



JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP, *Director*
Department of Permits,
Approvals & Inspections

May 25, 2023

Mr. Adam Rosenblatt
Venable LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, MD 20204

Re: Request for Zoning Confirmation
2300 Dulaney Valley Road
Proposed Use within Stella Maris Facility
8th Election District, 3rd Councilmanic District

Dear Mr. Rosenblatt:

Your recent request to the Baltimore County Zoning Review Office regarding the proposed repurposing of a portion of the second floor in the Stella Maris Building has been referred to me for reply. Based upon your letter, the zoning history of the property, and Baltimore County's "My Neighborhood" website (County GIS), please be advised of the following.

The subject property where the building repurposing is proposed is zoned RC4 and houses the Stella Maris Building. Stella Maris enjoys a legal nonconforming status as an approved State Licensed Long Term Care Facility through Zoning Case No. 2017-0341-SPHA and an approved Fourth Refined Development Plan. The improvements will be located on the second floor of the Pangborn Wing of the Stella Maris Building and be used for elderly individuals who are members of the Sisters of Notre Dame's religious community. As you indicate in your letter, there will no additions of rooms or beds with the repurposing. All or any improvements will be internal to the building for the Sisters of Notre Dame use. Based on the aforementioned, the Baltimore County Review Office respectfully confirms that the proposed repurposing of a building portion for the Sisters of Notre Dame use is permitted by right.

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.

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.

Sincerely,


Mitchell J. Kellman
Planner III
Zoning Review

MEMORANDUM

DATE: September 26, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0341-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on September 22, 2017. 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 *

AND VARIANCE

(2300 Dulaney Valley Road)) *

8th Election District *

3rd Council District *

Stella Maris, Inc. *

Legal Owner

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2017-0341-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Stella Maris, Inc., legal owner ("Petitioner"). An amended Petition for Special Hearing seeks to increase the ground floor area of an existing, approved nonconforming use (hospice care) by 15%. A Petition for Variance seeks: (1) to permit the proposed development on Lots 2 and 5 to have an impervious surface area of 29% and 55% respectively, in lieu of the maximum 27.5% and 53% approved in case No. 1999-0176-SPHXA; and (2) to permit the proposed building addition to have a height of 78 ft. in lieu of the maximum permitted 35 ft. to match the variance for the existing building approved in Case No. 1999-0176-SPHXA. A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

Ryan O'Doherty, Richard Abbott and registered landscape architect Michael Fisher appeared in support of the requests. Adam M. Rosenblatt, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was received from the Bureau of Development Plans Review (DPR), indicating landscape and lighting plans would be required.

ORDER RECEIVED FOR FILING

Date

8/23/17

By

Sen

The overall Mercy Ridge and Stella Maris campus is in excess of 100 acres in size, and is located in the Timonium area of Baltimore County. This case concerns the Stella Maris hospice complex, which has an existing building area of 141,707 +/- sq. ft. Petitioner proposes to increase the size of the existing building by 20,689 +/- sq. ft., which represents an approximate 15% enlargement. *See* Ex. 2. The expansion will not increase the number of patient beds, which will remain at 412. *See* Ex. 1 Site Plan, "General Notes" #5. Instead, the space will be reconfigured and Petitioner proposes to increase the number of private rooms offered. The subject property is split-zoned DR 10.5 and RC 4, although all of the proposed improvements would be in the RC 4 zone.

SPECIAL HEARING

In a 1999 zoning case involving this property, the Zoning Commissioner found the hospice care facility was a lawful non-conforming use. *See* Case No. 1999-0176-SPHXA. Under the Regulations, the "ground floor area" of a nonconforming structure or use may be "extended" (i.e., enlarged) by no more than 25%. B.C.Z.R. §104.3. Petitioner seeks a 15% enlargement, and the Petition will therefore be granted.

VARIANCES

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).

Mr. Fisher testified (via proffer) the property is irregularly shaped, split-zoned, and has a significant grade change across the site. As such the property is unique. If the Regulations were

ORDER RECEIVED FOR FILING

Date

8/23/17

By

sen

strictly interpreted Petitioner would experience a practical difficulty because it would be unable to construct the proposed improvements. Finally, I find that the variances can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of community and/or Baltimore County opposition.

THEREFORE, IT IS ORDERED this 23rd day of **August, 2017**, 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 permit an increase in the ground floor area of an existing, approved nonconforming use (hospice care) by 15%, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit the proposed development on Lots 2 and 5 to have an impervious surface area of 29% and 55% respectively, in lieu of the maximum 27.5% and 53% approved in case No. 1999-0176-SPHXA; and (2) to permit the proposed building addition to have a height of 78 ft. in lieu of the maximum permitted 35 ft. to match the variance for the existing building approved in Case No. 1999-0176-SPHXA, 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. Petitioner must submit for approval by Baltimore County landscape and lighting plans for the site.

ORDER RECEIVED FOR FILING

Date 8/23/17
By Sen

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:sln

ORDER RECEIVED FOR FILING

Date 8/23/17
By sln

Amended 8/21/17



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 2300 Dulaney Valley Road

which is presently zoned RC4, DR10.5

Deed References: 23109/524

10 Digit Tax Account #2300008161; 2300008164; _____

Property Owner(s) Printed Name(s) Stella Maris, Inc.

2300008160

(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

SEE ATTACHED

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

3. X a **Variance** from Section(s)

SEE ATTACHED

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

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:

Adam M. Rosenblatt, Esquire

Name- Type or Print

Signature

210 W. Pennsylvania Avenue Towson

MD

Mailing Address

City

State

21093

Zip Code

/ 410-494-6271

Telephone #

/ amrosenblatt@venable.com

Email Address

Legal Owners (Petitioners):

SEE ATTACHED

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Adam M. Rosenblatt, Esquire

Name- Type or Print

Signature

210 W. Pennsylvania Avenue Towson

MD

Mailing Address

City

State

21093
Zip Code

/ 410-494-6271
Telephone #

/ amrosenblatt@venable.com
Email Address

CASE NUMBER _____ Filing Date ____/____/____ Do Not Schedule Dates: _____ Reviewer _____



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 2300 Dulaney Valley Road which is presently zoned RC4, DR10.5
Deed References: 23109/524 10 Digit Tax Account #2300008161; 2300008164;
Property Owner(s) Printed Name(s) Stella Maris, Inc. 2300008160

