 Parkway Drive
Hanover MD 21076

RE: Case Number: 2013-0022 A, Address: 1734 York Road

Dear Mr. Apollony:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on , 2012. This letter is not an approval, but only a **NOTIFICATION**.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
David H. Karceski, Esq., 210 W. Pennsylvania Avenue, Ste. 500, Towson MD 21204
Mercy Medical Center, John Topper Sr., VP & CEO, 345 St. Paul Place, Baltimore MD 21202

10/4
11 am**Debra Wiley - ZAC Comments - Distribution Mtg. of 8/13**

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 8/15/2012 11:09 AM
Subject: ZAC Comments - Distribution Mtg. of 8/13

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2013-0022-A - 1734 York Rd.

No hearing date in data base as of 8/15

2013-0024-A - 2533 Farringdon Rd.

Administrative Variance - Closing Date: 9/3

2013-0025-A - 7 Overhill Rd.

Administrative Variance - Closing Date: 9/3

2013-0026-SPHX - 13801 Jarrettsville Pike

No hearing date in data base as of 8/15

2013-0027-A - 1508 Leslie Road

No hearing date in data base as of 8/15

2013-0028-A - 1319 Malbay Drive

Administrative Variance - Closing Date: 9/3

2013-0029-A - 309 Delight Meadows Road

Administrative Variance - Closing Date: 8/27

2013-0030-A - 5401 Baltimore National Pike

No hearing date in data base as of 8/15

2013-0031-A - 12 Oakwood Road

No hearing date in data base as of 8/15

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Maryland Department of Assessments and Taxation
Real Property Data Search (vw2.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier:

District - 08 Account Number - 0807030300

Owner Information

Owner Name: WINDSOR MERCY HOLDINGS II LLC **Use:** COMMERCIAL
Principal Residence: NO
Mailing Address: 7312 PARKWAY DR
HANOVER MD 21076-1158 **Deed Reference:** 1) /29607/ 00039
2)

Location & Structure Information

Premises Address **Legal Description**
1734 YORK RD 2.932 AC
0-0000 WS YORK RD
250 S RIDGELY RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0060	0018	0524		0000				2	

Plat Ref:

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1964	40344	2.9300 AC	14

Stories **Basement** **Type** **Exterior**
MEDICAL OFFICE BUILDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2012	07/01/2013
Land	3,296,200	3,296,200		
Improvements:	4,698,100	5,106,700		
Total:	7,994,300	8,402,900	8,266,700	8,402,900
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
HADDON CHARLES LIMITED PARTNERSHIP	06/23/2010	\$4,800,000
Type: ARMS LENGTH MULTIPLE	Deed1: /29607/ 00039	Deed2:
Seller: B F SAUL REAL ES TATE INVESTMENT	Date: 09/28/1989	Price: \$1,850,000
Type: ARMS LENGTH IMPROVED	Deed1: /08285/ 00148	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

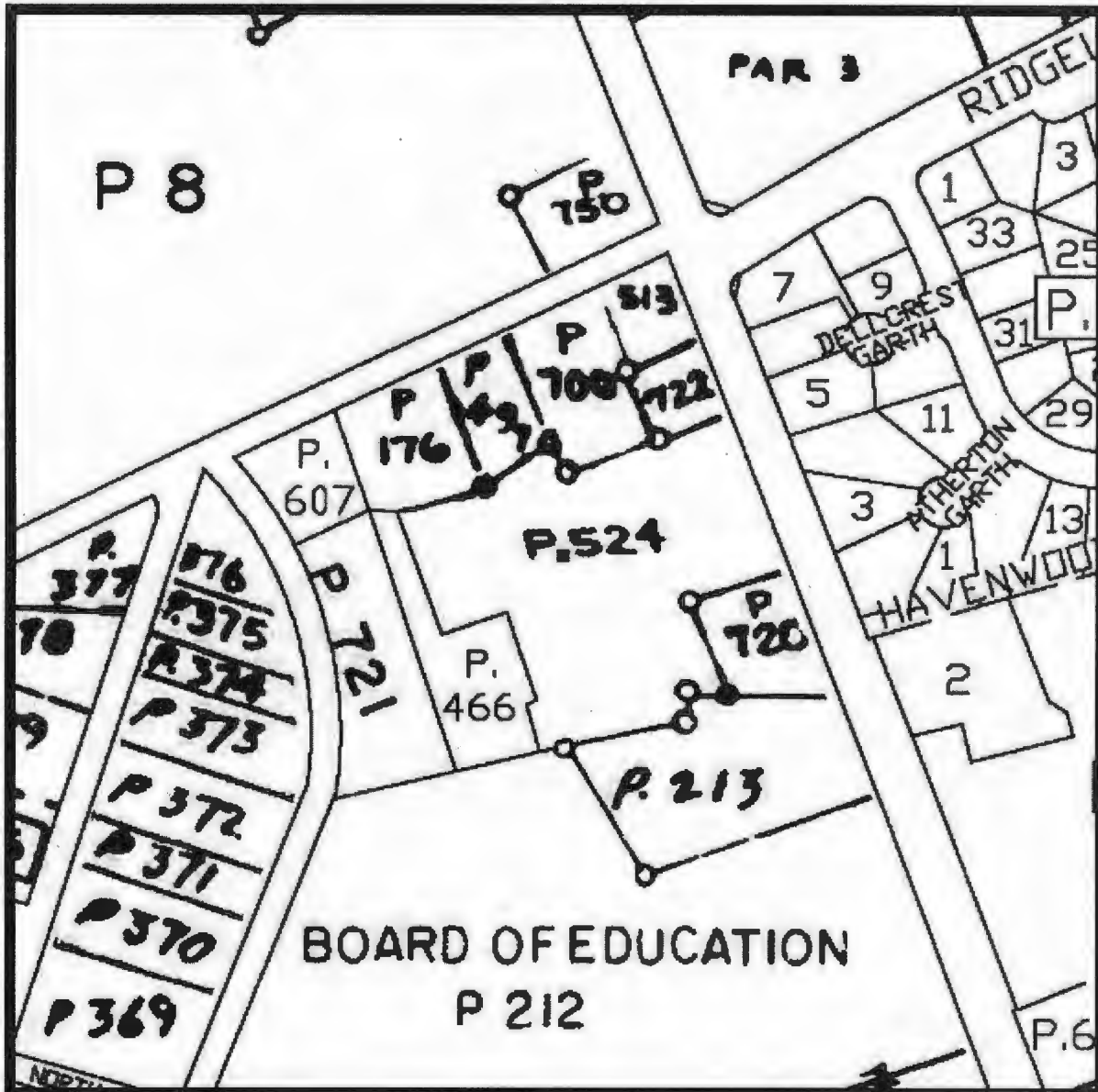
Homestead Application Information

Homestead Application Status: No Application



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 08 Account Number - 0807030300

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2010.
For more information on electronic mapping applications, visit the Maryland Department of Planning
web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director **DATE:** August 17, 2012.
2012

Department of Permits, Approvals
And Inspections

FROM: Dennis A. ^{DAK}Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For August 27, 2012
Item Nos. 2013-0022, 0024, 0025, 0026, 0027, 0028, 0029, 0030 and 0031

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC08272012-NO COMMENTS.doc

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 8-14-12

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2013-0022-A
Variance
Windsor Mercy Holdings II LLC
William N. Apollony
MD45
1734 York Road.

