



KEVIN KAMENETZ
County Executive

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

June 15, 2016

Mitchell J. Kellman
DMW
501 Fairmount Avenue, Suite 300
Towson, Maryland 21286

Dear Mr. Kellman:

RE: Zoning Verification, Broadmead Retirement Community, Zoning Case No. 2016-0139-SPHZA, 8th Election District

Your letter to Mr. Arnold Jablon, Director, concerning an opinion from this Office regarding a Spirit and Intent determination pertaining to the above referenced zoning case has been given careful consideration by this Office, and the following is offered. In consideration of the minor changes requested to the original relief granted in zoning case 2016-0139-SPHXA, it is the opinion of this Office that said changes outlined in your letter dated May 18, 2016 are within the Spirit and Intent of the aforementioned case. This letter must be copied onto all future site plans filed with this Office for review that pertain to the subject property.

This letter is strictly limited to the application of the BCZR as applied to the inquiries presented in your letter, and does not, in any fashion; represent verification for any other Local, State or other Regulations that may apply to this property.

THE FOREGOING IS MERELY AN INFORMAL OPINION. IT IS NOT AN EXPERT OR LEGAL OPINION. IT IS NOT INTENDED TO BE RELIED ON AS EXPERT OR LEGAL ADVICE, AND IS NOT LEGALLY OR FACTUALLY BINDING ON BALTIMORE COUNTY OR ANY OF ITS OFFICIALS, AGENTS, OR EMPLOYEES. BALTIMORE COUNTY EXPRESSLY DISCLAIMS ANY AND ALL LIABILITY ARISING OUT OF, OR IN ANY WAY CONNECTED WITH THE INFORMATION PROVIDED IN THIS DOCUMENT, OR ANY INTERPRETATION THEREOF.

Sincerely,

A handwritten signature in blue ink, appearing to read "J.C. Merrey", is written over the typed name.

Joseph C. Merrey
Planner II
Zoning Review
410-887-3391

ZONING HISTORY

Zoning Case 77-185 XASPH requested a Special Exception for a convalescent home on 4.57 acres of Broadmead together with the following variances:

- 1. 'A', to permit 190 parking spaces instead of the required 301 residential spaces.
- 2. 'B', to permit parking spaces to be more than 300 feet but less than 500 feet from living units.
- 3. 'C', to permit distance between building walls without windows of 10 feet instead of required 16 feet.
- 4. 'D', to permit parking to be located in areas not related to the front of the buildings as required by Section 504.
- 5. 'E', to permit a distance of 15 feet between Building No. 1 and 2 instead of the required 125 feet and to permit a distance between convalescent home and Building No. 1 of 60 instead of required 110 feet.

The Petition also requested a Special Hearing pursuant to Section 500b to determine appropriateness of covered walkway linking all structures and not resulting in 300 foot building elevation width being exceeded.

On April 6, 1977, the Deputy Zoning Commissioner granted the Special Exception, the Variances and the Special Hearing request subject to:

- 1. Office space on the subject property must be restricted to the administrative uses of Broadmead.
- 2. Compliance with a site plan approved by the State Highway Administration, Department of Public Works, Department of Traffic Engineering, Health Department and the Office of Planning and Zoning.

On May 4, 1977, the Deputy Zoning Commissioner amended that order "Nunc Pro Tunc" by adding the following restriction:

- 3. The Special Exception, Special Hearing and Variances herein described by Sections 'A' through 'E' are hereby restricted to the use of the subject property as a convalescent home. Should the use be abandoned, or cease for any reason, this Order becomes null and void.

Zoning Case 90-376 SPHX involved a Special Hearing to amend the Order issued in Case No. 77-185 XASPH by revoking the Special Exception granted to use the 4.57 acre portion for a convalescent home by modifying Paragraph 2 of said Order to refer to "Plan and Plat to Accompany Zoning Petition" dated January 25, 1990 and any approved amendments thereto as the plan for the purposes of that Order and by modifying Paragraph 3 of the Order by substituting the words "continuing care facility" in lieu of convalescent home so as to provide that the Variances granted thereby shall apply to the continuing care facility. Case 90-376 SPHX also involved a Special Exception for a continuing care facility for the DR portions of Broadmead and to permit maximum building elevation widths of the Community Center, including additions thereto, of 420 feet in every direction in lieu of the permitted 300 feet.

On April 13, 1990, the Zoning Commissioner Ordered that the Petition for Special Hearing to amend the previously approved site plan in Case No. 77-185 XASPH to revoke the previously approved Special Exception to use the 4.57 acre portion of the subject property for a convalescent home to permit the use of said 4.57 acres together with the remaining property zoned DR 1 and DR 16 for a continuing care facility as that term is defined in the Baltimore County Zoning Regulations (BCZR), be and is hereby GRANTED, and;

HE FURTHER ORDERED that the Petition for Special Exception to permit the use of those portions of the subject property, zoned DR 1 and DR 16 for a continuing care facility, and to permit maximum building elevation widths of 420 feet in lieu of the maximum permitted 300 feet for the proposed addition to the Community Center, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however to the following restrictions which are conditions precedent to the relief granted:

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.

HE FURTHER ORDERED that the conditions and restrictions contained in the Order dated April 6, 1977 in Case No. 77-185 XASPH shall remain in full force and effect.

On May 7, 1990, the Zoning Commissioner, after review of the case file, Ordered that the Order issued April 13, 1990, be and the same is hereby Amended as follows:

- 1. That the Petition for Special Hearing request set forth in Paragraph 1 Page 1 of said Order should also include a request for a modification of Paragraph 2 of the Order issued in Case No. 77-185 XASPH by adding the following sentence thereto: "The Site Plan approved by the State Highway Administration, Department of Public Works, Department of Traffic Engineering, Health Department and the Office of Planning and Zoning shall for purposes of this Order be deemed to be the Plan entitled "Plan and Plat to Accompany Zoning Petition, dated January 25, 1990 prepared by Datt-McCune-Walker, Inc. and any approved Amendments thereto"; and that Paragraph 3 of said Order be modified by substituting the words "continuing care facility" for the words "convalescent home" so as to provide that the variances granted therein shall continue to apply to the use of the property as a continuing care facility."
- 2. That the acreage set forth in Page 2, Paragraph 1 of the Order issued on April 13, 1990, in Case No. 90-376 SPHX be corrected as follows: That the subject property consists of a total acreage of 90.83 acres, of which 12 acres are zoned DR 16, 37.79 acres are zoned DR 1 and 31.04 acres are zoned RC 4.
- 3. That the word "proposed" in the phrase "proposed Community Center" in the third to the last line of the first paragraph on Page 1 be deleted, and the following words added after the word "Center" including any and all additions thereto."

HE FURTHER ORDERED that the additional relief requested herein, pursuant to the subject Petition for Special Hearing and Special Exception, be and is hereby GRANTED.

HE FURTHER ORDERED that the conditions and restrictions contained in the Order dated April 6, 1977, in Case No. 77-185 XASPH, and those contained in the Order dated April 13, 1990, in Case No. 90-376 SPHX shall remain in full force and effect.

ORDER IN CASE NO. 06-435-SPH:

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 26th day of April 2006, that the Petitioner's request for Special Hearing relief requested for approval to amend the orders and site plans in Case Nos. 77-185 XASPH and 90-376 SPHX, to add 92 independent living units, reconfigure nursing and assisted living and parking areas and add 52 assisted living units, be and is hereby GRANTED, subject to the following conditions:

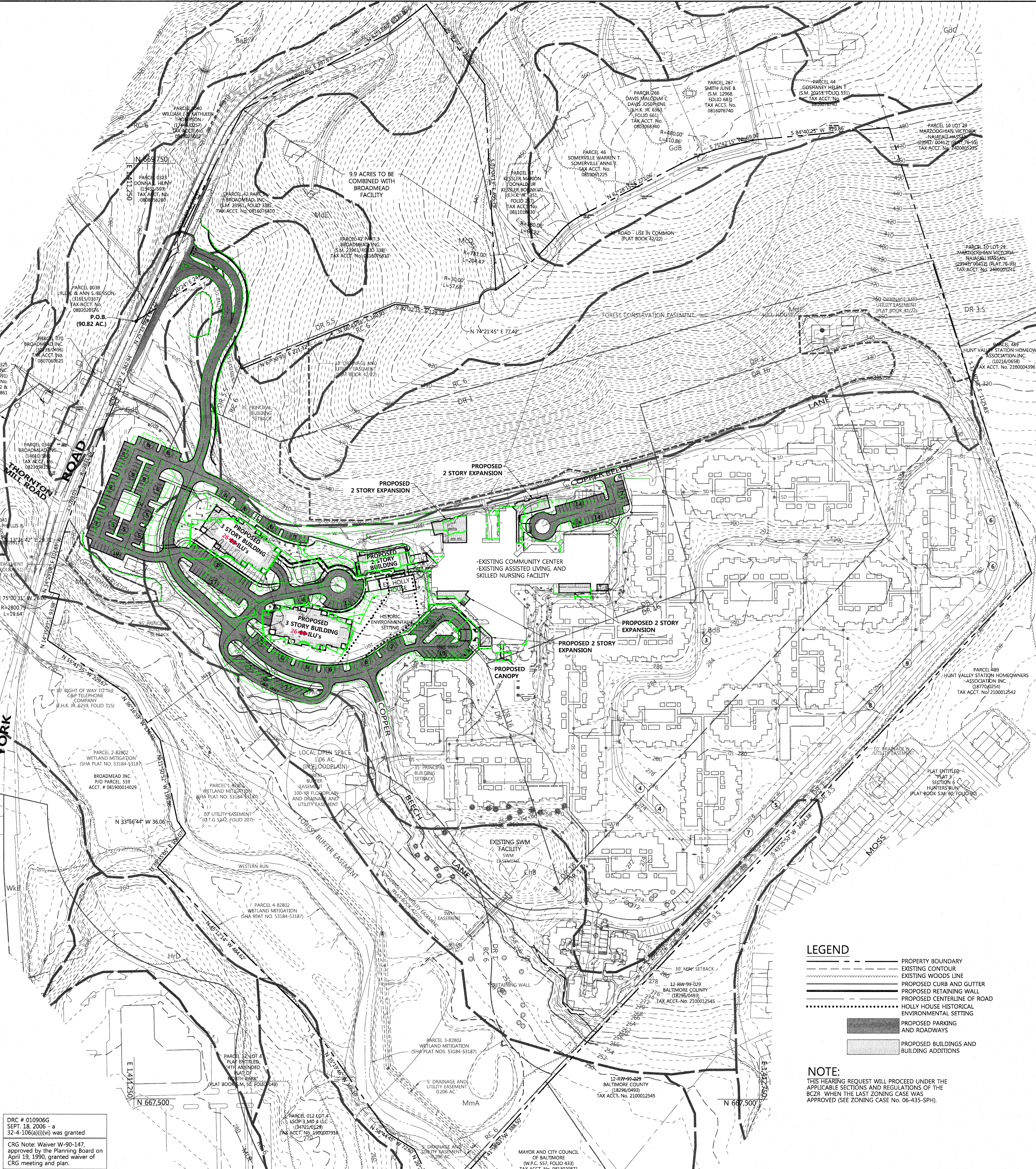
- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. Compliance with the ZAC comments submitted by the Office of Planning dated April 3, 2006, a copy of which is attached hereto and made a part hereof. Review and approval by this County shall occur prior to building permit as the Master Plan is implemented in stages.
- 3. The Petitioner shall attach a copy of this Order to any request for building permit.

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

DR C # 010906G
SEPT. 18, 2006 - a
32-4-106(a)(v) was granted

CRG Note: Waiver W-90-147, approved by the Planning Board on April 13, 1990, granted waiver of CRG meeting and plan.



GENERAL NOTES

1. EXISTING ZONING AND AREAS:

ZONE	ACRES
DR 16	12.00 ACRES
DR 1	37.79 ACRES
RC 6	31.04 ACRES (PRIOR RC4 ZONING)
DR 5.5	9.99 ACRES
TOTAL	90.82 ACRES

2. EXISTING NURSING HOME BEDS: 79
PROPOSED NURSING HOME BEDS: 99

3. EXISTING/ PROPOSED DEVELOPMENT:

CONTINUING CARE FACILITY AS AUTHORIZED BY SPECIAL EXCEPTION IN THE FORMER SECTION 1801.C, BCZR.

4. DENSITY AS CONTINUING CARE FACILITY:
a. ALLOWED/ EXISTING DENSITY AS APPROVED IN ZONING CASE NO. 06-435-SPH:
DR 16- 12.00 ACRES = 192.00 DNU
DR 1- 37.79 ACRES = 37.79 DNU
TOTAL DNU ALLOWED = 229.79 DNU
TOTAL DNU UTILIZED = 216.75 DNU
REMAINING DNU = 13.04 DNU

b. ALLOWED/ PROPOSED DENSITY WITH THIS HEARING REQUEST (INCLUDING 9.9 ACRES OF DR 5.5 ZONING OWNED BY BROADMEAD):
DR 16- 12.00 ACRES = 192.00 DNU
DR 1- 37.79 ACRES = 37.79 DNU
DR 5.5- 9.99 ACRES = 99.99 DNU
TOTAL DNU ALLOWED = 229.78 DNU
TOTAL DNU PROPOSED = 272.75 DNU

c. DENSITY BREAKDOWN BY UNIT TYPE:
26 STUDIO AT 26 x 0.5 = 13 DNU
167 1-BR AT 167 x 0.075 = 12.525 DNU
122 2-BR AT 122 x 1 = 122 DNU
44 3-BR AT 44 x 1.5 = 66 DNU
44 4-BR AT 44 x 2.25 = 99 DNU
TOTAL = 272.75 DNU

UNIT TYPE KEY

DNU - DENSITY UNIT
DWU - DWELLING UNIT
ALU - ASSISTED LIVING UNIT
ILU - INDEPENDENT LIVING UNIT
BR - BEDROOM

OWNER/ DEVELOPER

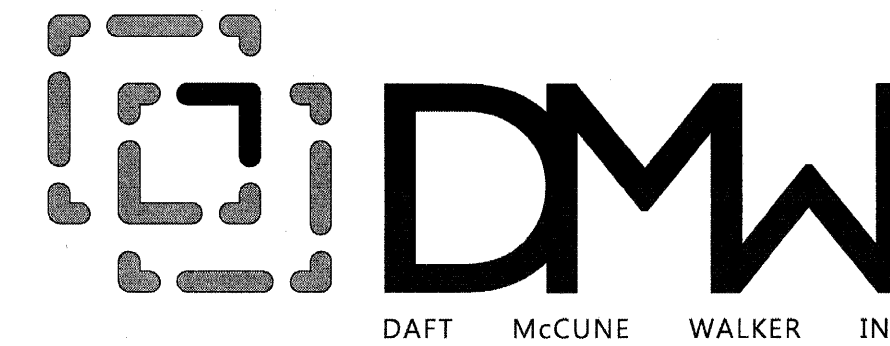
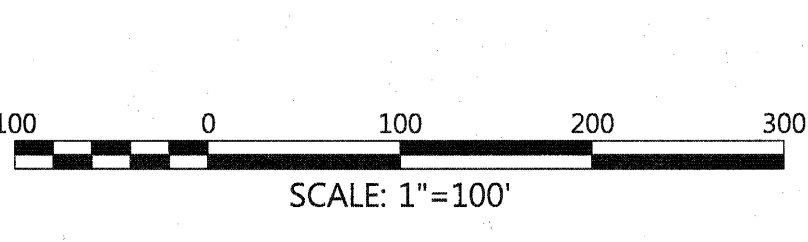
BROADMEAD INC
13801 YORK RD
COCKEYSVILLE, MD 21030-1825
TAX ACCT. #1900014029, #0816076810

DATA SOURCES:

- 1. EXISTING TOPOGRAPHY AND IMPROVEMENTS SHOWN HEREON TAKEN FROM THE LATEST BALTIMORE COUNTY GIS, SUPPLEMENTED WITH FIELD RUN TOPOGRAPHY IN THE AREA OF CLUSTER W BY DMW, JANUARY 3, 2006 AND SEPTEMBER 2015.
- 2. BOUNDARY INFORMATION SHOWN HEREON WAS LOCATED BY DMW IN JANUARY, 2007.
- 3. ZONING INFORMATION SHOWN HEREON IS PROVIDED BY BALTIMORE COUNTY OFFICE OF PLANNING GIS OFFICE.
- 4. EXISTING SOIL INFORMATION SHOWN HEREON IS PROVIDED BY SOIL DATA MART, PUBLISHED IN 2010 BY NATURAL RESOURCES CONSERVATION SERVICES (NRCS).

BENCHMARK DATA

- 1. COORDINATES AND BEARINGS SHOWN ON THIS PLAN ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE MARYLAND COORDINATE SYSTEM.
GCS NORTH EAST PID
GCS83 686031.537 1408974.065 A42459
GCS125 684525.542 1407895.468 A44403
- 2. ELEVATIONS SHOWN ON THIS TOPOGRAPHIC WORKSHEET REFER TO THE NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88) WITH LOCAL REFERENCE TO THE FOLLOWING NATIONAL GEODETIC SURVEY POINT STATIONS:
GCS ELEVATION
GCS 125 254.675 A4403



501 FAIRMOUNT AVENUE SUITE 300 TOWSON, MD 21286
P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM

PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING and/or ZONING VARIANCE Broadmead

13801 YORK ROAD
COCKEYSVILLE, MD 21030
TAX MAP 42, PARCEL 559

8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

SEAL	ISSUE DATES
DATE	12/7/15
BY	REVIEW:
02/02/16 AKC	PERMIT:
	CONSTRUCTION:
	BASE:
	DRAWN:
	DESIGNED:
	CHECKED BY:
	DATE CHECKED:
	SCALE:
	PROJECT NO.: 89171.P
	DRAWING:

M E M O R A N D U M

DATE: March 29, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: / Case No. 2016-0139-SPHXA- Appeal Period Expired

The appeal period for the above-referenced case expired on March 28, 2016. 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

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE

(13801 York Road)

8th Election District

3rd Council District

Broadmead, Inc., *Legal Owner*

Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2016-0139-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of Broadmead, Inc., the legal owner ("Petitioner"). The Petition for Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to amend the site plan and Order in Case No. 06-435-SPH and to expand a special exception for a continuing care facility, of less than 25%. A Petition for Special Exception seeks to use the herein described property for a continuing care facility. Finally, a Petition for Variance seeks approval to allow a front of building to rear of building of 75 ft. in lieu of the 120 ft.; of 100 ft. in lieu of 140 ft. of front to front, and 77 ft. in lieu of 110 ft. of front to side.

Appearing at the public hearing in support of the requests was Nicholas Linehan, Mark Keeley, Mitch Kellman and John Howl. John B. Gontrum, Esq., represented the Petitioner. Several citizens attended the hearing to obtain additional information regarding the project and express concerns about certain aspects of the proposal. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Zoning Advisory Committee (ZAC) comments were submitted by the Department of Planning (DOP), the Bureau of Development Plans Review (DPR) and the State Highway Administration (SHA).

ORDER RECEIVED FOR FILING

Date 2/25/14

By Sen

The subject property is approximately 90.82 acres in size and is split-zoned: DR 16 (12.00 acres) DR 1 (37.39 acres) RC 6 (31.04 acres) and DR 5.5 (9.99 acres). Petitioner has since 1977 (Case No. 1977-185-SPHXA, Ex. 2A) operated a senior living community (referred to at the time as a "convalescent home") on the property. The facility was expanded in 1990 and 2006, and orders from prior zoning cases approving those plans were submitted as Petitioner's Exhibits 2B-2C. While the original tract acquired by Petitioner was approximately 80 acres, a 10 acre parcel (the "Provenza" tract) was acquired in 2007, bringing the overall site to approximately 90 acres. The site contains an historic structure known as Holly House along with an historic environmental setting (HES) on which the landmark is located.

At present, Petitioner proposes to construct additional facilities for memory care patients (to accommodate 44 residents) as well as 52 independent living units. According to testimony, this would constitute an approximate 20% increase in the size and density of the use when compared to the current operation.

SPECIAL EXCEPTION

Broadmead obtained in 1977 (Case No. 77-185-SPHXA) a special exception for a "convalescent home." In 1990 (Case No. 1990-376-SPHX) the special exception for a convalescent home was revoked, and Petitioner was granted a special exception to operate on the D.R. zoned portions of the site a continuing care facility. The special exception petition in this case also seeks approval of a "continuing care facility." Although a "continuing care facility" was previously permitted by special exception in a D.R. zone, Bill 19-2004 changed the law and such a use is no longer permitted. The portions of the site on which the continuing care facility is situated are zoned D.R. This zone does not permit a "continuing care facility" (by right or special exception), and thus the petition must be denied.

ORDER RECEIVED FOR FILING

Date

2/25/16

2

By

sen

At the hearing Broadmead's counsel characterized the current use as a "non-conforming special exception." But under Maryland law, a property cannot operate "where the use is both a non-conforming use and a special exception use *when it is the same use.*" Purich v. Draper Props., 395 Md. 694 (2006)(emphasis in original). Here, when the law changed in 2004 to no longer permit the continuing care facility by special exception, the use became lawfully nonconforming under B.C.Z.R. §104. Pursuant to that regulation, such a use may be "extended" by no "more than 25% of the ground floor area of the building so used." B.C.Z.R. §104.3.

In light of the foregoing, the Petition for Special Hearing will be granted, although the Order granting such relief will make clear the "extension" permitted is of a lawful non-conforming use, rather than to "expand a special exception for a continuing care facility," as requested in the Petition. In addition, nonconforming uses, while entitled to constitutional protection, are disfavored under Maryland law. Prince George's Co. v. E.L. Gardner, Inc., 293 Md. 259 (1982). As such, a condition will be included in the final order precluding any further extension of the nonconforming continuing care facility use, subject of course to any future changes in zoning that would permit the use by right or special exception.

VARIANCES

Based upon the testimony and evidence presented, I will grant the petition for variance.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

ORDER RECEIVED FOR FILING

Date 2/25/16

By Sen

The Petitioner has met this test. The site is irregularly shaped and the available building envelope is constrained by environmental features. As such the property is unique. If the B.C.Z.R. were strictly interpreted, the Petitioner would suffer a practical difficulty since it would be unable to construct the proposed addition to its facility. 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.

THEREFORE, IT IS ORDERED this 25th day of February, **2016**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.) to approve as a lawful nonconforming use a continuing care facility, along with an extension of that facility of less than 25% as shown on the site plan marked as Exhibit 1A, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to use the herein described property for a continuing care facility, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to the B.C.Z.R. to allow a front of building to rear of building of 75 ft. in lieu of the 120 ft.; of 100 ft. in lieu of 140 ft. of front to front, and 77 ft. in lieu of 110 ft. of front to side, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Prior to issuance of permits Petitioner must obtain approval from Baltimore County of a landscape plan for the site.
3. Prior to issuance of permits Petitioner must submit architectural elevations to the DOP demonstrating that the proposed improvements do not negatively impact the Holly House

ORDER RECEIVED FOR FILING

4

Date

2/25/16

By

Sen

or the Historic Environmental Setting.

4. Prior to issuance of permits Petitioner must complete construction of the roadway improvements (i.e., "Maryland T" intersection) as shown on the concept plan marked as Petitioner's Ex. No. 6.
5. No further extension of the nonconforming continuing care facility use shall be permitted.

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:slh

ORDER RECEIVED FOR FILING

Date 2/25/16
By slh



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

February 25, 2016

John B. Gontrum, Esquire
1 W. Pennsylvania Avenue, Suite 300
Towson, Maryland 21204

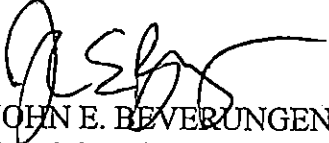
RE: Petitions for Special Hearing, Special Exception and Variance
Case No. 2016-0139-SPHXA
Property: 13801 York Road

Dear Mr. Gontrum:

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,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Karen Goshaney, 13945 York Road, Sparks, Maryland 21152
Phyllis Bosley and K. Bosley, 14611 York Road, P.O. Box 585, Sparks, Maryland 21152



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 13801 York Road which is presently zoned RC6, DR1, DR16, DR5.5

Deed References: 23961/00338; 06363/00234 10 Digit Tax Account # 0 8 1 6 0 7 6 8 1 0
1 9 0 0 0 1 4 0 2 9

Property Owner(s) Printed Name(s) Broadmead, Inc.

(SELECT THE HEARING(S) BY MARKING X 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. X a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

An amended Plan and Order in Case No. 06-435SPH and to expand a special exception for a continuing care facility, of less than 25%.

2. X a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

A continuing care facility

3. X a **Variance** from Section(s) 1301.2.C.1.A to allow a Part of Building to rear off building on 75' in line of 120' of 100' in line of 140' of Part to Part; and 177' in line of 220' of Part to side 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:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

John B. Gontrum, Esquire

Name, Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address

City

State

21204 /410-832-2055/ jgontrum@wtplaw.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Broadmead, Inc. /

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

13801 York Road, Cockeysville, MD

Mailing Address

City

State

21030 /

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Whiteford, Taylor & Preston

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2016-0139-SPH1A Filing Date 12 / 4 / 2015

Do Not Schedule Dates: _____

Reviewer W

Description

**To Accompany a Petition for a Special Exception,
Special Hearing and/or Zoning Variance**

York Road

Baltimore County, Maryland

Beginning for the same at a point situate in or around the centerline of York Road, said point of beginning being distant 474 feet northeasterly from the intersection formed by the centerline of Thornton Mill Road with the centerline of York Road; thence leaving said point of beginning and running with the centerline of said York Road the following three courses and distance and referring all courses of this description to the Maryland Coordinate System (NAD 83/1991): (1) North 26 degrees 39 minutes 40 seconds East 570.47 feet; (2) North 62 degrees 09 minutes 40 seconds East 397.67 feet; thence (3) North 52 degrees 17 minutes 40 seconds East 112.00 feet; thence leaving said road and running the following nine courses: (4) South 36 degrees 00 minutes 20 seconds East 238.50 feet; (5) South 03 degrees 04 minutes 13 seconds East 495.79 feet; (6) 204.47 feet in a northeasterly direction along an arc of a curve to the left having a radius of 781.00 feet, said arc being subtended by a chord bearing North 48 degrees 56 minutes 15 seconds East 203.88 feet, (7) 69.22 feet in a northeasterly direction along an arc of a curve to the right having a radius of 180.00 feet, said arc being subtended by a chord bearing North 51 degrees 27 minutes 15 seconds East 68.79 feet, (8) North 62 degrees 28 minutes 15 seconds East 271.06 feet, (9) 110.86 feet in a northeasterly direction, along an arc of a curve to the right having a radius of 480.00 feet, said arc being subtended by a chord bearing North 69 degrees 05 minutes 15 seconds East 110.61 feet, and (10) North 75 degrees 42 minutes 15 seconds East 69.00 feet, thence

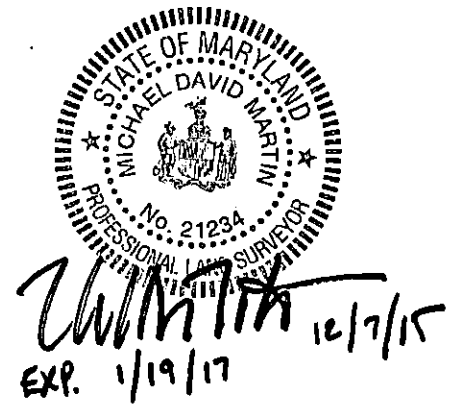
2016-0139-SPHXA

crossing said thirty foot wide road (11) North 84 degrees 40 minutes 25 seconds East 329.86 feet, thence binding along the easterly outline of Dundore's land (12) South 17 degrees 40 minutes 58 seconds East 1125.83 feet, thence binding along the southeasterly outline of Dundore's land (13) South 43 degrees 25 minutes 53 seconds West 1684.38 feet, and (14) South 41 degrees 58 minutes 03 seconds West 388.50 feet, thence binding along the southwesterly outline of Dundore's land (15) North 26 degrees 20 minutes 06 seconds West 141.90 feet, (16) North 58 degrees 44 minutes 45 seconds West 72.60 feet, (17) North 35 degrees 19 minutes 46 seconds West 366.10 feet, and (18) North 45 degrees 12 minutes 14 seconds West 484.62 feet, thence (19) North 39 degrees 35 minutes 05 seconds East 106.07 feet to a point in or near the center of Western Run, thence binding in or near the center of Western Run (20) North 33 degrees 56 minutes 44 seconds West 36.06 feet, (21) North 11 degrees 50 minutes 52 seconds West 199.06 feet, (22) North 36 degrees 16 minutes 59 seconds West 136.01 feet, and (23) North 55 degrees 41 minutes 35 seconds West 229.67 feet to a point on the southeast right-of-way line of York Road, thence binding on said right-of-way line (24) North 14 degrees 35 minutes 23 seconds East 93.98 feet, (25) 19.64 feet in a northeasterly direction along an arc of a curve to the right having a radius of 2800.79 feet, said arc being subtended by a chord bearing North 14 degrees 47 minutes 26 seconds East 19.64 feet, (26) North 75 degrees 00 minutes 31 seconds West 26.00 feet, (27) North 14 degrees 29 minutes 08 seconds East 107.65 feet, (28) North 13 degrees 36 minutes 42 seconds East 29.71 feet, (29) 269.03 feet in a northeasterly direction along an arc of a curve to the right having a radius of 2831.79 feet, said arc being subtended by a chord bearing North 20 degrees 29 minutes 35 seconds East 268.93 feet, (30) North 23 degrees 12 minutes 53 seconds East 242.94 feet, (31) North 25 degrees 13 minutes 56 seconds East 82.21 feet, and (32) 57 degrees 20 minutes 24 seconds West 59.17 feet to the place of beginning, containing 90.82 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY
AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

December 7, 2015

Project No. 89171.P1 (L89171.P1-1)





501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3882776

Sold To:

Whiteford-Taylor & Preston LLP - CU00187154
1 W Pennsylvania Ave Ste 300
TOWSON, MD 21204

Bill To:

Whiteford-Taylor & Preston LLP - CU00187154
1 W Pennsylvania Ave Ste 300
TOWSON, MD 21204

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Jan 14, 2016

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: # 2016-0139-SPHXA
13801 York Road
E/s York Road, 474 ft. NE of Centerline of Thornton Mill Road
8th Election District - 3rd Councilmanic District
Legal Owner(s) Broadmead, Inc.

Special Hearing: for an amended Plan and Order in Case No. 06-465-SPH and to expand a special exception for a continuing care facility, of less than 25%.

Special Exception: to use described property for a continuing care facility. Variance: to allow a front of building to rear of building of 75 ft. in lieu of 120 ft.; of 100 ft. in lieu of 140 ft. of front to front and 77 ft. in lieu of 110 ft. of front to side.

Hearing: Thursday, February 4, 2016 at 10:00 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.

1/110 January 14 3882776

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

Date: 1-12-16

RE: Case Number: 2016-0139 SPHXA

Petitioner/Developer: Broadwood Inc

Date of Hearing/Closing: 2/4/16

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 13801 York Rd

The signs(s) were posted on 1-12-16
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

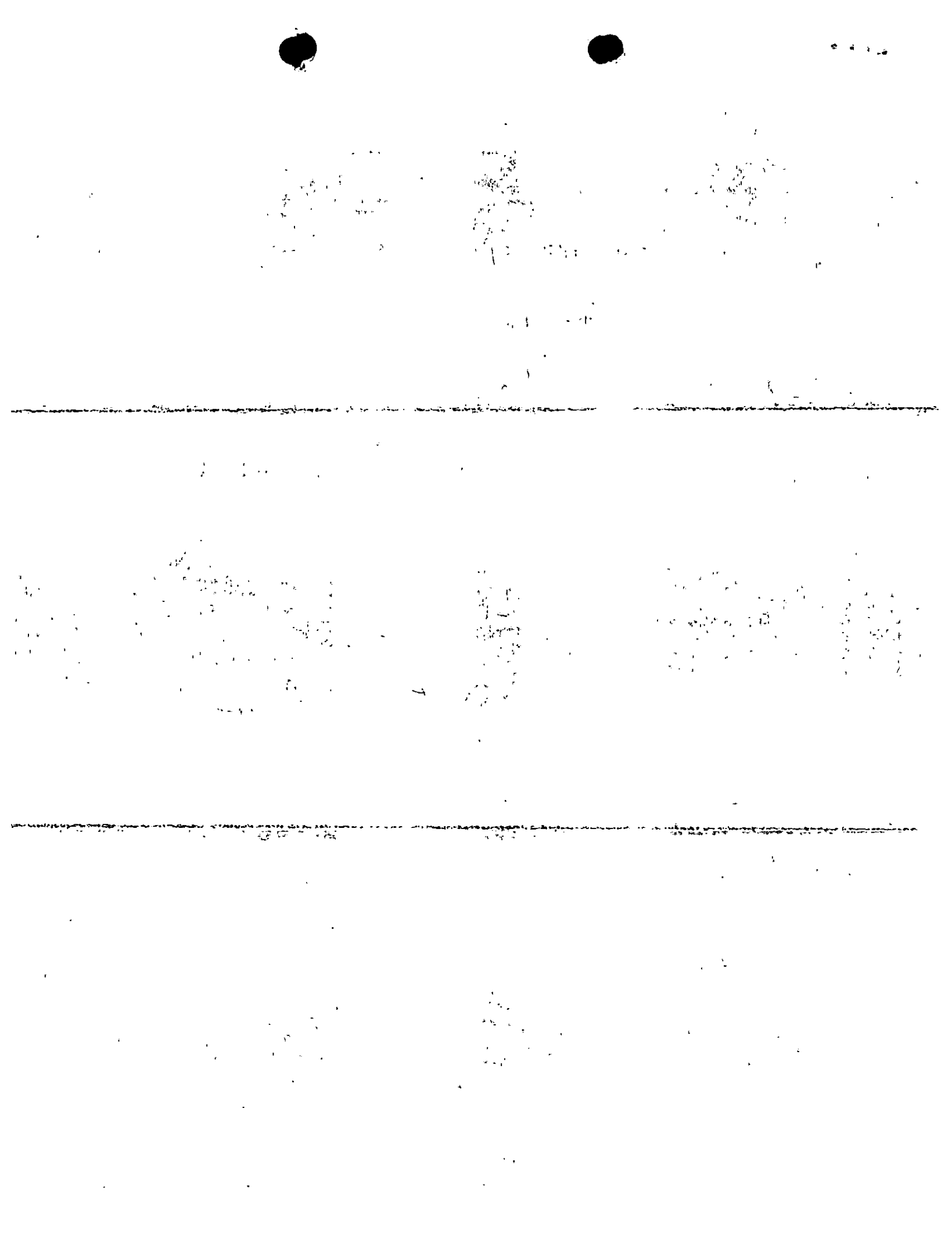
J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)



ZONING NOTICE

CASE # 2016-0139-SPHXA

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

JEFFERSON BLDG ROOM 205

PLACE: 105 W. CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: THURS. FEB. 4, 2016 10AM

REQUEST: SPECIAL HEARING FOR AN AMENDED PLAN
AND ORDER IN CASE NO. 06-465 SPH AND TO EXPAND A
SPECIAL EXCEPTION FOR A CONTINUING CARE FACILITY OF
LESS THAN 25%. SPECIAL EXCEPTION TO USE DESCRIBED
PROPERTY FOR A CONTINUING CARE FACILITY. VARIANCE TO ALLOW
A FRONT OF BUILDING TO REAR OF BUILDING OF 75 FT.
IN LIEU OF 120 FT. OF 100 FT. IN LIEU OF 140 FT. OF
FRONT TO FRONT AND 77 FT. IN LIEU OF 110 FT. OF FRONT
TO SIDE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 14, 2016 Issue - Jeffersonian

Please forward billing to:

John Gontrum
Whiteford, Taylor & Preston
1 W. Pennsylvania Avenue, Ste. 300
Towson, MD 21204

410-832-2055

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: 2016-0139-SPHXA

13801 York Road

E/s York Road, 474 ft. NE of centerline of Thornton Mill Road

8th Election District – 3rd Councilmanic District

Legal Owners: Broadmead, Inc.