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

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SEE ATTACHED

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3. X a **Variance** from Section(s)

SEE ATTACHED

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

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:

Adam M. Rosenblatt, Esquire

Name- Type or Print

Signature

210 W. Pennsylvania Avenue Towson MD

Mailing Address City State

21093 / 410-494-6271 / amrosenblatt@venable.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

SEE ATTACHED

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Adam M. Rosenblatt, Esquire

Name- Type or Print

Signature

210 W. Pennsylvania Avenue Towson MD

Mailing Address City State

21093 / 410-494-6271 / amrosenblatt@venable.com
Zip Code Telephone # Email Address

CASE NUMBER

Filing Date

Do Not Schedule Dates:

Reviewer

**ATTACHMENT TO PETITION
FOR SPECIAL HEARING AND VARIANCE**

SPECIAL HEARING

1. Special Hearing to permit an increase in the ground floor area of an existing, approved nonconforming use (hospice care) by ~~14%~~ **15%**
2. Also, for such further relief as the Administrative Law Judge may require.

VARIANCE

1. Variance from BCZR Section 1A03.4.B.3 to permit the proposed development on Lots 2 and 5 to have an impervious surface area of 29% and 55% respectively, in lieu of the maximum 27.5% and 53% approved in Case No. 1999-0176-SPHA.
2. Variance from BCZR Section 1A03.4.A to permit the proposed building addition to have a height of 78 feet in lieu of the maximum permitted 35 feet to match the variance for the existing building approved in Case No. 1999-0176-SPHXA.
3. Also, for such further relief as the Administrative Law Judge may require.

**ATTACHMENT TO PETITION
FOR SPECIAL HEARING AND VARIANCE**

Legal Owner (Petitioner)

Name: Stella Maris, Inc.

By: Judith Weiland
Printed Name: JUDITH WEILAND
Authorized Representative

Mailing Address:

C/O Cardinal Shehan Center Inc.
2300 Dulaney Valley Road
Lutherville-Timonium, MD 21093
410-332-9424

**ZONING DESCRIPTION OF
THE CARDINAL SHEHAN CENTER INCORPORATED
AND MERCY RIDGE PROPOSED PROPERTIES
WHICH ARE THE CONDITION OF THE ZONING ACTIONS**

Beginning at a point located on the east side of Pot Spring Road approximately 558 feet South from the centerline of Loch Raven Road, thence binding along the east side of Pot Spring Road North 27 degrees 15 minutes 37 seconds East 299.71 feet; thence with a line curving to the left having a radius of 911.47 feet and an arc length of 756.35 feet and being subtended by a chord bearing of North 03 degrees 29 minutes 16 seconds East 734.83 feet, thence North 20 degrees 17 minutes 03 seconds West 172.33 feet, thence leaving said Pot Spring Road North 79 degrees 45 minutes 25 seconds East 457.14 feet, thence North 60 degrees 57 minutes 00 seconds East 168.69 feet, thence North 29 degrees 03 minutes 00 seconds West 80.28 feet, thence North 60 degrees 57 minutes 00 seconds East 1000.51 feet, thence South 12 degrees 21 minutes 44 seconds East 1089.20 feet, thence North 40 degrees 21 minutes 14 seconds East 588.33 feet, thence South 50 degrees 02 minutes 45 seconds East 188.32 feet, thence North 55 degrees 50 minutes 38 seconds East 580.03 feet, thence South 29 degrees 32 minutes 25 seconds West 1910.71 feet, thence South 50 degrees 31 minutes 23 seconds East 1190.79 feet to the west side of Dulaney Valley Road, thence binding along said Dulaney Valley Road South 13 degrees 29 minutes 23 seconds West 247.60 feet, thence South 5 degrees 10 minutes 27 seconds West 23.36 feet, thence leaving said Dulaney Valley Road South 86 degrees 06 minutes 16 seconds West 810.73 feet, thence North 3 degrees 53 minutes 44 seconds West 350.00 feet, thence South 86 degrees 06 minutes 16 seconds West 400.00 feet, thence South 3 degrees 53 minutes 44 seconds East 350.00 feet, thence South 75 degrees 01 minute 16 seconds West 912.10 feet, thence North 14 degrees 19 minutes 18 seconds West 116.73 feet, thence North 15 degrees 03 minutes 17 seconds West 997.01 feet, thence North 36 degrees 14 minutes 37 seconds West 565.02 feet to the place of beginning. Containing 125.9459 acres of land more or less.

2017-0341-SPEA



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 5094357

Sold To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON, MD 21204-5304

Bill To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON, MD 21204-5304

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

Aug 01, 2017

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: # 2017-0341-SPHA
2300 Dulaney Valley Road
W/s Dulaney Valley Road, north of E. Timonium Road
8th Election District - 3rd Councilmanic District
Legal Owner(s) Stella Maris, Inc.

Special Hearing to permit an increase in the ground floor area of an existing, approved nonconforming use (hospice care) by 14%. Variance 1. To permit the proposed development on Lots 2 and 5 to have an impervious surface area of 29% and 55% respectively in lieu of the maximum 27.5% and 53% approved in Case No. 1999-0176 SPHA. 2. To permit the proposed building addition to have a height of 78 ft. in lieu of the maximum permitted 35 ft. to match the variance for the existing building approved in Case No. 1999-0176-SPHXA. 3. Also, for such further relief as the Administrative Law Judge may require.

Hearing: Monday, August 21, 2017 at 1:30 p.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) 887-868.

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

JT 8/603 Aug. 1 5094357

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

CERTIFICATE OF POSTING

2017-0341-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Stella Maris, Inc.

August 21, 2017

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

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: _____

2300 Dulaney Valley Road

August 1, 2017

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

August 1, 2017

(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)



KEVIN KAMENETZ
County Executive

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

July 19, 2017

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: 2017-0341-SPHA

2300 Dulaney Valley Road

W/s Dulaney Valley Road, north of E. Timonium Road

8th Election District – 3rd Councilmanic District

Legal Owners: Stella Maris, Inc.