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 8/13/12. A field inspection and internal review reveals that an entrance onto MD45 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 20130022A.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/raz

CASE NAME 1754 104 Rd.
CASE NUMBER 2013-22-A
DATE 10/9/12

[illegible]

JB 10/14
11 am

Case No.: 2013-0022-A

Exhibit Sheet

10/11/12
10/19/12

Petitioner/Developer

Protestant

No. 1	Site Plan 1A - Site Plan 1B - Sign detail	
No. 2	Resume - Woegsner	
No. 3	3A-3D Color Photos	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S
EXHIBIT NO. 3A



PETITIONER'S

EXHIBIT NO.

3B



PETITIONER' S

EXHIBIT NO. 3C

Advance
Auto Parts



LEASE 65
HR HR
470.394.8800

PETITIONER'S

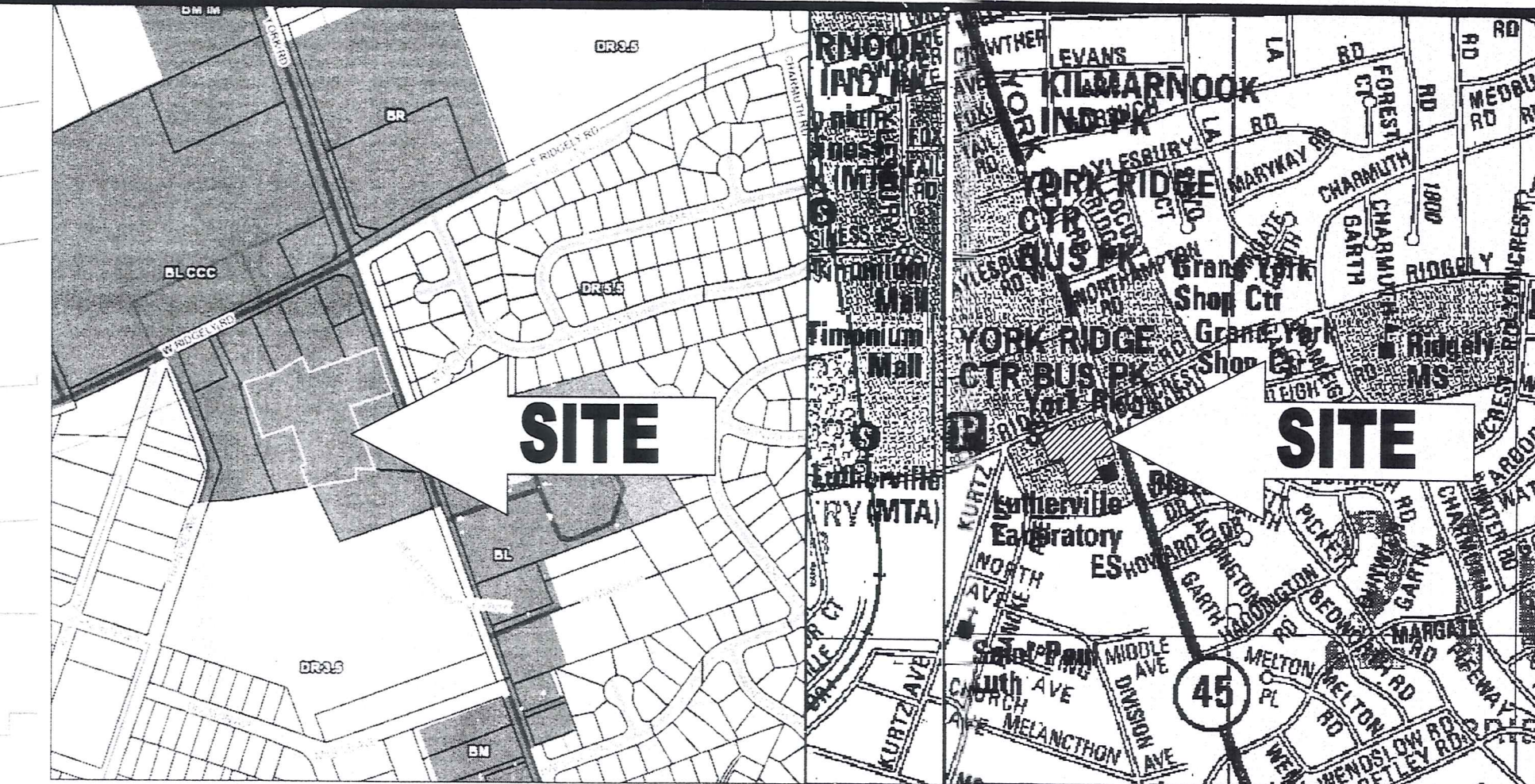
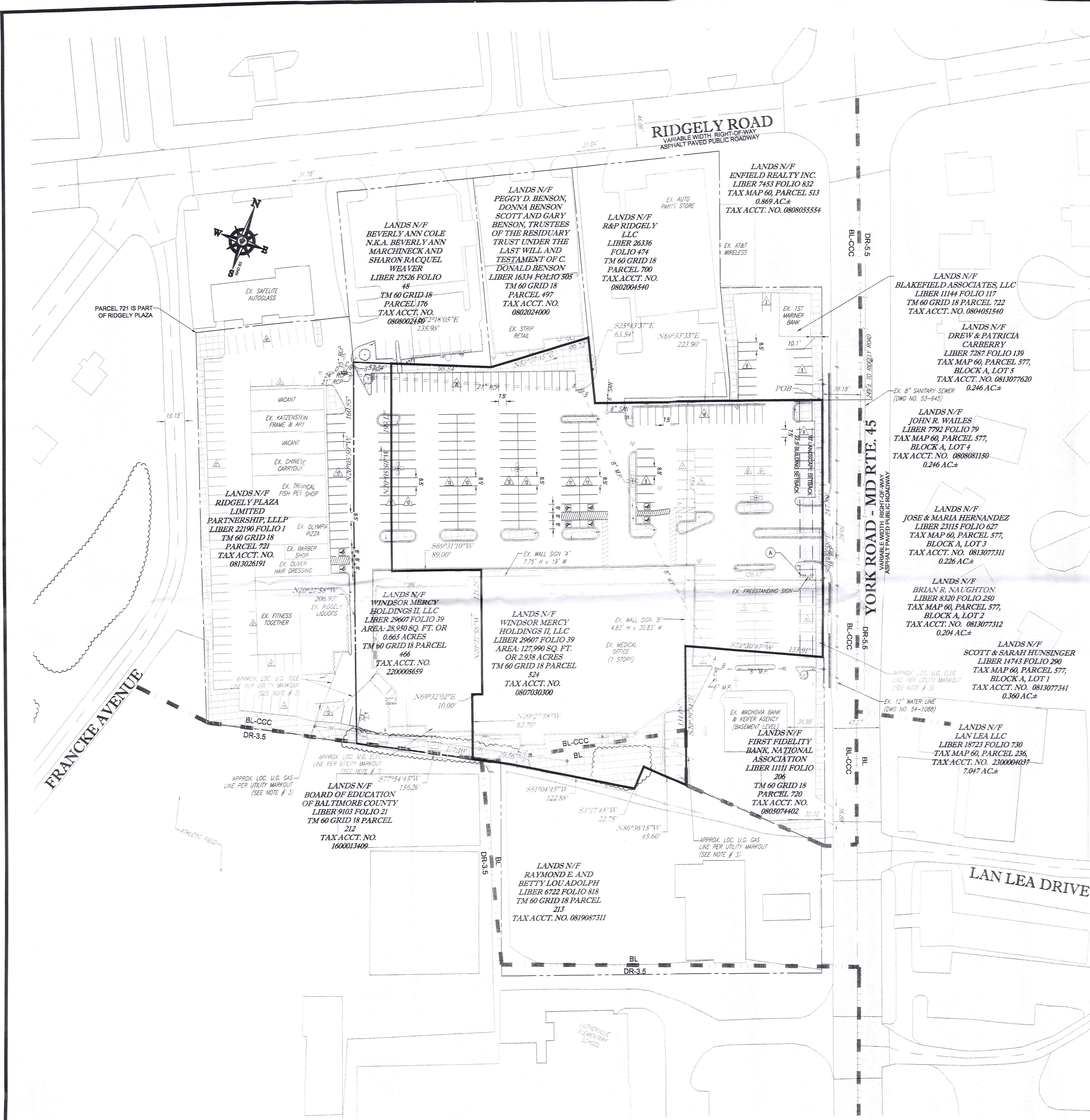
EXHIBIT NO.