Special Hearing for an amended Plan and Order in Case No. 06-465-SPH and to expand a special exception for a continuing care facility, of less than 25%. **Special Exception** to use described property for a continuing care facility. **Variance** to allow a front of building to rear of building of 75 ft. in lieu of 120 ft.; of 100 ft. in lieu of 140 ft. of front to front and 77 ft. in lieu of 110 ft. of front to side.

Hearing: Thursday, February 4, 2016 at 10:00 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

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

December 15, 2015

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: 2016-0139-SPHXA

13801 York Road

E/s York Road, 474 ft. NE of centerline of Thornton Mill Road

8th Election District – 3rd Councilmanic District

Legal Owners: Broadmead, Inc.

Special Hearing for an amended Plan and Order in Case No. 06-465-SPH and to expand a special exception for a continuing care facility, of less than 25%. **Special Exception** to use described property for a continuing care facility. **Variance** to allow a front of building to rear of building of 75 ft. in lieu of 120 ft.; of 100 ft. in lieu of 140 ft. of front to front and 77 ft. in lieu of 110 ft. of front to side.

Hearing: Thursday, February 4, 2016 at 10:00 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: John Gontrum, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
Broadmead, Inc., 13801 York Road

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JANUARY 15, 2016**
- (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.**

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE	*	
13801 York Road; E/S York Road, 474' NE	*	OF ADMINSTRATIVE
of c/line of Thornton Mill Road	*	
8 th Election & 3 rd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Broadmead, Inc.	*	
Petitioner(s)	*	BALTIMORE COUNTY
	*	2016-139-SPHXA

* * * * *

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.

RECEIVED

DEC 16 2015

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of December, 2015, a copy of the foregoing Entry of Appearance was mailed to John Gontrum, Esquire, Whiteford, Taylor & Preston, 1 West Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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: 2016-0139-SPHXA
Petitioner: Broadmead, Inc
Address or Location: 13801 York Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: John Gowtrum
Address: 1 W. Pennsylvania Ave
Towson MD 21204
Telephone Number: 410 832 2055

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

No. **134176**

Date: **12/4/15**

PAID RECEIPT

BUSINESS ACTUAL TIME DRD
12/04/2015 12/04/2015 09:39:18 5

RES W305 WALKIN RDOS LRD
>> RECEIPT # 831464 12/04/2015 GFLH
Dept 5 528 ZONING VERIFICATION
CF NO. 134176

Receipt Tot \$1,200.00
\$1,200.00 CK \$0.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept-Obj	BS Acct	Amount
001	806	0000		6150				1200.00

Total: **1200.00**

Rec From: *2016-0139-SPHXA*

For: *13801 York Rd.*

2016-0139-SPHXA

DISTRIBUTION

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

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

January 28, 2016

Broadmead, Inc
13801 York Road
Cockeysville MD 21030

RE: Case Number: 2016-0139 SPHXA, Address: 13801 York Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 4, 2015. 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: jaw

Enclosures

c: People's Counsel
John B Gontrum, Esquire, 1 W Pennsylvania Avenue, Suite 300, Towson MD 21204

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 12/18/15

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

RE: Baltimore County
Item No. 2016-0139-SPHXA
Special Hearing Special Exception Variance
Broadmead, Inc.
13801 York Road.
MD45

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 12/18/15. A field inspection and internal review reveals that an entrance onto MD45 consistent with current State Highway Administration guidelines is required. As a condition of approval for Variance, Case Number 2016-0139-SPHXA the applicant must contact the State Highway Administration to obtain an entrance permit.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Zeller'.

David W. Peake
Metropolitan District Engineer
Baltimore & Harford Counties

DWP/RAZ

cc: Mr. Michael Pasquariello, Utility Engineer, SHA

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll-Free

Street Address: 320 West Warren Road • Hunt Valley, Maryland 21030 • Phone 410-229-2300 or 1-866-998-0367 • Fax 301-527-4690
www.roads.maryland.gov

214

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: January 29, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

FEB 01 2016

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-139

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 13801 York Road
Petitioner: Broadmead, Inc.
Zoning: RC 6, DR 1, DR 16, DR 5.5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve an amended plan and order in zoning case no. 06-435 SPH and to expand the special exception use by less than 25%. The Department also reviewed the petition for variance to permit reduced distances between buildings.

A site visit was conducted on January 11, 2016. Situated on the subject property is "Holly House", a Baltimore County Landmark (BA-187) with its attendant historic environmental setting (HES). No new construction is proposed within the setting. Proposed buildings, however, are located in close proximity to the structure and setting, creating a negative visual impact.

The Comprehensive Manual of Development Policies, on page 61, contains the following guideline: "Create a positive association and identity between a new project and an historic structure and site." The architectural elevations as currently proposed do not meet this guideline. The petitioner has agreed to work with the Department to resolve this issue.

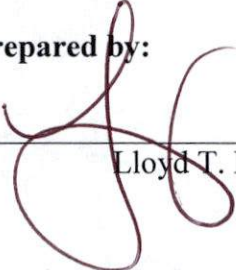
The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- Prior to building permit application, the petitioner shall submit for approval by the Department of Planning architectural elevations demonstrating that the proposed 2-story building to the north of Holly House and the proposed 3-story building adjacent to the HES do not negatively impact the view of Holly House or the HES.

Date: January 29, 2016
Subject: ZAC #16-139
Page 2

For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

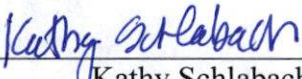
Prepared by:



Lloyd T. Moxley

AVA/KS/LTM/ka

Division Chief:



Kathy Schlabach

c: Wally Lippincott
Broadmead, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

RECEIVED

DEC 22 2015

BALTIMORE COUNTY, MARYLAND

OFFICE OF ADMINISTRATIVE HEARINGS

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: December 22, 2015

SUBJECT: DEPS Comment for Zoning Item # 2016-0139-SPHXA
Address 13801 York Road
(Broadmead, Inc. Property)

Zoning Advisory Committee Meeting of December 14, 2015

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 12-22-2015

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 21, 2015
Item No. 2016-0139

DATE: December 18, 2015

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

Landscape and Lighting Plans are required.

Based upon Local Open Space requirements in effect at the time of the original CRG, 1.76 acres are required. Parking is proposed to intrude into that recorded open space area, and must be removed from it.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0139-12212015.doc

Case No.: 2016-0139-SPHXA-13801 York Rd.

8/5
2/4
10 Am

Exhibit Sheet

Petitioner/Developer

DW
3-29-16

Protestants

Sen
2-25-16

No. 1	Site plan-1 Site plan (revision)-1A	
No. 2	zoning cases 2A-2C	
No. 3	Master Planning Presentation	
No. 4	Letter re: LPC and Holly House March 9, 2012	
No. 5	Keeley CV	
No. 6	"concept plan" re: proposed "Maryland T" access	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
12001 YORK ROAD
410-3333

ARMED NUCLEAR
ZONING COMMISSION

September 24, 1983

Mr. D. Martin Trueblood
Executive Director, Broadmead
12001 York Road
Cockeysville, Maryland 21030

RE: Proposed Addition
(Broadmead)
5278 of York Road,
330' E of Thornton Mill Road -
11th Election District

Dear Mr. Trueblood:

Reference is made to your letter of August 24, 1983 requesting approval of planned expansion.

Please be advised that the expansion, as outlined in your aforementioned letter, falls within the purview of the Special Exception (Case No. 77-185-186) originally granted for the property. Upon application for a building permit, site plans indicating compliance with all height, area, and use requirements of the Baltimore County Zoning Regulations must be submitted.

If you have any further questions regarding this matter, please feel free to contact this office.

Very truly yours,

ARMED NUCLEAR
Zoning Commissioner

AJ:JED:mc

cc: Mr. James E. Oyer
Zoning Supervisor



Broadmead

A Private Lifetime Care Community

D. Martin Trueblood
Executive Director
Richard F. Oyer
Zoning Supervisor

August 29, 1983

Mr. Arnold Jellison
Zoning Supervisor
Baltimore County Zoning Office
111 Chesapeake Avenue
Towson, MD 21204

Dear Mr. Jellison:

(Broadmead) wishes to construct a small addition to the existing facility within the area zoned as a Special Exception on the Broadmead property.

The addition will have a footprint of approximately 1300 square feet compared with the 24,000 square feet of the present building.

The present special exception granted for a community center and convalescent nursing center of ninety-two beds. The addition is planned to permit a significant increase in private nursing care and a new 1100 square foot addition. The new total will be ninety-two (92) comprehensive care beds; and thirty-two (32) convalescent care beds for a total of one hundred and twenty-four (124) or an increase of twenty-two (22). It should be noted that the state nursing home regulations allow for increasing bed count up to 10% every three years. Broadmead is presently allowed but does not have to plan for an added comprehensive care beds and will apply for six more to make a total of sixty-two (62).

Since the space below the existing addition is occupied by a grade one lined below the existing floor, Broadmead has planned for this space to provide for a much needed expansion of the residents' dining hall and the branch bank that serves Broadmead residents and staff.

It is not believed that the addition is immovable within the special exception since the purpose is to provide for the community of elderly persons for which the exception was granted.

We request that Broadmead be allowed to build the planned addition with the present special exception.

Sincerely yours,

Richard F. Oyer
R. Martin Trueblood

cc: Mr. Oyer
Zoning Supervisor

12001 York Road, Cockeysville, Maryland 21030 Phone 301-423-0800

RE: PETITION FOR SPECIAL EXCEPTION,
VARIANCES, AND SPECIAL HEARING
ELKS of York Road, 5278 E of Thornton
Mill Road - 11th Election District
Kerry A. Dandrea - Petitioner
NO. 77-185-186 (Item No. 17)

BEFORE THE
DEPUTY ZONING
COMMISSIONER

BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as a result of Petitioners for a Special Hearing to approve the interpretation of certain Baltimore County Zoning Regulations pertinent to a proposed convalescent home, a Special Exception for a convalescent home, and Variances pertaining to off-street parking, setbacks and other matters described below:

Variance "A" - To permit 190 parking spaces in lieu of the required 203 spaces.

Variance "B" - To permit parking more than 150 feet from a Driveway, but less than 500 feet from a Driveway. The petitioners request, reads as follows:

Section 405.2a - Parking spaces as required shall be provided on the same lot with the building which it serves or within 500 feet thereof.

Variance "C" - To permit a distance between building walls without windows of 10 feet instead of the required 15 feet. The Petitioner avers that the use of covered walkways attached to certain walls might fall within the Section 1801, R.R. 1 and the implication of Section 407.1, which makes the building out of an "Accessory" building connected to a principal building by a covered passageway. In any event, a Variance as noted above is requested.

Variance "D" - To permit parking to be located in areas not related to the front of the building as required in Section 504.

Variance "E" - To permit a distance of 15 feet between existing buildings Nos. 1 and 2 instead of the required 125 feet, and to permit a distance between the proposed convalescent home and office building NO. 1 of 60 feet instead of the required 110 feet.

Testimony on behalf of the Petitioner indicated that the subject property, located on the southeast side of York, 524 feet northeast of Thornton Mill Road, consists of a 76.26 acre tract, with portions zoned D.R. 16, D.R. 1, and R.C. 4. The Petitioner proposes to construct what was described as a "Lifetime

Care Community" (a retirement) thirteen for the aged, the more to be under the auspices of "The Friends Lifetime Care Center of Baltimore, Inc." The project was described as provision for independent living quarters, central recreational facilities, office space for staff, and a central administration, and general service building. Existing buildings, for which historic significance was claimed and which the Center stated it planned to preserve, are a manor house, a carriage house, barn, shed, stables, workshop, and spring house. The development is proposed for the R.C. 4 lot, which comprises approximately 21.94 acres of the total tract. Broadmead was further described as ultimately consisting of 248 single-story living units and a 51-bed nursing facility, in addition to the above mentioned buildings and facilities.

The Petitioner called attention to the average age of persons who will occupy the project (76 years), claiming that the ratio of care per person projected in roughly 1.75 with a projection of .8 after 9 years of operation. The projected figures for parking are based on 9.5 spaces per person.

A nearby resident indicated concerns regarding the financial solvency of the Petitioner and what might result should the Petitioner encounter financial reverses, and the possible effect of the 100-year flood plain line on the property.

Without reviewing the evidence further in detail, but based upon all the evidence presented at the hearing, in the judgment of the Deputy Zoning Commissioner, the Petitioner's plans meet the requirements set forth in Section 1801, R.R. 1 of the Baltimore County Zoning Regulations, and the Special Exception should be granted. The Special Hearing pursuant to Section 509.6 to determine the compliance of covered walkways with the Baltimore County Zoning Regulations could also be granted, since it is the opinion of the Deputy Zoning Commissioner, that the 308 foot bulk limitation of the width of a structure, as defined in Section 1201, R.R. 1, does not preclude the construction of the proposed buildings and their covered walkways, the same being disconnected at various

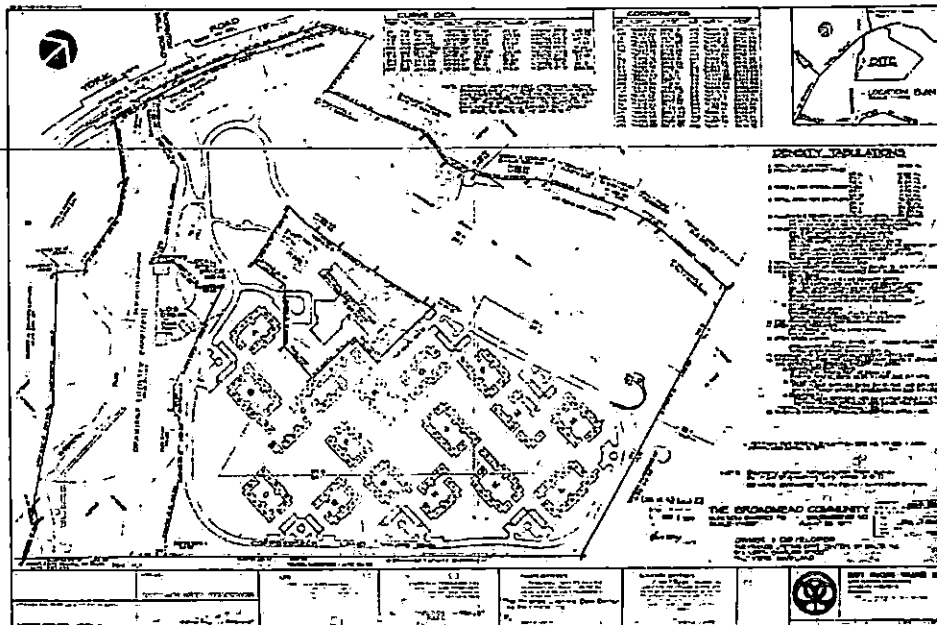
points, and no portion of the building is to extend further than 300 feet without a separation.

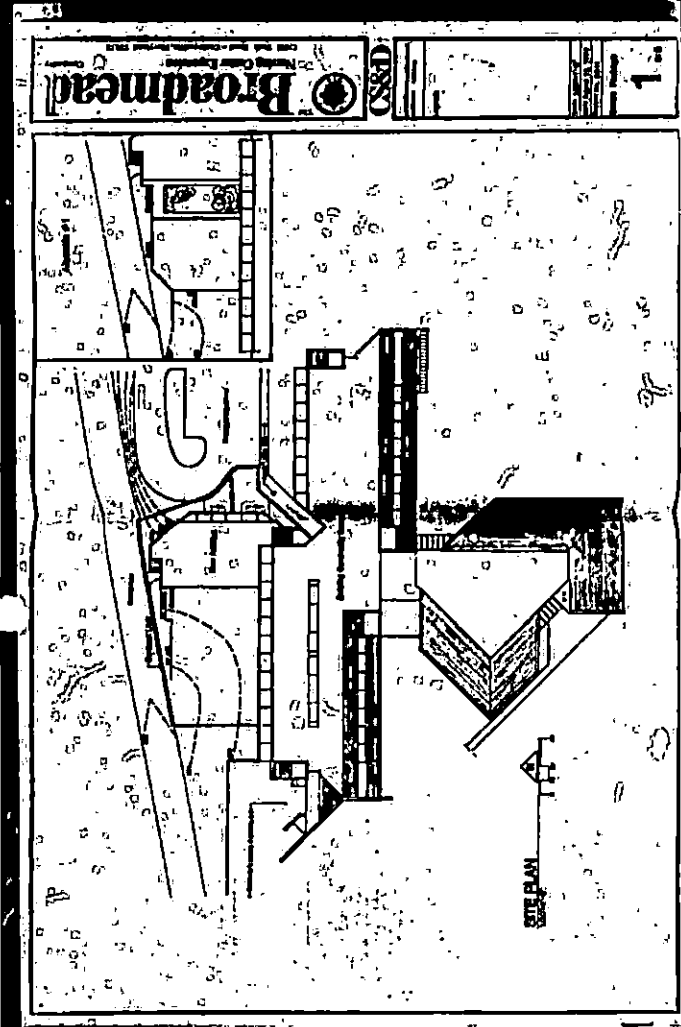
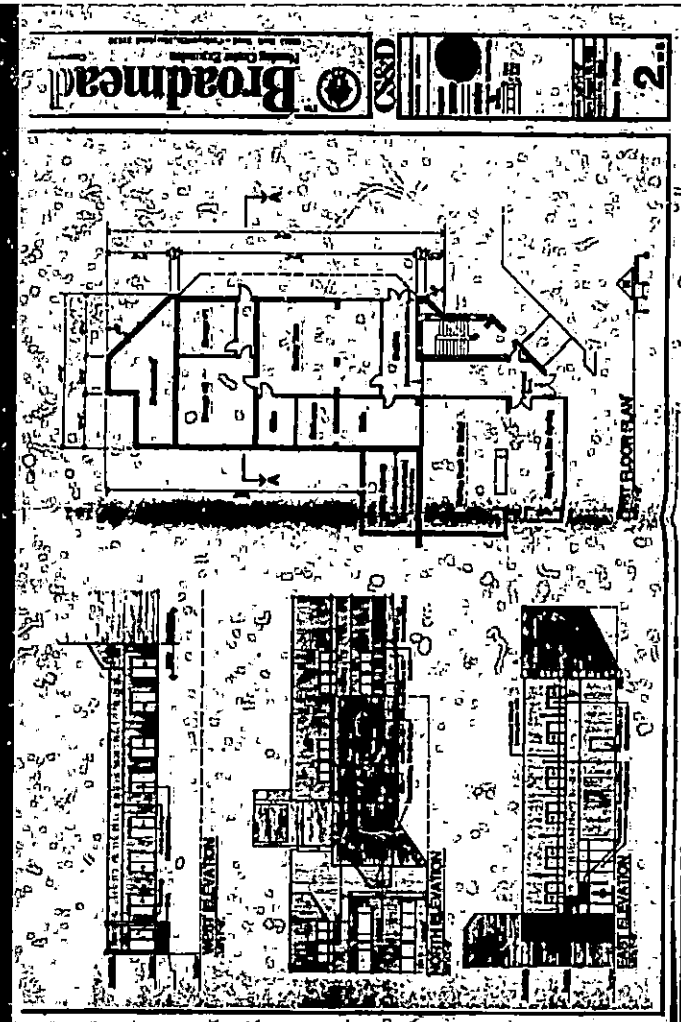
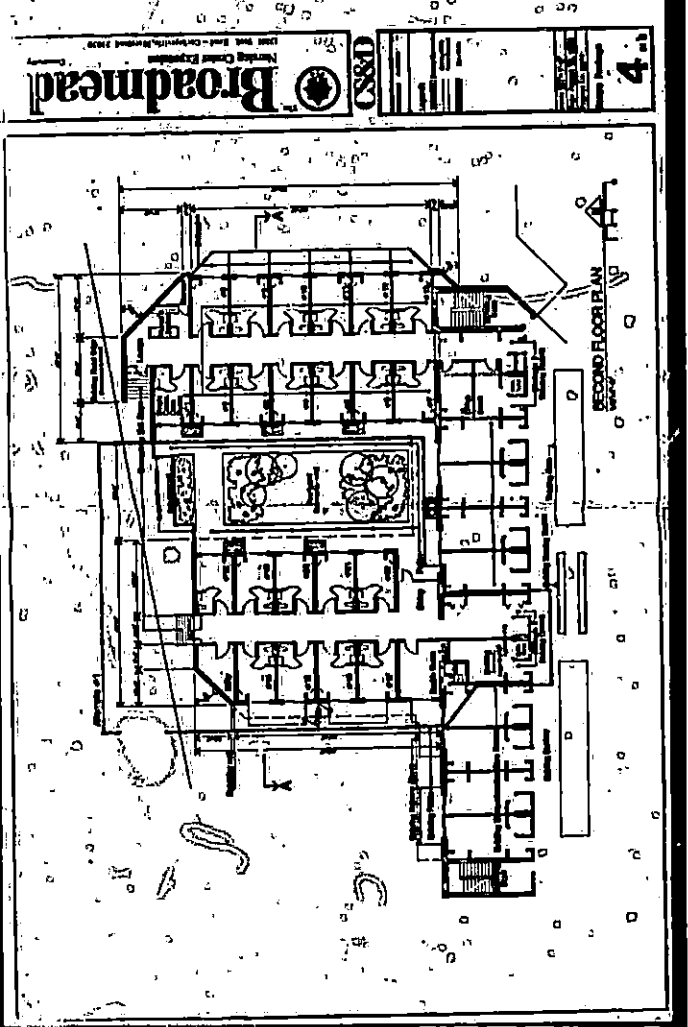
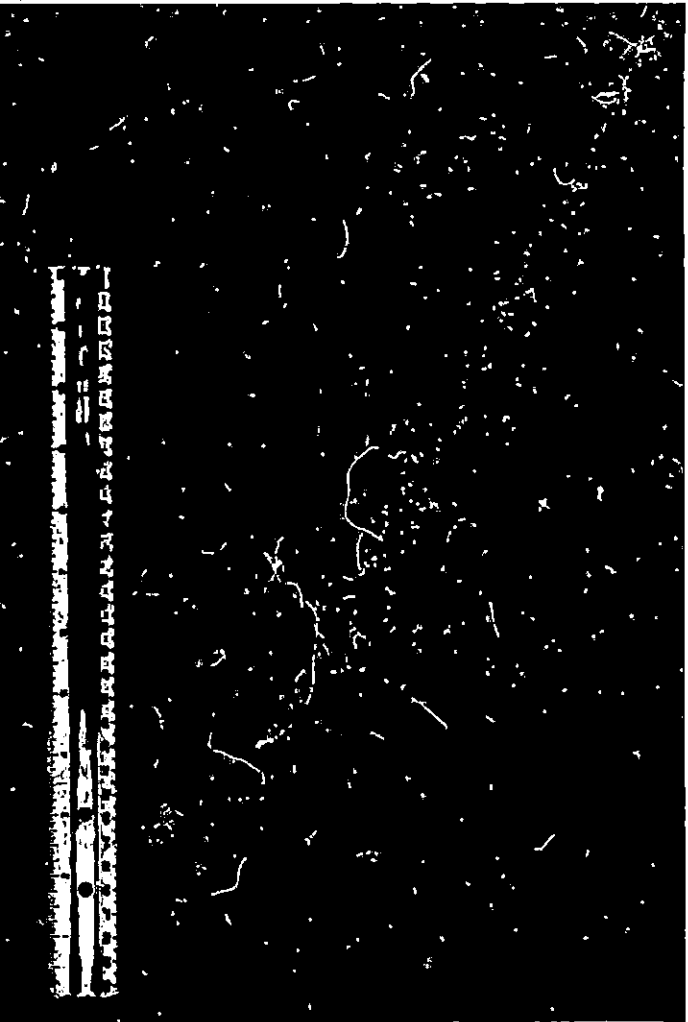
Further, the Variances herein described as Variances "A" through "E" should also be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner, Baltimore County, this 24th day of April, 1983, that the Special Exception for a convalescent home, and the Variances herein described as Variances "A" through "E" should be and the same are hereby GRANTED, from and after the date of this Order, subject to the following:

1. Other space on the subject property must be restricted to the administrative uses of Broadmead.
2. Compliance with a site plan approved by the State Highway Administration, Department of Public Works, Department of Traffic Engineering, Health Department and the Office of Planning and Zoning.

Richard F. Oyer
Deputy Zoning Commissioner of
Baltimore County





PETITION FOR VARIANCE FROM AREA AND HEIGHT REGULATIONS

IN THE CIRCUIT COURT OF BALTIMORE COUNTY

It is hereby ORDERED, this 21st day of July, 1977, that said appeal be and the same is dismissed.

Property is to be owned and advertised as provided by zoning regulations. It is hereby ORDERED, this 21st day of July, 1977, that said appeal be and the same is dismissed.

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PETITION FOR SPECIAL HEARING

IN THE CIRCUIT COURT OF BALTIMORE COUNTY

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PETITION FOR SPECIAL EXCEPTION

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 77-125-NASP

ORDER OF DISMISSAL

Petition of Harry A. Dandore (The French Lifeline Care Center of Baltimore, Inc., successor purchaser) for special exception for covered parking, variance from Section 1802.2.1 (D.R. 1 zone), 1801.2.1, 409.2.1, 102.3 and 504 (D.P. 2) of the Baltimore County Zoning Regulations, and special hearing for the interpretation of the covered parking and covered parking area and accessory structures and as connected to the building on the north side of York Road 522 feet northwest of Thornton Mill Road, in the 18th Election District of Baltimore County.

WHEREAS, the Board of Appeals is a member of a Master of District of Appeals, filed July 21, 1977, in copy of which is attached hereto and made a part hereof, the Petitioner in the above entitled matter,

WHEREAS, the said Petitioner requests that the appeal filed on behalf of said Petitioner be dismissed.

PETITION FOR SPECIAL EXCEPTION, VARIANCES, AND SPECIAL HEARING

BEFORE THE

DEPUTY ZONING

COMMISSIONER

OF

BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as a result of Petitioner for a Special Hearing to approve the interpretation of certain Baltimore County Zoning Regulations pertaining to a proposed commercial home, a Special Exception for a commercial home, and variances pertaining to off-street parking, setbacks and other matters described below:

Variance "A" - To permit, full parking spaces in lieu of the required 360 spaces.

Variance "B" - To permit parking more than 300 feet from a living wall, but less than 400 feet from a living wall. The petitioner requests that the variance be granted as follows:

Section 409.2.1 - Working space as required shall be provided on the same lot with the building which it serves or within 300 feet thereof.

Variance "C" - To permit a distance between building walls without windows of 10 feet instead of the required 15 feet. The Petitioner requests that the variance be granted as follows:

Variance "D" - To permit parking to be located in areas not related to the front of the building as required in Section 504.

Variance "E" - To permit a distance of 15 feet between existing buildings and 10 feet between the proposed 125 feet, and to permit a distance between the proposed commercial home and other building NO. 1 of 60 feet instead of the required 110 feet.

Testimony on behalf of the Petitioner indicated that the subject property, located on the southeast side of York, 522 feet northwest of Thornton Mill Road, consists of a 1.25 acre tract, with portions owned D.R. 1b, D.R. 1, and B.C.

4. The Petitioner proposes to construct what was described as a "lifeline

Care Community" (Broadwood) thereon for the aged, for some to be under the auspices of The French Lifeline Care Center of Baltimore, Inc. The project was described as providing for independent living quarters, central recreational facilities, office space for staff, and a central administration and covered services building. Existing buildings, for which historic significance was claimed and which the Center stated it planned to preserve, are a stone house, a carriage house, barn, shed, machine workshop, and spring house. No development is proposed for the B.C. 4 lot, which comprises approximately 31.94 acres of the total tract. Broadwood was further described as ultimately consisting of a 240 single-story living units and a 91-bed nursing facility, in addition to the above mentioned buildings and facilities.

The Petitioner called attention to the average age of persons who the project (60 years), assuming that the rate of care per person projected is initially 0.75 with a projection of .5 after 5 years of operation. The projected figures for parking are based on 0.6 spaces per person.

A nearby resident indicated concern regarding the financial ability of the Petitioner and what might result should the Petitioner's financial resources be depleted, and the possible effect of the 100-year time span on the property.

Without reviewing the evidence further in detail, but having taken all the evidence presented at the hearing, on the judgment of the Deputy Zoning Commissioner, the Petitioner's plan must be approved as set forth in Section 502.1 of the Baltimore County Zoning Regulations, and the Special Exception must be granted. The Special Hearing pursuant to Section 504.2 to determine the compliance of covered walkways with the Baltimore County Zoning Regulations should also be granted, since it is the opinion of the Deputy Zoning Commissioner, that the 300 foot buffer between the width of a structure, as defined in Section 1802.2.1, does not preclude the construction of the proposed buildings and their covered walkways, the same being disconnected at various

Permit to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the

the above Special Hearing should be granted.

It is ORDERED by the Boarding Commissioners of Baltimore County, this

day of April, 1977, that the above Special Hearing be granted.

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points, and on portion of the building to be extended further than 100 feet within

a separation.

Further, the Variance herein described as Variance "A" through "K"

should also be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore

County, this day of April, 1977, that the Special Hearing be

granted, and the Variance herein described as Variance "A" through "K"

should also be granted.

1. Office space on the subject property must be restricted

to the administrative uses of the property.

2. Compliance with a site plan approved by the State Highway

Administration, Department of Public Works, Department

of Traffic Engineering, Health Department and the Office

of Planning and Zoning.

It is ORDERED by the Deputy Zoning Commissioner of Baltimore

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cessed nursing facility to meet the medical needs of persons living in the independent living units at Broadmead. It is anticipated that there will be 350 persons in the apartments with an average age initially of 16 and an average age after eight years of operation of 63 years. Services facilities available to Broadmead residents will include a room, an in-house pharmacy, physical therapy, occupational therapy and an activity program.

The nursing facility at Broadmead will be an integral part of a single building which houses the general community facilities for the benefit of all Broadmead residents. These general facilities will include the following: Broadmead administrative offices, a common dining room, kitchen, gift shop and coffee shop, U.S. mail boxes, receptionist area, auditorium, lounge, library, craft room and indoor recreation area. All services within the Broadmead form will be available to nursing patients and residents of the independent living units.

The concept of a Lifetime Care Community is to provide a broad range of services to older persons on the site on which they reside. However, while the primary purpose of the site is to meet the needs of those living within that Community, the presence of first-class nursing facilities with full restorative services will be a positive resource to the North Baltimore County area.

The foregoing services are within the definition of a Convalescent form as described in 101 of the Regulations and are not precluded by any of the limitations of §102.1 of said Regulations. In fact, the total thrust of the special exception request for Broadmead is directed toward creating a facility which will contribute to the health, safety and general welfare of present and future Baltimore County residents. Before and after

construction, the facilities will be subject to review by state and federal agencies responsible for the licensing of such facilities and for the certification of expenses for reimbursement through Medicaid and Medicare. The special exception facilities will not be detrimental to the health, safety or general welfare of the locality involved. This conclusion is supported by the following facts.

(1) Limited Traffic Generation

In contrast to almost any other plan for development of this site tract, Broadmead will produce an absolute minimum of traffic. Access road proposals have already been preliminarily reviewed by the joint subdivision Planning Committee of Baltimore County and certain modifications have been made in response to the comments of that Committee. The proposed entrance roads are located so as to provide safe ingress and egress to Broadmead. The proposed development is highly self-contained. The proposed use generates only 25% of the average daily trips normally attributed to a single family development of a comparable number of units.

(2) Absence of Fire Hazards, etc.

The proposed Community does not create potential hazards from fire, panic or other dangers. The licensing requirements for convalescent homes are more stringent than requirements for other types of buildings in the community. In addition, a special fire alarm system and Security System Patrols will be a part of

Although the special exception relates only to the 4.9 acre parcel, where appropriate, we have also discussed the effects of the total Broadmead Community on the matters covered by §102.1 of the Regulations, since Broadmead will function as an integrated unit.

Broadmead's operations. Special training programs will also be conducted for residents of Broadmead to encourage safety and fire prevention.

(3) Maximized Open Space

The design of Broadmead provides approximately 50% (70 acres) of the site as open space and the additional value of preserving special historic and scenic elements of the site. In particular, certain of the scenic facilities (including some of the offices for the operation of the independent living units) will be incorporated into the existing major house which has stood as the focal point of the Kelly Hill Estate for many years. In contrast to the 40 acres of open space available on the site, the maximized open space is 1.75 acres.

(4) Limited Demand on Public Facilities

Broadmead will obviously impose no load on public schools. According to the experience of other Lifetime Care Communities, the requirements of the total Broadmead Community for sewer and water facilities will be approximately 70% less than those of a standard housing project of 240 units. The difference in demand arises out of the anticipated difference in population per unit and the difference in the patterns of use. Existing water and sewer facilities have a capacity far in excess of that required so services Broadmead since these facilities were originally developed before the recent comprehensive re-zoning in the Third District. Broadmead will require no other public improvements.

2. The reference here is to open space as computed under the Regulations. The actual land area which will not be covered by actual buildings or paving is, of course, much greater.

(5) optimum access to light and air

The construction of Broadmead will not interfere with the access of other property owners to adequate light and air. The Convalescent form will be far removed from prospective owners of Broadmead and is otherwise oriented so that it does not interfere with light or air available to any of the surrounding structures within Broadmead.

Lifetime Care Communities are designed to maximize privacy for each resident by clustering units in small groups and maintaining access to light and air by maintaining simple story, small scale buildings. Unit clusters are located to scenic views on the property. The small scale units are in relationship to each other and to external site conditions as to maximize all other positive environmental conditions.

(6) Additional Benefits

Broadmead will enhance the health, safety and general welfare of Baltimore County residents for the following reasons:

(a) The objectives of the Watersheds Protection (B.C.C.) Town are enhanced by the pattern of site development proper for Broadmead. The design criteria of Friends for the scale of the units and the layout of the total project, including the location of buildings in the special exception parcel, are more stringent than the Regulations and will minimize any impact on the B.C.C. zone. To the extent possible, open spaces have been preserved and the undeveloped areas have been maximized to increase the absorption of water run-off from buildings and paved surfaces.