Special Hearing to permit an increase in the ground floor area of an existing, approved nonconforming use (hospice care) by 14%. Variance 1. To permit the proposed development on Lots 2 and 5 to have an impervious surface area of 29 % and 55 % respectively in lieu of the maximum 27.5 % and 53 % approved in Case No. 1999-0176 SPHA. 2. To permit the proposed building addition to have a height of 78 ft. in lieu of the maximum permitted 35 ft. to match the variance for the existing building approved in Case No. 1999-0176-SPHXA. 3. Also, for such further relief as the Administrative Law Judge may require.

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105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over a horizontal line.

Arnold Jablon
Director

AJ:kl

C: Adam Rosenblatt, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Judith Weiland, Cardinal Shehan Center, 2300 Dulaney Valley Rd., Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 1, 2017.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 1, 2017 Issue - Jeffersonian

Please forward billing to:

Barbara Lukasevich

410-494-6271

Venable, LLP

210 W. Pennsylvania Avenue, Ste. 500

Towson, MD 21204

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2017-0341-SPHA

2300 Dulaney Valley Road

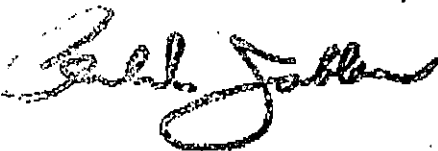
W/s Dulaney Valley Road, north of E. Timonium Road

8th Election District – 3rd Councilmanic District

Legal Owners: Stella Maris, Inc.

Special Hearing to permit an increase in the ground floor area of an existing, approved nonconforming use (hospice care) by 14%. Variance 1. To permit the proposed development on Lots 2 and 5 to have an impervious surface area of 29 % and 55 % respectively in lieu of the maximum 27.5 % and 53 % approved in Case No. 1999-0176 SPHA. 2. To permit the proposed building addition to have a height of 78 ft. in lieu of the maximum permitted 35 ft. to match the variance for the existing building approved in Case No. 1999-0176-SPHXA. 3. Also, for such further relief as the Administrative Law Judge may require.

Hearing: Monday, August 21, 2017 at 1:30 p.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.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
2300 Dulaney Valley Rd; W/S Dulaney Valley * OF ADMINISTRATIVE
Road, 730' N of c/line of E. Timonium Road *
8th Election & 3rd Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Stella Maris, Inc *
Petitioner(s) * BALTIMORE COUNTY
* 2017-341-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

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

RECEIVED

JUN 29 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of June, 2017, a copy of the foregoing Entry of Appearance was mailed to Adam Rosenblatt, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2017-0341-SPHA

Property Address: 2300 Dulany Volg RD

Property Description: _____

Legal Owners (Petitioners): Stella Moris, Inc.

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: ~~John~~ BARBARA LUKASEVICH

Company/Firm (if applicable): VENABLE, LLP

Address: 210 W. Penn Ave

Suite 500

Towson, MD 21204

Telephone Number: 410-499-6271

2000-10-10
2000-10-10

2000-10-10
2000-10-10

2000-10-10
2000-10-10
2000-10-10
2000-10-10
2000-10-10
2000-10-10

PAID RECEIPT

No. 154780

Date:

6/21/17

REG WSO1 WALKIN LJR
 >>RECEIPT # 726953 6/22/2017 OFLH
 Dept. 5 528 ZONING VERIFICATION
 CR 160. 154760

Recpt Tot \$1,000.00
 \$1,000.00 CK \$1.00 CA
 Baltimore County, Maryland

		Rev		Sub			
		Source/		Rev/			
Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct
							Amount
001	806	0000		6150			\$1,000

Total:

86/997

Rec
From:

For:

2300 DULANEY VALLEY RD
2017-0341-SPHA

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PLEASE PRESS HARD!!!!

GOLD - ACCOUNTING

**CASHIER'S
VALIDATION**

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 8/3/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-341



INFORMATION:

Property Address: 2300 Dulaney Valley Road

Petitioner: Stella Maris, Inc.

Zoning: RC 4, DR 10

Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve an increase in ground floor area of an existing, approved non-conforming use by 14% and also the petition for variance to permit the proposed development on Lots 2 and 5 to have an impervious surface area of 29% and 55%, respectively in lieu of the maximum 27.5% and 53% approved in Case No. 199-0176-SPHA and to permit the proposed addition to have a height of 78 feet in lieu of the maximum permitted 35 feet to match the variance for the existing building approved in Case No. 199-0176-SPHXA.

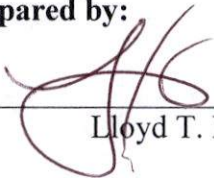
A site visit was conducted on July 18, 2017. The facility is located with the Hunt Valley/Timonium Plan Area. Said plan seeks to balance infrastructure improvements with controlled growth while restoring and protecting environmental quality and provide opportunities for, and access to, parks and recreational facilities (pgs. 7-8).

The Department has no objection to granting the petitioned zoning relief.

The Department advises that the new construction minimize impacts to the surrounding memorial garden and orchard which are desirable amenities for the residents and visitors alike. If this is unavoidable, these features should be relocated elsewhere on site.

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Wally Lippincott

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

Adam M. Rosenblatt, Esquire

Office of the Administrative Hearings

People's Counsel for Baltimore County

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



MARYLAND DEPARTMENT
OF TRANSPORTATION

STATE HIGHWAY
ADMINISTRATION

Pete K. Rahn, Secretary
Gregory Slater, Administrator

Date: 6/28/17

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

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 6/28/17. A field inspection and internal review reveals that an entrance onto MD146 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2017-0341-SPHA.

*Special Hearing Variance
Stella Maris Inc. Judith Weiland
2300 Duloney Valley Road.
MD146*

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) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,

Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

Maryland Department of Transportation
State Highway Administration

320 West Warren Road, Hunt Valley, MD 21030

410.229.2300 | TTY 800.735.2258 | roads.maryland.gov

My telephone number/toll-free number is 866.998.0367

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: *me*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 03, 2017
Item No. 2017-0341

DATE: July 18, 2017

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

If Zoning Relief is granted, Landscape and Lighting Plans are required per the requirements of the Landscape Manual

* * * * *

VKD:CEN
cc:file
ZAC-ITEM NO 17-0341-07032017.doc

8-21

BALTIMORE COUNTY, MARYLAND

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: June 29, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0341-SPHA
Address 2300 Dulaney Valley Road
(Stella Maris, Inc. Property)

Zoning Advisory Committee Meeting of **July 3, 2017**.