30

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>8-17</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>8-14</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>2011-0221-XA, 2010-0259-A</u> <u>and 1995-0207A</u>)	<u>w/d</u>
NEWSPAPER ADVERTISEMENT	Date: <u>9-13-12</u>	<u>The Jeffersonian</u>
SIGN POSTING	Date: <u>9-14-12</u>	by <u>Black</u> (20 days)
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____



ZONING MAP
SCALE: 1"=500'

LOCATION MAP
COPYRIGHT ADD THE MAP PEOPLE
PERMIT USE NO. 20602153-5
SCALE: 1"=1000'

SITE INFORMATION

1. SITE ADDRESS:
1734 YORK ROAD
LUTHERVILLE, MD 21093
2. SITE TABULATIONS:
PARCEL 720 = 0.497 AC.±
PARCEL 524 = 2.938 AC.±
PARCEL 721 = 1.360 AC.±
PARCEL 466 = 0.665 AC.±
PARCEL 722 = 0.238 AC.±
TOTAL = 5.698 AC.±
3. COUNTY INFORMATION
TAX MAP: 60
PARCEL: 524 & 466
CENSUS TRACT: 40800
COUNTY COUNCIL DISTRICT: 3
ELECTION DISTRICT: 2ND
ZONING MAP NO.: 0
4. TAX ACCOUNT NO.:
PARCEL 524 & 466 = 08-07-030300
5. EXISTING USE: FREE STANDING AMBULATORY CARE FACILITY WITHIN EX. MEDICAL OFFICE
6. PARCEL 524 AND 466 ZONE: BL-COC (BUSINESS LOCAL - COMMERCIAL COMMUNITY CORE)
7. THIS SITE IS LOCATED IN ZONE X (AREAS OF MINIMAL FLOODING) PER PLAN FEMA MAP 2400100265F, DATED SEPTEMBER 26, 2008.
8. THE SUBJECT SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICES MAP AREAS.
9. PREVIOUS COMMERCIAL PERMITS:
A. 8712092
B. 8743492
C. 8744836
D. 8745872
E. 8012882
F. 8066888
G. 8107728
H. 8132142
I. B330827
J. B372159
10. BUILDING AREA (PARCELS 524 & 466):
TOTAL: 45,951 S.F.
11. PARKING:
PARCELS 720, 524, 721, 466, & 722 ARE SUBJECT TO A RECIPROCAL EASEMENT FOR PARKING, DRIVEWAY ENTRANCES, ETC. AS DETAILED IN A DEED DATED APRIL 1, 1968 AND RECORDED IN LIBER 4826 FOLIO 087.
REQUIRED:
PARCEL 720:
WACHOVIA BANK:
2,950 S.F. X 3.3/1,000 S.F. = 9.77 SPACES
THE KAIFER AGENCY (BASEMENT LEVEL - GENERAL OFFICE):
2,950 S.F. X 3.3/1,000 S.F. = 9.77 SPACES
PARCEL 524, 466:
LUTHERVILLE PERSONAL PHYSICIANS CENTER:
45,951 S.F. X 4.5/1,000 S.F. = 206.78 SPACES
PARCEL 721:
VACANT:
2,200 S.F. X 5/1,000 S.F. = 6 SPACES
KATZENSTEIN FRAME & ART:
1,080 S.F. X 5/1,000 S.F. = 5.4 SPACES
VACANT:
1,744 S.F. X 5/1,000 S.F. = 8.72 SPACES
CHINESE CARRYOUT:
2,260 S.F. X 5/1,000 S.F. = 6.3 SPACES
TROPICAL FISH/PET SHOP:
2,300 S.F. X 5/1,000 S.F. = 11.5 SPACES
OLYMPIA PIZZA:
PATRON AREA (STANDARD):
552 S.F. X 16/1,000 S.F. = 8.32 SPACES
CARRYOUT:
984 S.F. X 5/1,000 S.F. = 4.92 SPACES
SAV'S BARBER SHOP:
600 S.F. X 5/1,000 S.F. = 3 SPACES
OLIVER HAIR DRESSING:
1,510 S.F. X 5/1,000 S.F. = 7.55 SPACES
FITNESS TOGETHER:
2,641 S.F. X 5/1,000 S.F. = 13.21 SPACES
RIDGELY LIQUOR STORE:
3,550 S.F. X 5/1,000 S.F. = 17.75 SPACES
PARCEL 722:
1ST MARINER BANK:
1,200 S.F. X 3.3/1,000 S.F. = 3.96 SPACES
TOTAL REQUIRED = 322.94 SPACES
TOTAL PROVIDED = 337 SPACES
12. AMENITY OPEN SPACE:
COMPUTED FOR PARCELS 720, 524, 721, 466, & 722
REQUIRED: 0.2 X GFA (MINIMUM)
G.F.A. = 71,552 S.F.
MIN. A.O.S. = 0.2 X 71,552 S.F. = 14,310 S.F.
PROVIDED: A.O.S. = 26,561 S.F.
PROVIDED A.O.S. RATIO = 26,561/71,552 = 0.37
13. FLOOR AREA RATIO:
PARCEL 524 & 466:
MAX ALLOWABLE FOR SHOPPING CENTER: 4.0
46,866 S.F. / 157,165 S.F. = 0.30
14. SITE IS SERVED BY PUBLIC WATER AND SEWER.
15. BUILDING HEIGHT: 40' MAX.
16. SUBJECT PROPERTY IS NOT UNDER ANY ACTIVE ZONING VIOLATIONS.