(b) The provision of community facilities for such activities as recreation, food services, arts and crafts and on-site management of the apartment units are intensive to gain available the very amenities which professional planners an-

persons who care for the aged, infirm or have in such a community setting. All of such facilities, including the services, are limited to serving the total Broadland Community.

(c) There is a substantial demand for a community like Broadland in the Baltimore Metropolitan Area. Without the assistance of any formal advertisement program, over one-half of the planned 240 independent living units had been applied for within 60 days after applications were first opened. To date, applications continue to come in at a steady pace. Deposits of \$1,000 or more are made at the time of each application. The experience of other Lifetime Care Communities has demonstrated that a Commission of the size proposed in the special exception request considered hereunder is the appropriate size for 240 independent living units.

The facts supporting the request for this special exception more than meet the limited tests required for the granting of a special exception in Baltimore County. It is clear that the special exception requested by the Friends should be permitted.

REQUEST FOR VARIANCE

Design criteria for a Lifetime Care Community serving persons whose average age is over 75 years are typical in

The applicant is only required to show to the satisfaction of the zoning authority that the proposed use would not be without real detriment to the neighborhood and would not actually adversely affect the public interest. Regrettably, the Board of Appeals, by its decision of 12-14-70 (1970), the foregoing materials demonstrate that there will be no real detriment to the area surrounding the special exception. In fact, the Community most closely affected (the independent living units) need the special exception to better preserve their health and welfare.

-10-

to the operation of a Lifetime Care Community.

Paragraph III.F.1. of the Baltimore County Comprehensive Manual of Development Policy (the "Manual") states that:

"Parking spaces required by the zoning regulations should be closer or more conveniently related to the door of the house than to the nearest street or highway. Where this condition is not met, wider streets may be required."

The Manual's illustration of this concept shows a building closer to the street than the parking area designated for use of its occupants. The building entrance, however, is closer to the parking lot. The Manual states that the design is in compliance with the Regulation. This conclusion is based on the convenience of actual access. In a residential community like Broadland, it is unlikely that residents will park their cars in areas which do not have direct access to the covered walkways linking the parking area to the units. Experience in other Lifetime Care Communities has demonstrated strict use of the parking areas by community residents. In addition, close staff help available to carry packages for the community resident from cars to apartments, the usual motivation for parking close to the independent living unit is absent. It is our conclusion therefore that the location of the parking lots in relation to the curb line is within the requirement of the Manual and Regulations.

In the event that the Regulations are read to require units to be constructed nearer to parking areas than to the closest curb, Friends has requested that a variance be granted permitting the parking spaces to be located generally in the manner shown on the Plan. As we have noted, persons residing in the Lifetime Care Community tend to use their cars infrequently. They also tend to be highly disciplined persons and persons of habit who will routinely park their cars in assigned spaces.

-11-

In addition, since the covered walkways will connect the parking area with each of the apartments, the most convenient means for an individual resident to get to his or her apartment will be to utilize the covered walkways. As stated above, we believe that this convenience factor brings the locations within the Regulations. However, if the Commissioner should disagree on this interpretation, we believe the variance request for location of the parking as shown on the Plan in relation to the units is justified.

C. VARIANCE IN THE DISTANCE BETWEEN CERTAIN UNITS

Topography of the site when combined with the design criteria for Lifetime Care Centers and the clustering of units will result in the need to locate a few cluster and units within less than 16 feet of each other (not no less than 10 feet) with a passageway running between the units. As more than eight such configurations will be required on the total site, a covered walkway attached to the units in the courtyard area (but not within the passageway) will be utilized to provide access to and from the rest of the Broadland Community. The walls of the units within the passageway will be windowless. We believe that the structural connection of the covered walkway within the courtyard area brings the building locations within §101.2.8.3 of the Regulations and §9.8.5.6 of the Manual. The structural connection within the courtyard appears to fit within the definition of attached structures under §101.2.4.1 of the Regulations and the implication of §100.1 which states one building out of an "accessory" building connected to a principal building by a covered passageway.

In the event that the Commissioner should find to the

-12-

population, the typical experience for the number of cars upon opening of a community has been to be somewhat under 0.75 cars per apartment. The experience after nine years of operation drops significantly to 0.5 cars per apartment. Broadland proposes to construct approximately 0.6 parking spaces per independent living unit. This ratio will be more than enough to handle the occupants of the units, their guests, and delivery persons. Specific reference is made to the experience of another Lifetime Care Community called Pontknawys, in Gwynedd, Pa. which at the present time (after nine years of operation) has 0.5 vehicles per apartment. Pontknawys opened with approximately 0.6 vehicles per unit. In Medford Lane, located in Medford, New Jersey, after four years of operation, it has 0.6 vehicles per unit. Medford Lane originally opened with a ratio of 0.7 vehicles per unit.

Because of the increased run-off created by large parking areas, Friends believes that it would be a mistake to design more parking for Broadland than will actually be needed. This design concept is consistent with concerns for protection of the Watershed Protection Zones and protection of the Loch Raven Reservoir emphasized by the County in the adoption of the 1975 Comprehensive Zoning Map. Should parking in addition to the 190 spaces be required, areas are available for the development of additional parking.

D. LOCATION OF FIVE PARKING AREAS

Section 109.2a sets forth standards which may be interpreted by planning staff to require parking to be within 300 feet of each unit. Certain of the independent living units will be more than 300 feet (but less than 500 feet) from the units. In the event that the Commissioner should construe the Regulations to require that parking under §109.2a of the Ordinance must be

-13-

within 300 feet of each unit, a variance to permit the construction of parking spaces more than 300 feet, but no more than 500 feet, from the independent living units and for approval of the location of the parking areas in the manner shown on the Plan.

The uncertainty in the Regulations arises from the fact that §109.2a provides that the parking spaces described for dwellings (including apartment houses)

"shall be provided on the same lot with the building which it serves or within 300 feet thereof."

Each of the units on the Preliminary plan are located on the same lot to be owned by Friends. The use of the word "on" in the Regulation makes the standards in the sentence conjunctive. Therefore, since all independent units meet the lot requirement, it is unnecessary to otherwise locate the parking spaces within 300 feet of the individual living units. It is our understanding that in the case of a number of units under common ownership located on the same tract but used by different facilities, the Regulation has been read to allow the requirements disjunctive.

Assuming that the 300 foot limitation applied a variance is justified in this instance. As indicated previously, a number of independent living units will be more than 300 feet from the nearest parking space. However, it is anticipated that these apartments will be selected by persons who do not drive and, therefore, have no need for parking areas. The need for persons for activity within Broadland will be met through installation of a covered walkway system. In addition, bus persons will be available to provide delivery, housekeeping and other services as needed. Such services are normally incident

-14-

concept of the design would have an adverse effect to the aesthetic appeal of Broadland and the conservation objectives of the County. Strict conformity with narrowest interpretation of the Regulations would further result in needless expense and unnecessary hardship to Friends and the future residents of Broadland.

There is ample support for granting the requested variances since (i) reduction of the parking will not result in a parking overload, (ii) reduction of the parking will further environmental objectives, (iii) the convenience of the parking area to the units is governed by proximity of the walkways to the units on the parking area, and (iv) the rationale for location of the parking nearer to glass walls than particular roadways is not applicable to a Lifetime Care Center.

IV.

SPECIAL HEARING FOR DETERMINATION THAT THE COVERED WALKWAYS AT 300 FEET TO THE PLAN ARE IN CONFORMANCE WITH THE ZONING REGULATIONS OF BALTIMORE COUNTY

Pursuant to §100.8 of the Zoning Regulations.

"The Zoning Commissioner shall have the power upon notice to the parties at interest, to conduct hearings involving . . . any zoning regulation, or the proper interpretation thereof, and to pass his Order thereon, subject to the right of appeal of the party of interest."

Because of the age and infirmity of a number of residents of Broadland, walkway areas must be covered with some type of a protective loggia. Under the Regulations, it is not precisely clear whether such a loggia is a part of a structure, or a structure in and of itself, and whether the 300 foot walkway limitation on the siting of a structure under Section 101.2.8.3 applies. The detailed drawing of the proposed pedestrian access way shows the Plan demonstrates how the loggia will be disconnected at

-15-

contrary, we have requested a variance to permit clustering in the manner, and subject to the limitations, described above.

The limited use of the configuration requested (i) arises out of the uniqueness of the site topography when combined with the design criteria for Lifetime Care Centers, (ii) will create practical difficulties in the design of the cluster and units affected, (iii) is, together with the total clustering plan for all other independent dwelling units, within the spirit of the Regulations, and (iv) will not result in any injury to the public health, safety or general welfare of future residents.

D. GENERAL SUPPORT FOR THE VARIANCE REQUESTS

In each of the foregoing variance requests, the requirements of the grant of a variance under Baltimore County law are met. Section 307 of the Regulations permits grant of a variance where:

- (i) application of the parking requirements would result in practical difficulty or unreasonable hardship; and
- (ii) the resulting development is in strict harmony with the spirit and intent of said Regulations; and

- (iii) the resulting development will not result in substantial injury to public health, safety and general welfare.

Each request for a variance in the parking provision for Broadland described above meets the three tests of the Regulations. The facts stated demonstrate that the needs of this unique setting vary distinctly from those of the general community. To break up open space, increase run-off, and destroy the clustering

-16-

May 4, 1977

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General Motors Steel Company, Dearborn, Michigan
 1946 - 1970 - Corrosion, Mechanical manufacturing problems, in
 Corrosion and Iron-Oxide Chemicals Division, American

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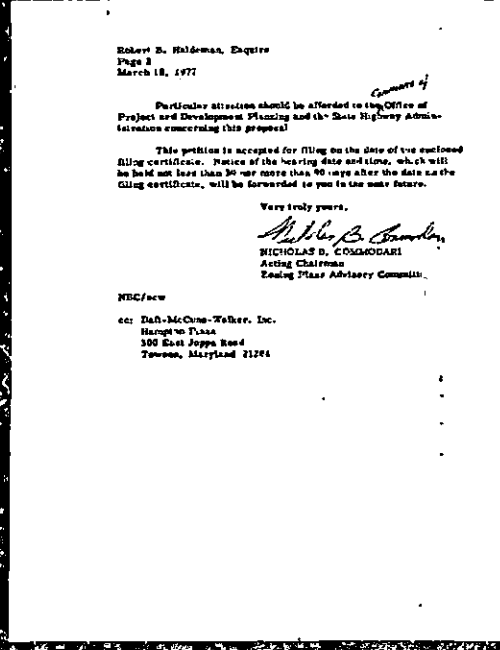
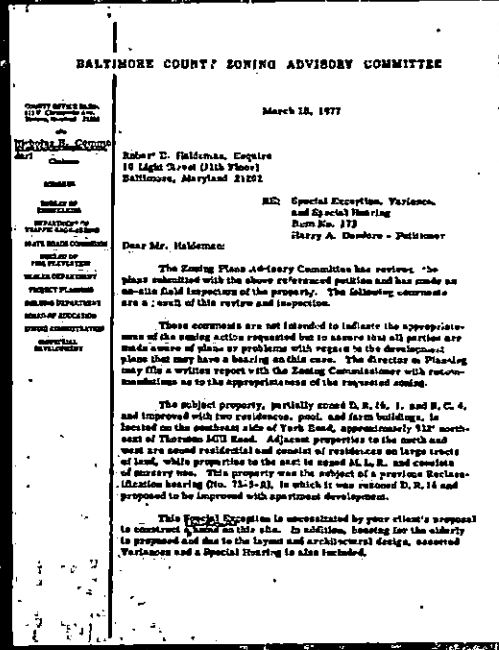
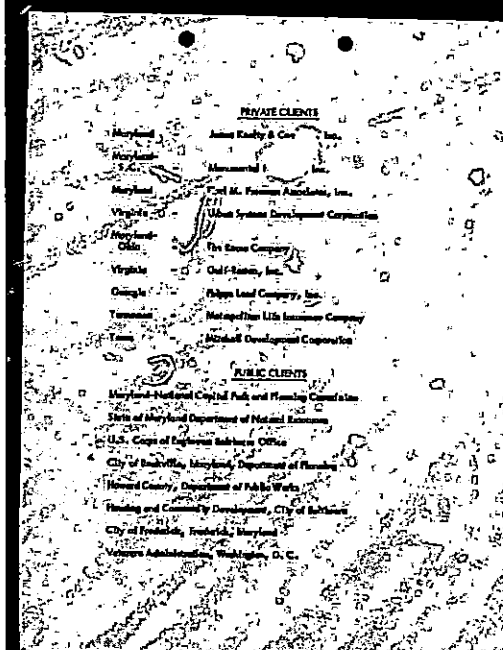
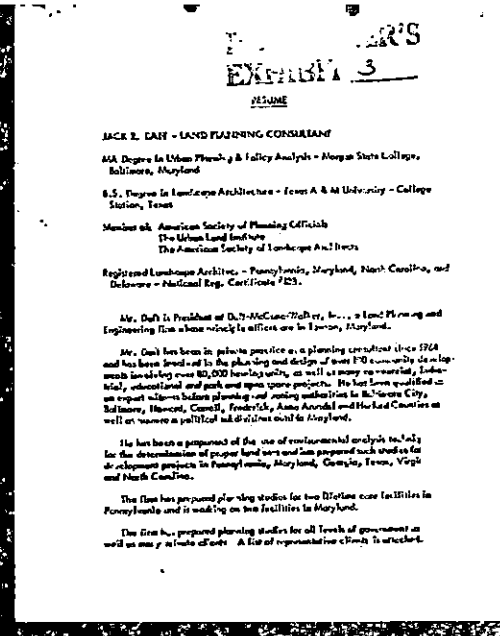
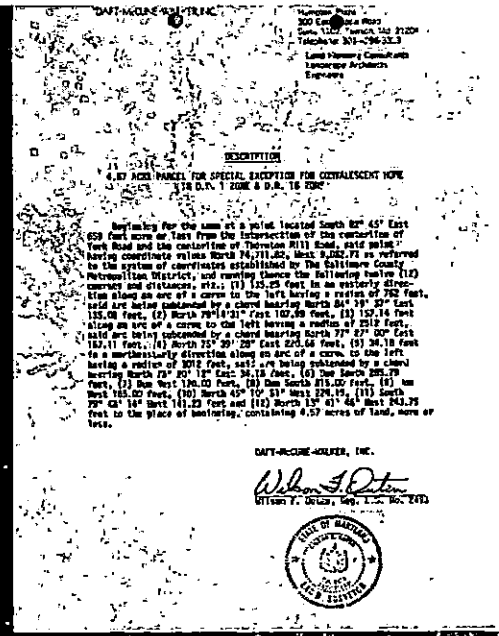
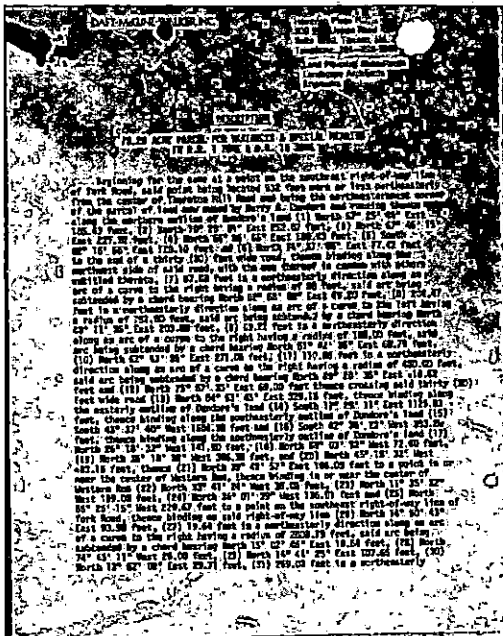
James Smith
"JOHN A. SMITH"
Acting Director of Planning

NO. 4 77 88

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10 1/2

James E. Brady
"JAMES E. BRADY"
Acting Director of Planning



STATE HIGHWAY ADMINISTRATION
TOWSON, MARYLAND 21204

February 17, 1977

Mr. S. Eric Dismore, Zoning Commission
County Office Building
Towson, Maryland 21204

Re: Item 173 (1976-1977)
Property Owner: Harry A. Dondos
850 York Rd. 312' W. of Thornton Hill Rd.
Bearing: S. 85° E. 1/4 S. 1/4
Proposed Building: Special Exception for a commercial home.
Variance to permit 150 parking spaces in line of the required 300' in connection with the proposed building for the elderly. Variance to permit a distance between building walls within width of 10' in line of the required 15'. Variance to permit a distance between building walls within the proposed development up to 300' in line of the required 300'. Special hearing to approve the interpretation that the covered walkway shown on plat are accessory structures and as connected to the building are within the bulk regulations for D.E. zones and as such would not conflict with Section 504 (V.B.4) which limits the length of attached building to 300'. And also to allow parking to be located in the area which are not related to the front of the building as provided in Section 504 (III.F.3).
Acre: 76.26
District: 6th

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

The Baltimore County Bureau of metropolitan development on February 14, 1977 to the Bureau of Public Services in connection with the preliminary plat submitted to the Planning Commission, dated January 1977. These comments are referred to for your information.

In view of this property being tributary to the Jones Falls Sanitary Sewage System, it is subject to State Health Department regulations.

This office has no further comment in regard to the plan submitted the Zoning Advisory Committee review in connection with item 173 (1976-1977).

Very truly yours,
Edward W. Dismore
Director, Bureau of Planning

STATE HIGHWAY ADMINISTRATION
TOWSON, MARYLAND 21204

February 17, 1977

Mr. S. Eric Dismore, Zoning Commission
County Office Building
Towson, MD 21204

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District: 6th

Very truly yours,
Edward W. Dismore
Director, Bureau of Planning

STATE HIGHWAY ADMINISTRATION
TOWSON, MARYLAND 21204

February 17, 1977

Mr. S. Eric Dismore (Cont. of p. 1)

back at the location of the proposed entrance. It will be difficult to provide an acceptable entrance grade.

The existing entrance must be kept closed except for emergencies.

The plan must be revised in accordance with the comments above.

Normally, the State Highway Administration would find a parking variance, of the magnitude proposed, undesirable, however the long entrance drive would provide sufficient stacking on an as to cause any particular problems on York Road, interior traffic problems may be encountered however.

Very truly yours,
Charles Lee, Chief
Bureau of Engineering
Access Permit
John A. Meyer

CLAIMED

STATE HIGHWAY ADMINISTRATION
TOWSON, MARYLAND 21204

March 8, 1977

Mr. S. Eric Dismore, Zoning Commission
County Office Building
Towson, Maryland 21204

Dear Mr. Dismore:

Comments on Item 173, Zoning Advisory Committee Meeting, February 9, 1977, are as follows:

Property Owner: Harry A. Dondos
Location: 850 York Road 312' W. of Thornton Hill Rd.
Bearing: S. 85° E. 1/4 S. 1/4
Proposed Building: Special Exception for a commercial home. Variance to permit 150 parking spaces in line of the required 300' in connection with the proposed building for the elderly. Variance to permit a distance between building walls within width of 10' in line of the required 15'. Variance to permit a distance between building walls within the proposed development up to 300' in line of the required 300'. Special hearing to approve the interpretation that the covered walkway shown on plat are accessory structures and as connected to the building are within the bulk regulations for D.E. zones and as such would not conflict with Section 504 (V.B.4) which limits the length of attached building to 300'. And also to allow parking to be located in the area which are not related to the front of the building as provided in Section 504 (III.F.3).
Acre: 76.26
District: 6th

This office has reviewed the subject petition and offers the following comments. There are no comments to indicate the appropriateness of the zoning requested, but are to be made if parties are made aware of plans or problems with regard to development plans that may be having on this petition.

The developer must comply with the additional requirements before building permits are obtained.

Very truly yours,
John A. Meyer
Chief, Bureau of Engineering
Access Permit

STATE HIGHWAY ADMINISTRATION
TOWSON, MARYLAND 21204

March 8, 1977

Mr. S. Eric Dismore, Zoning Commission
County Office Building
Towson, Maryland 21204

Re: Item 173 - cont.
Property Owner: Harry A. Dondos
850 York Rd. 312' W. of Thornton Hill Rd.
Bearing: S. 85° E. 1/4 S. 1/4
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District: 6th

Very truly yours,
Edward W. Dismore
Director, Bureau of Planning

STATE HIGHWAY ADMINISTRATION
TOWSON, MARYLAND 21204

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County Office Building
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District: 6th

Very truly yours,
Edward W. Dismore
Director, Bureau of Planning

STATE HIGHWAY ADMINISTRATION
TOWSON, MARYLAND 21204

March 8, 1977

Mr. S. Eric Dismore
Page 2
March 8, 1977

Item # 173 - cont'd.

to be used for the food service operation must be submitted and approved by the Maryland State Department of Health and Mental Hygiene, Plans Review and Approval Section.

Metropolitan water and sewer must be extended to this property prior to final approval of the Health Department.

Very truly yours,
Steven A. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

TH:BNW:ash
cc: Mr. Irvin L. Snyder

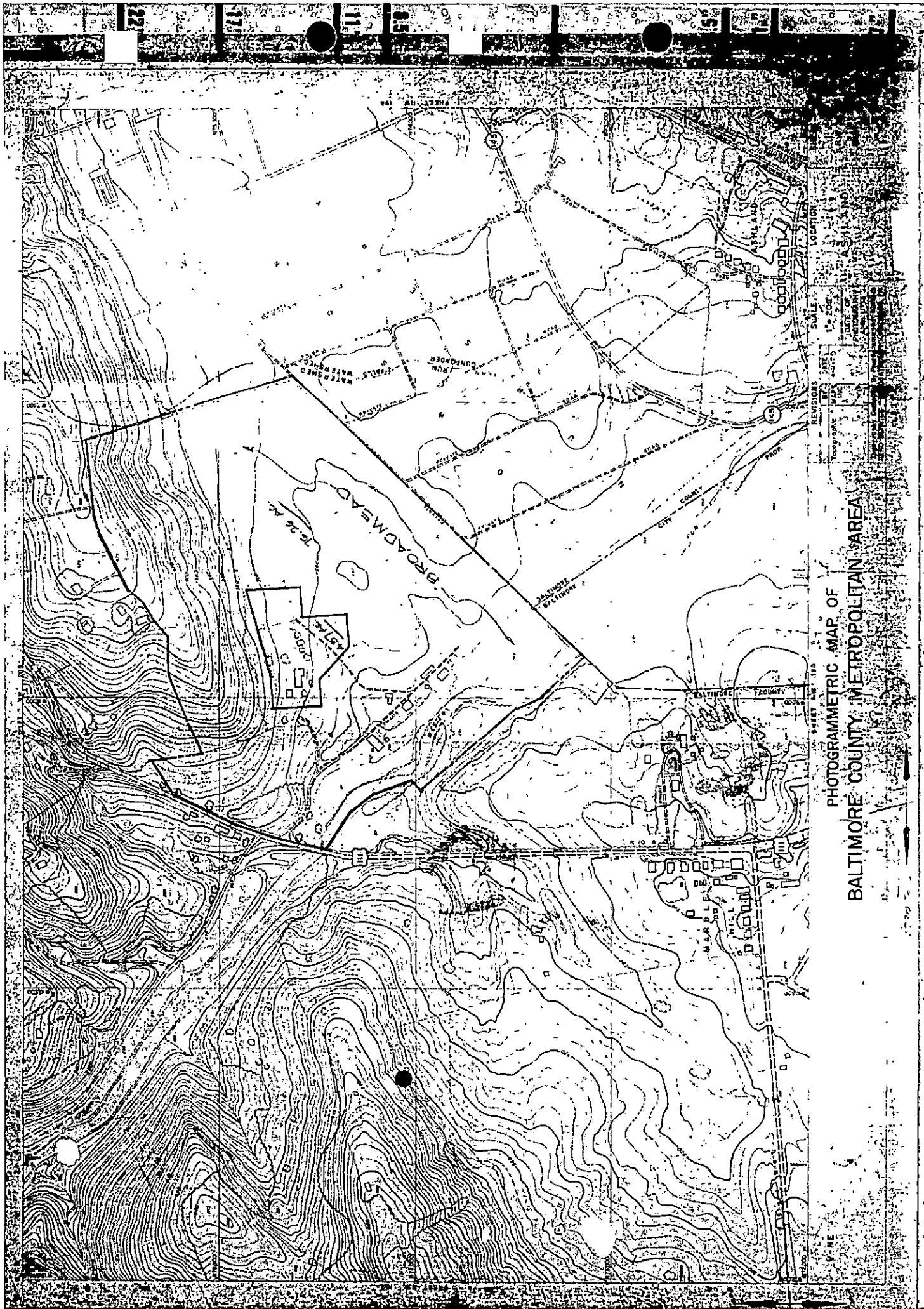
STATE HIGHWAY ADMINISTRATION
TOWSON, MARYLAND 21204

March 8, 1977

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Very truly yours,
Edward W. Dismore
Director, Bureau of Planning



PLAN TO ACCOMPANY
 EXPLANATION
 OF THE
 BROADHEAD
 ROAD PROJECT
 IN THE
 TOWN OF
 BROADHEAD
 COUNTY, MISSOURI



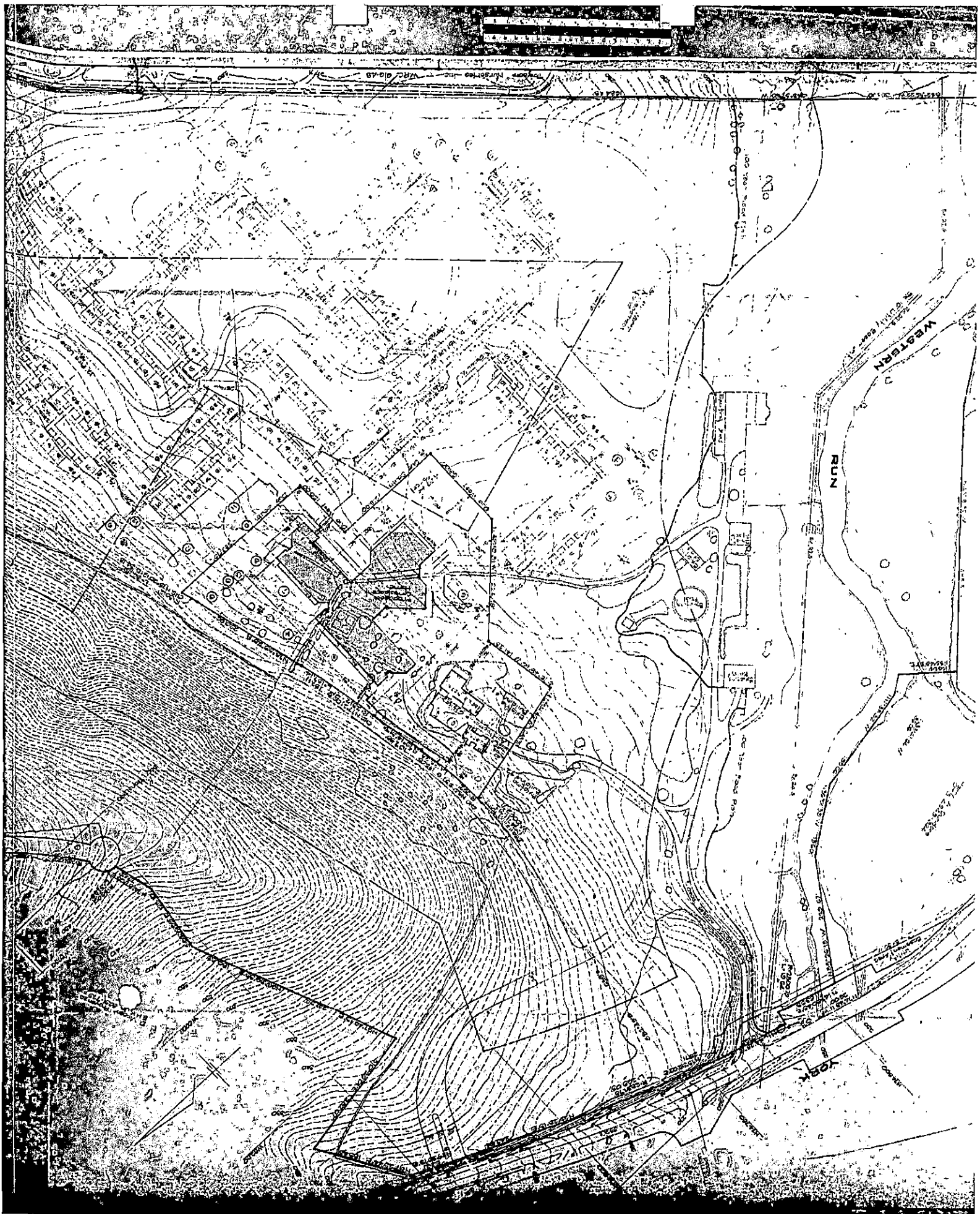
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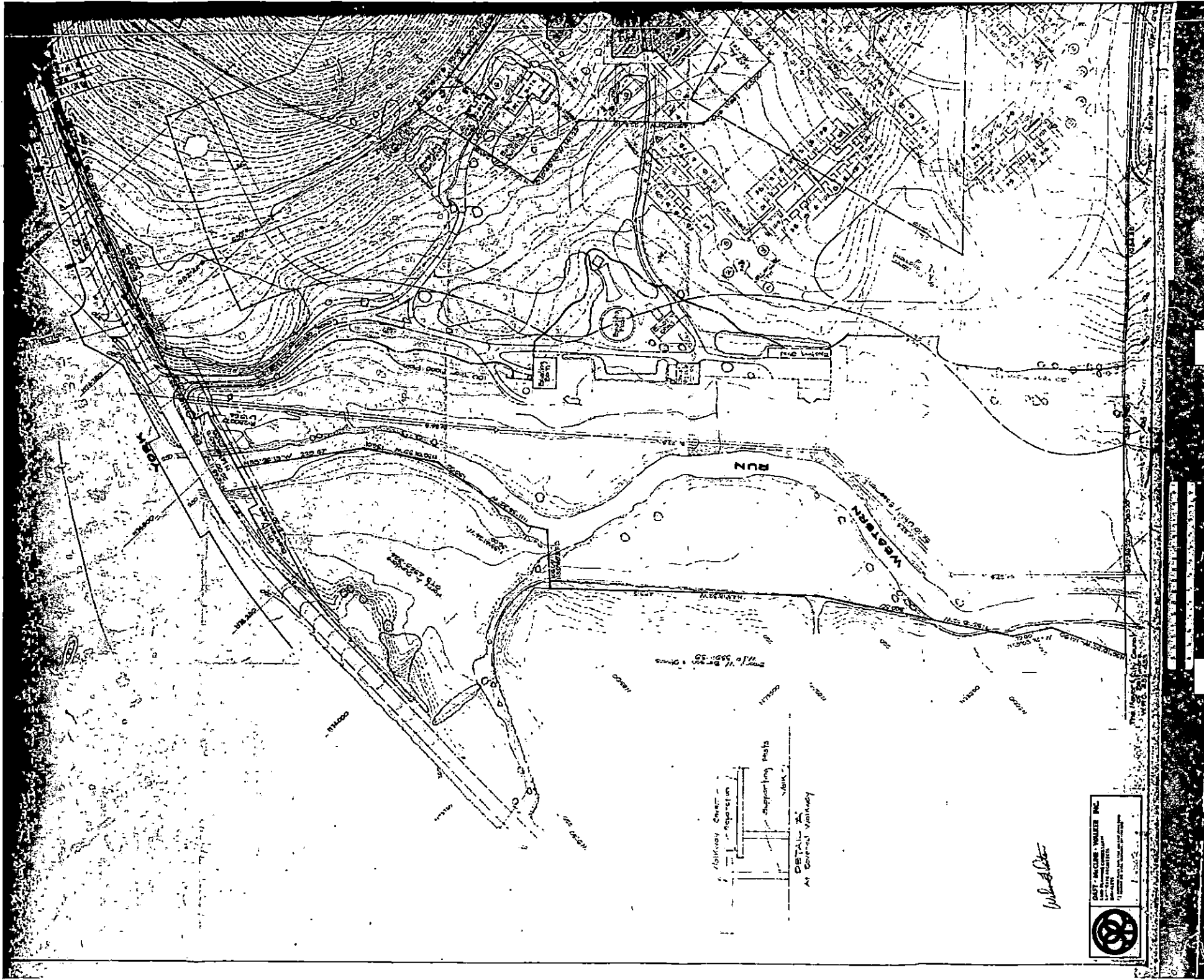
1. General description required for convenient home
2. Vertical curve in portion from 201 required space
3. Reduction in distance between building walls
4. Without windows from 10' to 10' 6" plan
5. (a) turning in distance between unit and parking
6. (b) from 200 to 201
7. (c) turning in distance between unit and parking
8. (d) turning in distance between unit and parking
9. (e) turning in distance between unit and parking
10. (f) turning in distance between unit and parking
11. (g) turning in distance between unit and parking
12. (h) turning in distance between unit and parking
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30. (z) turning in distance between unit and parking

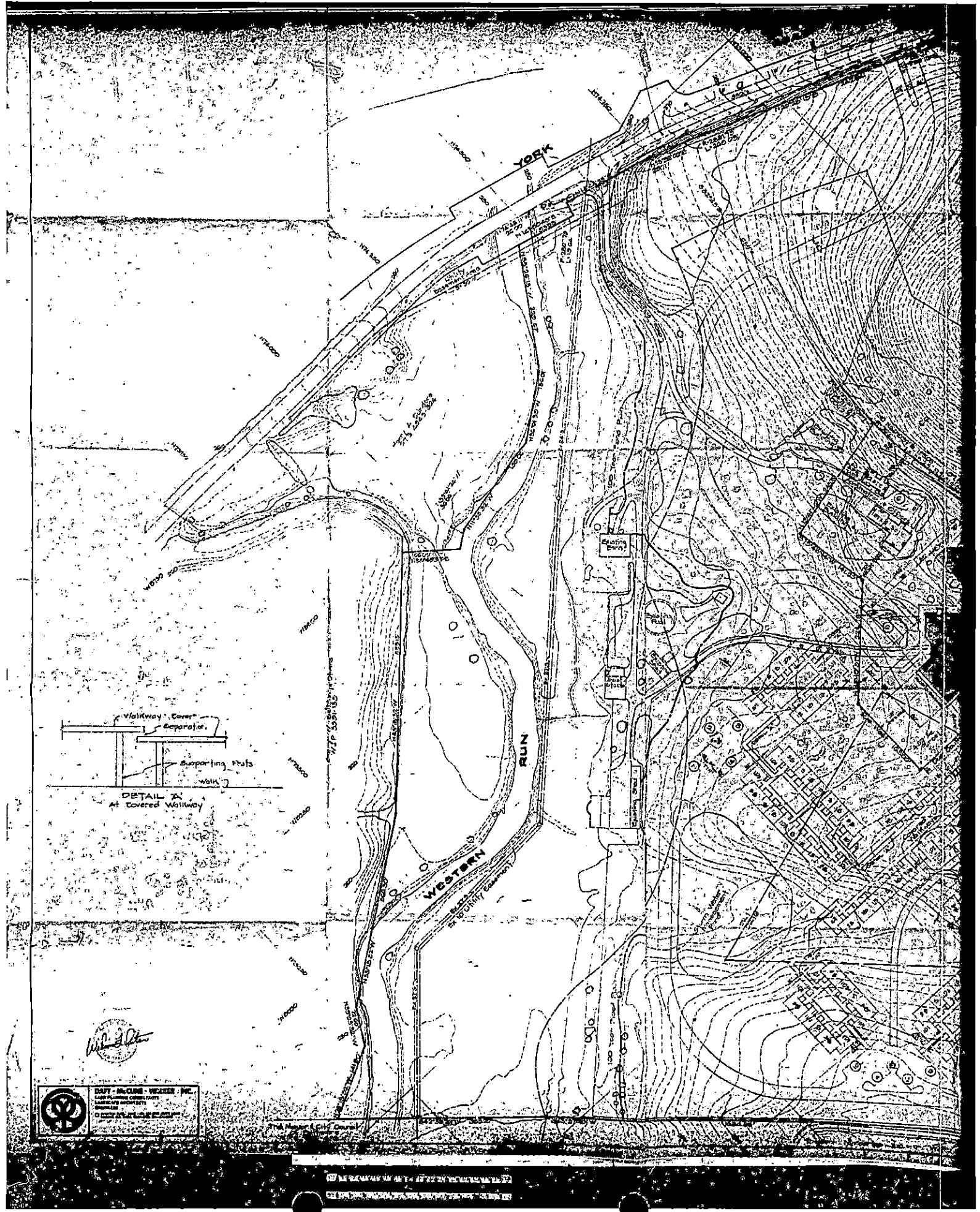
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26. (v) turning in distance between unit and parking
27. (w) turning in distance between unit and parking
28. (x) turning in distance between unit and parking
29. (y) turning in distance between unit and parking
30. (z) turning in distance between unit and parking









DAVE - MOORE - WELCH, INC.
LANDSCAPE ARCHITECTS
MINNEAPOLIS, MINN.
1912

REPRODUCED FROM THE ORIGINAL DRAWING
BY THE ARCHITECTURAL RECORD CO.