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

Reviewer: Steve Ford Date: 6-29-2017

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 8/3/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-341

INFORMATION:

Property Address: 2300 Dulaney Valley Road

Petitioner: Stella Maris, Inc.

Zoning: RC 4, DR 10

Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve an increase in ground floor area of an existing, approved non-conforming use by 14% and also the petition for variance to permit the proposed development on Lots 2 and 5 to have an impervious surface area of 29% and 55%, respectively in lieu of the maximum 27.5% and 53% approved in Case No. 199-0176-SPHA and to permit the proposed addition to have a height of 78 feet in lieu of the maximum permitted 35 feet to match the variance for the existing building approved in Case No. 199-0176-SPHXA.

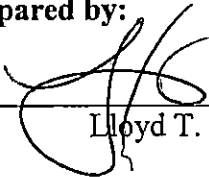
A site visit was conducted on July 18, 2017. The facility is located with the Hunt Valley/Timonium Plan Area. Said plan seeks to balance infrastructure improvements with controlled growth while restoring and protecting environmental quality and provide opportunities for, and access to, parks and recreational facilities (pgs. 7-8).

The Department has no objection to granting the petitioned zoning relief.

The Department advises that the new construction minimize impacts to the surrounding memorial garden and orchard which are desirable amenities for the residents and visitors alike. If this is unavoidable, these features should be relocated elsewhere on site.

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Wally Lippincott
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Adam M. Rosenblatt, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

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: June 29, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0341-SPHA
Address 2300 Dulaney Valley Road
(Stella Maris, Inc. Property)

Zoning Advisory Committee Meeting of **July 3, 2017**.

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

Reviewer: Steve Ford Date: 6-29-2017

CASE NAME 2017-0341-SPHA
CASE NUMBER _____
DATE 8/21/17

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
------	---------	------------------	----------

[illegible]

1-11-1917

Chilipe

on the way to the house, I saw a number of small birds, some of which were very common.

On the way to the house, I saw a number of small birds, some of which were very common.

0

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>7/18</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>Comment</u>
<u>6/29</u>	DEPS (if not received, date e-mail sent _____)	<u>no comment</u>
_____	FIRE DEPARTMENT	_____
<u>8/4</u>	PLANNING (if not received, date e-mail sent _____)	<u>no Obj w/ comment</u>
<u>6/28</u>	STATE HIGHWAY ADMINISTRATION	<u>no Obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>1997-0271-SPHX</u>)	
NEWSPAPER ADVERTISEMENT	Date: <u>8/1/17</u>	
SIGN POSTING	Date: <u>8/1/17</u> by <u>SSG Black</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 2300008161			
Owner Information					
Owner Name:	STELLA MARIS INC		Use:	COMMERCIAL	
Mailing Address:	C/O CARDINAL SHEHAN CENTER INC 2300 DULANEY VALLEY RD LUTH-TIMONIUM MD 21093-2739		Principal Residence:	NO	
			Deed Reference:		
Location & Structure Information					
Premises Address:		2300 DULANEY VALLEY RD LUTHERVILLE MD 21093-0000		Legal Description:	16.2055 AC PAR EXE 2300 DULANEY VLY RD WSR CRDNL SHEHN CNTR INC PRP
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0052	0014	0006		0000	
					Block:
					2
					Lot:
					2
					Assessment Year:
					2017
					Plat No:
					0072/
					Plat Ref:
					0059
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1985	301938		16.2000 AC	06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
		GROUP HOME			
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2017	07/01/2017	07/01/2018	
Land:	1,791,900	1,791,900			
Improvements	35,227,800	39,029,700			
Total:	37,019,700	40,821,600	38,287,000	39,554,300	
Preferential Land:	0			0	
Transfer Information					
Seller:	Date:	Price:			
Type:	Deed1:	Deed2:			
Seller:	Date:	Price:			
Type:	Deed1:	Deed2:			
Seller:	Date:	Price:			
Type:	Deed1:	Deed2:			
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017	07/01/2018		
County:	840	37,619,000.00	37,619,000.00		
State:	840	37,619,000.00	37,619,000.00		
Municipal:	840	0.00 0.00	0.00 0.00		
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					

2/19

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
SPECIAL EXCEPTION E/S Pot Spring
Road, 130 ft. NE c/l Loch Raven * ZONING COMMISSIONER
Road; W/S Dulaney Valley Road * OF BALTIMORE COUNTY
2300 Dulaney Valley Road *
4th Councilmanic District *
Legal Owner: Cardinal Shehan * Case No. 97-271-SPHX
Center, Inc., *
Lessee: Bell Atlantic NYNEX Mobile *
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a single Petition for Special Hearing and Special Exception for the property located at 2300 Dulaney Valley Road in northern Baltimore County. The Petition is filed by Cardinal Shehan Center, Inc., property owner and Bell Atlantic NYNEX Mobile, Lessee. Relief is requested to approve a wireless transmitting and receiving facility on the subject site, pursuant to Sections 1A03.3.B.14 and 502 of the Baltimore County Zoning Regulations (BCZR); and to amend the site plan previously approved in case No. 96-84-X. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petitions for Special Hearing and Special Exception.

Appearing at the requisite public hearing held for this case was Maurice Thompson, II and Kent Lutz on behalf of Bell Atlantic Nynex Mobile, co-Petitioners. Also present was Tim Madden, the engineer who prepared the site plan. The Petitioners were represented by Robert A. Hoffman, Esquire and Timmy Ruppertsberger, Esquire, of Venable, Baetjer and Howard, LLP. There were no Protestants or other interested persons present.

The subject property is a large site, approximately 104.47 acres. The property is divided into several parcels; the subject lot being known as parcel No. 6 and is zoned R.C.4. The property is located near the Loch

Raven Reservoir and adjacent to Dulaney Valley Road in north central Baltimore County.

The premises are well known to the Zoning Commissioner and are used to house a hospice and related facilities. The continued use of the property in this fashion will not be affected by the subject Petition, which seeks only approval to lease a small portion of a six story building which is located on the site. Specifically, the property owner has entered into a lease with Bell Atlantic Nynex Mobile to allow that company to place its wireless transmitting and receiving antennas and related equipment atop the building. I am familiar with the business of Bell Atlantic Nynex Mobile and similar companies by virtue of numerous Petitions for Special Exception which have been filed in the recent years. These companies, including Bell Atlantic Nynex Mobile, are establishing a network of antenna sites in Baltimore County and the Baltimore Metropolitan area. The business of Bell Atlantic Nynex Mobile is to provide a mobile communication network, by which its customers may use mobile phones, fax and similar technology.