ZONING HISTORY

1. CASE NO. 95-207-A
VARIANCE TO PERMIT ONE (1) SHOPPING CENTER IDENTIFICATION SIGN OF 200 S.F. PER FACE (400 S.F. TOTAL) IN LIEU OF THE TWO (2) SIGNS OF 150 S.F. PER FACE PERMITTED (800 S.F. TOTAL), AND FROM SECTION 4-114.5.D TO PERMIT A HEIGHT FOR SAID SHOPPING CENTER IDENTIFICATION SIGN OF 30' IN LIEU OF THE MAXIMUM ALLOWED 25', GRANTED 2/15/95.
2. CASE NO. 2010-288-A
VARIANCE TO PERMIT A PROPOSED WIRELESS TELECOMMUNICATIONS TOWER WITH A SETBACK OF 131 FEET TO A RESIDENTIAL PROPERTY LINE IN LIEU OF THE MINIMUM REQUIRED 200 FT. WITHDRAWN AT APPLICANTS REQUEST 8/29/10
3. CASE NO. 2011-221-XA
SPECIAL EXCEPTION TO PERMIT A STATE-LICENSED MEDICAL CLINIC (FREESTANDING AMBULATORY CARE FACILITY) PURSUANT TO SECTION 4C-102.F OF THE BALTIMORE COUNTY ZONING REGULATIONS ("B.C.Z.R."). VARIANCE REQUEST IS AS FOLLOWS:
FROM SECTION 4C-102.A.2 OF THE B.C.Z.R. TO ALLOW A STATE-LICENSED MEDICAL CLINIC (FREESTANDING AMBULATORY CARE FACILITY) TO BE A MINIMUM OF 144 FEET FROM A RESIDENTIALLY ZONED PROPERTY LINE IN LIEU OF THE REQUIRED 750 FEET; AND FROM SECTION 232.3.B OF THE B.C.Z.R. TO ALLOW THE REAR YARD FOR A COMMERCIAL BUILDING WHERE THE REAR LOT ABUTS A LOT IN RESIDENCE ZONE TO BE A MINIMUM OF 16 FEET IN LIEU OF THE REQUIRED 20 FEET.
GRANTED 3/21/2011
4. DRC #031511A: PLAN DATED 3/29/11
APPROVED 3/30/11

PROPOSED SIGNAGE CALCULATION
(FOR EXISTING FREESTANDING JOINT IDENTIFICATION SIGN)

ALLOWED:
MAX. HEIGHT: 28 FT
AREA: 100 SF MAX
5 LINES OF TEXT WITH 8 INCH MINIMUM LETTER HEIGHT

PROPOSED:
MAX. HEIGHT SIGN 'A': 29.83'
AREA: 218.30 SF
16 LINES OF TEXT WITH 6 INCH LETTER HEIGHT

OWNER
WINDSOR MERCY HOLDINGS II LLC
1732 PARKWAY DRIVE
HANOVER, MD 21076
PARCELS 524 & 466

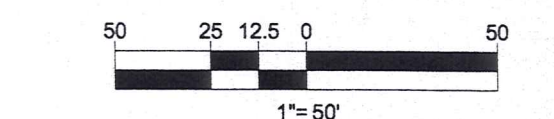
APPLICANT/LESSEE
MERCY MEDICAL CENTER INC.
200 ST PAUL PLACE, SUITE 2400
BALTIMORE, MD 21202

LEGEND

AMENITY OPEN SPACE

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT. WORK SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS AND REQUIREMENTS OF THE DRAWINGS AND SPECIFICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES AND PUBLIC ROADS AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES AND STRUCTURES ON THE SITE AND ADJACENT PROPERTIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING THE SITE TO ITS ORIGINAL CONDITION OR BETTER AFTER COMPLETION OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE AND BONDING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ADEQUATE RECORDS OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE PROJECT ENGINEER OF ANY CHANGES OR VIOLATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE PROJECT ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ADEQUATE RECORDS OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE PROJECT ENGINEER OF ANY CHANGES OR VIOLATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE PROJECT ENGINEER.