ORDER RECEIVED ON FILING
Date 4/13/93
By R. H. Williams

cc: People's Counsel

ORDER RECEIVED FOR FILING

cooling at this time is at their own risk until time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order has expired, the appellators would be required to return, at their own expense, to the United States District Court for the District of Columbia.

RECEIVED FOR FILING

of the property's zoning classification, nor its any volume may
test with the spirit and intent of the E.C.D.B.

RECEIVED FOR FILING
5/17/80

conditions set forth in the special exception requirements.

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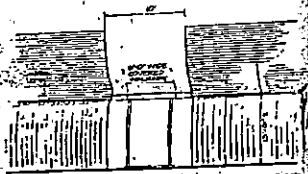
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Division of
Public Works
Baltimore, Md.

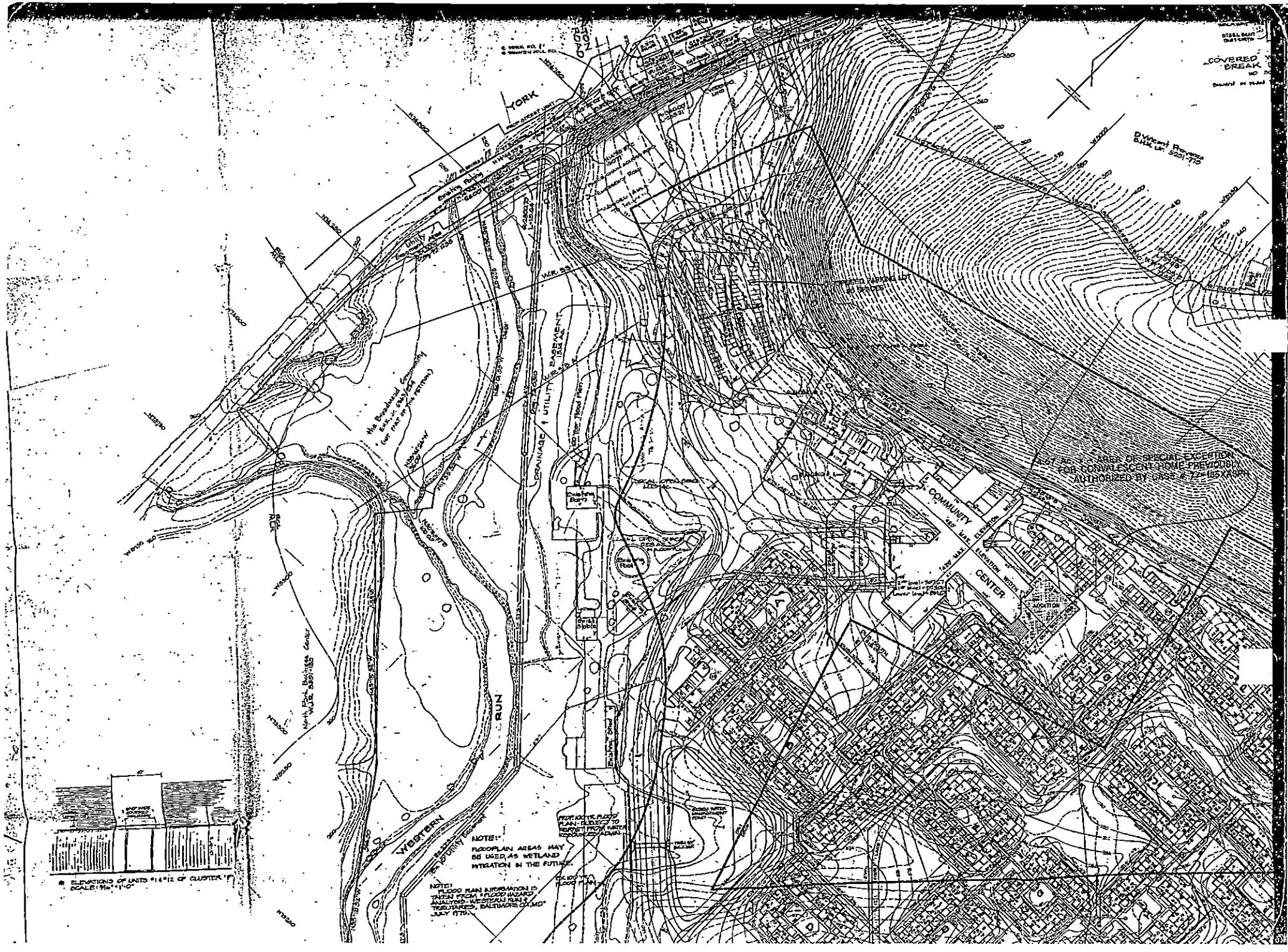
REMARKS: SPECIAL EXEMPTION
FOR FLOODING OF SOME PREVIOUSLY
AUTHORIZED BY CASE # 72-185 X 837

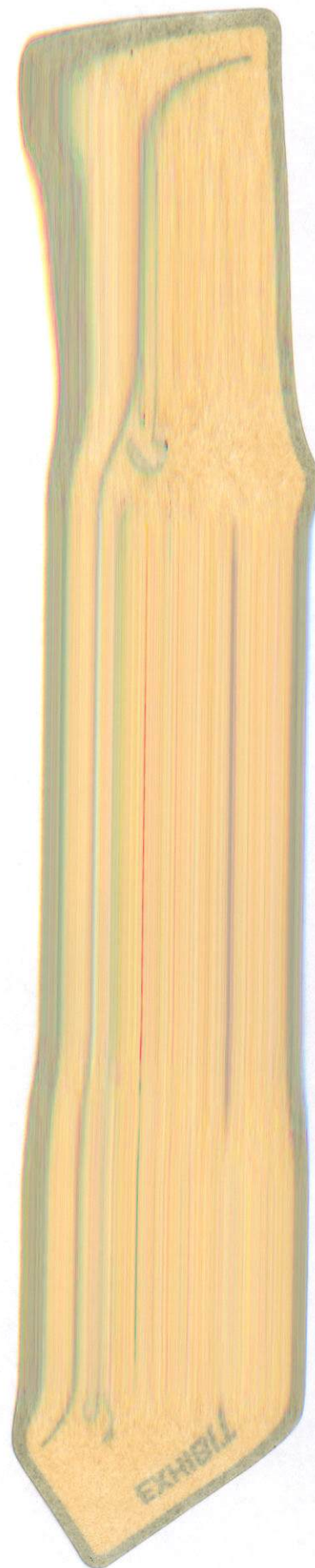
NOTE:
FLOODPLAIN AREAS MAY
BE USED AS WETLAND
MITIGATION IN THE FUTURE.

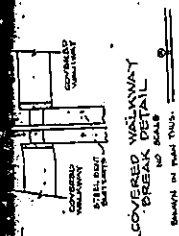
NOTE:
FLOOD HAZARD ANALYSIS
TAKEN FROM FLOOD HAZARD
ANALYSIS - BALTIMORE, MD.
JULY 1970.



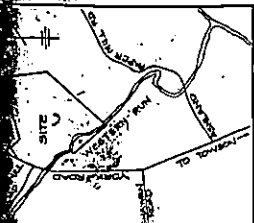
RE ELEVATIONS OF UNITS 914 1/2 OF CLUSTER 1
SCALE: 1/4" = 1'-0"







TYPICAL FLOOR PLANS



The drawing is a detailed technical illustration of a mechanical assembly, possibly a pump or engine component. It features a central cylindrical body with various internal and external features. Dimensions are provided in inches and fractions of an inch. A legend at the bottom left identifies various parts and materials. The drawing is oriented horizontally, with the main assembly centered. The legend is located at the bottom left, and the title 'COVERED WALKWAY' is at the bottom right. The drawing is a technical drawing, likely a cross-section or a perspective view, showing the internal structure of the assembly. The legend includes items such as '1. Cast Iron', '2. Steel', '3. Brass', '4. Aluminum', '5. Copper', '6. Bronze', '7. Inconel', '8. Titanium', '9. Stainless Steel', '10. Nickel', '11. Monel', '12. Hastelloy', '13. Invar', '14. Kovar', '15. Maraging Steel', '16. Tool Steel', '17. High Speed Steel', '18. Carbide', '19. Ceramic', '20. Composite', '21. Fiber', '22. Glass', '23. Carbon', '24. Kevlar', '25. Fiberglass', '26. Plastic', '27. Rubber', '28. Neoprene', '29. Viton', '30. PTFE', '31. Nylon', '32. Polycarbonate', '33. Acrylic', '34. Plexiglas', '35. Perspex', '36. Lucite', '37. Delrin', '38. UHMWPE', '39. PEEK', '40. PI', '41. PEI', '42. PA', '43. PC', '44. PMMA', '45. PS', '46. PP', '47. PE', '48. PVC', '49. PU', '50. PUH', '51. PUW', '52. PUW', '53. PUW', '54. PUW', '55. PUW', '56. PUW', '57. PUW', '58. PUW', '59. PUW', '60. PUW', '61. PUW', '62. PUW', '63. PUW', '64. PUW', '65. PUW', '66. PUW', '67. PUW', '68. PUW', '69. PUW', '70. PUW', '71. PUW', '72. PUW', '73. PUW', '74. PUW', '75. PUW', '76. PUW', '77. PUW', '78. PUW', '79. PUW', '80. PUW', '81. PUW', '82. PUW', '83. PUW', '84. PUW', '85. PUW', '86. PUW', '87. PUW', '88. PUW', '89. PUW', '90. PUW', '91. PUW', '92. PUW', '93. PUW', '94. PUW', '95. PUW', '96. PUW', '97. PUW', '98. PUW', '99. PUW', '100. PUW', '101. PUW', '102. PUW', '103. PUW', '104. PUW', '105. PUW', '106. 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**PETITION
EXHIBIT**



Call 1-800-368-2222

PLAN & PLAT
TO ACCOMPANY ZONING PETITION

BRCIADMEAD



Page 2 of 2
The following is a copy of the report of the
investigation conducted by the Division of Child Welfare
on the case of the child named [redacted] born [redacted]
on [redacted] at [redacted] New York City.

The child was found by the Division of Child Welfare
on [redacted] at [redacted] New York City. The child was
found in a state of neglect and was being cared for by
[redacted] who was not qualified to care for the child.
The Division of Child Welfare has taken steps to remove
the child from the home and to place the child in a
foster home. The child is now being cared for by [redacted]
who is a qualified foster parent. The Division of Child
Welfare is continuing to monitor the case and will
report to the court on the progress of the case.

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LOCAL COMMISSIONERS
OF BALTIMORE COUNTY

Brief in Support
of Petition
for a
Special Hearing
and
Special Exception for Broadwood

Friends Lifetime Care Center of Baltimore, Inc., a Maryland not-for-profit membership ("Friends") has simultaneously filed two Petitions (the "Petitions") requesting that the zoning Commission of Baltimore County (the "Commission") grant Case No. 77-185-2A18P by amending the Special Exception granted Case No. 4-57 acre portion of the Property (as hereinafter defined) for a convalescent home; modifying Paragraph No. 2 of the Order by adding the following sentence therein: "The Site Plan approved by the State Highway Administration, Department of Public Works, Department of Traffic Engineering, Health Department and the Office of Planning and Zoning shall for purposes of this Order be deemed to be the plan entitled 'Plan and Plot to Accompany Zoning Petition, dated January 25, 1980, prepared by Deft-McCane-Walker, Inc.', and any approved amendments thereto;" and modifying Paragraph No. 3 of the Order by substituting the words "continuing care facility" in lieu of the words "convalescent home" so as to provide that the Variance granted thereby shall apply to the use of the Property as a continuing care facility, and (ii) both grant a Special Exception for the 48 second portions of the Property for a "continuing care facility" (as that term is defined under §101 of the Baltimore

County Zoning Regulations) (the "Regulations") as authorized by Section 1801.1.6 of the Regulations, and a Special Exception to permit maximum building elevation within of the Community Center (as hereinafter defined), including any additions thereto, of 420 feet in every direction.

Friends has lawfully operated a life care or continuing care community on the Property since September, 1978. The Deputy Zoning Commissioner granted in Case No. 77-185-2A18P (the "1977 Order") a Special Exception authorizing the use of the 4.57 acre parcel on which the Community Center (as hereinafter defined) is located (the "Special Exception Parcel") as a convalescent home. At the time the Special Exception was granted, the Regulations did not contain any provision for a continuing care facility. It was only with the passage of Bill No. 96-88 in 1984 that the definition of "continuing care facility" was added to the Regulations. As will appear more fully from the facts set forth below, Broadwood closely falls within the definition of a continuing care facility as that term is used in the Regulations. Since the nature of Broadwood's operation over the past ten (10) years has throughout that period fallen within the definition of a continuing care facility, Friends' request for a Special Exception for a continuing care facility simply constitutes a request to re-categorize that use which has existed continuously and lawfully over the past ten (10) years from a "convalescent home" to a "continuing care facility", and is not a request for

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permission to authorize a use which has not lawfully existed prior hereto.

Friends plans to commence promptly construction of a three-story addition of approximately 27,000 square feet to the existing Community Center, containing 25 one-bedroom and two studio living units, a therapeutic/recreational swimming pool, and approximately 3,600 square feet of space for additional auxiliary medical providers, office space and activity space (the "1989 Project"). The 1989 Project will also include the renovation of 16 rooms in the existing Community Center to provide comprehensive nursing accommodations. The construction of the 1989 Project, however, will extend in part beyond the boundaries of the Special Exception Parcel approved by the 1977 Order. Friends, therefore, cannot construct the 1989 Project unless the zoning Commission either a) modifies the Special Exception granted by the 1977 Order to enlarge the boundaries of the Special Exception Parcel so as to include the area of the building footprint of the 1989 Project and allow for the required minimum building setbacks required between the Community Center as it will be expanded and the boundary lines of the Special Exception Parcel, or b) grants a Special Exception authorizing the starting use of the 48 second portions of the Property as a continuing care facility.

Friends has determined that it is in the best interests of the residents of Broadwood to petition the zoning Commission for a Special Exception to authorize the existing use as a

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continuing care facility of the 48 second portions of the Property. Friends reasons that if the Special Exception is granted, Friends will enjoy certain flexibility under the Regulations which it would not otherwise possess and will not automatically need to petition for a modification to the 1977 Order each time Friends desires to expand the Community Center (although an additional expansion other than the 1989 Project is presently contemplated). It appears to have been the clear intention of the Baltimore County Council in adopting Bill No. 96-88, which among other things added the definition of a continuing care facility to §101 of the Regulations and provided certain flexibility with respect to such a facility, to make the flexibility enacted by the Bill available to a project such as Broadwood.

2.

SPECIAL EXCEPTION OF BROADWOOD

Friends is the owner of approximately 84.4281 acres of land located along York Road in Cockeysville. 80.83 acres thereof is shown on the plat submitted with the Petitions (the "Property") (the balance of 3.5981 acres has not been shown on the plat since it constitutes vacant NC-4 land which is not relevant to these Petitions). The Property is made up of a combination of approximately 37.79 acres of DB-1 land, 12.00 acres of DB-16 land, and 31.64 acres of NC-4 land.

Residence at Broadwood is restricted to those persons who are 55 years of age or older, or couples where either the husband

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or wife is 55 years of age or older and the other spouse is 62 years of age or older. Broadwood is designed to extend the period of independent living for older persons while at the same time maintaining their access to helping resources. Broadwood consists of 342 single-story, garden style independent living units, together with a central building (the "Community Center"). The Community Center contains 35 intermediate care units, a 64 bed skilled nursing facility licensed for up to 72 beds, laundry room, ground and building maintenance facilities, indoor and outdoor recreational facilities and services, a lounge, an auditorium, craft areas, a bank branch, a country store, various personal services, libraries, meeting rooms, a coffee shop serving three meals per day, a main dining room serving lunch and dinner daily, and administrative offices. The Property also contains various renovated farm buildings, including Holly House, a 200 year old farmhouse that serves as a guest house, all of which are located in the NC-4 area.

There are five different types of independent living units ranging from studio through two bedrooms, two baths. All independent living units are equipped with a complete kitchen, fireplace, wall-to-wall carpeting, individually controlled heating and air conditioning, bathroom, tub and shower (with grab bars), 24 hour emergency call system, smoke detectors and private patio. Broadwood maintenance services, which include linen service and trash pick-up and disposal, free its residents (the "Residents") from the normal cares of home ownership and

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apartment living. Covered walkways connect the various units clusters with one another and with the Community Center in order to protect the Residents from the elements, thereby enhancing their independence and mobility. As of the end of calendar year 1989, 375 persons were Residents. As of the end of calendar year 1989, all 242 of the living units were occupied, with the average age of the Residents being approximately 83.4 years. There is currently a waiting list with respect to approximately 636 living units. The 342 independent living units and Community Center are all located within the DB portions of the Property. There are presently no plans to develop the NC-4 portion of the Property.

11.

SPECIAL HEARING FOR AMENDMENT TO ORDER

ENTERED IN CASE NO. 77-185-2A18P

In Case No. 77-185-2A18P, the Deputy Zoning Commissioner entered an Order which: a) granted a Special Exception to use a 4.57 acre portion of the Property for a convalescent home; b) granted Variance to permit 190 parking spaces in lieu of the required 301 spaces; to permit parking more than 200 feet from a living unit, but less than 500 feet from a living unit; to permit a distance between building walls without windows of 10 feet instead of the required 18 feet; to permit parking to be located in areas not related to the front of the buildings as required in Section 504 and to permit a distance of 15 feet between existing buildings Nos. 1 and 2 instead of the required 120 feet, and to permit a distance between the proposed convalescent home and

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permit a distance between the proposed convalescent home and office building No. 3 of 50 feet instead of the required 110 feet; and c) determined that the interpretation of certain of the Regulations sought by Friends pursuant to Special Hearing was accurate. The Order being subject to the following conditions:

1. Office space on the subject property must be restricted to the administrative use of Broadwood.
2. Compliance with a site plan approved by the State Highway Administration, Department of Public Works, Department of Traffic Engineering, Health Department and the Office of Planning and Zoning.
3. The Special Exception, Special Hearing, and Variance herein described in sections "a" through "c" are hereby restricted to the use of the subject property as a convalescent home. Should the use be abandoned, or cease for any reason, this Order becomes null and void.

Friends has filed a petition for a Special Exception for a continuing care facility. Assuming that the zoning Commissioner grants this Special Exception, the portion of the Order entered in the above case which granted a Special Exception to Friends to use the separate 4.57 acre portion of the Property on which the Community Center is located as a convalescent home should be removed, since in light of the new category for "continuing care facility" under the Regulations, it may now be viewed as inconsistent with the use of the Property as a whole, and not simply the 4.57 acre parcel, are being utilized for the continuing care facility. Under the Regulations, the 4.57 acre parcel is to be treated as a component of the rest of the property for the purposes of the Special Exception for a

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continuing care facility, and is not to be treated in isolation as it quite properly had been under the Regulations in force at the time the Order was entered.

The Order entered in the above case also should be modified in Paragraph No. 2 by adding the following sentence therein: "The site plan approved by the State Highway Administration, Department of Public Works, Department of Traffic Engineering, Health Department and the Office of Planning and Zoning shall for purposes of this Order be deemed to be the plan entitled 'Plan and Plot to Accompany Zoning Petition, dated January 25, 1980, prepared by Deft-McCane-Walker, Inc.', and any approved amendments thereto". The aforesaid Site Plan shows the location of two additions added to the Community Center in 1984 and 1986, respectively, as well as the proposed building footprint for the 1989 Project. Furthermore, the aforesaid site plan is more detailed than the site plan filed in Case No. 77-185-2A18P. Because a number of physical changes have taken place within Broadwood since the time the original site plan was filed in the foregoing Case, it is no longer appropriate to require compliance with the original site plan. By the terms of the Order, if Friends fails to comply with the site plan approved by the zoning Commission mentioned above, Friends will be in violation of the Order. Since Friends continues to require the Variance granted by that Order, it is crucial that Friends comply with the terms of the Order. The Order should therefore be amended as required.

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The Order entered in the above case also needs to be modified in Paragraph No. 3 by substituting the words "continuing care facility" in line of the words "convalescent home" so as to provide that the Variance granted therein shall continue to apply to the use of the Property as a continuing care facility. By the express terms of the Order, the Variance was restricted to the use of the Property as a convalescent home, and therefore might be interpreted to apply no longer to the Property when used as a continuing care facility. Since the use of the Property will not change, but the Property will continue to be used for a continuing care facility in the same manner as it has been used for the last 10 years, Friends will receive no more from such an amendment than that to which it is already entitled by the Order. It is clear, therefore, that the Order should be amended as requested.

111.

A. SPECIAL EXCEPTION FOR CONTINUING CARE FACILITY

As defined under §101 of the Regulations, a continuing care facility is:

A building or group of buildings that contain facilities for assisted living, and facilities for convalescent care, or facilities for nursing care on the same site, where persons 60 years of age or older or persons whose either the husband or wife is 60 years of age or older.

As mentioned above, Broadhead contains 321 independent living units which are each equipped with a 24 hour emergency call system, and to which a full range of maintenance services.

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Including but not limited to linen service, trash pick-up and disposal, are supplied. The several walkways which connect the various unit clusters with one another and the Community Center are specially designed to enhance the residents' independence. The residents' meals, as well as banking and various other personal services, and recreational activities, are provided in the Community Center. The age restriction requirements imposed by Friends for residency at Broadhead are even more restrictive than those required by the Regulations for a facility to qualify as a "continuing care facility". Occupancy of Broadhead is restricted to those persons 65 years of age or older or couples where either the husband or wife is 65 years of age or older and the other spouse is 62 years of age or older. The Community Center also contains a skilled nursing facility to provide for the health needs of the Residents. The skilled nursing facility provides three distinct levels of care. The first level is designed to meet the needs of persons in custodial care (involving nursing procedures on a continuing basis). The second level is designed for the person needing the minimal level of nursing care. Such persons are long-term medical patients who are ambulatory but do require a daily nursing care plan. The third level of care is designed to meet the needs of persons living in the independent living units and is provided through an outpatient center located within the nursing facility.

Based on the foregoing discussion, Broadhead clearly falls within the definition of a continuing care facility as that term

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is used in §101 of the Regulations. Section 1001.1.1.C provides that a continuing care facility shall be permitted in B-1 zones by special exception. Although the Property contains 31.06 acres of B-1 land, as mentioned above that land contains none of the independent living units or the Community Center.

Section 502.1 of the Regulations states that before the Zoning Commission may grant any special exception, it must appear that the use for which the special exception is requested will not:

- Be detrimental to the health, safety, or general welfare of the locality involved;
- Tend to create congestion in roads, streets or alleys therein;
- Create a potential hazard from fire, panic or other dangers;
- Tend to overcrowd the land and cause undue concentration of population;
- Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
- Interfere with adequate light and air;
- Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these zoning Regulations; nor
- Be inconsistent with the impermissible surface and vegetative retention provisions of these zoning Regulations.

The following analysis of the facts indicates that the use of the B-1 portions of the Property for a continuing care facility is completely consistent with each of the above conditions, and that

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such use is not detrimental to the health, safety or general welfare of the locality involved.

The use of the B-1 portions of the Property for a continuing care facility:

- Does not and will not be detrimental to the health, safety or general welfare of the locality involved. Friends has been operating the Broadhead Community Care Facility on the Property continuously since September 1979. For most of this period, the independent living units have been occupied at close to 100% capacity. Friends has received no complaints concerning Broadhead during this period from residents of other properties in the locality, and is not aware of any such complaints having been made to the Zoning Commission or any other local or state authorities. Indeed, the absence of any complaints and the fact that Broadhead has operated continuously for more than 10 years constitutes the best evidence that the use of the B-1 portions of the Property for a continuing care facility is not and will not be detrimental to the health, safety or general welfare of the locality involved.

The addition of the 1989 Project also will not be detrimental to the health, safety or general welfare of the

The applicant is only required to show to the satisfaction of the zoning authority that the proposed use would be consistent with the public interest. The proposed use would be consistent with the public interest. The proposed use would be consistent with the public interest. The proposed use would be consistent with the public interest.

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locality involved. The 1989 Project will consist of a three story addition of approximately 27,000 square feet to the existing Community Center, containing 25 one-bedroom and two studio living units, a therapeutic/recreational swimming pool, and approximately 3,600 square feet of space for additional auxiliary medical providers, office space and activity space, and will also involve the renovation of 16 rooms in the existing Community Center to provide comprehensive nursing accommodations. Even after completion of the 1989 Project, Friends will be well within the applicable density limits for continuing care facilities imposed by the Regulations. The 23 portions of the Property have an allowable density of 229.79 units. After the completion of the 1989 Project, Friends will have used only 304.6 units, thus leaving 29.29 units remaining unused (see Det-McCune-Walker's Memo in the plat filed herewith for details concerning how density has been calculated). Furthermore, the 1989 Project will not change the use being made of the Property. It simply constitutes an addition to the Community Center of additional living units, space for additional health care providers, recreational facilities and office space, all of which are now presently being made of the Community Center.

In addition, neighboring properties are well-insulated from the Community Center and will be well-insulated from the 1989 Project as well. The Community Center is more than

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450 feet from the border of the Property on all sides. Directly to the north it is buffered from other property owners by steeply graded woodland. To the south and southeast, it is buffered by gently sloping open lawn and to the west it is buffered by gently sloping open lawn, woods, and the Western Run Stream Valley. Finally, it can truly be said that not only is Broadhead not detrimental to the health, safety or general welfare of the locality involved, but rather, when examined in the larger context, contributes significantly to the health, safety and general welfare of Baltimore County. Broadhead enables its residents, many of whom were previously residents of Baltimore County, and who are admitted without regard to race, color, creed or national origin, to lead independent lives for a much longer period than they could if they were living on their own, all within the context of a warm and congenial environment which is both personally and intellectually stimulating and which offers the opportunity to pursue a productive and satisfying life. Perhaps the best evidence of the strong need for Broadhead is the 100% occupancy of the 321 independent living units (as of November 15, 1983) and the fact that there is currently a waiting list with respect to approximately 638 living units.

- Does not and will not tend to create congestion in roads, streets or alleys therein. In contrast to almost any other development for a tract of the size of the Property,

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Broadhead produces an absolute minimum of traffic. Because Broadhead is so highly self-contained, the use of Broadhead generates only approximately 25% of the average number of daily trips normally attributed to a single-family development of a comparable number of units. Most traffic generated does generate onto Park Road, a main road. The entrance roads on the Property are designed and located so as to provide safe ingress to, and egress from, Broadhead. The addition of the 1989 Project is not expected to generate a substantial increase in the traffic generated by the Property. Only 27 living units will be added; the majority of those residents occupying these units in the Community Center are not expected to drive at all. Broadhead does not expect to add more than approximately 3 employees as a result of the 1989 Project.

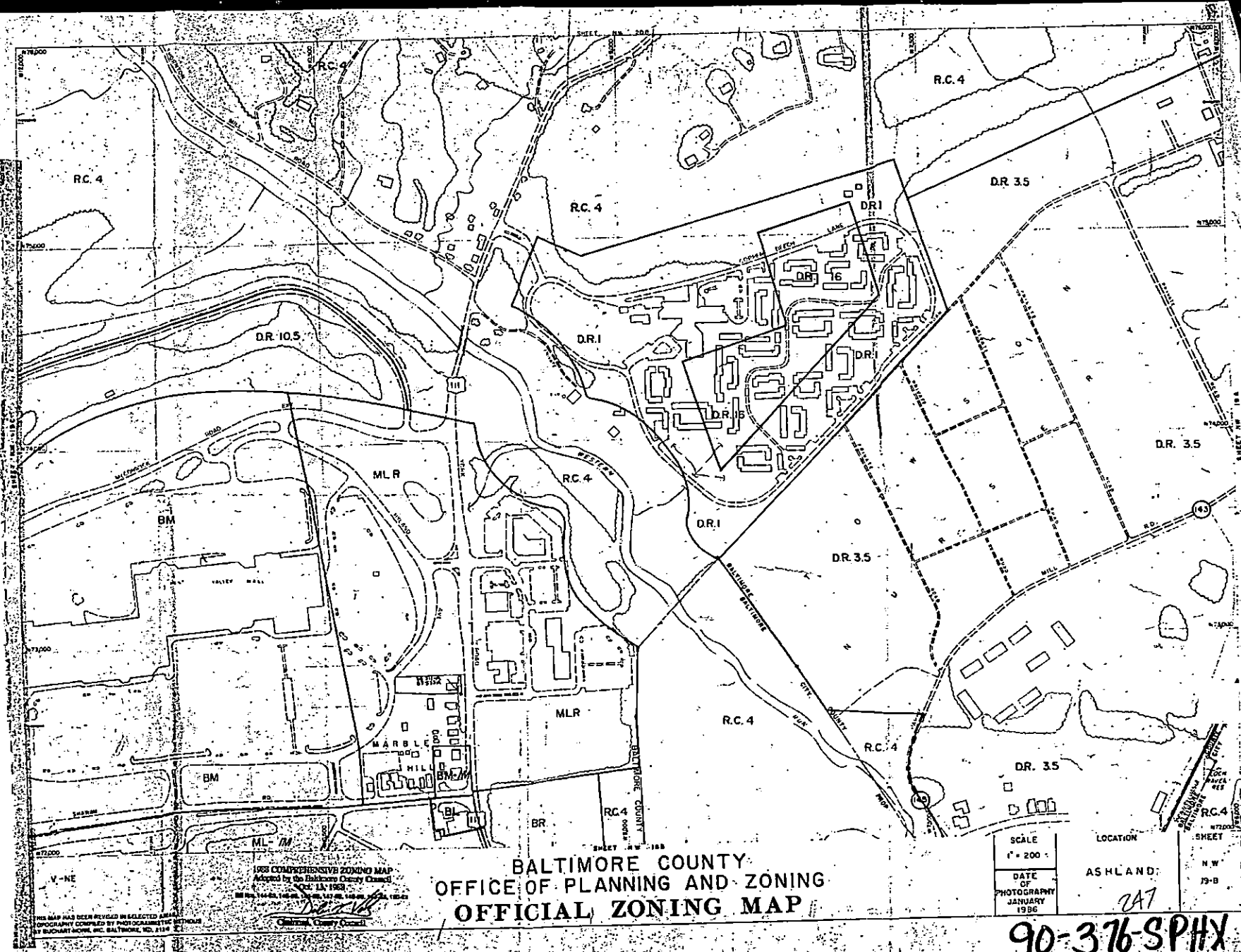
- Does not and will not create a potential hazard from fire, panic or other dangers. The licensing requirements for skilled nursing facilities are more stringent than requirements for other types of buildings in the community. In addition, a special fire alarm system and Security System Patrols are a part of Broadhead's operations. Broadhead also conducts special training programs for the residents to encourage safety and fire prevention. Each of the independent living units is equipped with smoke alarms and fire extinguishers.

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Does not and will not tend to overcrowd the land and cause undue concentration of population. Broadhead presently has unused density units, and after the addition of the 1989 Project there will still remain 29.29 unused density units. Moreover, as computed under the Regulations, the density of Broadhead provides more than 40% of the Property (slightly more than 33 acres) as open space (the actual area of the Property which is not covered by buildings is of course much greater) and has the additional value of preserving special historic and scenic elements of the Property. In particular, certain of the amenity facilities (including some of the offices for the operation of the independent living units) are incorporated into the existing main house which stood as the focal point of the Holly Hill Estate for many years. In contrast to the more than 33 acres of open space available on the site, the required open space is approximately 1.76 acres.

- Does not and will not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements. Broadhead agrees to load on public schools. Broadhead's total requirements for water and sewer facilities are approximately 700 less than those of a standard housing project of 345 units. The difference is deemed offset by the difference in population per unit (as of January 17, 1990, the average number of residents of

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BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE
1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
ASHLAND
2A7

SHEET
N.W.
79-B

90-376-SPHX

ORDER RECEIVED FOR FILING

By *[Signature]*
Date *[Date]*
The undersigned, Clerk of the Court, do hereby certify that the within and foregoing instrument has been duly filed for record in the County of *[County]*, State of *[State]*, and that the same is a true and correct copy of the original as the same appears from the records of said County.

ORDER RECEIVED FOR FILING

By *[Signature]*
Date *[Date]*
The undersigned, Clerk of the Court, do hereby certify that the within and foregoing instrument has been duly filed for record in the County of *[County]*, State of *[State]*, and that the same is a true and correct copy of the original as the same appears from the records of said County.

ORDER RECEIVED FOR FILING

By *[Signature]*
Date *[Date]*
The undersigned, Clerk of the Court, do hereby certify that the within and foregoing instrument has been duly filed for record in the County of *[County]*, State of *[State]*, and that the same is a true and correct copy of the original as the same appears from the records of said County.

FILED
CLERK OF COURT
COUNTY OF *[County]*, STATE OF *[State]*

By *[Signature]*
Date *[Date]*

The undersigned, Clerk of the Court, do hereby certify that the within and foregoing instrument has been duly filed for record in the County of *[County]*, State of *[State]*, and that the same is a true and correct copy of the original as the same appears from the records of said County.