Testimony and evidence presented in this case was that Bell Atlantic's network in this vicinity contained a coverage hole and that an additional wireless transmitting and receiving facility was necessary. A search of the vicinity was undertaken and it was determined that the most appropriate location was the subject site. The Petitioners' Exhibits Nos. 3 and 5 depict existing and future conditions following the installation of the antennas on this site. These exhibits clearly show that additional coverage is warranted and this communication gap will be filled by utilization of the subject property.

The Petitioners propose construction of 9 antennas atop the building. Also, a small unmanned structure containing the necessary hardware will be placed on the roof. The proposed facility will be unmanned and produce low

levels of electric energy. An environmental impact statement submitted (Petitioners' Exhibit No. 2) concludes that the proposed use will not be detrimental to the health, safety or general welfare of the locale.

It is also to be noted that the subject property is already used for similar purposes. In case No. 96-84-X, a Petition for Special Exception was approved permitting the installation of antennas on the roof of this building by APC/Sprint, a competing mobile communication provider. Clearly, the relief granted in the instant case is entirely consistent with the Order issued in that manner.

Based upon the testimony and evidence presented, I am persuaded to grant the Petitions for Special Exception and Special Hearing. This is an entirely appropriate location for the installation of the proposed antennas and is entirely more appropriate than any other sites in the vicinity. The antennas will be of little impact to the subject property and surrounding locale.

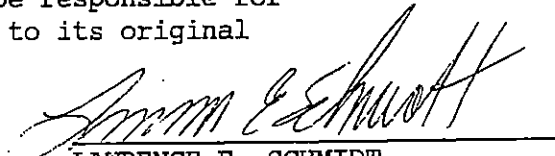
Finally it is to be noted that certain of the requirements contained in Section 502.7.C are not applicable here. Specifically, Section 502.7.C.4 & 5 requires a chain link fence around the facility and the submission of a landscape plan. Obviously, neither of these considerations are warranted here, in that the proposed use will be roof mounted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 26th day of February, 1997 that, pursuant to the Petitions for Special Hearing and Special Exception, approval for a wireless transmitting and receiving facility on the subject site, pursuant to Sections 1A03.3.B.14 and 502 of the Baltimore County Zoning Regulations (BCZR); and

to amend the site plan previously approved in case No. 96-84-X, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at its 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.


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn



KEVIN KAMENETZ
County Executive

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

August 16, 2017

Stella Maris, Inc.
Judith Weiland
c/o Cardinal Shehan Center Inc.
2300 Dulaney Valley Road
Lutherville Timonium MD 21093

RE: Case Number: 2017-0341 SPHA, Address: 2300 Dulaney Valley 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 June 21, 2017. 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
Adam M Rosenblatt, Esquire, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21204

Case No.:

2017-0341-SHA

Exhibit Sheet

Petitioner/Developer

DNW
9-28-17

Protestant

SNW
8-23-17

No. 1	site plan (redline)	
No. 2	Impervious Area Exhibit	
No. 3	Aerial photo	
No. 4	Stella Maris presentation to B.C.	
No. 5	Fisher resume	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

MOVING **FORWARD**
MOVING **NOW**



Presentation to Baltimore County

August 21, 2017

The new Transitional Care Center
AT STELLA MARIS

8/21/2017

PETITIONER'S EXHIBIT 4

Stella Maris Background

MOVING **FORWARD**
MOVING **NOW**



- Stella Maris, Inc., is a nonprofit, comprehensive care facility, sponsored by the Sisters of Mercy, and an affiliate of Mercy Health Services.
- For more than 60 years, Stella Maris has offered a comprehensive range of health and residential services for the care of the elderly.
- 412-bed nursing home and rehab facility, one of Maryland's largest.
- Timonium campus centrally-located and accessible to Baltimore County communities.
- Serves approximately 1400 patients/residents annually in Long Term Care, Subacute, and Inpatient Hospice . Majority are Medicaid-insured.
- Over 800 employees work at Stella Maris.



The new Transitional Care Center
AT STELLA MARIS

STELLA MARIS:

Campus Overview

MOVING FORWARD
MOVING NOW



St. Elizabeth Hall – 1980

- 200 Apartments



Pangborn Wing – 1966

- 139 Long Term Care Beds
- 45 Subacute/Rehab Beds
- Senior Day Services



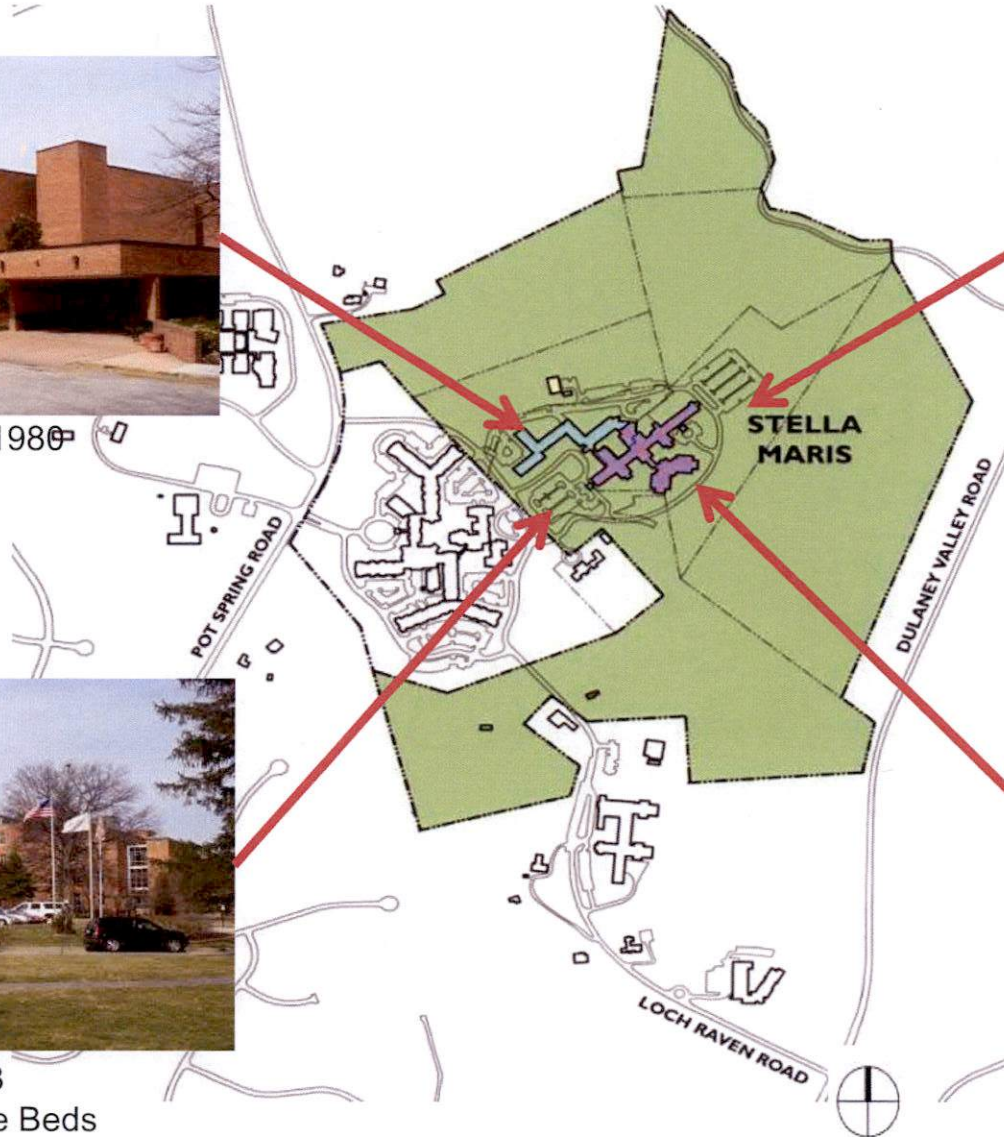
Shehan Wing – 1953

- 102 Long Term Care Beds
- 22 Hospice Beds



Knott Wing – 1992

- 104 Long Term Care Beds



*The new Transitional Care Center
AT STELLA MARIS*

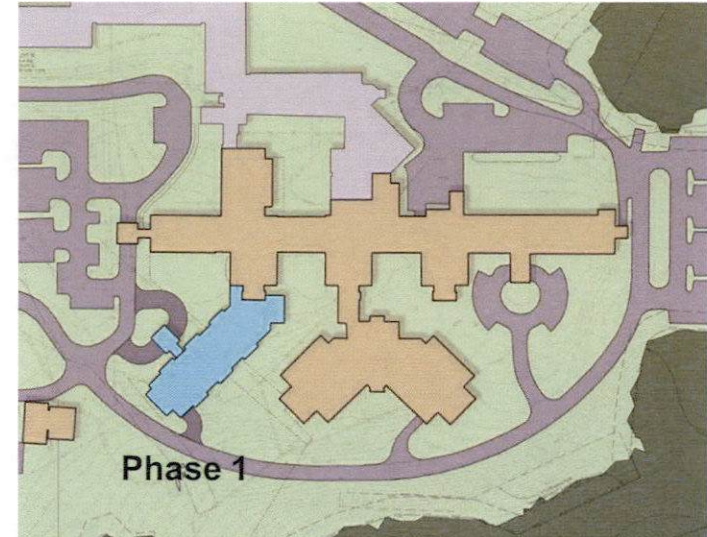
Stella Maris Project:

New Transitional Care Center

MOVING **FORWARD**
MOVING **NOW**



- Construct a new four-level addition to the existing comprehensive care facility, including a basement and three stories above ground, and to renovate part of its existing Shehan Wing.
- New construction will consist of approximately 75,375 square feet, and the renovation work in the Shehan Wing will involve approximately 5,106 square feet of space.
- Upon completion, the new construction will result in a 60-bed (all private) rehabilitation or transitional care unit and shell space on the third floor to accommodate future updates and upgrades to Stella Maris facilities.
- **Project will enhance Stella Maris' Transitional Care capabilities to provide services to Baltimore County's aging population.**



The new Transitional Care Center
AT STELLA MARIS

Stella Maris Project: New Transitional Care Center

MOVING **FORWARD**
MOVING **NOW**



Source: Current Stella Maris Design Concept (not final)

The new Transitional Care Center
AT STELLA MARIS



Michael W. Fisher, PLA
Principal



Michael Fisher is a Principal and founding partner of Site Resources. With thirty-six years of experience, Michael's career has crossed the spectrum of the built environment, working at a small civil engineering firm, mid-sized architectural firm and large land planning and engineering firm, before helping to establish Site Resources. Versed in land planning, landscape architecture and site civil engineering, he provides the broad design direction for the firm.

Professional History

Site Resources, Inc.
Land Planners/Landscape Architects/Civil Engineers
Phoenix, Maryland
Principal, 1994 - Present

Daft McCune Walker, Inc.
Landscape Architects/Planners/Engineers
Towson, Maryland
Senior Associate, 1986-1994

Gaudreau, Inc.
Architects/Planners/Engineers
Baltimore, Maryland
Associate 1981-1986

David L. Gregory & Associates
Engineers/Landscape Architects
Towson, Maryland
Landscape Architect 1979-1981

Smith/Kirwin, Inc.
Landscape Architects
Towson, Maryland
Landscape Architect 1978-1979

Administrative Boards

- Pennsylvania State University's Department of Landscape Architecture Alumni Board
- Pennsylvania State University's College of Arts & Architecture Alumni Board

Professional Registration

- Landscape Architect - Maryland, No. 544
- Board Member - Maryland State Board of Examiners for Landscape Architecture, 2003-2008

Education

- B.S., Landscape Architecture, Penn State University, 1978
- B. Landscape Architecture, Penn State University, 1979
- Intergraph Computer Training - IDGS
- Americans with Disabilities Act Seminar
- JHU Seminar on Continuing Care and Retirement Communities
- Land Stewardship Symposium - Longwood Gardens
- The Dale Carnegie Course
- The Harford Leadership Academy
- Forest Conservation Act Seminar