2013-0022-A



PROFESSIONAL CERTIFICATION
I, DAVE C. WOESSNER, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 14446, EXPIRATION DATE: 8/31/13

BOHLER ENGINEERING

CORPORATE OFFICE:
WARREN, NJ

OFFICES:
• BOSTON, MA
• CHICAGO, IL
• CINCINNATI, OH
• DALLAS, TX
• DENVER, CO
• FORT LAUDERDALE, FL
• HARTFORD, CT
• KANSAS CITY, MO
• LOS ANGELES, CA
• MIAMI, FL
• MINNEAPOLIS, MN
• NEW YORK, NY
• PHILADELPHIA, PA
• PORTLAND, ME
• RICHMOND, VA
• ST. LOUIS, MO
• TAMPA, FL
• WASHINGTON, DC

CIVIL & CONSULTING ENGINEERS
SURVEYORS
PROJECT MANAGERS
ENVIRONMENTAL CONSULTANTS
LANDSCAPE ARCHITECTS

REVISIONS			
REV	DATE	COMMENT	BY

THE FOLLOWING STATES REQUIRE NOTIFICATION BY EXISTING, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE (IN VIRGINIA, MARYLAND, AND DELAWARE 811) (VA 1-800-285-6848) (PA 1-800-345-7778) (DE 1-800-282-8555) (VA 1-800-552-7001) (MD 1-800-251-7777) (DE 1-800-282-8555)