ORDER RECEIVED FOR FILING

By *[Signature]*
Date *[Date]*
The undersigned, Clerk of the Court, do hereby certify that the within and foregoing instrument has been duly filed for record in the County of *[County]*, State of *[State]*, and that the same is a true and correct copy of the original as the same appears from the records of said County.

ORDER RECEIVED FOR FILING

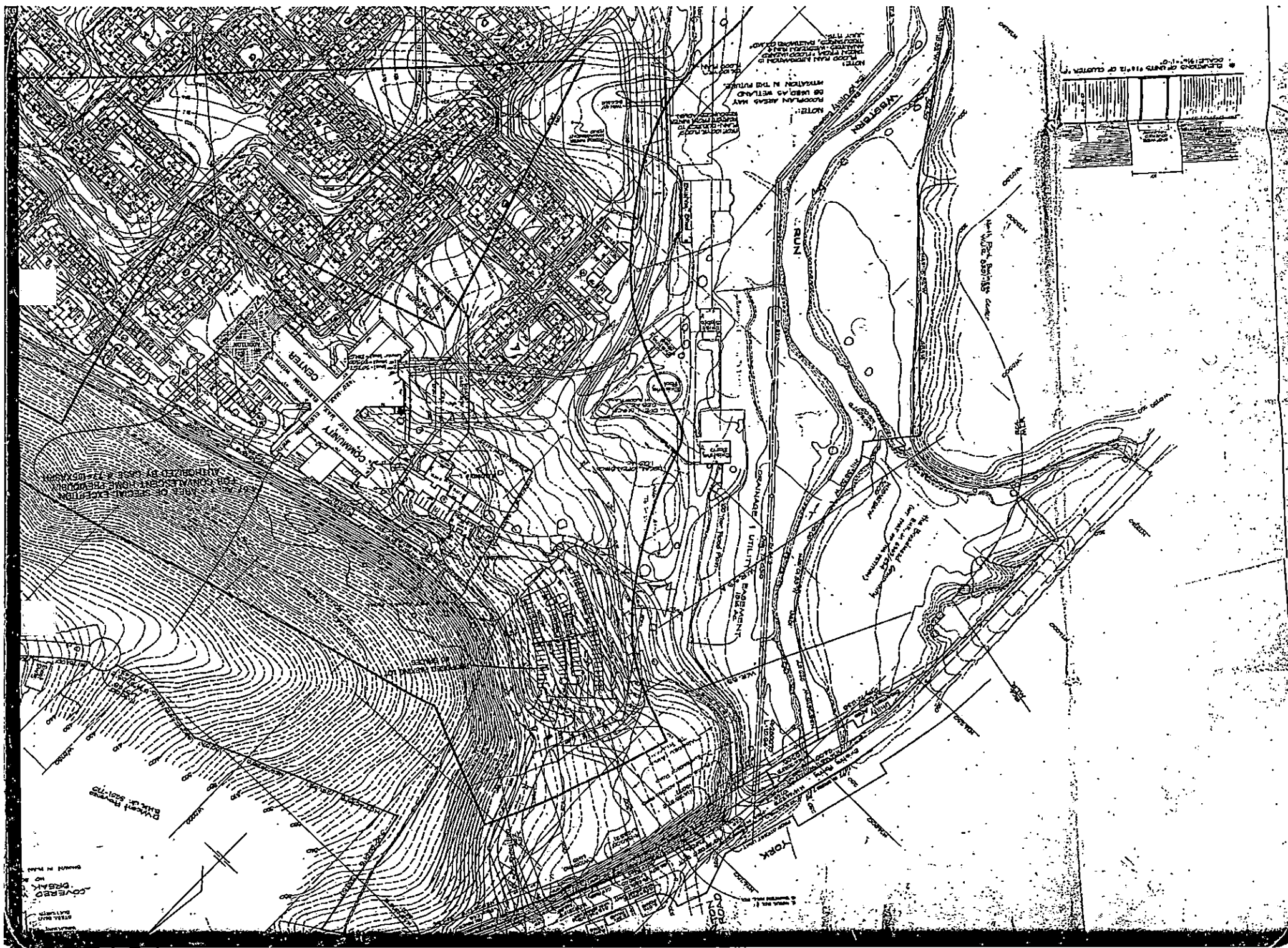
By *[Signature]*
Date *[Date]*
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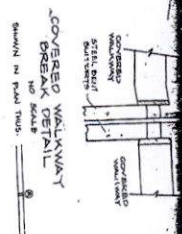
ORDER RECEIVED FOR FILING

By *[Signature]*
Date *[Date]*
The undersigned, Clerk of the Court, do hereby certify that the within and foregoing instrument has been duly filed for record in the County of *[County]*, State of *[State]*, and that the same is a true and correct copy of the original as the same appears from the records of said County.

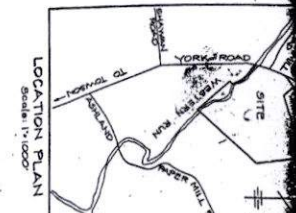
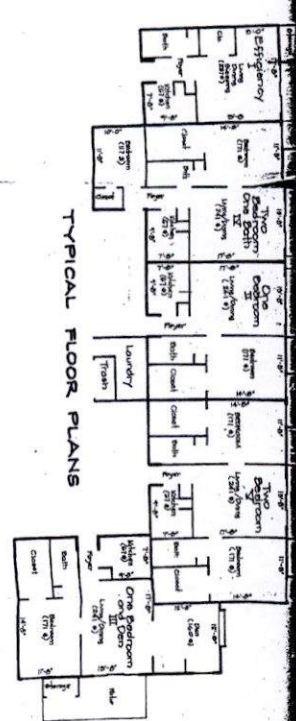
ORDER RECEIVED FOR FILING

By *[Signature]*
Date *[Date]*
The undersigned, Clerk of the Court, do hereby certify that the within and foregoing instrument has been duly filed for record in the County of *[County]*, State of *[State]*, and that the same is a true and correct copy of the original as the same appears from the records of said County.





TYPICAL FLOOR PLANS



LEGEND

COVERED WALKWAY

PRINTED

DATE: 10/11/88

BY: [Signature]

FOR: [Signature]

PROJECT: [Signature]

REVISIONS:

1.0 Initial Design

2.0 Final Design

3.0 Construction Documents

4.0 As-Built

5.0 Final

6.0 Final

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PETITION

EXHIBIT

PLAN & PLAT

TO ACCOMPANY ZONING PETITION

BROADMEAD

BOARD OF ZONING COMMISSIONERS OF BALTIMORE COUNTY

Order in Support
of Petition
for a
Special Hearing
and
Special Exemption for Broadmead

Friends Lifetime Care Center of Baltimore, Inc., a Maryland not-for-profit membership ("Friends") has simultaneously filed two Petitions (the "Petitions") requesting that the Zoning Commission of Baltimore County (1) amend the Order issued in Case No. 77-185-12478 by revoking the Special Exemption granted to use the 4.57 acre portion of the property (as hereinafter defined) for a convalescent home; modifying Paragraph No. 2 of the Order by adding the following sentence thereto: "The Site Plan approved by the State Highway Administration, Department of Public Works, Department of Traffic Engineering, Health Department and the Office of Planning and Zoning shall for purposes of this Order be deemed to be the plan entitled 'Plan and Plat to Accompany Zoning Petition, dated January 25, 1980, and Plat to Accompany Zoning Petition, dated January 25, 1980, prepared by Datt-McCune-Walker, Inc.', and any approved amendments thereto" and modifying Paragraph No. 3 of the Order by substituting the words "continuing care facility" in lieu of the words "convalescent home" so as to provide that the variance granted thereby shall apply to the use of the property as a continuing care facility, and (ii) both grant a Special Exemption for the 28 second portions of the property for a "continuing care facility" (as that term is defined under §101 of the Baltimore

County Zoning Regulations) (the "Regulations") as authorized by Section 1801.3.3 of the Regulations, and a Special Exemption to permit maximum building elevation within the Community Center (as hereinafter defined), including any additions thereto, of 430 feet in every direction.

Friends has lawfully operated a life care or continuing care community on the property since September 1979. The Deputy Zoning Commissioner granted in Case No. 77-185-12478 (the "1977 Order") a Special Exemption authorizing the use of the 4.57 acre parcel on which the Community Center (as hereinafter defined) is located (the "Special Exemption Parcel") as a convalescent home. At the time the Special Exemption was granted, the Regulations did not contain any provision for a continuing care facility. It was only with the passage of Bill No. 28-88 in 1988 that the definition of "continuing care facility" was added to the Regulations. As will appear more fully from the facts set forth below, Broadmead clearly falls within the definition of a continuing care facility as that term is used in the Regulations. Since the nature of Broadmead's operation over the past ten (10) years has throughout that period fallen within the definition of a continuing care facility, Friends' request for a Special Exemption for a continuing care facility clearly constitutes a request to re-categorize that use which has existed continuously and lawfully over the past ten (10) years from a "convalescent home" to a "continuing care facility", and is not a request for

-2-

permission to authorize a use which has not lawfully existed prior hereto.

Friends plans to commence promptly construction of a three-story addition of approximately 27,000 square feet to the existing Community Center, containing 25 one-bedroom and two studio living units, a therapeutic/recreational swimming pool, and approximately 3,500 square feet of space for additional auxiliary medical providers, office space and activity space (the "1989 Project"). The 1989 Project will also include the renovation of 16 rooms in the existing Community Center to provide comprehensive nursing accommodations. The construction of the 1989 Project, however, will extend in part beyond the boundaries of the Special Exemption Parcel approved by the 1977 Order. Friends, therefore, cannot construct the 1989 Project unless the Zoning Commissioner either a) modifies the Special Exemption granted by the 1977 Order to enlarge the boundaries of the Special Exemption Parcel so as to include the area of the building footprint of the 1989 Project and allow for the required setbacks building setbacks required between the Community Center as it will be expanded and the boundary lines of the Special Exemption Parcel, or b) grants a Special Exemption authorizing the existing use of the 28 second portions of the property as a continuing care facility.

Friends has determined that it is in the best interests of the residents of Broadmead to petition the Zoning Commissioner for a Special Exemption to authorize the existing use as a

-3-

continuing care facility of the 28 second portions of the property. Friends reasons that if the Special Exemption is granted, Friends will enjoy certain flexibility under the Regulations which it would not otherwise possess and will not automatically need to petition for a modification to the 1977 Order each time Friends desires to expand the Community Center (although no additional expansion other than the 1989 Project is presently contemplated). It appears to have been the clear intention of the Baltimore County Council in adopting Bill No. 28-88, which among other things added the definition of a continuing care facility to §101 of the Regulations and provided certain flexibility with respect to such a facility, to meet the flexibility needed by the still available to a project such as Broadmead.

7.

GENERAL DESCRIPTION OF BROADMEAD

Friends is the owner of approximately 54.4261 acres of land located along York Road in Cockeysville. 80.83 acres thereof is shown on the plat submitted with the Petitions (the "Property") (the balance of 3.5941 acres has not been shown on the plat since it constitutes vacant AC-4 land which is not relevant to these Petitions). The Property is made up of a combination of approximately 37.79 acres of DC-1 land, 17.00 acres of DC-16 land, and 51.04 acres of AC-4 land.

Residence at Broadmead is restricted to those persons who are 65 years of age or older, or couples where either the husband

-4-

or wife is 65 years of age or older and the other spouse is 62 years of age or older. Broadmead is designed to extend the period of independent living for older persons while at the same time maintaining their access to helping resources. Broadmead consists of 362 single-story, garden style independent living units, together with a central building (the "Community Center"). The Community Center contains 35 intermediate care units, a 65 bed skilled nursing facility licensed for up to 72 beds, laundry rooms, ground and building maintenance facilities, indoor and outdoor recreational facilities and services, a lounge, an auditorium, craft areas, a bank branch, a country store, various personal services, library, meeting rooms, a coffee shop serving three meals per day, a main dining room serving lunch and dinner daily, and administrative offices. The Property also contains various renovated farm buildings, including Holly House, a 200 year old farmhouse that serves as a guest house, all of which are located in the AC-4 area.

There are five different types of independent living units ranging from studio through two bedroom, two bath. All independent living units are equipped with a complete kitchen, fireplace, wall-to-wall carpeting, individually controlled heating and air conditioning, bathroom, tub and shower (with grab bars), 24 hour emergency call system, smoke detectors and private patio. Broadmead maintenance services, which include lawn service and trash pick-up and disposal, free its residents (the "Residents") from the normal cares of home ownership and

-5-

apartment living. Covered walkways connect the various unit clusters with one another and with the Community Center in order to protect the Residents from the elements, thereby enhancing their independence and mobility. As of the end of calendar year 1983, 278 persons were Residents. As of the end of calendar year 1989, all 362 of the living units were occupied, with the average age of the Residents being approximately 83.4 years. There is currently a waiting list with respect to approximately 630 living units. The 362 independent living units and Community Center are all located within the 28 portions of the Property. There are presently no plans to develop the AC-4 portion of the Property.

8.

SPECIAL HEARING FOR AMENDMENT TO ORDER ENTERED IN CASE NO. 77-185-12478

In Case No. 77-185-12478, the Deputy Zoning Commissioner entered an Order which: a) granted a Special Exemption to use a 4.57 acre portion of the property for a convalescent home; b) granted Variances to permit 190 parking spaces in lieu of the required 301 spaces; to permit parking more than 300 feet from a living unit, but less than 500 feet from a living unit; to permit a distance between building walls without windows of 10 feet instead of the required 18 feet; to permit parking to be located in areas not related to the front of the buildings as required in Section 804 and to permit a distance of 11 feet between existing buildings Nos. 1 and 3 instead of the required 125 feet, and to permit a distance between the proposed convalescent home and

-6-

permit a distance between the proposed convalescent home and office building No. 1 of 65 feet (instead of the required 110 feet) and c) determined that the interpretation of certain of the Regulations sought by Friends pursuant to Special Hearing was accurate, the Order being subject to the following conditions:

1. Office space on the subject property must be restricted to the administrative use of Broadmead.

2. Compliance with a site plan approved by the State Highway Administration, Department of Public Works, Department of Traffic Engineering, Health Department and the Office of Planning and Zoning.

3. The Special Exemption, Special Hearing, and Variances herein described in sections "A" through "C" are hereby restricted to the use of the subject property as a convalescent home. Should the use be abandoned, or cease for any reason, this Order becomes null and void.

Friends has filed a Petition for a Special Exemption for a continuing care facility. Assuming that the Zoning Commissioner grants this Special Exemption, the portion of the Order entered in the above case which granted a Special Exemption to Friends to use the separate 4.57 acre portion of the property on which the Community Center is located as a convalescent home should be revoked, since in light of the new category for "continuing care facility" under the Regulations, it may now be viewed as inconsistent with the use of the Property as a whole, and not simply the 4.57 acre parcel, as being utilized for the continuing care facility. Under the Regulations, the 4.57 acre parcel is to be treated as a component of the rest of the Property for the purposes of the Special Exemption for a

-7-

continuing care facility, and is not to be treated in isolation as it quite properly had been under the Regulations in force at the time the Order was entered.

The Order entered in the above case also should be modified in Paragraph No. 2 by adding the following sentence thereto: "The site plan approved by the State Highway Administration, Department of Public Works, Department of Traffic Engineering, Health Department and the Office of Planning and Zoning shall for purposes of this Order be deemed to be the plan entitled 'Plan and Plat to Accompany Zoning Petition, dated January 25, 1980, prepared by Datt-McCune-Walker, Inc.', and any approved amendments thereto". The aforesaid site plan shows the location of two additions added to the Community Center in 1984 and 1984, respectively, as well as the proposed building footprint for the 1989 Project. Furthermore, the aforesaid site plan is more detailed than the site plan filed in Case No. 77-185-12478. Because a number of physical changes have taken place within Broadmead since the time the original site plan was filed in the foregoing case, it is no longer appropriate to require compliance with the original site plan. By the terms of the Order, if Friends fails to comply with the site plan approved by the various agencies mentioned above, Friends will be in violation of the Order. Since Friends continues to require the Variances granted by that Order, it is crucial that Friends comply with the terms of the Order. The Order should therefore be amended as required.

-8-

(a) Does not and will not interfere with adequate

[illegible][illegible][illegible][illegible][illegible]

and at the first of the negotiations, American LEO's provided a continuing care program which was included in the terms of the compromise. Although the property originally filed as a claim by the land, or mentioned above that land contains none of the negotiable things that the Company owns.

Section 501.1 of the Negotiations states that before the Compromise was given any Federal Recognition, it must be that the law was for which the Federal Recognition is requested.

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LTZ

SENNEB, BOWEN & SENNEB

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Arar and Collins (1971) using a Shimadzu 1010 spectrophotometer. The concentration of chlorophyll was expressed in mg g⁻¹ of dry weight.

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373 34610

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: March 20, 1990

TO: J. Robert Raines
Zoning Commissioner

FROM: Pat Kallier, Deputy Director
Office of Planning and Zoning

SUBJECT: Friends Lifetime Care Center of Baltimore, Inc.
Zoning Petition No. W-7-78

The Petitioner requests a Special Hearing and Special Exception for a continuing care facility.

Should the Petitioner's request be granted, staff offers the following condition:

- The auxiliary medical services proposed as part of the "199 project" and/or other projects be limited to providing care to the residents of the Broadmead community.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey King in the Office of Planning at 361-7211.

WJK/oms

[illegible]

Baltimore County
 Fire Department
 Town, Maryland 21204
 04-030
 Fred R. Reinhardt

FEBRUARY 24, 1980

Mr. Robert Kallies
 Firestone Commissionary
 Office of Planning and Zoning
 Baltimore County Office Building
 Towson, MD 21204

Re: Property Owners: PAIRED LIFETIME CARE CENTERS OF BALTIMORE, INC.
 Location: 8750 TOWN ROAD AT TWENTY HILL ROAD
 Item No.: 267 Zoning Appeals: FEBRUARY 22, 1980

Baltimore:

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

The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Building Code 1973 "Life Safety Code" 1988 in addition prior to occupancy.

BY John M. H. H. H. Dated and By [Signature]
Special Agent Special Agent
 Special Inspection Division Fire Prevention Bureau

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: March 5, 1980

FROM: Robert N. Nowling, P.E.

RE: Zoning Advisory Committee Meeting
for February 22, 1980

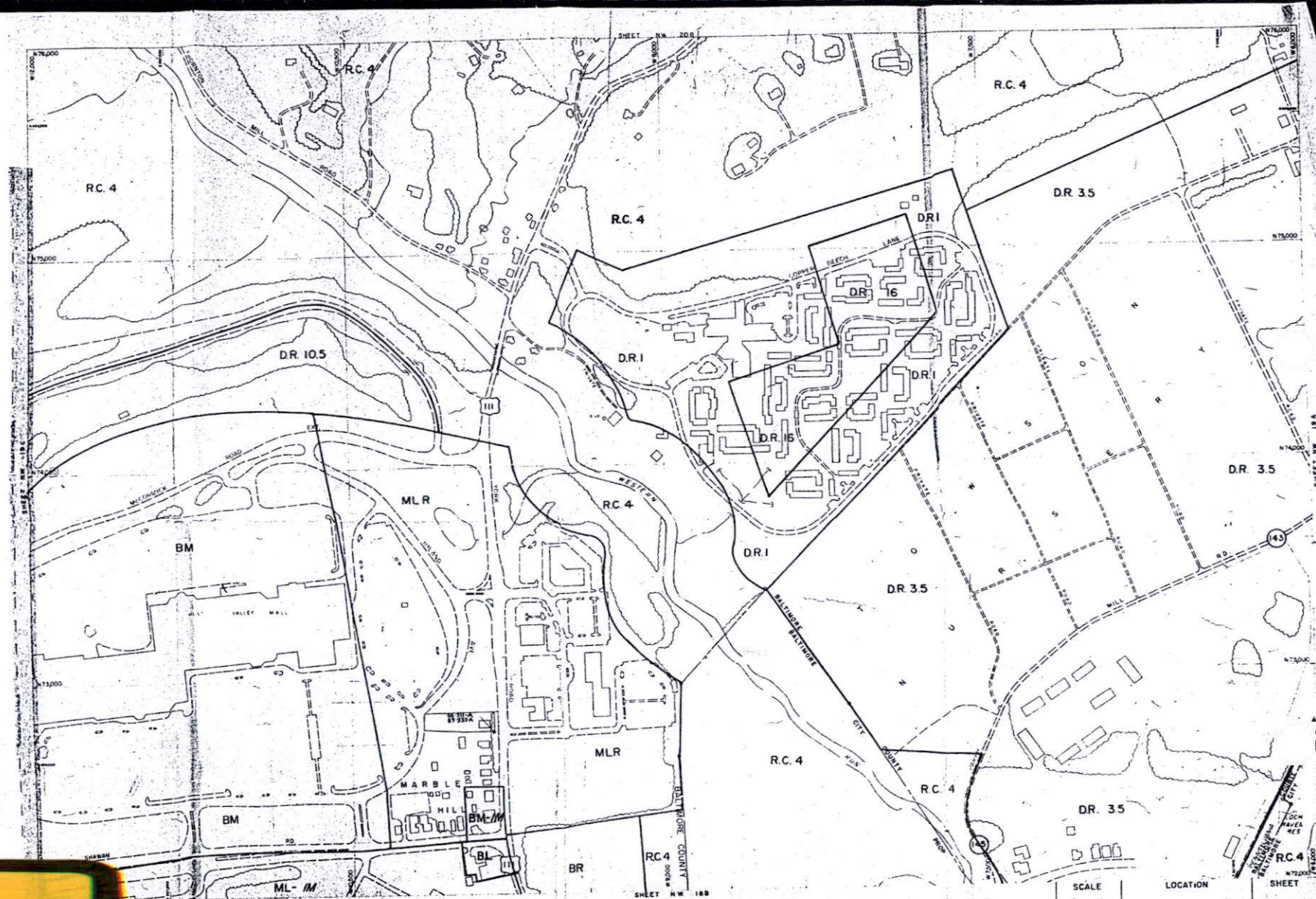
The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 249, 248, 248A, 248, 250 and 261.

Item 227 is subject to the previous County Series Group comments for this site.

Robert N. Nowling
ROBERT N. NOWLING, P.E., Chief
Developers Engineering Division

END:s

1975
ZONING



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
SHEET NW 188
Chairman, County Council

SCALE 1" = 200'	LOCATION ASHLAND	SHEET NW 19-B
DATE OF PHOTOGRAPHY JANUARY 1986	247	

90-376-SPHX



VICINITY MAP
Scale: 1"=500'



GENERAL NOTES

- 1. Existing Survey and Notes
- 2. Zone: Special Use
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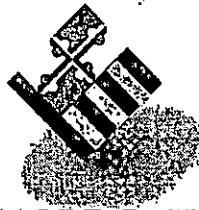
DMW
David M. Williams, Inc.
Professional Surveyors
Landmark Architects
Surveyors, Engineers &
Planners
10000 Old Farm Road
P.O. Box 200
Pawcatuck, CT 06259
Tel: 860-439-1100
Fax: 860-439-1101

RECEIVED
APR 11 2007
PLANNING DEPARTMENT

4th Amended Final Development Plan
of 413.25 Acres
Broadmead Project
As Approved within Zone
Election District 8
Coordinate District 8

EXHIBIT

2007-2008



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

12/20/07

DMW
200 East Pennsylvania Ave.
Towson, MD 21286

Re: Spirit and Intent Verification
Case # 06-435-SPH
Broadmead Property
8th ED

Dear Mr. Hadaway:

This is a response to your letter dated 11/29/2007 to Mr. Timothy Kotroco, Director of Permits Development Management, who has authorized this reply.

Pursuant to your provided information and redlined plan revisions, the changes to the independent living units shown on the plans submitted for determination that they are within the spirit and intent of the above referenced order is confirmed. Please include this response verbatim on the FDP amended plans as discussed with you on this date.

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.

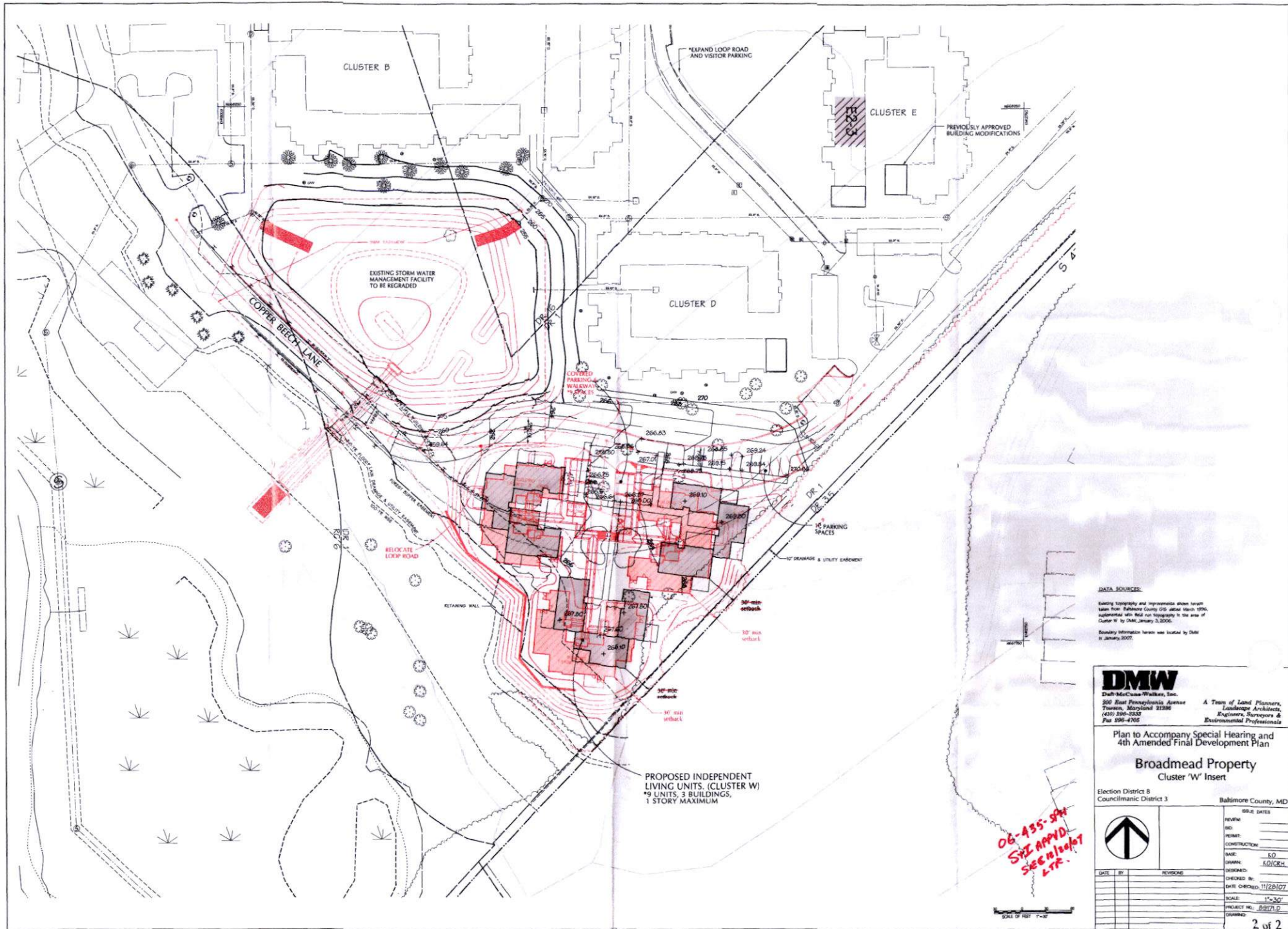
The foregoing is merely an informal opinion. It is not an expert or legal opinion. It is not intended to be relied on as expert or legal advice, and is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

Sincerely,

A handwritten signature in black ink, appearing to read "John Lewis", written over a horizontal line.

John Lewis
Planner II
Zoning Review

JLL/07-1275
C : 06-435- SPH



DATA SOURCES:

Existing topography and improvements shown herein taken from Baltimore County GIS dated March 1996, supplemented with field run topography in the area of Cluster W by DMW January 3, 2006.
 Boundary information herein was located by DMW in January, 2007.

DMW
 Deft-McCune-Walkers, Inc.
 300 East Pennsylvania Avenue
 Towson, Maryland 21286
 (410) 336-3333
 Fax 336-4708

A Team of Land Planners,
 Landscape Architects,
 Engineers, Surveyors &
 Environmental Professionals

Plan to Accompany Special Hearing and 4th Amended Final Development Plan

Broadmead Property Cluster 'W' Insert

Election District 8
 Councilmanic District 3

Baltimore County, MD

	REVISIONS	DATE
	NO.	DATE
	NAME	
	CONSTRUCTION	
DATE	BY	DATE CHECKED
		11/28/07
		SCALE: 1"=30'
		PROJECT NO. 06071.D
		DRAWN

2 of 2

Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 06-435-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at 13801 York Road in the Cockeysville area of Baltimore County. The Petition was filed for Broadmead, Inc., by Richard Compton, Executive Director. Special Hearing relief is requested for approval to amend the orders and site plans in Case Nos. 77-185-XASPH and 90-376-SPHX, to add 9 independent living units, reconfigure nursing and assisted living and parking areas and add 52 assisted living units.

The property was posted with Notice of Hearing on April 3, 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 April 4, 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.

ORDER RECEIVED FOR FILMS

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) Comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated April 3, 2006, 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 were David Locke and Mitch Kellman of Daft-McCune-Walker Inc., the firm which prepared the site plan, and Rich Compton, Executive Director of the corporate Petitioner. John B. Gontrum, Esquire, represented the Petitioner. There were no protestants or interested citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Mr. Gontrum proffered that the subject property contains 80 acres and is zoned DR 1, RC-6 and DR-16, as shown on the Plat to Accompany, Exhibit 1. It is improved by the Broadmead retirement/continuing care community, having started as convalescent home in 1979. The Broadmead campus includes independent living units, assisted living units and nursing care facilities. The property is located off York Road on the north side of Western Run, west of a large townhouse development near a large office complex on the south side of Western Run.. A special exception for a convalescent home was granted in Case No. 77-183-XASPH. This was modified in Case No. 90-376-SPHX for a continuing care facility

Mr. Compton noted that Broadmead's staff, its residents and surrounding community members had been working on a master plan prior to the hearing. All agreed that the Broadmead community, which had been operating for the past 25 years, needed an update. This effort culminated in the plan shown as Exhibit 1B in which the copper colored buildings are proposed

NOTED RECEIVED FOR FILING
4/26/06
Ray

additions to the campus. When the plan is fully implemented in seven years, there will be 9 new independent living units, an enlarged skilled nursing care facility, 52 additional assisted living units and a two-level parking garage added to the campus. The first floor of this latter structure would be at built into the side of the hill so that the second level would be nearly at grade. This would also provide more convenient parking for the skilled nursing facility.

In regard to the Planning Office comments, the Petitioner agreed to provide elevations and materials of the proposed garage, but noted that the garage will actually be constructed as one of the last phases of the master plan perhaps in 5 to 7 years. As such, the elevations do not exist now but could be provided before building permit. Again, the landscape and lighting plan would be submitted to the County for review and approval at the building permit stage. It was not clear why the Planning Office would want a copy of the grading plan but this would be given as each step of the master plan was implemented.

In regard to parking, Mr. Gontrum noted that the Petitioner had previously been granted a parking variance for 190 spaces in lieu of the 301 spaces required in Case No. 77-185-XASPH. In addition to the parking garage, as each part of the master plan is completed, new more convenient parking will be constructed. For example, parking will be provided along with the 9 new independent units. When the master plan is fully implemented, 379 parking spaces would be required, but the Petitioner will provide 518 spaces. Consequently, there will no longer be a need for a parking variance.

Findings of Fact and Conclusions of Law

This Commission has been asked several times to approve large master plans for institutional Petitioners. This longer view and planning process is necessary and helpful to not only the institution but the community as well. However, there could be problems if the plan is

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4/26/09
Ray

not implemented as planned, due to financial or other constraints not foreseen today. Parking is the usual worry in the sense that new and more intense uses assume parking will be provided with each new building. This does not always occur at all, or sometimes, if it is not provided for in the proper sequence.

However, in this master plan the Petitioner has carefully provided parking with each new use. For example, the 9 new independent units have their own parking next to these units. This gives me confidence that the Petitioner will not adversely affect either the residents or the community, even over a span of seven years.

In regard to the Planning Office comments, I agree that the elevations, designs, etc. for buildings, landscaping and lighting should be submitted to the County for review and approval. Yet, I recognize that the Petitioner does not want to spend the money now for say elevations for the parking garage that will be built years from now. I will require the information requested by the Planning Office, but it will be required at the time of building permit.

Based on the evidence presented, I will approve the master plan shown in Exhibit 1B. I find that the plan will not adversely affect either the residents or the community. In fact the new plan will be an asset to the health, safety, and welfare of the overall community.

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' request for special hearing should be granted.

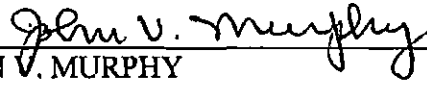
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this th26 day of April 2006, that the Petitioner's request for Special Hearing relief requested for approval to amend the orders and site plans in Case Nos. 77-185-XASPH and 90-376-SPHX, to add 9 independent living units, reconfigure nursing and assisted living and

JANES RECEIVED FOR PLANS
Jat
By
4/26/06
[Signature]

parking areas and add 52 assisted living units, be and is hereby GRANTED, subject to the following conditions:

1. The Petitioners may apply for their building permit and be granted same upon receipt 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. Compliance with the ZAC comments submitted by the Office of Planning dated April 3, 2006, a copy of which is attached hereto and made a part hereof. Review and approval by the County shall occur prior to building permit as the Master Plan is implemented in stages.
3. The Petitioner shall attach a copy of this Order to any request for building permit.

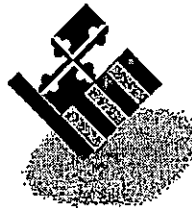
Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
4/26/06
Ray



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III.
Zoning Commissioner

April 26, 2006

John B. Gontrum, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204

Re: Petition for Special Hearing
Case No. 06-435-SPH
Property: 13801 York Road

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Special Hearing has been granted with restrictions 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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:raj
Enc.

c: David Locke & Mitch Kellman, Daft-McCune-Walker Inc., 200 E. Pennsylvania Avenue,
Towson, MD 21204
Rich Compton, Executive Director, Broadmead, Inc., 13801 York Road, Cockeysville, MD
21030-1825
Rob Hoffman, Esq., 210 Allegheny Avenue, Towson, MD 21204



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 13801 York Rd
which is presently zoned DR16, DR1, RC6

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

Please see attached

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

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

Contract Purchaser/Lessee:

N/A

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

John B. Gontrum

Name - Type or Print

City

Signature

Whiteford, Taylor & Preston

Company

210 W. Pennsylvania Ave

Address

Telephone No.