Professional Associations

- American Society of Landscape Architects
- Building Congress & Exchange
- American Institute of Architects, Baltimore Chapter
- Maryland Construction Network
- Greater Harford Committee
- Bel Air Downtown Alliance
- Association of School Business Officials
- Council of Landscape Architectural Registration Boards
- Society of American Military Engineers
- Urban Land Institute
- Harford Leadership Academy Alumni Association
- U.S. Green Building Council, Maryland
- Anne Arundel Commercial & Industrial Association
- Greater Baltimore Economic Forum
- Maryland Economic Development Association

IN RE: DEV. PLAN HEARING & PETITION * BEFORE THE
~~FOR ZONING VARIANCE~~
 SE/S Pot Spring Road, 830' NE * HEARING OFFICER/ZONING
 of Girdwood Rd
 2300 Dulaney Valley Road * COMMISSIONER
 8th Election District
 4th Councilmanic District * FOR BALTIMORE COUNTY
 Mercy Ridge, Inc., Cardinal
 Shehan Ctr., Inc., Stella Maris, * Case No. VIII-589 & 99-176-SPHXA
 Inc., Petitioner/Developer

* * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN AND ORDER

This matter comes before the Zoning Commissioner/Hearing Officer for a public hearing, pursuant to Section 26-206.1 of the Baltimore County Code. That section authorizes the Zoning Commissioner (who acts as the Hearing Officer, pursuant to the Development Review Regulations contained in Title 26 of the Baltimore County Code) to conduct a single public hearing for consideration of both development plan approval and zoning relief, as may be requested by the Developer/property owner. In this case, development plan approval is requested for the project known as Mercy Ridge, as shown on a four page development plan prepared by Daft, McCune, Walker, Inc., professional land planners, engineers, surveyors,

landscape architects and environmental professionals. Zoning relief is presented in the form of three Petitions; to wit, a Petition for Special Hearing, a Petition for Special Exception and a Petition for Variance. Under the Petition for Special Hearing, approval is requested, pursuant to Section 409.12.B of the Baltimore County Zoning Regulations (BCZR) to approve a modified parking plan wherein all of the off-street parking spaces are used in common rather than being assigned to individual uses or buildings, and to determine that the proposed lot lines do not affect the nonconforming status and use of certain R.C.4 zoned portions of the property.

ORDER RECEIVED FOR FILING
 Date 6/23/98
 By [Signature]

Special Exception relief is requested, pursuant to Section 1B01.1.C.(26) of the BCZR for an assisted living facility (Class B) in a D.R.10.5 zone, to be developed as a component of the housing facility for the elderly which is to be known as the Mercy Ridge Assisted Living Center.

A series of zoning variances are requested. They are more fully set forth in a schedule which is attached to the Petition for Zoning Variance and is appended hereto. Many of the variances relate to the distances between the proposed building and internal property lines. However, of particular note is a variance requesting the approval of a building height of 66 ft. in lieu of the maximum 50 ft., and a maximum building length of 1050 ft., in lieu of the maximum permitted 240 ft. As noted above, the subject property, proposed development and all of the requested relief are more particularly shown in a four page red lined development plan received into evidence at the hearing as Developer's Exhibit No. 1.

Appearing at the requisite public hearing held for this case was Sister Louis Mary Butta, Thomas E. Brown and Allen M. Baldwin, all on behalf of the property owners, Mercy Ridge, Inc., Cardinal Shehan Center, Inc., and Stella Maris, Inc. Also present were a number of experts retained by the property owners to develop the plan. These included Ed Haile, David Locke, and George Gavrelis on behalf of Daft, McCune, Walker, Inc.; Mickey Cornelius, a Traffic Engineer from The Traffic Group, Inc.; and Curtis B. Wilson, an Architect who designed the proposed building. The Petitioner was represented by Robert A. Hoffman, Esquire. Also present were a number of representatives from the County agencies which reviewed the project. These included Don Rascoe, the Project Manager from the Department of Permits and Development (PDM), R. Bruce Seeley from the Department of Environmental Protection and Resource Management (DEPRM)

ORDER RECEIVED FOR FILING

Date

By

Dennis Kennedy from Development Plans Review, a division of PDM, Joseph Merrey from the zoning review division of PDM, and Carol McEvoy from the Office of Planning. Appearing as interested persons/Protestants were Mark Sullivan, Jo Owen, and Dr. and Mrs. Dinardo. The case file also contains a number of letters from residents of the area, objecting to the plan. Many of these letters were received after the public hearing.

Turning first to the issues relating to the development plan, it is to be noted that the method of review for proposals for development in Baltimore County is set forth in Title 26 of the Baltimore County Code. That section sets out a process by which a Developer may submit a plan for consideration and approval. The regulations establish a process by which the plan will be reviewed through a series of stages and meetings. In this case, the process was commenced by the filing of a Concept Plan by the Developer on December 15, 1997. As the name suggests, the plan filed is conceptual and schematic in nature. County agencies reviewed and issued written comments regarding the concept plan, offering modifications and advising of those particulars where the plan did not satisfy County standards. As required by the Code, a Community Input Meeting must be conducted during the evening hours and within the community where the property at issue is located. In this case, a Community Input Meeting, as required, was conducted at the Stella Maris Hospice on January 13, 1998 at 7:00 P.M. At that meeting, members of the community are encouraged to offer input and have their questions/concerns addressed. Thereafter, the Developer has one year to revise its project and file a development plan. In this case, the development plan was filed on November 25, 1998. As required by the Code, a Hearing Officer's hearing was, thereafter, scheduled and conducted in its entirety on December 18, 1998. Although some of the

ORDER RECEIVED FOR FILING

Date

By

Protestants present complained of the process, the legal requirements for development review were clearly met.

At that hearing, testimony was received from a number of expert witnesses on behalf of the Developer. These included Edmund Haile, a principal of Daft, McCune, Walker, and a professional engineer/registered property line surveyor. Also testifying was the architect who designed the structure, Curtis D. Wilson, Mickey Cornelius, a traffic expert, and George Gavrelis, a land planner.

Collectively, these witnesses testified that the plan met all County development plan requirements. Specifically, they indicated there were no outstanding issues which had been raised by County agencies that had not been resolved. The County representatives present corroborated this testimony. They all indicated that the plan complied with all County regulations and that there were no development plan comments issued by their agencies which had not been met on the red lined plan. Ms. McKvoy offered a small caveat, that plans for any proposed signage for the site must be submitted for review prior to the application of building permits by the Developer. The Developer's representatives present indicated that this condition was acceptable.