NOT APPROVED FOR CONSTRUCTION

PROJECT NO.: MD102050
DRAWN BY: RLB
CHECKED BY: CWA
DATE: 8/8/12
SCALE: 1"=50'
CAD I.D.: SP1

SIGN VARIANCE PLAN
FOR
MERCY MEDICAL CENTER INC.
LOCATION OF SITE
1734 YORK ROAD
LUTHERVILLE, MD 21093

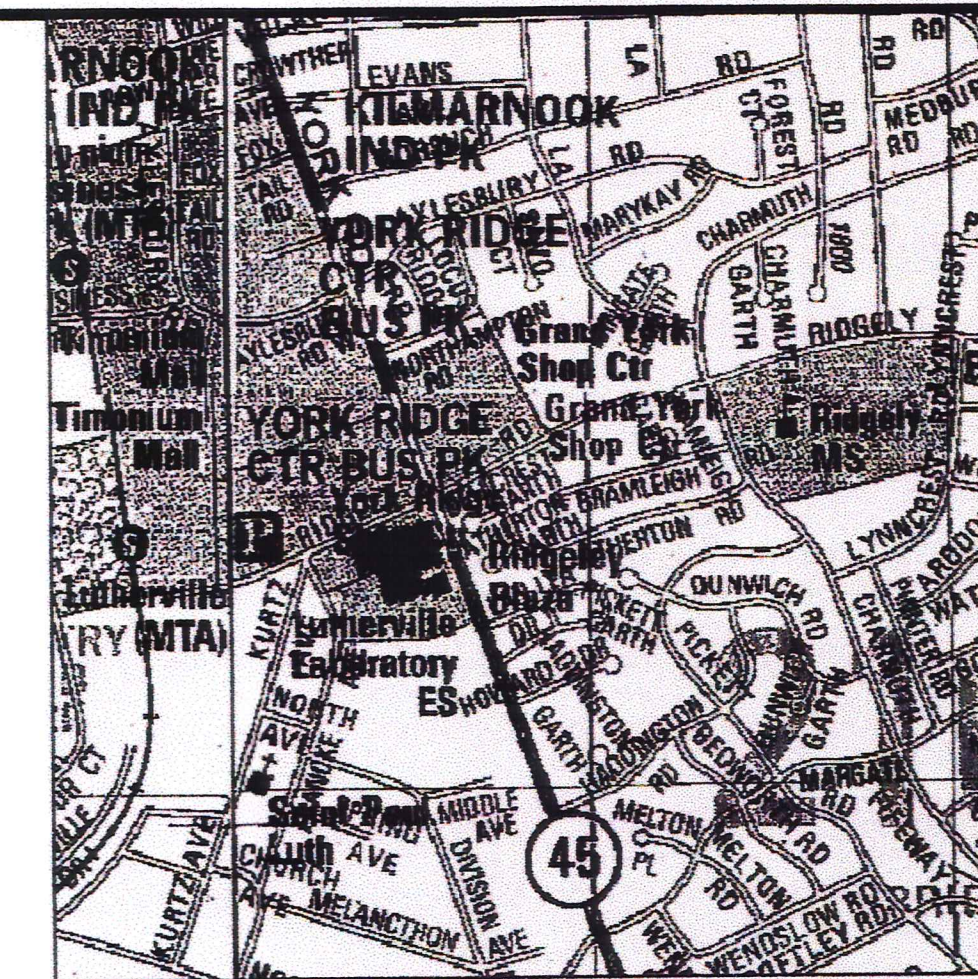
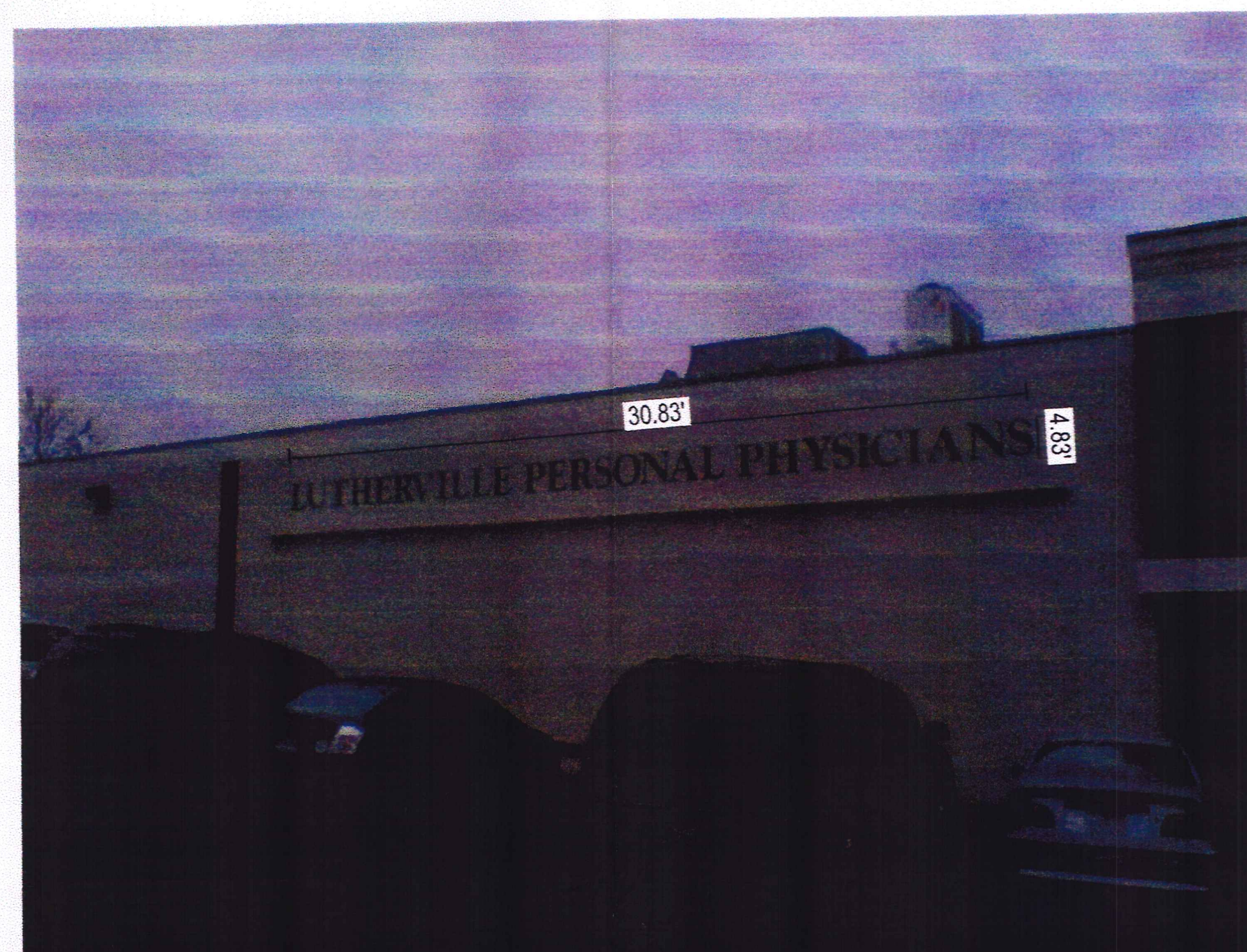
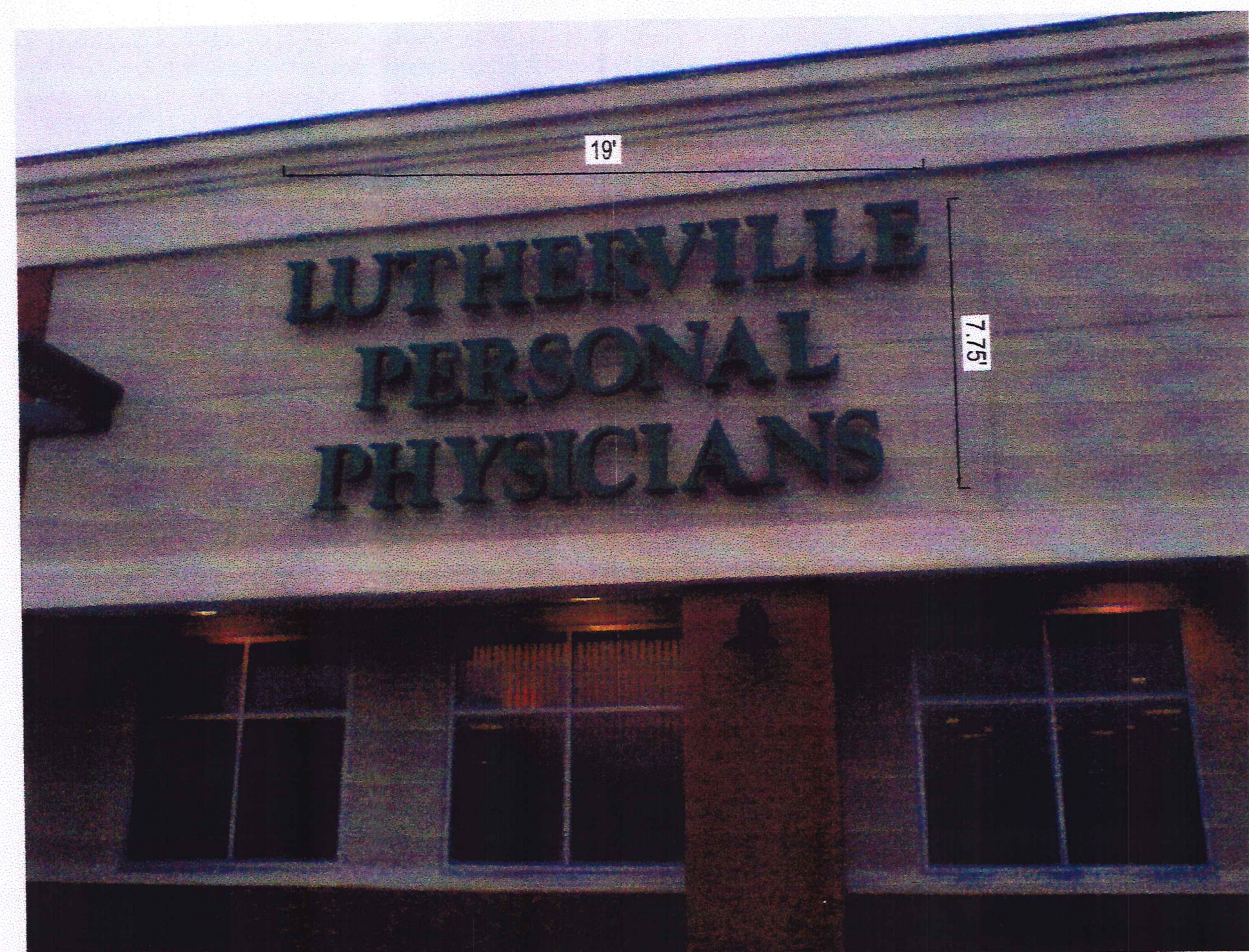
BOHLER ENGINEERING
901 DULANEY VALLEY ROAD, SUITE 801
TOWSON, MARYLAND 21204
Phone: (410) 821-7900
Fax: (410) 821-7987
www.BohlerEngineering.com

DAVE C. WOESSNER
PROFESSIONAL ENGINEER
8/4/2012

SHEET TITLE:
PLAN TO ACCOMPANY PETITION FOR VARIANCE

SHEET NUMBER:
1
OF 2

X

[illegible]

THE FOLLOWING STATES REQUIRE NOTIFICATION OF EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARED TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE (IN VIRGINIA, MARYLAND, AND DELAWARE 811):
(WV 1-800-245-4848) (PA 1-800-242-1778)
(VA 1-800-552-7001) (MD 1-800-251-7777) (DE 1-800-282-2822)

NOT APPROVED FOR
CONSTRUCTION

PROJECT No.:	MD102
DRAWN BY:	R
CHECKED BY:	C
DATE:	6/8
SCALE:	1"
CAD I.D.:	