Towson, MD 21204 410 832-2055

City

State

Zip Code

Legal Owner(s):

Broadmead, Inc.

Name - Type or Print

By: Richard Compton

Signature

Richard Compton, Executive Director

Name - Type or Print

Signature

13801 York Road 410 527-1900

Address

Telephone No.

Cockeysville, MD 21030-1825

City

State

Zip Code

Representative to be Contacted:

John B. Gontrum

Name

210 W. Pennsylvania Ave

Address

Telephone No.

Towson, MD 21204 410 832-2055

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By B/L

Date 3/9/01

Case No. 06-435-SPH

REV 9/15/98

ORDER RECEIVED FOR PLANNING
4/26/01

Attachment to Petition for Special Hearing

13801 York Road

Requested Relief:

Special hearing for approval to amend the orders and site plans in Case Nos. 77-185-
XASPH and 90-376-SPHX to add 9 independent living units, reconfigure
nursing and assisted living and parking areas and add 2 assisted living
units. *gh*

354522

Description

49.79 Acre Parcel for Special ~~Exemption~~ ^{mDK} *Hearing*

for a Continuing Care Facility

in DR 1 Zone and DR 16 Zone



Daffin McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

<http://www.dmw.com>

410 296 3333

Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Golf Course Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at a point on the southeast right-of-way line of York Road, said point being located 532 feet, more or less, northeasterly from the center of Thornton Mill Road and being the northwesternmost corner of the parcel of land now owned by Harry A. Dundore and running thence along the northern outline of Dundore's land (1) North 57 degrees 25 minutes 44 seconds East 185.33 feet, (2) South 10 degrees 20 minutes 01 second East 252.07 feet, (3) North 67 degrees 46 minutes 15 seconds East 221.32 feet, (4) North 66 degrees 56 minutes 55 seconds East 180.93 feet, (5) South 82 degrees 16 minutes 55 seconds East 128.10 feet, and (6) North 74 degrees 37 minutes 05 seconds East 77.42 feet to the end of a thirty foot wide road, thence binding along the northwest side of said road, with the use thereof in common with others entitled thereto, (7) 57.68 feet in a northeasterly direction along an arc of a curve to the right having a radius of 30 feet, said arc being subtended by a chord bearing North 52 degrees 58 minutes 08 seconds East 49.20 feet, (8) 204.47 feet in a northeasterly direction along an arc of a curve to the left having a radius of 781.00 feet, said arc being subtended by a chord bearing North 48 degrees 11 minutes 35 seconds East 203.88 feet, (9) 69.22 feet in a northeasterly direction along an arc of a curve to the right having a radius of 180.00 feet; said arc being subtended by a chord bearing

North 51 degrees 42 minutes 35 seconds East 68.79 feet, (10) North 62 degrees 43 minutes 35 seconds East 271.06 feet, (11) 110.86 feet in a northeasterly direction, along an arc of a curve to the right having a radius of 480.00 feet, said arc being subtended by a chord bearing North 69 degrees 20 minutes 35 seconds East 110.62 feet, and (12) North 75 degrees 57 minutes 35 seconds East 69.00 feet, thence crossing said thirty foot wide road (13) North 84 degrees 55 minutes 45 seconds East 329.15 feet, thence binding along the easterly outline of Dundore's land (14) South 17 degrees 29 minutes 11 seconds East 1125.83 feet, thence binding along the southeasterly outline of Dundore's land (15) South 43 degrees 37 minutes 40 seconds West 1684.38 feet, and (16) South 42 degrees 36 minutes 22 seconds West 383.20 feet, thence binding along the southwesterly outline of Dundore's land (17) North 26 degrees 18 minutes 32 seconds West 141.90 feet, (18) North 59 degrees 03 minutes 32 seconds West 72.60 feet, (19) North 35 degrees 18 minutes 32 seconds West 366.30 feet, and (20) North 45 degrees 18 minutes 32 seconds West 483.15 feet, thence (21) North 39 degrees 49 minutes 57 seconds East 106.09 feet to a point in or near the center of Western Run, thence binding in or near the center of Western Run (22) North 33 degrees 41 minutes 24 seconds West 36.06 feet, (23) North 11 degrees 35 minutes 32 seconds West 199.06 feet, (24) North 36 degrees 01 minutes 39 seconds West 136.01 feet, and (25) North 55 degrees 26 minutes 15 seconds West 229.67 feet to a point on the southeast right-of-way line of York Road, thence binding on said right-of-way line (26) North 14 degrees 50 minutes 43 seconds East 93.98 feet, (27) 19.64 feet in a northeasterly direction along an arc of a curve to the right having a radius of 2800.79 feet, said arc being subtended by a chord bearing North 15 degrees 02 minutes 46 seconds East 19.64 feet, (28) North

74 degrees 45 minutes 11 seconds West 26.00 feet, (29) North 14 degrees 44 minutes 25 seconds East 107.65 feet, (30) North 13 degrees 52 minutes 02 seconds East 29.71 feet, (31) 269.03 feet in a northeasterly direction along an arc of a curve to the right having a radius of 2831.79 feet, said arc being subtended by a chord bearing North 20 degrees 44 minutes 55 seconds East 268.93 feet, (32) North 23 degrees 28 minutes 13 seconds East 242.94 feet, and (33) North 25 degrees 29 minutes 16 seconds East 82.21 feet to the place of beginning, containing 80.83 acres of land, more or less. Saving and excepting there from all that 31.04 acres of land, more or less, zoned RC-4, as shown on the plat of the Broadmead Community filed November 1, 1977 in E.H.K., Jr. 42, Folio 22.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.



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/neighbor 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: 06-435-SPH
Petitioner: Broadmead, Inc.
Address or Location: 13801 York Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Broadmead, Inc. attn Rich Compton
Address: 13801 York Rd.
Cockeysville, Md. 21030-1825
Telephone Number: 410-527-1900

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 922

DATE 3/29/06 ACCOUNT 1001-006-16/50

AMOUNT \$ 325.00

RECEIVED FROM

FOR

DISTRIBUTION
WHITE CASHIER

PINK AGENCY

YELLOW CUSTOMER

John # 418

PAID RECEIPT

RECEIVED BY THE
7/10/2004 7/10/2004 11:12:4
OFFICE OF BUDGET & FINANCE
BALTIMORE COUNTY, MARYLAND
RECEIVED BY THE
7/10/2004 7/10/2004 11:12:4
OFFICE OF BUDGET & FINANCE
BALTIMORE COUNTY, MARYLAND
RECEIVED BY THE
7/10/2004 7/10/2004 11:12:4
OFFICE OF BUDGET & FINANCE
BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

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

Case: #08-435-SPH
13801 York Road
East side of York Road, 530
feet north of centerline of
Thornhill Mill Road
8th Election District
3rd Councilmanic District
Legal Owner(s): Broadmead, Inc.
Special Hearing: to amend
and to permit a company to
add nine independent living
units, reconfigure nursing
and assisted living and
parking areas and add 52
assisted living units.
Hearing: Wednesday,
April 19, 2006 at 10:00
a.m. in Room 407, County
Courts Building, 401
Bosley Avenue, Towson
21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions. Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.

JT/4/607 Apr. 4 90254

CERTIFICATE OF PUBLICATION

4/6, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 4/4, 2006.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 06-435-SPH.

Petitioner/Developer: BROADMEAD, INC.

Date of Hearing/Closing: 4-19-06

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

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

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

13801 YORK RD.

The sign(s) were posted on 4-3-06
(Month, Day, Year)

Sincerely,

Robert Black 4-5-06
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

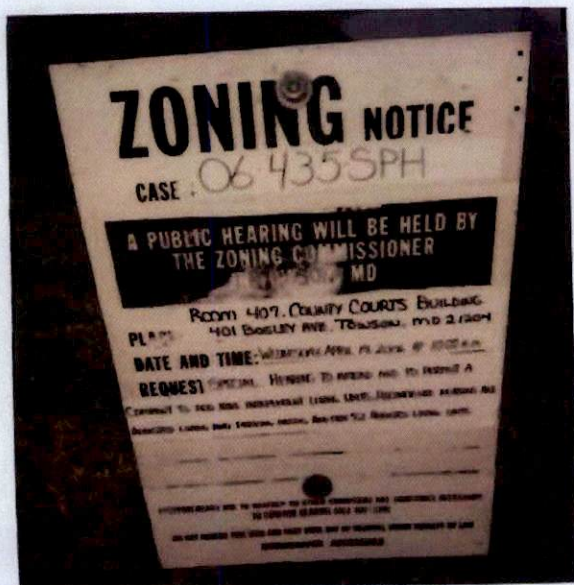
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
13801 York Road; E/S York Road, 530' N *
c/line Thornton Mill Road * ZONING COMMISSIONER
8th Election & 3rd Councilmanic Districts *
Legal Owner(s): Broadmead, Inc by Richard * FOR
Compton, Executive Director *
Petitioner(s) * BALTIMORE COUNTY
* 06-435-SPH

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of March, 2006, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

MAR 23 2006

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 4, 2006 Issue - Jeffersonian

Please forward billing to:
Richard Compton
Broadmead, Inc.
13801 York Road
Cockeysville, MD 21030-1825

410-527-1900

NOTICE OF ZONING HEARING

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

CASE NUMBER: 06-435-SPH

13801 York Road

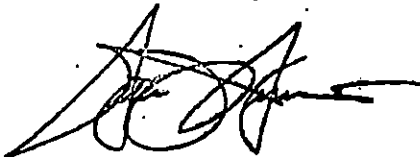
East side of York Road, 530 feet north of centerline of Thornton Mill Road

8th Election District – 3rd Councilmanic District

Legal Owners: Broadmead, Inc.

Special Hearing to amend and to permit a company to add nine independent living units, reconfigure nursing and assisted living and parking areas and add 5 2 assisted living units.

Hearing: Wednesday, April 19, 2006 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson, MD 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.

**Department of Permits and
Development Management**

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



Baltimore County

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

March 21, 2006

NOTICE OF ZONING HEARING

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

CASE NUMBER: 06-435-SPH

13801 York Road

East side of York Road, 530 feet north of centerline of Thornton Mill Road

8th Election District – 3rd Councilmanic District

Legal Owners: Broadmead, Inc.

Special Hearing to amend and to permit a company to add nine independent living units, reconfigure nursing and assisted living and parking areas and add 52 assisted living units.

Hearing: Wednesday, April 19, 2006 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson, MD 21204

A handwritten signature in black ink, appearing to read "Timothy M. Kotroco".

Timothy Kotroco
Director

TK:klm

C: John Gontrum, 210 W. Pennsylvania Avenue, Towson 21204
Richard Compton, 13801 York Road, Cockeysville 21030-1825

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 4, 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.

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



**Department of Permits
Development Management**

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



Baltimore County

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

April 14, 2006

John B. Gontrum
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204

Dear Mr. Gontrum:

RE: Case Number: 06-435-SPH, 13801 York Road

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

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Broadmead, Inc. Richard Compton, Executive Director 13801 York Road Cockeysville
21030

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



Printed on Recycled Paper.

Fire Department

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



Baltimore County

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

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

March 21, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: March 20, 2006

Item No.: Item Number 435

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

LT. Roland P. Bosley Jr.
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File

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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 27, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 27, 2006
Item Nos. 429, 430, 431, 432, 433, 434, 435,
436, 437, 439, 440, and 441

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-03272006.doc

John
4/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 3, 2006

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

RECEIVED

SUBJECT: 13801 York Road

APR 11 2006

INFORMATION:

Item Number: 6-435

ZONING COMMISSIONER

Petitioner: Broadmead, Inc.

Zoning: DR 16, DR 1, and RC 6

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and offers the following comments:

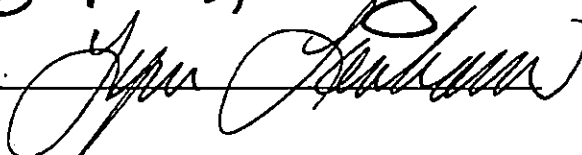
1. Provide building elevations and materials of the proposed garage and skilled nursing facility for review and approval, and photos of the existing building to show compatibility and consistency.
2. Provide a full landscape and lighting plan for review and approval.
3. Provide a grading plan for the subject development.

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

Prepared by:



Division Chief:
AFK/LL: CM



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



Robert L. Flanagan, Secretary
Nell J. Pedersen, Administrator

Maryland Department of Transportation

Date: 3-21-04

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

RE: Baltimore County
Item No. 435

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 45 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

CASE NAME

CASE NUMBER 06-435-SP4

DATE _____

PETITIONER'S SIGN-IN SHEET

[illegible]

FAX COVER SHEET

Date:

4-10-07

To:

Amy Vinabe

Fax number:

410 821 0147

From:

Zion, Rose

Fax number:

887 3048

Number of pages
(including this
cover sheet):

1

Message:

If any part of this fax transmission
is missing or not clearly received
please call:

Name:

Phone number:

TRANSMISSION VERIFICATION REPORT

TIME : 04/10/2007 10:28
NAME : ZONING
FAX : 4108873048
TEL :
SER. # : BROB4J281084

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

04/10 10:26
94108210147
00:01:44
06
OK
STANDARD
ECM

FAX COVER SHEET

Date:

4-10-07

To:

Amy Vinabe

Fax number:

410 821 0147

From:

Zoning, Rovers

Fax number:

887 3048

Number of pages
(including this
cover sheet):

Message:

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. **06-435 SPH**

Date Completed/Initials

3/9/06

PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

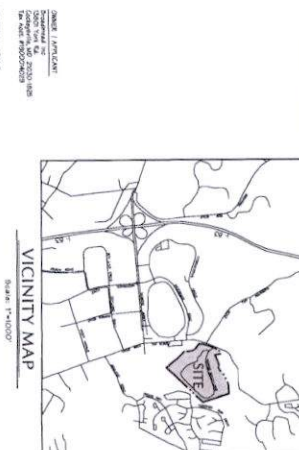
ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

10/5/99

a. *Open Space* (expansive)
 b. $0.00 + 0.75 \times \text{hours}$ on $0.00 + 0.75 \times \text{hours}$
 c. $0.00 + 0.75 \times \text{hours}$ on $0.00 + 0.75 \times \text{hours}$
 d. *Open Space* (expansive)
 e. $0.00 + 0.75 \times \text{hours}$ on $0.00 + 0.75 \times \text{hours}$
 f. *Open Space* (expansive)
 g. $0.00 + 0.75 \times \text{hours}$ on $0.00 + 0.75 \times \text{hours}$
 h. *Open Space* (expansive)
 i. $0.00 + 0.75 \times \text{hours}$ on $0.00 + 0.75 \times \text{hours}$
 j. *Open Space* (expansive)
 k. $0.00 + 0.75 \times \text{hours}$ on $0.00 + 0.75 \times \text{hours}$
 l. *Open Space* (expansive)
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 t. *Open Space* (expansive)
 u. $0.00 + 0.75 \times \text{hours}$ on $0.00 + 0.75 \times \text{hours}$
 v. *Open Space* (expansive)
 w. $0.00 + 0.75 \times \text{hours}$ on $0.00 + 0.75 \times \text{hours}$
 x. *Open Space* (expansive)
 y. $0.00 + 0.75 \times \text{hours}$ on $0.00 + 0.75 \times \text{hours}$
 z. *Open Space* (expansive)



1. Property Location and Address

2. Parcel Number: 200-000-0000
 3. Section: 10
 4. Township: 10N
 5. Range: 10E
 6. County: 10N

2. Property Description

7. Acreage: 10.00
 8. Zoning: R-1
 9. Use: Residential
 10. Other:

3. Property Owner Information

11. Owner Name: John Doe
 12. Address: 123 Main St
 13. City: Anytown
 14. State: CA
 15. Zip: 90210

4. Property History

16. Previous Owner: Jane Smith
 17. Date of Sale: 01/01/2020
 18. Sale Price: \$100,000

5. Property Assessment

19. Assessed Value: \$100,000
 20. Market Value: \$120,000
 21. Taxable Value: \$100,000

6. Property Taxes

22. Annual Tax: \$1,000
 23. Tax Rate: 1.0%
 24. Payment Status: Paid

7. Property Status

25. Current Status: Active
 26. Reason for Sale: Relocation
 27. Estimated Closing Date: 06/01/2024

8. Buyer Information

28. Buyer Name: John Doe
 29. Address: 123 Main St
 30. City: Anytown
 31. State: CA
 32. Zip: 90210

9. Seller Information

33. Seller Name: Jane Smith
 34. Address: 123 Main St
 35. City: Anytown
 36. State: CA
 37. Zip: 90210

10. Transaction Details

38. Sale Price: \$100,000
 39. Closing Costs: \$5,000
 40. Net Proceeds: \$95,000

11. Signatures

41. Buyer Signature: John Doe
 42. Seller Signature: Jane Smith
 43. Date: 06/01/2024

12. Notes

44. Remarks: Property sold as-is, no warranties.

13. Declaration

I, the undersigned, hereby declare that the foregoing is a true and correct statement of the facts and circumstances surrounding the sale of the above-described property.

Signature: John Doe
 Printed Name: John Doe
 Title: Buyer

14. Acknowledgment

Received of the sum of \$100,000.00 from John Doe, the sum of \$5,000.00 from Jane Smith, and the sum of \$95,000.00 from John Doe, for the purchase of the above-described property.

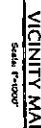
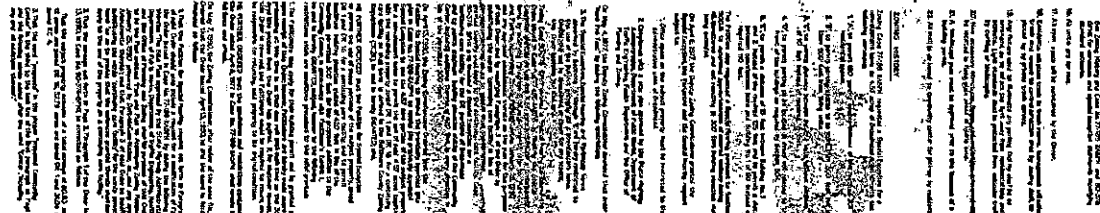
Signature: John Doe
 Printed Name: John Doe
 Title: Buyer

15. Closing Statement

Total Sale Price: \$100,000.00
 Less: Closing Costs: \$5,000.00
 Net Proceeds: \$95,000.00

16. Final Remarks

This document is a true and correct statement of the facts and circumstances surrounding the sale of the above-described property.

[illegible]

1. Family	2. Group	3. Date	4. Location	5. Time	6. Weather	7. Notes
* Family name are added to group, depending on the number of people in the group. The family name is added to the group name. The family name is added						

[illegible]



BROADMEAD
A Dynamic Lifestyle Community

Master Planning Presentation

Zoning Hearing Presentation
February 4, 2016

rlps architects

DMW
DAFT MCCUNE WALKER INC

LOVE
& COMPANY

RECOMP

ARCH

Broadmead Facts

Founded by: The Baltimore Monthly Meeting of Friends, Stony Run
(Broadmead serves in the caring Quaker tradition and is open to persons of all faiths)

Operated as: A 501-c-3 Not-for-Profit Community

Opened to Residents: Fall 1979

Census: 400 Residents (approximately)
100 Depositor Wait List

Type: Not-for-Profit, "Type A" continuing care retirement community (CCRC)
(Medical services, prescriptions and long-term care are included in the standard monthly fee.)

Accreditation: Accredited by CARF/CCAC. (Most recently accredited in 2014)

Rating: "Five Star" by Centers for Medicare & Medicaid Services

Past Bond Rating: "A" Rating by Fitch Investor Services, L.P.

Broadmead's Vision

To be a leader in the development of high quality, innovative solutions that enrich the lives of older people, promote relationships, and create opportunities as it extends its mission of service in the Quaker tradition.



Master Plan Review

BROADMEAD

Strategic Goals

- Provide exceptional senior living services and high quality healthcare to our residents.
- Establish and maintain person-centered culture that respects the independence, choices and dignity of each individual.
- Create Centers of Excellence in programs and environments in senior living and healthcare.

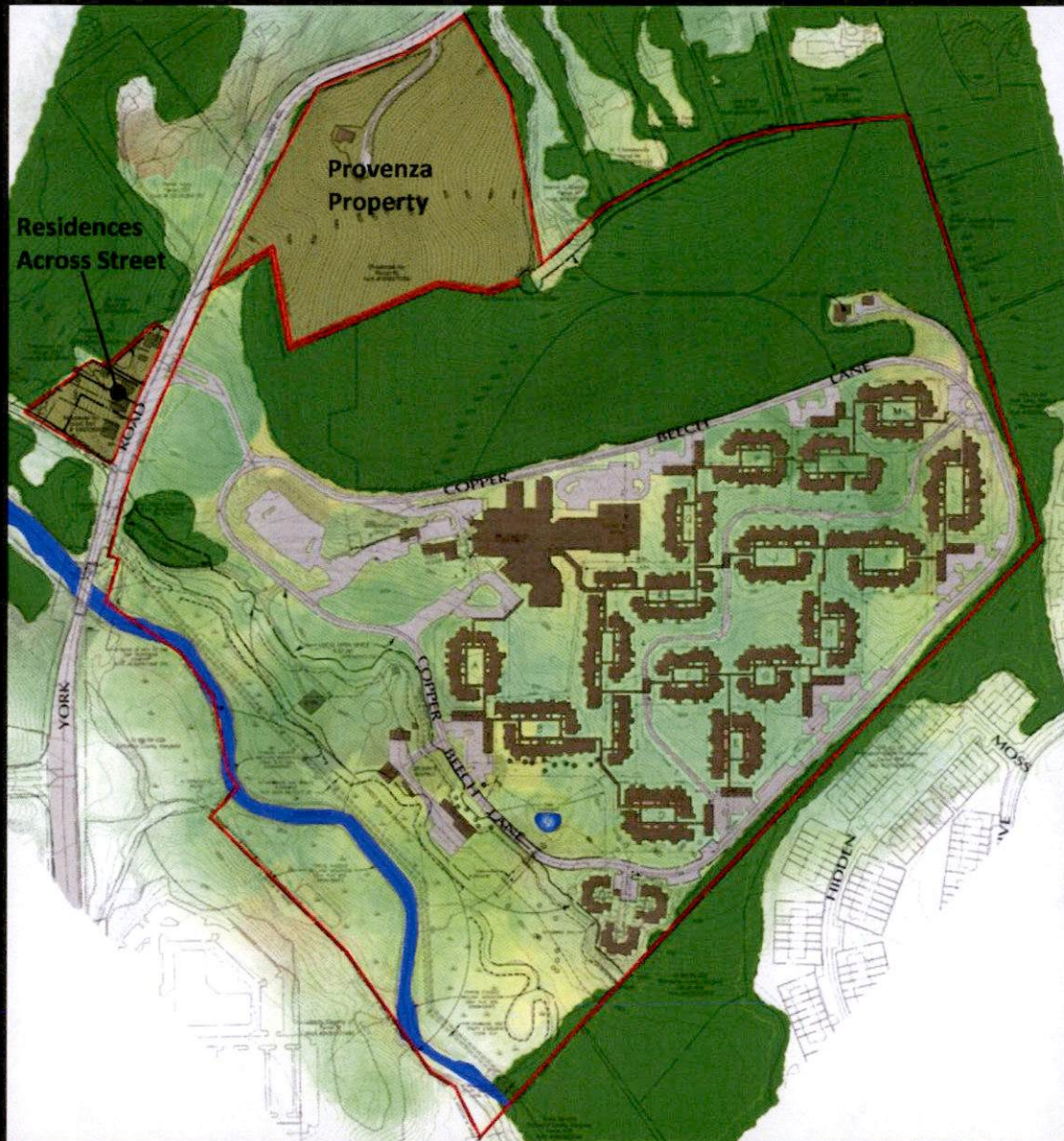
BROADMEAD

Strategic Goals

- Expand programs to a broader socio-economic and culturally diverse population of older adults.
- Modernize and update the campus master plan to support health aging and respond to the present and future housing and healthcare needs of older adults.
- Research and adopt current and emerging technology systems to support seniors living independently longer through safety, health and wellness, social connectedness, and electronic documentation applications.

Site Review

Existing Site



Site Review

Proposed Site



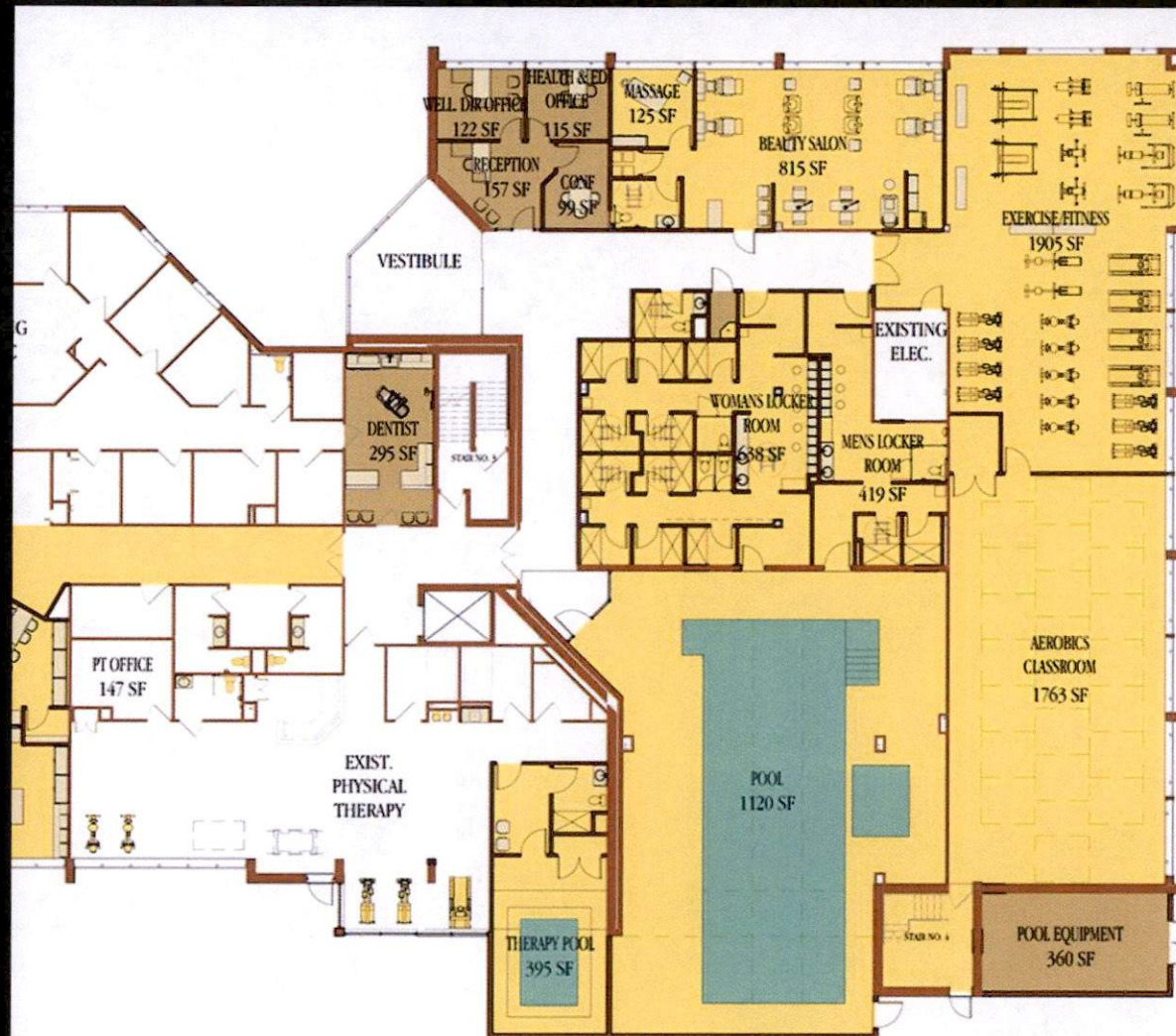
Health & Wellness ***Center of Excellence***

Proposed Master Plan



Wellness

Proposed



first
floor

Wellness

Concepts



Wellness

Concepts



Assisted Living

Proposed Master Plan

Assisted Living



Stony Run Dementia Care

Proposed



second floor

Stony Run Dementia Care

Concept



Stony Run Dementia Care

Concept



Comprehensive Care Renovations

Dementia Care

Proposed



second floor

Dementia Care

Concept



Dementia Care

Concept



Skilled Nursing

Proposed



second floor

Skilled Nursing

Concept



Skilled Nursing

Concept



Rehab

Proposed



second floor

Rehab

Concept



Rehab

Concept



Holly House Hybrids

Holly House Hybrids

Proposed Site Concept



Holly House Hybrids

Concept



Holly House

Master Plan

Proposed



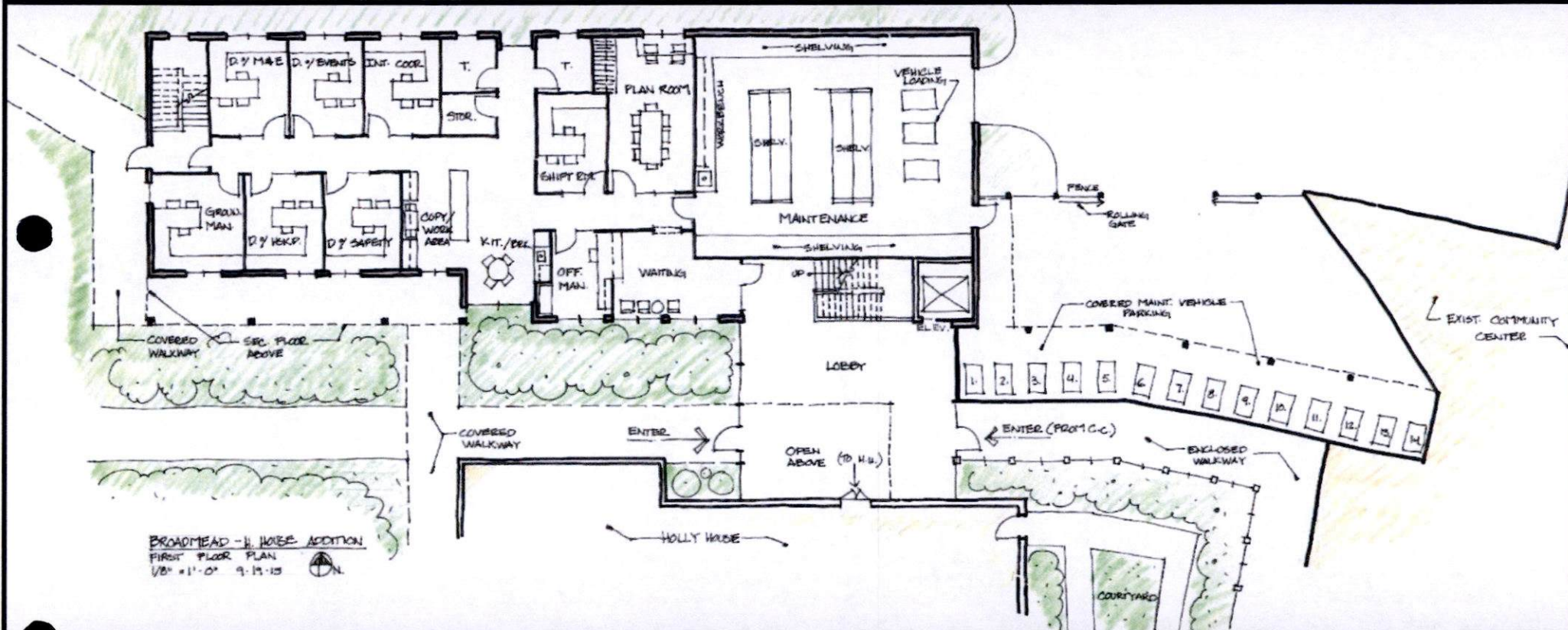
Holly House

Proposed



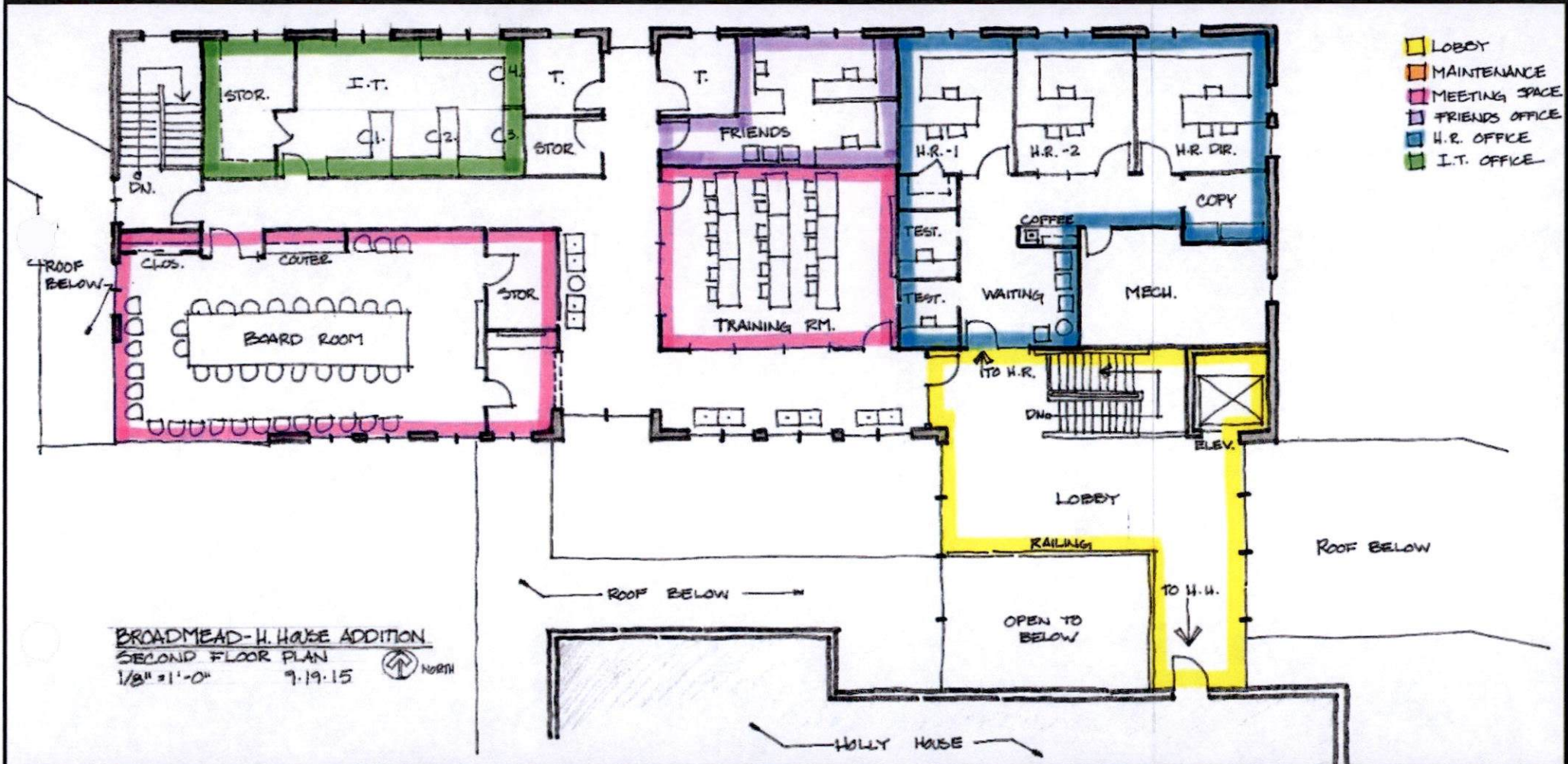
Holly House - Maintenance

First Floor



Holly House – Admin.

Second Floor



Entry Sequence

Site Review

Proposed Site



LEGEND

- A. Holly House Hybrid 1
- B. Holly House Hybrid 2
- C. Holly House Administration Addition
- D. Dining Addition
- E. Entry Addition
- F. Wellness/Pool Addition
- G. Nursing Addition

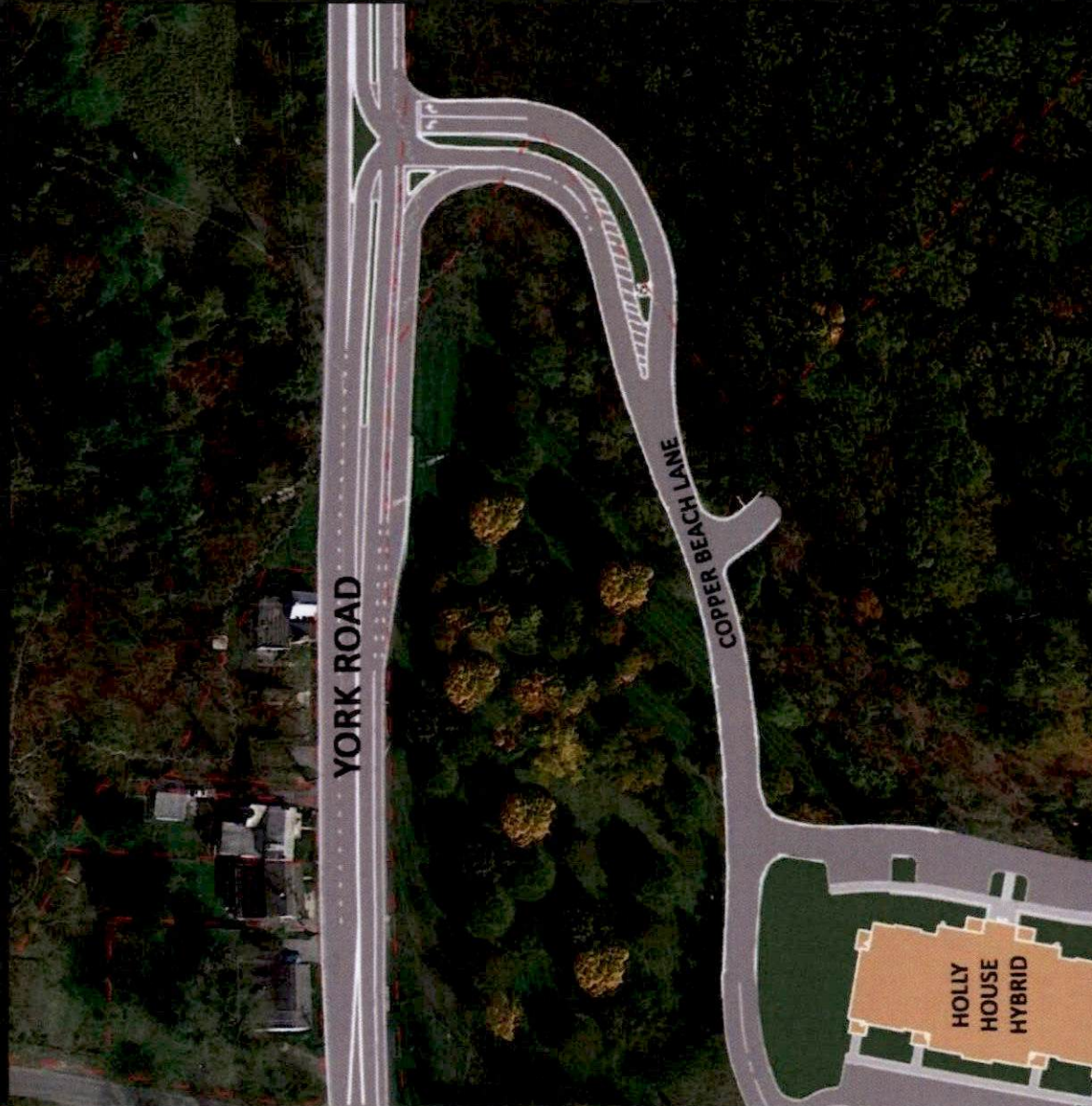
Entry Sequence

Existing



Entry Sequence

Maryland T





Broadmead
13801 York Road
Cockeysville, Baltimore County MD 21030

LANDSCAPE PLAN

Date: October 12, 2015





Thank You





KEVIN KAMENETZ
County Executive

ANDREA VAN ARSDALE, *Director*
Office of Planning

March 9, 2012

Broadmead Board of Trustees
Attn.: Mr. Richard F. Compton, CEO
13801 York Road
Cockeysville, MD 21030

RE: Implications of placing Holly Hill House on the Landmarks List

Dear Mr. Compton;

At the March 8, 2012 Landmarks Preservation Commission (LPC) meeting, the LPC voted unanimously to place Holly Hill House and its setting on the Preliminary Landmarks List (see attached staff report, which describes the historic significance of the various parts of Holly Hill House).

Below please find a response to the concerns expressed in your March 1, 2012 letter.

- The Den and Courtyard portions of the Holly House were expressly excluded from landmarks designation, with the intent of permitting the future demolition of these portions of Holly Hill.
- The LPC has no purview over the interior of a structure on the Preliminary or Final Landmarks List.
- The Historic Environmental Setting (HES, see attached) was delineated in a manner that would allow the construction of an enclosed walkway in the rear of Holly Hill House without LPC review.
- Provided the future comprehensive care center is built outside the bounds of the HES, the LPC has no purview over the design or siting of the proposed structures.

Thank you for working with the LPC and staff to bring this matter to a conclusion that is satisfactory to all involved. Please feel free to call me should you have any additional questions or concerns.

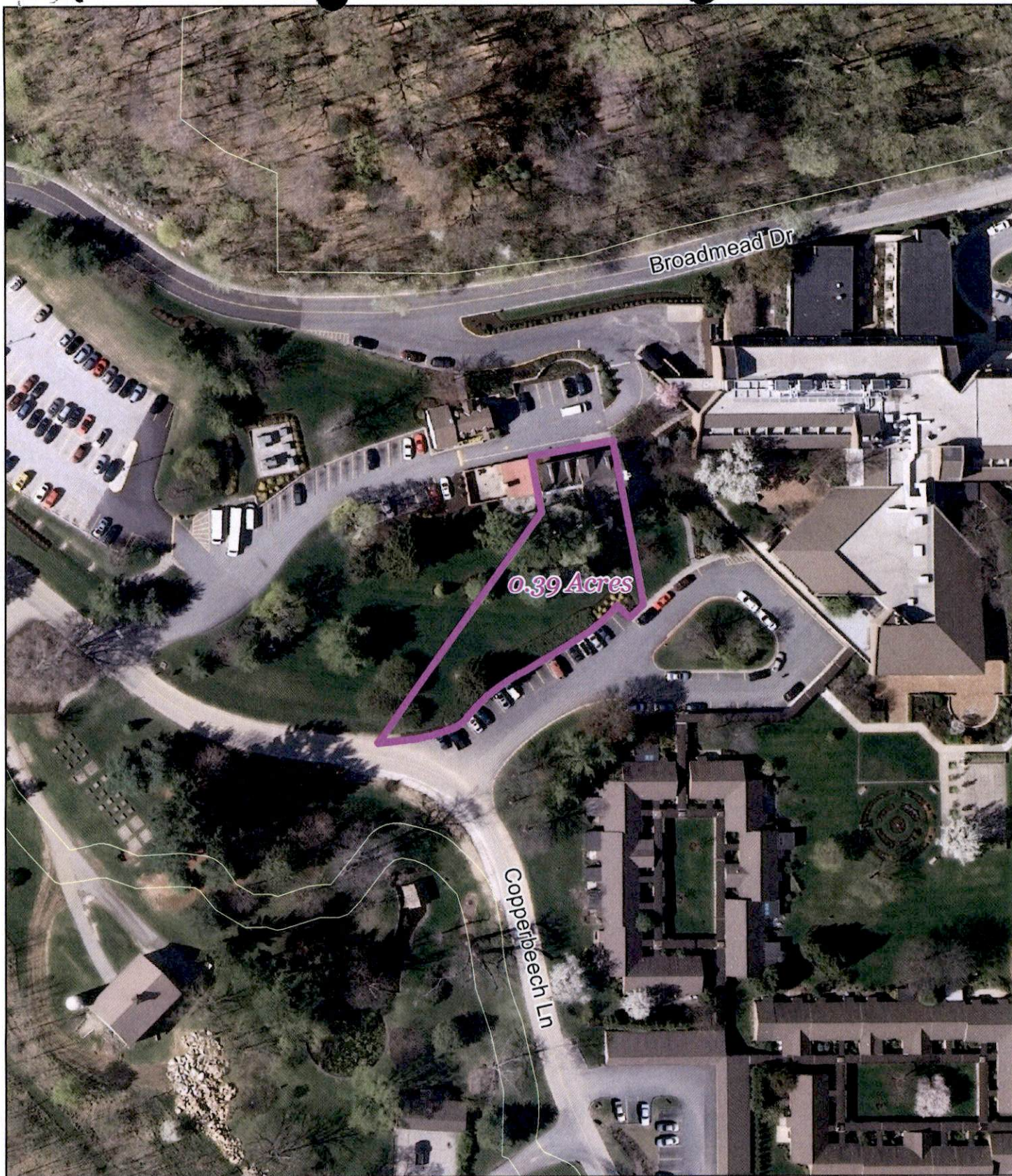
Sincerely

A handwritten signature in black ink, appearing to read "Karin Brown" followed by a stylized flourish.

Karin Brown
Chief, Preservation Services

KEB/vkn

Enclosures



Historic Environmental Setting for Holly Hill



Historic Environmental Setting

Parcel Boundary



Map prepared Feb 23, 2012

0 100 200 300 Feet

J. MARK KEELEY, PTP
6533 Green Mount Drive • Elkridge, MD 21075
410-615-0067 (cell) 410-670-2911 (Office)

PROFESSIONAL SKILLS

Thorough knowledge of transportation planning principals and practices, including the relationship between transportation, environmental, economic, and social factors that influence urban and rural land use patterns. Computer software Packages: Microsoft software packages, TP +, MINUTP, Highway Capacity Software (HCS), SIDRA, Critical Lane Volume Analysis

EDUCATION

TOWSON UNIVERSITY
8000 York Road
Towson, MD 21252
M.A. Degree - Geography and Planning, 1993

SALISBURY UNIVERSITY
1101 Camden Avenue
Salisbury, MD 21801
B.A. Degree - Political Science, 1987

MT. ST. JOSEPH HIGH SCHOOL
4403 Frederick Avenue
Baltimore, MD 21229
Graduated May 1983

PETITIONER'S
EXHIBIT NO. 5

PROFESSIONAL EXPERIENCE

TRAFFIC CONCEPTS, INC
7525 Connelley Drive, Suite B Hanover, Maryland 21076

Project Manager/Transportation Planner, July 2005-Present

- Project Manager for Traffic Impact Studies and Planning/Traffic Engineering Services Division.
- Develop price proposals and budgets for the preparation of traffic engineering services.
- Develop business relationships to advance business products and services.
- Provide expert testimony at public hearings.
- Develop complex master planning studies, traffic impact analyses and parking studies for private and public sector clients.
- Address technical comments received from reviewing agencies and provide traffic mitigation strategies and solutions for clients.
- Represent clients at project Scoping Meetings, Planning Commission Meetings, Board of Appeals Hearings, and Community Input Meetings.

**QUEEN ANNE'S COUNTY DEPARTMENT OF PUBLIC WORKS /
DEPARTMENT OF PLANNING & ZONING**
312 Safety Dr Centreville MD 21617/160 Coursevall Dr. Centreville, MD 21617

Transportation/Land Use Planner IV, September 2002 – July 2005

- Managed the County Adequate Public Facilities Ordinance program.
- Provided staff support to the Planning Commission and County Council on transportation issues.
- Reviewed approximately 100 traffic impact studies for Queen Anne's County and recommended traffic mitigation measures to meet the APFO requirements.
- Reviewed major and minor subdivision/site plans for compliance with the County's Zoning Ordinance and the Comprehensive Plan.
- Generated technical subdivision/site plan comments and made presentations at County Council and Planning Commission Meetings.
- Initiated and directed general and specialized land use studies, which included vacant land inventories, site impact analysis, corridor studies, and school impact studies.
- Appointed liaison to Federal and State Agencies for Maryland's Smart Growth initiatives and the Federal Clean Air Act Amendment (Air Quality Conformity).

HARFORD COUNTY DEPARTMENT OF PLANNING AND ZONING
220 South Main Street Bel Air, Maryland 21014

Administrator, Office of Transportation, July 1999 – September 2002

- Developed the 2000 Transportation Plan, An Element of the Harford County Master Plan.
- Reviewed of more than 400 traffic impact studies and recommended various traffic mitigation measures.
- Initiated and directed complex planning studies relating to land use and transportation planning, which included computer modeling, transit planning, and traffic impact analysis.
- Developed Transportation Demand Management Strategies for the County.
- Managed the County Traffic Count Program.
- Managed the County Rideshare Program.
- Developed the Unified Planning Work Program for each fiscal year.
- Developed the Transportation Improvement Program (TIP).
- Baltimore Metropolitan Council's Transportation Technical Committee Member.
- Baltimore Metropolitan Council's Bicycle and Pedestrian Advisory Group Member.
- Baltimore Metropolitan Council's Travel Analysis Advisory Group Member.

J. MARK KEELEY, PTP

Page 3 of 4

HARFORD COUNTY DEPARTMENT OF PLANNING AND ZONING 220 South Main Street Bel Air, Maryland 21014

Transportation Planner I & II, September 1993 – July 1999

- Planner assigned to the Edgewood Community Planning Council.
- Conducted transit-planning studies and transit rider-ship surveys for Harford Transit.
- Coordinated with the Harford Transit to develop rural transit routes.
- Organized a Bicycle and Pedestrian Task Force to select bike routes and to promote non-motorized transportation.
- Managed the Commuter Assistance Grant and submitted quarterly reports to the MTA.
- Developed a Regional Employees Commuter Option (ECO) Program for both the public sector and private sector businesses as mandated by the MDE.
- Prepared and reviewed Traffic Impact Studies for the County.
- Managed the Regional Travel Demand Model.
- Performed intersection analysis and recommended traffic mitigation measures.

PROFESSIONAL ASSOCIATIONS

Certifications

- PTP (Professional Transportation Planner Certification), ITE
2008 – Present Certificate Number 122

Inactive Certifications

- AICP (American Institute of Certified Planners)
2006 – 2010 Certificate Number 020927

Active Member 2006 - Present

- American Planning Association, Member since 1993

MASTER PLAN WRITINGS

- Co-authored the 2000 Transportation Plan, An Element of the Harford County Master Plan.

AWARDS & OUTREACH SERVICE

- Harford County Department of Planning and Zoning Employee of the Month Award, December 2001
- Organized 1st Annual Harford Bicycle Festival

EXPERT WITNES EXPERIENCE:

Baltimore County, MD

Carroll County, MD

Harford County, MD

Howard County, MD

Queen Anne's County, MD

Montgomery County, MD

City of Easton , MD

City of Elkton, MD

City of Salisbury, MD

Town of Bel Air, MD

Town of Centreville, MD

City of Frederick, MD

Town of Denton, MD



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

June 11, 2020

VIA EMAIL

John B. Gontrum, Esquire
Whiteford, Taylor & Preston, LLP
One West Pennsylvania Avenue
Towson, Maryland 21204

Peter Max Zimmerman
People's Counsel
Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

RE: Case No. 2016-0139-SPHXA
Property: Broadmead, Inc.

Dear Counsel:

This is in response to your recent correspondences regarding Mr. Gontrum's request that I issue a "spirit and intent" modification of condition number 4 of ALJ Beverungen's Opinion and Order in the above-captioned case. The condition at issue required that "[p]rior to issuance of permits Petitioner must complete construction of the roadway improvements (i.e., 'Maryland T' intersection) as shown on the concept plan as Petitioner's Ex. No. 6."

Mr. Gontrum first emailed this request to me on May 27, 2020 and sent a follow up request by email on June 3, 2020 on which you copied Mr. Zimmerman, as was appropriate. By letter dated June 4, 2020, Mr. Zimmerman formally opposed this "spirit and intent" request. Mr. Gontrum responded to this opposition by letter dated June 9, 2020. As explained below, I find that the "spirit and intent" request should be granted.

In Mr. Gontrum's emails and letter he has explained that his client has been diligently working on construction of the required "Maryland T" intersection, which has necessitated obtaining an off-site right of way and approvals from the State Highway Administration. However, through no fault of his or his client, the County and City drawings that their engineers

ORDER RECEIVED FOR FILING

Date 6-11-2020

By LS

relied upon did not accurately depict the location of a water line. This has caused problems in constructing the T intersection as depicted on the concept plan. Mr. Gontrum has explained that he has engaged in continuing discussions with the SHA and the County's stormwater management personnel and the hope is that this water line can be relocated to the location where it was depicted on the drawings. However, if this is not possible or agreed upon then a new stormwater management review may be required. As a result of this unforeseen development there is a possibility that the intersection will not be completed in time for the anticipated opening of Broadmead's two new residential buildings in the early fall of 2020. Further, under the terms of the applicable contracts, Broadmead is required to provide 90-day "move in" notices to these new residents so that these residents can make all their necessary moving arrangements.

Mr. Gontrum has therefore requested that I allow Broadmead to obtain occupancy permits, if necessary, prior to the completion of the intersection construction. He urges that, given the equities and exigencies at issue, this would be within the "spirit and intent" of ALJ Beverungen's Order, especially given the impact of the Covid 19 crisis on the Office of Administrative Hearing's hearing schedule. Mr. Zimmerman's position is that the OAH and its Administrative Law Judges are without jurisdiction to issue such "spirit and intent" letters under Article 3, Title 12 of the County Code in order to modify express conditions in a final Order. In support of this proposition People's Counsel cites the Board of Appeals' Opinion in Nepali American Cultural Center, CBA-19-004, where the CBA ruled that ALJ Beverungen was without jurisdiction to issue a "spirit and intent" letter clarifying his prior order. However, Mr. Zimmerman acknowledges that the basis for the CBA's ruling was that the case was on appeal in the CBA at the time ALJ Beverungen issued his letter, and he had therefore been divested of jurisdiction. Mr. Zimmerman further argues that the issuance of such "spirit and intent" letters may lead to a "slippery slope" whereby more and more persons seek such clarifications and modifications of Orders in order to circumvent County agency review or the proper notification of the public and the Office of People's Counsel. Mr. Zimmerman urges that the lawful and proper manner of obtaining such modifications or clarifications is by the Special Hearing process.

These points are well taken. However, as Mr. Gontrum points out in his June 9 letter, this "spirit and intent" practice has been a "longstanding practice" of the Zoning Commissioners, Hearing Officers and Administrative Law Judges, and – at least in his view – the practice has not been abused, and is an appropriate way of clarifying or obtaining minor, common-sense modifications of prior Orders. I note that in my relatively short tenure as an ALJ this is the first such "spirit and intent" request I have received, so this tends to support Mr. Gontrum's description of the practice.

While I am mindful that the ALJ does not have unfettered equitable power under the County Code or the BCZR, I do believe that the ALJ has inherent authority to clarify or modify a prior Order in appropriate circumstances - as long as an appeal of the Order is not pending. I agree

ORDER RECEIVED FOR FILING

Date 6-11-2020

By LSW

with People's Counsel that his Office and the relevant county agencies should be informed of all such requests so that they can express any objections they may have. I also believe that it would be inappropriate, under due process principles, for the ALJ to make a substantive modification of an Order on an issue that was actively contested in the public hearing of the case. People's Counsel is correct that in such cases the formal Special Hearing process should be followed.

In the instant case I am satisfied that the requested "spirit and intent" modification is appropriate under these principles. In his Opinion and Order ALJ Beverungen does not note any community opposition to Broadmead's expansion plans, and I fail to see how anyone would have any reasonable objection to the requested modification here, which is simply a short extension of time by which to fully comply with Condition 4 of the Order, i.e. the construction of the Maryland T intersection. Based on Mr. Gontrum's representations I am satisfied that his client has worked diligently to comply with this and every other Condition in the Order and that the water line issue is an unforeseen problem that is not of his or his client's making. Mr. Gontrum has vowed that he and his client will continue to work to resolve this issue with the SHA and the relevant County agencies and he believes that the Maryland T intersection will be completed no later than December 31, 2020. Further, due to the Covid 19 crisis there is already a substantial backlog of cases in the OAH. As such, it would be impossible to hold a Special Hearing on this modification request within the necessary time frames without bumping an existing case.

I will therefore authorize the issuance of occupancy permits in this case prior to the completion of the Maryland T intersection, subject to the following conditions:

1. In completing construction of the Maryland T intersection Broadmead, Inc. will comply with all comments and requirements of the SHA and/or Baltimore County agencies, and all costs of any kind related to the completion of the intersection shall be borne by Broadmead, Inc.
2. The Maryland T intersection shall be completed by December 31, 2020.

Very truly yours,



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw

ORDER RECEIVED FOR FILING

Date 6-11-2020

By dlw

Debra Wiley

From: Debra Wiley
Sent: Thursday, June 11, 2020 2:33 PM
To: 'Gontrum, John'; Peter Max Zimmerman
Cc: Michael Mallinoff; Carl Richards Jr; Peter Gutwald; Thomas Bostwick
Subject: Spirit and Intent Letter - Case No. 2016-0139-SPHXA - Broadmead, Inc.
Attachments: 20200611143012863.pdf

Good Afternoon,

Please find attached ALJ Mayhew's Spirit and Intent letter in reference to the above matter.

Thank you and have a great afternoon.

Debra Wiley, Legal Administrative Secretary Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

-----Original Message-----

From: adminhearingscpr@baltimorecountymd.gov <adminhearingscpr@baltimorecountymd.gov>
Sent: Thursday, June 11, 2020 2:30 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Message from "RNP002673F6C9D3"

This E-mail was sent from "RNP002673F6C9D3" (MP 3055).

Scan Date: 06.11.2020 14:30:12 (-0400)

Queries to: adminhearingscpr@baltimorecountymd.gov

SUBJECT: LIMITED EXEMPTION DEVELOPMENT PLAN-2nd Review

REVIEWED 5/8/2018

FROM: PDM - ZONING REVIEW

TYPED: 1/24/17

PROJECT NAME: **BROADMEAD**

PLAN DATE: 4/19/2018

PAI NUMBER: 08-0199

DISTRICT: 8c3

ZONING: D.R. 16, D.R. 1, R.C. 6, D.R. 5.5

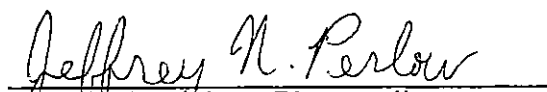
LOCATION: E Side of York Road @ Copper Beach Rd.

LIMITED EXEMPTION # 16032LN

DRC NUMBER: 120815B (Tracking # LIM-2016-00014)

PROPOSAL: C.C.F. Additions

1. On Page 1 of the Limited Exemption Development Plan, put verbatim copies of the following:
 - The December 20, 2007 Spirit & Intent letter from John Lewis to Eric Hadaway of DMW (regarding Zoning Case # 2006-0435-SPH).
 - The June 15, 2016 Spirit and Intent letter from Joseph Merrey to Mitchell Kellman of DMW (regarding Zoning Case # 2016-0139--SPHXA).
 - The April 11, 2018 Spirit & Intent letter from Aaron Tsui to Mitchell Kellman of DMW (Letter is based on the most recent 2nd "Blue Lined" plan dated February 28, 2018 regarding Zoning Case # 2016-0139-SPHXA).
2. General Note # 20 (Parking Requirements) of the 2nd "Blue Lined" plan accompanying the April 11, 2018 Spirit & Intent letter mentioned above, does not match with General Note # 22 (Parking Requirements) of the Limited Exemption Development Plan. Explain and justify the discrepancies between the two respective "General Notes".
3. Add/transfer the "Floor Area Square Footage" note on the lower right corner of the 2nd "Blue Lined" plan aforementioned to the Limited Exemption Development Plan.
4. Submit a revised (3rd Review) Limited Exemption Development Plan addressing Comments # 1, 2 and 3 above to the Zoning Review Office for further review and possible comments.
5. The plan notes and details of the 2nd "Blue Lined" plan (dated February 28, 2018) and the Limited Exemption Development Plan (dated April 19, 2018) do not match with the 5th Amended Final Development Plan (FDP). After final review, comments and approval of the Limited Exemption Development Plan, submit a 6th Amended FDP to the Zoning Review Office for review, comment and approval that matches with the approved Limited Exemption Development Plan. Remove the FDP note that states: "This 5th Amended FDP does not utilize the zoning relief granted within Case 2016-0139-SPHXA". Be sure to include the additional notes and details required by the Zoning Review Office FDP checklist.
6. Please be advised that after the 6th Amended FDP is approved, no further Spirit and Intent requests will be accepted for the subject property regarding prior zoning cases. Any future changes to the property will require a new Special Hearing petition to amend those prior zoning cases and prior FDP's.


Jeffrey N. Perlow, Planner II
Zoning Review



KEVIN KAMENETZ
County Executive

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

April 11, 2018

Daft McCune Walker
501 Fairmount Avenue, Suite 300
Towson, Maryland 21286
Attn: Mr. Mitchell Kellman

Dear Mr. Kellman:

RE: Spirit and Intent
Broadmead Retirement Community
Zoning Case No. 2016-0139-SPHXA
13801 York Road, Baltimore County, 8th Election District, Maryland

This refers to your March 21, 2017 letter to Mr. Arnold Jablon, Director of Permits, Approvals, and Inspections, attaching a proposed site plan for the subject property. Subsequently, an amended blue-lined site plan dated 2/28/18 was submitted for further review. The said amended plan includes additional information on the percentage of proposed building extension area, the proposed building additions, and the reconfiguration of the parking lots. You requested a zoning S&I (Spirit and Intent) verification that the proposed building extensions are within the S&I as in a granted Zoning Case #2016-0-0139-SPHXA.

Please be advised that in an email (copy attached) dated April 11, 2017 from Mr. John Beverungen, the Administrative Law Judge, to Mr. Carl Richards, Zoning Supervisor, Mr. Beverungen, has indicated that per § 104.3 of BCZR, the non-conforming use could be extended by "25% of the ground floor area of the buildings so used.", and that should be used to calculate the permissible 25% extension of the non-conforming continuing care center use. As shown in the latest submitted blue-lined plan, the proposed building extension is 15.5% of the existing building area as permitted per § 104.3 of BCZR, and is therefore within the Spirit and Intent of the Zoning Case # 2016-0139-SPHXA. Be further advised that this S&I verification is strictly limited to the application of §104.3 of the BCZR only. Please proceed with the Development Plan review and approval process pursuant to the County Codes accordingly.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Tsui", with a long horizontal line extending to the right.

Aaron Tsui
Planner II, Zoning Review

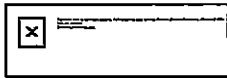
File: 17-112
Zoning Case no.2016-0139-SPHXA
Enclosure

Aaron K Tsui

From: Mitch Kellman <MKellman@dmw.com>
Sent: Tuesday, April 10, 2018 7:55 AM
To: Aaron K Tsui
Subject: FW: Broadmead

Aaron,
Please see the email below, as per our conversation yesterday. Thanks so much,
Mitch

Mitchell J. Kellman
Vice President - Director of Zoning Services
410 296 3333 Office



From: Gontrum, John [mailto:JGontrum@wtplaw.com]
Sent: Tuesday, April 11, 2017 3:02 PM
To: Mitch Kellman
Subject: FW: Broadmead

Mitch,

Please review the below correspondence. Hopefully, when you have calculated it this will put this issue to bed.

From: John E. Beverungen [mailto:jbeverungen@baltimorecountymd.gov]
Sent: Tuesday, April 11, 2017 2:51 PM
To: Carl Richards Jr
Cc: Gontrum, John
Subject: Broadmead

Carl,

I met today with John Gontrum to discuss the above matter. He indicated that he and Mitch Kellman also met with you to discuss this case. I reviewed the recent order in this case, which indicated that per BCZR sec. 104.3 the nonconforming use could be extended by "25% of the ground floor area of the buildings so used." As such, I told John it was my opinion that regulation would allow the developer to increase the nonconforming use (and the buildings associated with that use) by 25% of the ground floor area of the existing buildings on site at the campus.

I think the density issue (i.e., whether your office looks at it based on number of density or dwelling units, or number of patient beds) is a separate one, and would be determined by your office per the Regulations as it would in any case. But the ground floor area of the buildings is the metric which (in my opinion) should be used to calculate the permissible 25% extension of the nonconforming continuing care center use.

If you have any questions or want to discuss further let me know.

Thanks, John.



KEVIN KAMENETZ
County Executive

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

April 11, 2018

Daft McCune Walker
501 Fairmount Avenue, Suite 300
Towson, Maryland 21286
Attn: Mr. Mitchell Kellman

Dear Mr. Kellman:

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Broadmead Retirement Community
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Aaron Tsui
Planner II, Zoning Review

File: 17-112
Zoning Case no.2016-0139-SPHXA
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Mitch

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Vice President - Director of Zoning Services
410 296 3333 Office



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If you have any questions or want to discuss further let me know.

Thanks, John.



KEVIN KAMENETZ
County Executive

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

April 11, 2018

Daft McCune Walker
501 Fairmount Avenue, Suite 300
Towson, Maryland 21286
Attn: Mr. Mitchell Kellman

Dear Mr. Kellman:

RE: Spirit and Intent
Broadmead Retirement Community
Zoning Case No. 2016-0139-SPHXA
13801 York Road, Baltimore County, 8th Election District, Maryland

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Aaron Tsui
Planner II, Zoning Review

File: 17-112
Zoning Case no.2016-0139-SPHXA
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If you have any questions or want to discuss further let me know.

Thanks, John.



March 21, 2017

Arnold Jablon, Director
Baltimore County Department of Permits,
Approvals, and Inspections (PAI)
c/o The Zoning Review Office
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re Broadmead Retirement Community
Zoning "Spirit and Intent" Letter
Zoning Case No. 2016-0139-SPHXA
13801 York Road
8th Election District, 3rd Councilmanic District
Job No. 89171.P1

Dear Mr. Jablon:

Daft-McCune-Walker, Inc. (DMW) represents the owners of the referenced property, and we are responsible for the engineering and planning of their project known as the Broadmead Retirement Community. As such, we are respectfully submitting the enclosed "spirit and intent" request for approval.

By way of Zoning Case No. 2016-0139-SPHXA, we obtained approval from the Administrative Law Judge (ALJ) for the intensification of an existing community care facility and internal variances for reduced setbacks between buildings. As our further engineering progressed, we modified the layout from the red-lined site plan approved at the recent hearing. These modifications were shown on a green-lined hearing plan which your office approved as a first spirit and intent letter. As further architecture and engineering is being finalized, the building footprints, parking areas, and driveways are being modified again, all which are shown on a submitted blue-lined plan. These modifications do not increase any of the zoning relief granted nor generate any new deficiencies. In addition, the proposed density is not changing from what was approved at the recent hearing.

We feel that these changes are within the scope of the approved hearing site plan and hope you consider the same.

We are submitting the referenced blue-lined hearing plan illustrating the changes to the hearing-approved red-lined plan, along with a check in the amount of \$150 for the letter-processing fee. If you have further questions or need more information, please contact me at (410) 296-3333. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'MJK', is written over a horizontal line.

Mitchell J. Kellman
Director of Zoning Services

MJK/bah

Enclosures

TRANSMITTAL



501 Fairmount Avenue, Suite 300, Towson, Maryland 21286

p: 410 296 3333

f: 410 296 4705

www.dmw.com

A TEAM OF URBAN PLANNERS, LANDSCAPE ARCHITECTS, ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

To: AT
3/21/17
ecr
S+T

#17-112
\$150⁰⁰

To: Baltimore County ZoningDate: 3/21/17Job No: 89171.PAttention: Carl RichardsReference: Broadmead - PAI #08-0199

We are sending you:

☐ Shop Drawings☐ Specifications☐ Attached☐ Samples☐☐ Under Separate Cover☐ Plans☒ via: Hand Delivery

Copies	Date	Number	Description
1			Zoning "Spirit and Intent" Letter
1			Blue-lined/red-lined "Spirit and Intent" Zoning Plan
1			\$150 Check for Written Verification of Zoning Fee

These are transmitted as checked below:

☒ For approval☐ For your use☐ As requested☐ For review and comment☐ Approved as submitted☐ Approved as noted☐ Return for corrections☐☐ Resubmit☐ Submit☐ Return

_____ copies for approval

_____ copies for distribution

_____ corrected for prints

Remarks:

cc: _____

Signed:

Thanks,


 Jill Schopf for Mitch Kellman



KEVIN KAMENETZ
County Executive

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

June 15, 2016

Mitchell J. Kellman
DMV
501 Fairmount Avenue, Suite 300
Towson, Maryland 21286

16-177

Dear Mr. Kellman:

RE: Zoning Verification, Broadmead Retirement Community, Zoning Case No. 2016-0139-SPHZA, 8th Election District

Your letter to Mr. Arnold Jablon, Director, concerning an opinion from this Office regarding a Spirit and Intent determination pertaining to the above referenced zoning case has been given careful consideration by this Office, and the following is offered. In consideration of the minor changes requested to the original relief granted in zoning case 2016-0139-SPHXA, it is the opinion of this Office that said changes outlined in your letter dated May 18, 2016 are within the Spirit and Intent of the aforementioned case. This letter must be copied onto all future site plans filed with this Office for review that pertain to the subject property.

This letter is strictly limited to the application of the BCZR as applied to the inquiries presented in your letter, and does not, in any fashion, represent verification for any other Local, State or other Regulations that may apply to this property.

THE FOREGOING IS MERELY AN INFORMAL OPINION. IT IS NOT AN EXPERT OR LEGAL OPINION. IT IS NOT INTENDED TO BE RELIED ON AS EXPERT OR LEGAL ADVICE, AND IS NOT LEGALLY OR FACTUALLY BINDING ON BALTIMORE COUNTY OR ANY OF ITS OFFICIALS, AGENTS, OR EMPLOYEES. BALTIMORE COUNTY EXPRESSLY DISCLAIMS ANY AND ALL LIABILITY ARISING OUT OF, OR IN ANY WAY CONNECTED WITH THE INFORMATION PROVIDED IN THIS DOCUMENT, OR ANY INTERPRETATION THEREOF.