PROJECT:
**SIGN VARIANC
PLAN**

**MERCY
MEDICAL
CENTER INC.**
LOCATION OF SITE

1734 YORK ROAD
LUTHERVILLE, MD 21093



**901 DULANEY VALLEY ROAD,
SUITE 801
TOWSON, MARYLAND 21204**
Phone: (410) 821-7900
Fax: (410) 821-7987
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SHEET TITLE:

PLAN TO
ACCOMPANY
VARIANCE REQUEST

SHEET NUMBER: 2 OF 2

CLIENT Whitting-Turner Contracting Co. Salesperson Jim Powell	LOCATION 1400 Howell Avenue, Plymouth Job No. N/A	DATE February 3, 2011	DRAWING NO. 104	RECEIVED March 3, 2011
		SCALE NOTED	DESIGNER John Wicks	


702 N. Hawthorne Road, Suite 100
PLANTATION, FL 33411
PHONE 410.789.1440
LUTHERVILLE INFO 2.1.6900
REPRODUCTION IN WHOLE OR PART WITHOUT WRITTEN PERMISSION IS PROHIBITED

SEE DRAWINGS 2-4 FOR COLORS
 AND ALL OTHER DETAIL.

SCALE: 3/8" = 1'-0"
 10'-0"

6"

29.83' TO GRADE

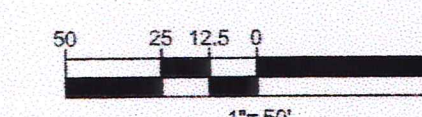
LUTHERVILLE
PERSONAL
PHYSICIANS

RIDGELY PLAZA

BARBER SHOP
 FRAMING
 SEABREEZE PET CENTER
 PANDA KING
 OLIVER HAIR DESIGNS
 OLYMPIA PIZZERIA
 TENANT
 FITNESS TOGETHER
 RIDGELY WINES & SPIRITS
4 LINES
OF 8"
CHANGEABLE
COPY

FREESTANDING SIGN 'A' DETAILS (218.3 S.F.)

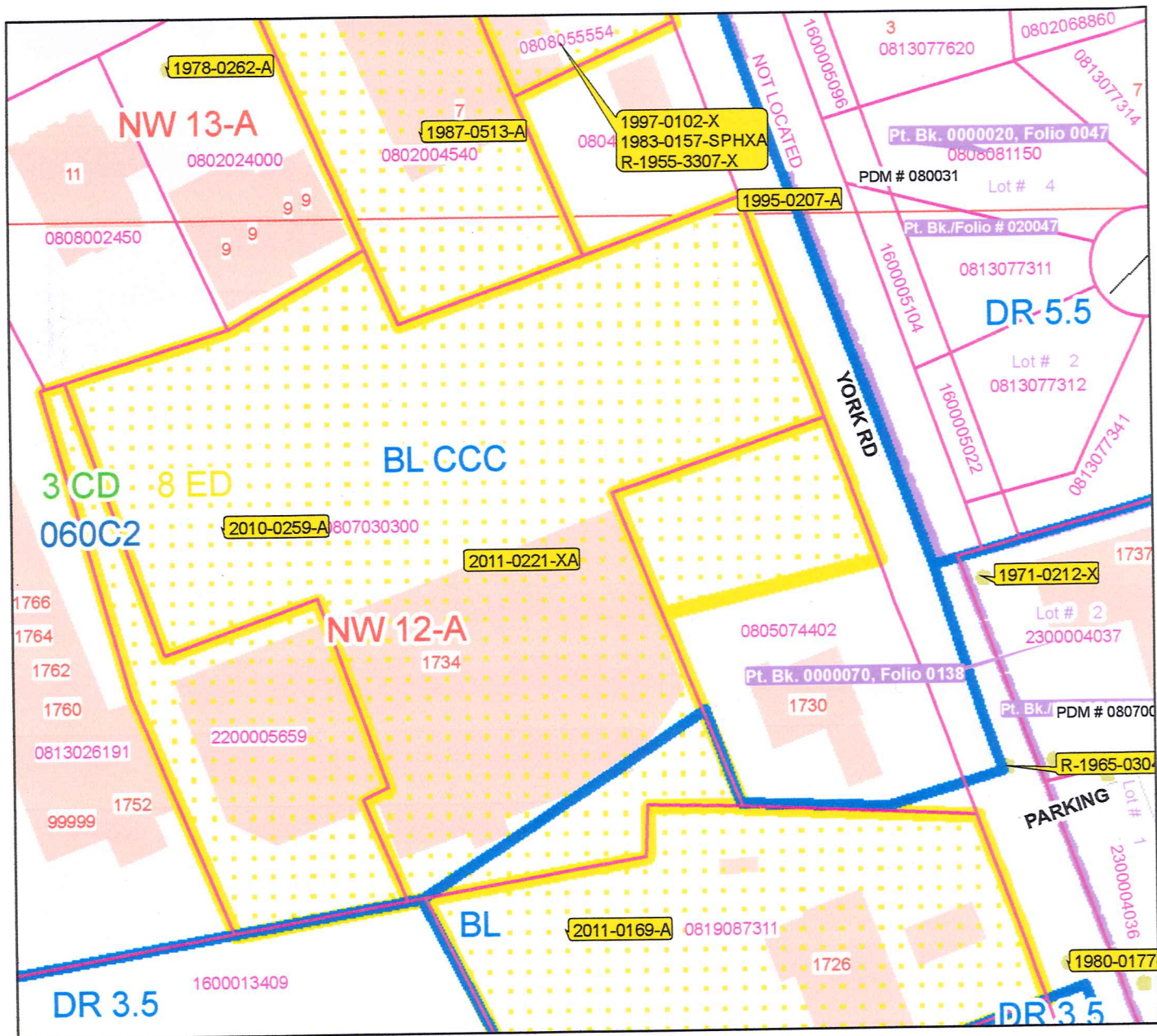
2013-0022-A



PROFESSIONAL CERTIFICATION
I, JOSEPH J. UCCIFERRO, HEREBY CERTIFY THAT THESE
DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER
UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE
36064. EXPIRATION DATE: 6/26/2010

GENERAL NOTE:
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND SPECIFICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, ETC. PRIOR TO THE START OF CONSTRUCTION.

1734 York Road 2013-0022-A



Publication Date: August 01, 2012
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



A horizontal scale bar with markings at 0, 100, and 200 feet. The bar is divided into segments by vertical lines. The word "Feet" is written at the right end of the bar.

1 inch = 100 feet



DAVID WOESSNER, P.E.

Towson Branch Manager

EDUCATION

B.S. Civil Engineering
Clemson University

PROFESSIONAL LICENSES

Maryland PE #14440
Virginia PE #038794

PROFESSIONAL AFFILIATIONS

American Society of Civil Engineers

Home Builders Association of
Maryland

International Council of Shopping
Centers

NAIOP

Urban Land Institute

Maryland National Capital Building
Industry Association

PROFESSIONAL SUMMARY

David Woessner is the Branch Manager and Principal Engineer for Bohler Engineering's Towson, Maryland office. He has owned and operated land development and engineering firms for 15 years and has lead engineering teams for 27 years. The projects he has engineered and developed include multifamily housing projects, federal installation housing and administrative buildings, as well as numerous commercial, retail and institutional projects.

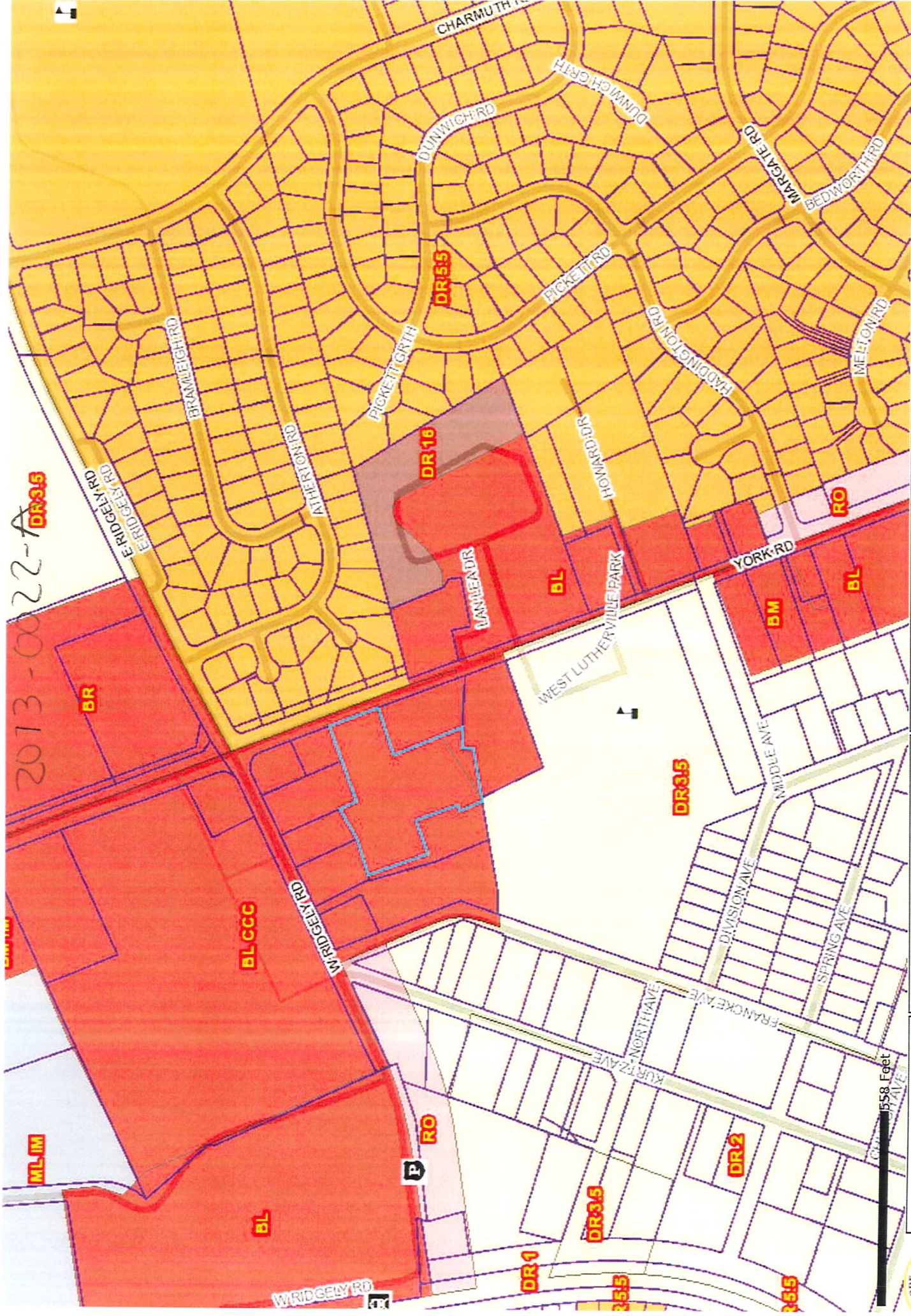
EXPERIENCE

David served as a Principal Engineer for the following projects:

- **Wild Lake Village Renovation Project:** 150 new residential high-rise units and over 500,000 square feet of retail and commercial space.
- **Westover and Eastover Glen Projects:** 303 residential units in multifamily buildings; 2 miles of roads, water, sewer, storm drain, and grading and storm water management design.
- **Brick Yard Commercial Development :** 5 warehouse structures containing 500,000 square feet of commercial and warehouse space. Responsibilities included the design of the infrastructure to support the development.
- **Reservoir Overlook Residential Project :** 114 upscale single family residences. This project interfaced with the Rocky Gorge Reservoir and required enhanced treatment of runoff to protect the water supply.
- **Pindell Woods Residential Project:** 54 high-end residential homes on approximately 100 acres. The design included wastewater treatment and private wells for the 54 homes.
- **Patuxent National Wildlife Refuge:** 200,000 Square foot Patuxent Wildlife Administration Building, and 6 other office buildings on the U.S. Fish and Wildlife Refuge. This project consisted of all site planning and infrastructure to support the development.
- **Quantico Marine Base Housing Project:** 4 housing facilities supporting 1000 residents. In addition, all infrastructure to support these projects was designed and constructed.
- **Bank of America :** Design and construction of ADA upgrade projects for 122 Bank of America Branches in Maryland, District of Columbia and Virginia.
- **Harmony Village Project:** 350 residential apartments in mid-rise buildings. Numerous environmental challenges were overcome to achieve a delicate balance with the natural environment.

PETITIONER' S

EXHIBIT NO. 2



2013-0022-A DR3.5



Created By
Baltimore County
My Neighborhood

Civic/Government Map



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