Sincerely,

A handwritten signature in black ink, appearing to read "J.C. Merrey", is written over the typed name.

Joseph C. Merrey
Planner II
Zoning Review
410-887-3391



LW

To: JCM
5/18/16
#Cunning

#Cunning

#16-177
\$150⁰⁰

May 18, 2016

Arnold Jablon, Director
Baltimore County Department of Permits,
Approvals and Inspections (PAI)
c/o Zoning Review Office
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Broadmead Retirement Community
Zoning "Spirit and Intent" Letter
Zoning Case No. 2016-0139-SPHXA
13801 York Road, 8th Election District, 3rd Councilman District
DMW Project No. 89171.P1

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We feel that these changes are within the scope of the approved hearing site plan and hope you consider the same.

We are submitting the referenced green-lined hearing plan illustrating the changes to the hearing- approved red-lined plan, along with a check in the amount of \$150 for the letter-processing fee. If you have further questions or need more information, please contact me at 410-296-3333. Thank you for your attention to this matter.

Very truly yours,

Daft-McCune-Walker, Inc.

Mitchell J. Kellman
Director of Zoning Services

MJK/acr



May 18, 2016

Arnold Jablon, Director
Baltimore County Department of Permits,
Approvals and Inspections (PAI)
c/o Zoning Review Office
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Broadmead Retirement Community
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Mitchell J. Kellman
Director of Zoning Services

MJK/acr



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

June 11, 2020

VIA EMAIL

John B. Gontrum, Esquire
Whiteford, Taylor & Preston, LLP
One West Pennsylvania Avenue
Towson, Maryland 21204

Peter Max Zimmerman
People's Counsel
Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

RE: Case No. 2016-0139-SPHXA
Property: Broadmead, Inc.

Dear Counsel:

This is in response to your recent correspondences regarding Mr. Gontrum's request that I issue a "spirit and intent" modification of condition number 4 of ALJ Beverungen's Opinion and Order in the above-captioned case. The condition at issue required that "[p]rior to issuance of permits Petitioner must complete construction of the roadway improvements (i.e., 'Maryland T' intersection) as shown on the concept plan as Petitioner's Ex. No. 6."

Mr. Gontrum first emailed this request to me on May 27, 2020 and sent a follow up request by email on June 3, 2020 on which you copied Mr. Zimmerman, as was appropriate. By letter dated June 4, 2020, Mr. Zimmerman formally opposed this "spirit and intent" request. Mr. Gontrum responded to this opposition by letter dated June 9, 2020. As explained below, I find that the "spirit and intent" request should be granted.

In Mr. Gontrum's emails and letter he has explained that his client has been diligently working on construction of the required "Maryland T" intersection, which has necessitated obtaining an off-site right of way and approvals from the State Highway Administration. However, through no fault of his or his client, the County and City drawings that their engineers

relied upon did not accurately depict the location of a water line. This has caused problems in constructing the T intersection as depicted on the concept plan. Mr. Gontrum has explained that he has engaged in continuing discussions with the SHA and the County's stormwater management personnel and the hope is that this water line can be relocated to the location where it was depicted on the drawings. However, if this is not possible or agreed upon then a new stormwater management review may be required. As a result of this unforeseen development there is a possibility that the intersection will not be completed in time for the anticipated opening of Broadmead's two new residential buildings in the early fall of 2020. Further, under the terms of the applicable contracts, Broadmead is required to provide 90-day "move in" notices to these new residents so that these residents can make all their necessary moving arrangements.

Mr. Gontrum has therefore requested that I allow Broadmead to obtain occupancy permits, if necessary, prior to the completion of the intersection construction. He urges that, given the equities and exigencies at issue, this would be within the "spirit and intent" of ALJ Beverungen's Order, especially given the impact of the Covid 19 crisis on the Office of Administrative Hearing's hearing schedule. Mr. Zimmerman's position is that the OAH and its Administrative Law Judges are without jurisdiction to issue such "spirit and intent" letters under Article 3, Title 12 of the County Code in order to modify express conditions in a final Order. In support of this proposition People's Counsel cites the Board of Appeals' Opinion in Nepali American Cultural Center, CBA-19-004, where the CBA ruled that ALJ Beverungen was without jurisdiction to issue a "spirit and intent" letter clarifying his prior order. However, Mr. Zimmerman acknowledges that the basis for the CBA's ruling was that the case was on appeal in the CBA at the time ALJ Beverungen issued his letter, and he had therefore been divested of jurisdiction. Mr. Zimmerman further argues that the issuance of such "spirit and intent" letters may lead to a "slippery slope" whereby more and more persons seek such clarifications and modifications of Orders in order to circumvent County agency review or the proper notification of the public and the Office of People's Counsel. Mr. Zimmerman urges that the lawful and proper manner of obtaining such modifications or clarifications is by the Special Hearing process.

These points are well taken. However, as Mr. Gontrum points out in his June 9 letter, this "spirit and intent" practice has been a "longstanding practice" of the Zoning Commissioners, Hearing Officers and Administrative Law Judges, and – at least in his view – the practice has not been abused, and is an appropriate way of clarifying or obtaining minor, common-sense modifications of prior Orders. I note that in my relatively short tenure as an ALJ this is the first such "spirit and intent" request I have received, so this tends to support Mr. Gontrum's description of the practice.

While I am mindful that the ALJ does not have unfettered equitable power under the County Code or the BCZR, I do believe that the ALJ has inherent authority to clarify or modify a prior Order in appropriate circumstances - as long as an appeal of the Order is not pending. I agree

with People's Counsel that his Office and the relevant county agencies should be informed of all such requests so that they can express any objections they may have. I also believe that it would be inappropriate, under due process principles, for the ALJ to make a substantive modification of an Order on an issue that was actively contested in the public hearing of the case. People's Counsel is correct that in such cases the formal Special Hearing process should be followed.

In the instant case I am satisfied that the requested "spirit and intent" modification is appropriate under these principles. In his Opinion and Order ALJ Beverungen does not note any community opposition to Broadmead's expansion plans, and I fail to see how anyone would have any reasonable objection to the requested modification here, which is simply a short extension of time by which to fully comply with Condition 4 of the Order, i.e. the construction of the Maryland T intersection. Based on Mr. Gontrum's representations I am satisfied that his client has worked diligently to comply with this and every other Condition in the Order and that the water line issue is an unforeseen problem that is not of his or his client's making. Mr. Gontrum has vowed that he and his client will continue to work to resolve this issue with the SHA and the relevant County agencies and he believes that the Maryland T intersection will be completed no later than December 31, 2020. Further, due to the Covid 19 crisis there is already a substantial backlog of cases in the OAH. As such, it would be impossible to hold a Special Hearing on this modification request within the necessary time frames without bumping an existing case.

I will therefore authorize the issuance of occupancy permits in this case prior to the completion of the Maryland T intersection, subject to the following conditions:

1. In completing construction of the Maryland T intersection Broadmead, Inc. will comply with all comments and requirements of the SHA and/or Baltimore County agencies, and all costs of any kind related to the completion of the intersection shall be borne by Broadmead, Inc.
2. The Maryland T intersection shall be completed by December 31, 2020.

Very truly yours,



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

June 11, 2020

VIA EMAIL

John B. Gontrum, Esquire
Whiteford, Taylor & Preston, LLP
One West Pennsylvania Avenue
Towson, Maryland 21204

Peter Max Zimmerman
People's Counsel
Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

RE: Case No. 2016-0139-SPHXA
Property: Broadmead, Inc.

Dear Counsel:

This is in response to your recent correspondences regarding Mr. Gontrum's request that I issue a "spirit and intent" modification of condition number 4 of ALJ Beverungen's Opinion and Order in the above-captioned case. The condition at issue required that "[p]rior to issuance of permits Petitioner must complete construction of the roadway improvements (i.e., 'Maryland T' intersection) as shown on the concept plan as Petitioner's Ex. No. 6."

Mr. Gontrum first emailed this request to me on May 27, 2020 and sent a follow up request by email on June 3, 2020 on which you copied Mr. Zimmerman, as was appropriate. By letter dated June 4, 2020, Mr. Zimmerman formally opposed this "spirit and intent" request. Mr. Gontrum responded to this opposition by letter dated June 9, 2020. As explained below, I find that the "spirit and intent" request should be granted.

In Mr. Gontrum's emails and letter he has explained that his client has been diligently working on construction of the required "Maryland T" intersection, which has necessitated obtaining an off-site right of way and approvals from the State Highway Administration. However, through no fault of his or his client, the County and City drawings that their engineers

relied upon did not accurately depict the location of a water line. This has caused problems in constructing the T intersection as depicted on the concept plan. Mr. Gontrum has explained that he has engaged in continuing discussions with the SHA and the County's stormwater management personnel and the hope is that this water line can be relocated to the location where it was depicted on the drawings. However, if this is not possible or agreed upon then a new stormwater management review may be required. As a result of this unforeseen development there is a possibility that the intersection will not be completed in time for the anticipated opening of Broadmead's two new residential buildings in the early fall of 2020. Further, under the terms of the applicable contracts, Broadmead is required to provide 90-day "move in" notices to these new residents so that these residents can make all their necessary moving arrangements.

Mr. Gontrum has therefore requested that I allow Broadmead to obtain occupancy permits, if necessary, prior to the completion of the intersection construction. He urges that, given the equities and exigencies at issue, this would be within the "spirit and intent" of ALJ Beverungen's Order, especially given the impact of the Covid 19 crisis on the Office of Administrative Hearing's hearing schedule. Mr. Zimmerman's position is that the OAH and its Administrative Law Judges are without jurisdiction to issue such "spirit and intent" letters under Article 3, Title 12 of the County Code in order to modify express conditions in a final Order. In support of this proposition People's Counsel cites the Board of Appeals' Opinion in Nepali American Cultural Center, CBA-19-004, where the CBA ruled that ALJ Beverungen was without jurisdiction to issue a "spirit and intent" letter clarifying his prior order. However, Mr. Zimmerman acknowledges that the basis for the CBA's ruling was that the case was on appeal in the CBA at the time ALJ Beverungen issued his letter, and he had therefore been divested of jurisdiction. Mr. Zimmerman further argues that the issuance of such "spirit and intent" letters may lead to a "slippery slope" whereby more and more persons seek such clarifications and modifications of Orders in order to circumvent County agency review or the proper notification of the public and the Office of People's Counsel. Mr. Zimmerman urges that the lawful and proper manner of obtaining such modifications or clarifications is by the Special Hearing process.

These points are well taken. However, as Mr. Gontrum points out in his June 9 letter, this "spirit and intent" practice has been a "longstanding practice" of the Zoning Commissioners, Hearing Officers and Administrative Law Judges, and – at least in his view – the practice has not been abused, and is an appropriate way of clarifying or obtaining minor, common-sense modifications of prior Orders. I note that in my relatively short tenure as an ALJ this is the first such "spirit and intent" request I have received, so this tends to support Mr. Gontrum's description of the practice.

While I am mindful that the ALJ does not have unfettered equitable power under the County Code or the BCZR, I do believe that the ALJ has inherent authority to clarify or modify a prior Order in appropriate circumstances - as long as an appeal of the Order is not pending. I agree

with People's Counsel that his Office and the relevant county agencies should be informed of all such requests so that they can express any objections they may have. I also believe that it would be inappropriate, under due process principles, for the ALJ to make a substantive modification of an Order on an issue that was actively contested in the public hearing of the case. People's Counsel is correct that in such cases the formal Special Hearing process should be followed.

In the instant case I am satisfied that the requested "spirit and intent" modification is appropriate under these principles. In his Opinion and Order ALJ Beverungen does not note any community opposition to Broadmead's expansion plans, and I fail to see how anyone would have any reasonable objection to the requested modification here, which is simply a short extension of time by which to fully comply with Condition 4 of the Order, i.e. the construction of the Maryland T intersection. Based on Mr. Gontrum's representations I am satisfied that his client has worked diligently to comply with this and every other Condition in the Order and that the water line issue is an unforeseen problem that is not of his or his client's making. Mr. Gontrum has vowed that he and his client will continue to work to resolve this issue with the SHA and the relevant County agencies and he believes that the Maryland T intersection will be completed no later than December 31, 2020. Further, due to the Covid 19 crisis there is already a substantial backlog of cases in the OAH. As such, it would be impossible to hold a Special Hearing on this modification request within the necessary time frames without bumping an existing case.

I will therefore authorize the issuance of occupancy permits in this case prior to the completion of the Maryland T intersection, subject to the following conditions:

1. In completing construction of the Maryland T intersection Broadmead, Inc. will comply with all comments and requirements of the SHA and/or Baltimore County agencies, and all costs of any kind related to the completion of the intersection shall be borne by Broadmead, Inc.
2. The Maryland T intersection shall be completed by December 31, 2020.

Very truly yours,



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

June 11, 2020

VIA EMAIL

John B. Gontrum, Esquire
Whiteford, Taylor & Preston, LLP
One West Pennsylvania Avenue
Towson, Maryland 21204

Peter Max Zimmerman
People's Counsel
Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

RE: Case No. 2016-0139-SPHXA
Property: Broadmead, Inc.

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with People's Counsel that his Office and the relevant county agencies should be informed of all such requests so that they can express any objections they may have. I also believe that it would be inappropriate, under due process principles, for the ALJ to make a substantive modification of an Order on an issue that was actively contested in the public hearing of the case. People's Counsel is correct that in such cases the formal Special Hearing process should be followed.

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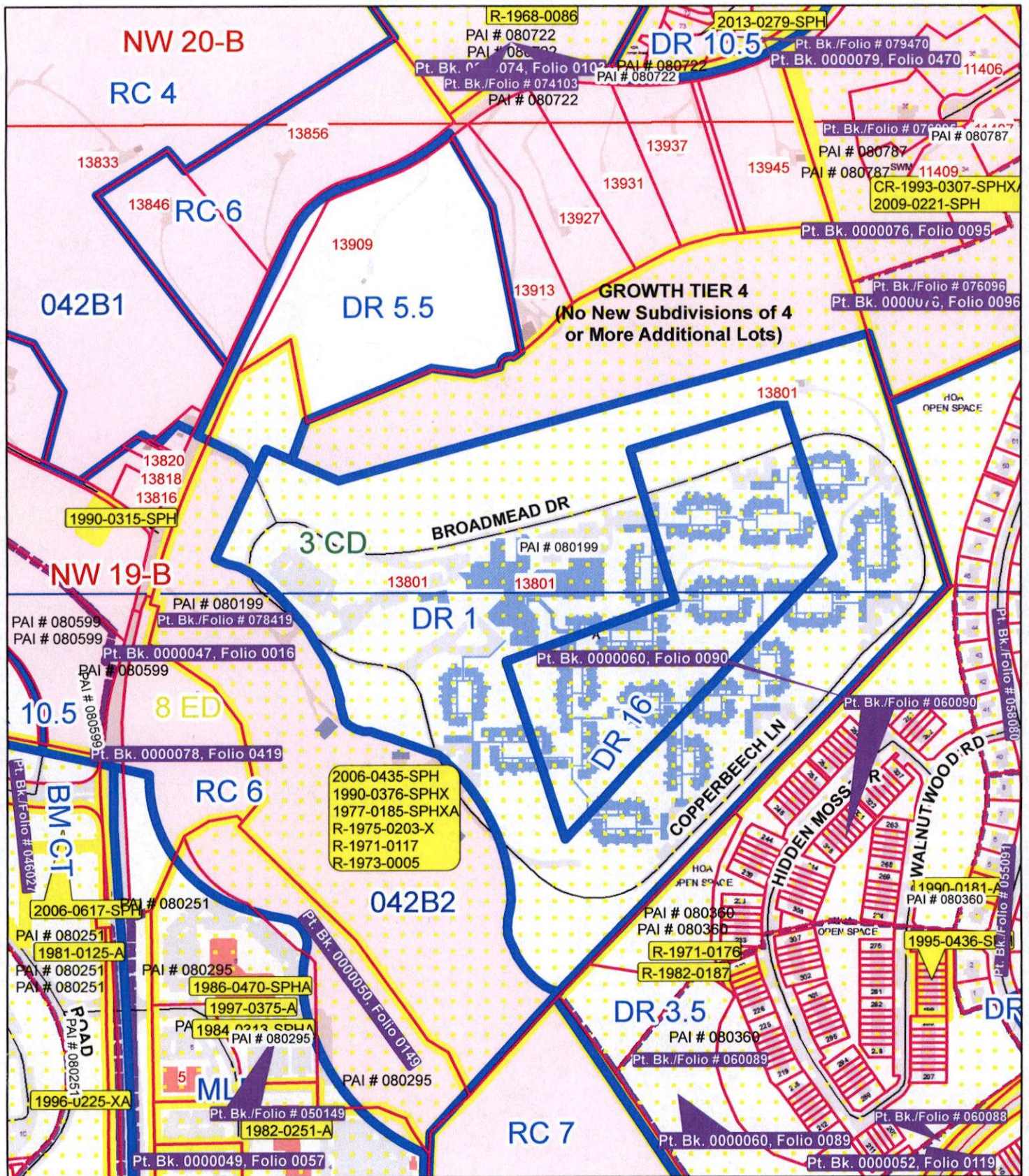
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Very truly yours,



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

13861 York Road 2016-0130-SPHXA



Publication Date: 12/4/2015

Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 100 200 400 600 800 Feet

1 inch = 400 feet

Debra Wiley

From: John E. Beverungen
Sent: Wednesday, March 02, 2016 11:57 AM
To: Gontrum, John
Cc: karengosh@comcast.net; Debra Wiley; Sherry Nuffer
Subject: 2016-0139-SPHXA; Broadmead, Inc.

Mr. Gontrum,

I am in receipt of your letter dated February 29, 2016, concerning the February 25, 2016 Order issued in the above matter. You have requested clarification regarding Condition #4, concerning the construction of roadway improvements prior to issuance of "permits." I apologize for my lack of precision in imposing that restriction, but hope this response will resolve the issue.

As you surmised, the restriction was meant to apply to the issuance of residential use and occupancy permits for the new buildings. In other words, no additional tenants or residents may move into the new housing units until the roadway improvements are completed. As such, the restriction would not apply to proposed interior renovations of existing buildings or other phases of the construction process prior to actual occupancy of the new residential units.

A copy of this correspondence will be included in the case file.

John Beverungen
ALJ

WHITEFORD, TAYLOR & PRESTON L.L.P.

JOHN B. GONTRUM
DIRECT LINE (410) 832-2055
DIRECT FAX (410) 339-4058
JGontrum@wtplaw.com

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

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ROANOKE, VA
WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM
(800) 987-8705

February 29, 2016

John E. Beverungen, Esquire
Administrative Law Judge for Baltimore County
Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Baltimore, Maryland 21204

RECEIVED

FEB 29 2016

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Case No. 2016-0139-SPHXA
Broadmead, Inc.

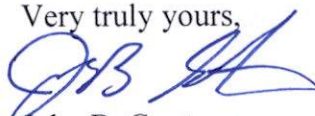
Dear Judge Beverungen:

We are in receipt of your February 25th, 2016, Opinion and Order in the above-referenced matter, and were hoping that you might clarify Condition # 4 in your Order which reads as follows: "Prior to issuance of permits Petitioner must complete construction of the roadway improvements (i.e., 'Maryland T' intersection) as shown on the concept plan marked as Petitioner's Ex. No. 6."

Obviously, just doing the grading for the new entrance will require permits, and we believe that you intended that no residential use and occupancy permits for the new buildings would be granted until the roadway improvements were completed. We would appreciate clarification of this issue so that reviewers in reading the Order would not later compel us to come back and clarify this wording.

Also, as we presented at the hearing, we will be remodeling the interior of the existing Community Center including reallocating rooms among assisted living and skilled nursing facilities, and would anticipate doing this in advance of any new construction. This may require alteration permits, which we assume were also not meant to require a new entrance.

Very truly yours,



John B. Gontrum

JBG:jg

cc: Karen Goshaney, 13945 York Road, Sparks, Maryland 21152
Phyllis Bosley and K. Bosley, 14611 York Road, P. O. Box 585, Sparks Md. 21152

CASE NAME _____
CASE NUMBER 2016-139
DATE Feb. 4, 2016

NAME

CITY, STATE, ZIP

E - MAIL

[illegible]

CASE NAME _____
CASE NUMBER 2016-139
DATE Feb. 4, 2016

[illegible]

John E. Beverungen

From: John E. Beverungen
Sent: Thursday, February 18, 2016 2:31 PM
To: 'Gontrum, John'
Cc: 'karengosh@comcast.net'; 'myprop@verizon.net'
Subject: Broadmead Case # 2016-0139

Mr. Gontrum,

I am writing in regard to the above zoning case, and have copied on this email those individuals from the community who attended the hearing and provided an e-mail address.

I anticipate that I will complete an order in this case in the next week or so, and will provide copies to all parties. I am writing in regard to the historic property and setting as designated on your client's property. If this were a development case, I believe the plan would need to be referred to the Planning Board for its review, since the "Development Plan involves a building, structure or site" on the Landmarks List. BCC Sec. 32-4-231(a)(3). It is not clear whether such a referral is contemplated or required in zoning cases such as this.

So my question is: will there be a development hearing in connection with the proposed Broadmead expansion, or will your client seek an exemption from the County's Development Review Committee, which would dispense with the need for a public hearing?

John Beverungen
ALJ

John E. Beverungen

From: Gontrum, John <JGontrum@wtplaw.com>
Sent: Thursday, February 18, 2016 3:32 PM
To: John E. Beverungen
Cc: karengosh@comcast.net; myprop@verizon.net; Fran Anderson (fran.anderson@recmp.com); jhowl@broadmead.org; Mitch Kellman
Subject: RE: Broadmead Case # 2016-0139

Dear Judge Beverungen:

The development has already been granted an exemption from the development plan hearing process. On December 8, 2015 at the Development Review Committee meeting it was granted a limited exemption from the development hearing process under Section 32-4-106(b)(8). Because it was granted an exemption, there is no need in that process for referral to the Planning Board.

When the house was landmarked, a landmark setting was defined as contained in the Exhibit we introduced. As long as we stayed outside of that area no referral to the landmarks commission was deemed necessary because we complied with the conditions of the initial landmark decision. We introduced the Exhibit as a demonstration that we had complied with that requirement and had stayed outside of the landmark setting. Also, we agreed to work with planning and the landmarks bureau in that department on the architectural features.

I am not aware of any zoning requirement of referral to the planning board, and actually there is nothing in Section 502.1 pertaining to landmarks or historic structures unlike other zoning codes in other jurisdictions. The use itself and building were not deemed by anyone at the hearing including the protestants to harm the landmark feature.

John Gontrum

From: John E. Beverungen [mailto:jbeverungen@baltimorecountymd.gov]
Sent: Thursday, February 18, 2016 2:31 PM
To: Gontrum, John
Cc: karengosh@comcast.net; myprop@verizon.net
Subject: Broadmead Case # 2016-0139

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John Beverungen
ALJ



CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

This transmission contains information from the law firm of Whiteford, Taylor & Preston LLP which may be confidential and/or privileged. The information is intended to be for the exclusive use of the planned recipient. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately.

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>12/18</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>12/22</u>	DEPS (if not received, date e-mail sent _____)	<u>N/C</u>
	FIRE DEPARTMENT	
<u>1/29</u>	PLANNING (if not received, date e-mail sent _____)	<u>Comment</u>
<u>12/18</u>	STATE HIGHWAY ADMINISTRATION	<u>C</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2006-0435-SPH)NEWSPAPER ADVERTISEMENT Date: 1/14/16SIGN POSTING Date: 1/12/16 by PulsonPEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

IN RE: PETITION FOR SPECIAL HEARING
East side of York Road, 530 feet North
Centerline of Thornton Mill Road
8th Election District
3rd Councilmanic District
(13801 York Road)

Broadmead, Inc.
By: Richard Compton, Exec. Director
Legal Owners

Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-435-SPH

*

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at 13801 York Road in the Cockeysville area of Baltimore County. The Petition was filed for Broadmead, Inc., by Richard Compton, Executive Director. Special Hearing relief is requested for approval to amend the orders and site plans in Case Nos. 77-185-XASPH and 90-376-SPHX, to add 9 independent living units, reconfigure nursing and assisted living and parking areas and add 52 assisted living units.

The property was posted with Notice of Hearing on April 3, 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 April 4, 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.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) Comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated April 3, 2006, 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 were David Locke and Mitch Kellman of Daft-McCune-Walker Inc., the firm which prepared the site plan, and Rich Compton, Executive Director of the corporate Petitioner. John B. Gontrum, Esquire, represented the Petitioner. There were no protestants or interested citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Mr. Gontrum proffered that the subject property contains 80 acres and is zoned DR 1, RC-6 and DR-16, as shown on the Plat to Accompany, Exhibit 1. It is improved by the Broadmead retirement/continuing care community, having started as convalescent home in 1979. The Broadmead campus includes independent living units, assisted living units and nursing care facilities. The property is located off York Road on the north side of Western Run, west of a large townhouse development near a large office complex on the south side of Western Run.. A special exception for a convalescent home was granted in Case No. 77-183-XASPH. This was modified in Case No. 90-376-SPHX for a continuing care facility

Mr. Compton noted that Broadmead's staff, its residents and surrounding community members had been working on a master plan prior to the hearing. All agreed that the Broadmead community, which had been operating for the past 25 years, needed an update. This effort culminated in the plan shown as Exhibit 1B in which the copper colored buildings are proposed

additions to the campus. When the plan is fully implemented in seven years, there will be 9 new independent living units, an enlarged skilled nursing care facility, 52 additional assisted living units and a two-level parking garage added to the campus. The first floor of this latter structure would be at built into the side of the hill so that the second level would be nearly at grade. This would also provide more convenient parking for the skilled nursing facility.

In regard to the Planning Office comments, the Petitioner agreed to provide elevations and materials of the proposed garage, but noted that the garage will actually be constructed as one of the last phases of the master plan perhaps in 5 to 7 years. As such, the elevations do not exist now but could be provided before building permit. Again, the landscape and lighting plan would be submitted to the County for review and approval at the building permit stage. It was not clear why the Planning Office would want a copy of the grading plan but this would be given as each step of the master plan was implemented.

In regard to parking, Mr. Gontrum noted that the Petitioner had previously been granted a parking variance for 190 spaces in lieu of the 301 spaces required in Case No. 77-185-XASPH. In addition to the parking garage, as each part of the master plan is completed, new more convenient parking will be constructed. For example, parking will be provided along with the 9 new independent units. When the master plan is fully implemented, 379 parking spaces would be required, but the Petitioner will provide 518 spaces. Consequently, there will no longer be a need for a parking variance.

Findings of Fact and Conclusions of Law

This Commission has been asked several times to approve large master plans for institutional Petitioners. This longer view and planning process is necessary and helpful to not only the institution but the community as well. However, there could be problems if the plan is

not implemented as planned, due to financial or other constraints not foreseen today. Parking is the usual worry in the sense that new and more intense uses assume parking will be provided with each new building. This does not always occur at all, or sometimes, if it is not provided for in the proper sequence.

However, in this master plan the Petitioner has carefully provided parking with each new use. For example, the 9 new independent units have their own parking next to these units. This gives me confidence that the Petitioner will not adversely affect either the residents or the community, even over a span of seven years.

In regard to the Planning Office comments, I agree that the elevations, designs, etc. for buildings, landscaping and lighting should be submitted to the County for review and approval. Yet, I recognize that the Petitioner does not want to spend the money now for say elevations for the parking garage that will be built years from now. I will require the information requested by the Planning Office, but it will be required at the time of building permit.

Based on the evidence presented, I will approve the master plan shown in Exhibit 1B. I find that the plan will not adversely affect either the residents or the community. In fact the new plan will be an asset to the health, safety, and welfare of the overall community.

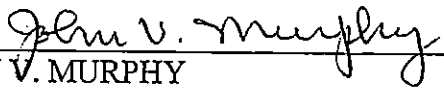
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' request for special hearing should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this th26 day of April 2006, that the Petitioner's request for Special Hearing relief requested for approval to amend the orders and site plans in Case Nos. 77-185-XASPH and 90-376-SPHX, to add 9 independent living units, reconfigure nursing and assisted living and

parking areas and add 52 assisted living units, be and is hereby GRANTED, subject to the following conditions:

1. The Petitioners may apply for their building permit and be granted same upon receipt 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. Compliance with the ZAC comments submitted by the Office of Planning dated April 3, 2006, a copy of which is attached hereto and made a part hereof. Review and approval by the County shall occur prior to building permit as the Master Plan is implemented in stages.
3. The Petitioner shall attach a copy of this Order to any request for building permit.

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

John
4/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 3, 2006

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

RECEIVED

SUBJECT: 13801 York Road

APR 13 2006

INFORMATION:

Item Number: 6-435

ZONING COMMISSIONER

Petitioner: Broadmead, Inc.

Zoning: DR 16, DR 1, and RC 6

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and offers the following comments:

1. Provide building elevations and materials of the proposed garage and skilled nursing facility for review and approval, and photos of the existing building to show compatibility and consistency.
2. Provide a full landscape and lighting plan for review and approval.
3. Provide a grading plan for the subject development.

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

Prepared by:

Cynthia Murray

Division Chief:

AFK/LL: CM

John P. Keller

Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 0816076810			
Owner Information					
Owner Name:	BROADMEAD INC		Use:	RESIDENTIAL	
Mailing Address:	13801 YORK RD COCKEYSVILLE MD 21030-1825		Principal Residence:	NO	
			Deed Reference:	/23961/ 00338	
Location & Structure Information					
Premises Address:		13909 YORK RD 0-0000		Legal Description:	4.421 AC ES YORK RD 500 NE THORNTON MILL RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0042	0010	0042		0000	
				Assessment Year:	Plat No: Plat Ref:
				2014	
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1902	1,576 SF		4.4200 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT	FRAME	1 full	
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		187,800	187,800		
Improvements		70,400	72,000		
Total:		258,200	259,800	259,267	259,800
Preferential Land:		0			0
Transfer Information					
Seller: PROVENZA LUCIA SERIO, TRUSTEE		Date: 06/07/2006		Price: \$600,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /23961/ 00338		Deed2:	
Seller: PROVENZA D VINCENT		Date: 03/02/2005		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /21499/ 00249		Deed2:	
Seller: PROVENZA D VINCENT		Date: 08/15/1972		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /05291/ 00779		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class			07/01/2015	07/01/2016
County:	000			0.00	
State:	000			0.00	
Municipal:	000			0.00 0.00	0.00 0.00
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



BROADMEAD INC
13801 YORK RD,
COCKEYSVILLE, MD 21030-1825
TAX ACCT. #1900014029

1. EXISTING TOPOGRAPHY AND IMPROVEMENTS SHOWN HEREON TAKEN FROM THE LATEST BALTIMORE COUNTY GIS, SUPPLEMENTED WITH FIELD RUN TOPOGRAPHY IN THE AREA OF CLUSTER W BY DMW, JANUARY 3, 2006 AND SEPTEMBER 2015.

2. BOUNDARY INFORMATION SHOWN HEREON WAS LOCATED BY DMW IN JANUARY, 2007.
3. ZONING INFORMATION SHOWN HEREON IS PROVIDED BY BALTIMORE COUNTY OFFICE OF PLANNING GIS OFFICE.
4. EXISTING SOIL INFORMATION SHOWN HEREON IS PROVIDED BY SOIL DATA MAP PUBLISHED IN 2010 BY NATURAL RESOURCES CONSERVATION SERVICES (NRCS).

1. COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE MARYLAND COORDINATE SYSTEM.

GIS	NORTH	EAST	PID
GIS81	660031557	1406974.065	AE2459

2. ELEVATIONS SHOWN ON THIS TOPOGRAPHIC WORKSHEET REFER TO THE NORTH

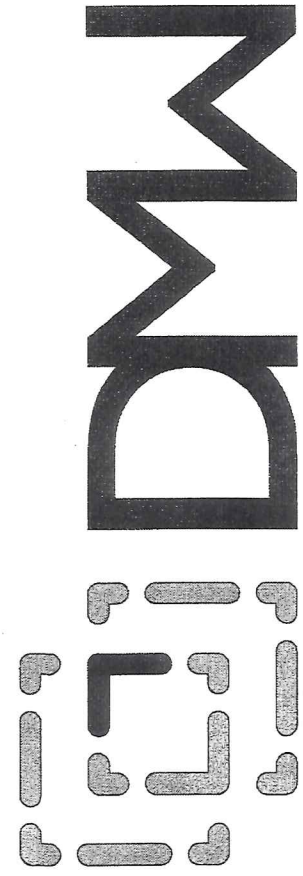
AMERICAN VERTICAL DATUM 1988 (NAVD 88) WITH LOCAL REFERENCE TO THE
FOLLOWING NATIONAL GEODETIC SURVEY CONTROL STATIONS:

GNSS	ELEVATION	PID
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GIS 125	254,675	AI4403
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LEGEND

PROPERTY BOUNDARY
EXISTING CURB AND GUTTER
EXISTING WOODS LINE
PROPOSED CURB AND GUTTER
PROPOSED RETAINING WALL
PROPOSED CENTRINE OF ROAD
HOLLOW HOUSE HOLDING
ENVIRONMENTAL SETTING
PROPOSED PARKING
AND ROADWAYS
PROPOSED BUILDINGS AND
BUILDING ADDITIONS



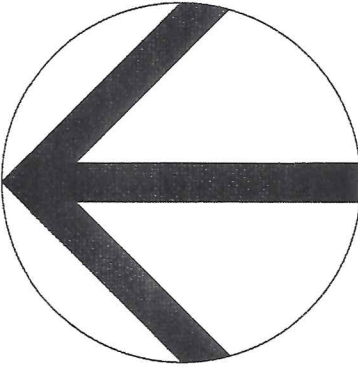
DAFT MCCUNE WALKER INC

PLAN TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION, SPECIAL HEARING
and/or ZONING VARIANCE

13801 YORK ROAD
COCKEYSVILLE, MD. 21030
TAX MAP 42, PARCEL 559

8th ELECTION DISTRICT

3rd COUNCILMANIC DISTRICT

[illegible]

THORNTON MILL ROAD

MARYLAND
45

COPPER BEECH LANE

MARYLAND
45

LEGEND

EXISTING MARKINGS	—
EXISTING GEOMETRICS	—
PROPOSED MARKINGS	—
PROPOSED GEOMETRICS	—

TRAFFIC CONCEPTS, INC.
7525 Connelley Drive
Suite B
Hanover, MD 21076
(410) 760-2811
FAX: (410) 760-2815
EMAIL: TRAFFIC@TRAFFIC-CONCEPTS.COM

CONCEPT PLAN		
MD 45 (YORK ROAD) AT COPPER BEECH LANE		
BALTIMORE COUNTY		
DRAWN BY: B. SCHMID	DESIGNED BY: K. SCHMID	CHECKED BY: K. SCHMID
DATE: 7-20-2015	SHEET NO: OF	SCALE: 1" = 40'

Dev. Co