The property at issue is a large tract, nearly 125 acres in area, located adjacent to Dulaney Valley Road to the east and Pot Spring Road to the west in the Timonium community of Baltimore County. The existing property and uses thereon are well known to this Zoning Commissioner. Essentially, the property is divided into a series of lots which are owned by a number of different entities affiliated with the Roman Catholic Archdiocese of Baltimore. As noted above, among the different corporate property owners are Stella Maris, Inc., Cardinal Shehan Center, Inc., and Mercy Ridge, Inc. The overall tract is improved with a number of build-

ORDER RECEIVED FOR FILING

Date

By

2/30/98
J.M. Spade

ings which are used to provide nursing home care to the elderly, a hospice facility and similar facilities for the aged, ill and/or disadvantaged.

The lot under consideration for the Mercy Ridge housing project (i.e., development plan) is about 33 acres. Testimony offered was that the Mercy Ridge lot was originally zoned R.C.4, a zoning classification which limits development and advocates protection of water resources. However, apparently, the County Council rezoned this property D.R.10.5. The D.R.10.5 zoning classification permits the development of high density residential units. Thus, through the zoning change, it is apparent that the Council envisioned that this site would be developed in the manner proposed. The Developer contemplates building a large structure which will accommodate an assisted living facility and apartments for the elderly. There will also be a community center. As more particularly shown on the plan, the building will be up to 7 stories in height and will feature a series of wings containing the individual residential units. The central portion of the building will serve as a community center for all of the residents.

Mr. Haile and Mr. Wilson described in detail the consideration which led to the design of the building. In view of the fact that the building is contemplated for an elderly population, it was designed to be taller, yet more compact, to accommodate the limited mobility of these residents. The variance necessary for the proposed length is required because, under the County's zoning regulations, connected portions of independent structures is deemed to be a single building. That is, independent wings connected by covered passageways results, from the zoning perspective, in a single building. The height variance is required to accommodate the requested number of units, as the building height is determined under the BCZR (highest natural grade to highest point of the roof).

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Concerns were raised by the neighbors relating to several issues. One such issue concerned public works matters, i.e., the adequacy of the existing sewerage system and water availability. Mr. Haile, in particular, offered testimony regarding this issue. He indicated that the property would be served by a water main which is presently located in the bed of Pot Spring Road. This line is connected to a storage facility (tower) nearby. Additionally, the sewer line from this facility will attach to an existing line. Mr. Haile's unequivocal testimony was that the public utilities were more than sufficient to handle the anticipated volume generated by this facility. Although the Protestants present expressed certain concerns about these issues, the expert testimony of Mr. Haile was persuasive. He indicated that the facility will not over tax these public utilities. He explained in detail the existing utility systems. More importantly, the Department of Public Works has reviewed the development plan and issued written comments to the Zoning Commissioner. Those comments express no reservations about approving the proposed use and indicate that the proposed use will not overtax the public utilities.

The second concern raised by many of the neighbors related to traffic. No doubt there will be an increase in traffic occasioned by this use. However, the use will generate significantly less traffic than the typical residential development. Obviously, many of the potential residents of this facility will be elderly and will not own automobiles. Moreover, surrounding roads appear sufficient to handle the anticipated volume. Mr. Cornelius' testimony was persuasive on this point. He also noted that road improvements to Pot Spring Road will be made to accommodate an accel/decel lane. Moreover, the Bureau of Traffic Engineering, through the written development comments from the Development Plan Review Division, indicated that the plan was acceptable. Thus, the competent

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testimony of the expert produced by the Developer (Mr. Cornelius), as well as a review by the appropriate County agency is persuasive to a finding that the plan is satisfactory in this regard. In my judgment, the development plan meets all requirements as set out in the development regulations. For these reasons, I find that the plan should be approved.

Turning to the zoning relief, the Petition for Special Hearing and Petition for Special Exception will also be granted. I am persuaded that the integrated plan provides an appropriate parking arrangement and that the Assisted Living Facility as a component of a housing facility for the elderly can be developed on the site without detrimental impact to the surrounding locale. In sum, I find that the Developer has satisfied the requirements of Section 502.1 of the BCZR

The Petition for Variance shall also be granted. Many of the neighbors expressed reservations about the proposed height of the building. Indeed, the Petition for Variance seeks approval to construct a building 16 ft. higher than is allowed. Although this height may seem onerous to the neighbors, I do not believe that it will cause a negative impact in view of the topography for several reasons. First, the proposed building is set back a significant distance from the nearest tract boundary and residential community. Thus, the proposed building will not tower above an immediately adjacent house. To the contrary, the nearest dwelling is approximately 800 ft. away. Second, areas of woods and landscaping will be left undisturbed. This natural buffer will screen the building from adjacent neighborhoods. Third, although several of the letters received from opponents objected to this building in a "neighborhood of private homes", the fact of the matter is that the proposed structure is situated in the midst of a large (125 acres) tract dedicated to institutional type uses (elderly care, hospice, etc.). That is, this is not an isolated

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structure located immediately abutting single family residences; rather, the building is on a large parcel and is compatible with the existing institutional buildings/uses thereon. Last, elevation drawings submitted at the hearing demonstrate that the proposed building, located on this parcel of rolling topography, will not be out of character or scale with the vicinity. For all of these reasons, I find that the building will not overwhelm and dominate the landscape as was inferred by the Protestants. Moreover, I find compelling the Developer's argument that the facility must be constructed "up" as opposed to "out" in order to accommodate the seniors who will reside thereon. For all of these reasons, the Petition for Variance shall be granted, including that portion thereof requesting approval of the height and length variances.

Pursuant to the development regulations of Baltimore County, as contained within Subtitle 26 of the Baltimore County Code, the advertising of the property and the public hearing thereon, I will approve the development plan consistent with the comments set forth above and shall so order; and the Petitions for Special Hearing, Special Exception and Variance shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of December 1998 that the development plan submitted in the within case as Developer/Petitioner's Exhibit No. 1, be and is hereby APPROVED in accordance with the terms and conditions as set forth herein; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Exception under Section 1B01.1.C.(26) of the BCZR, approval for an assisted living facility (Class B) in a D.R.10.5 zone to be developed as a component of the housing facility for the elderly which is to be known as the Mercy Ridge Assisted Living Center, be and is hereby GRANTED; and,

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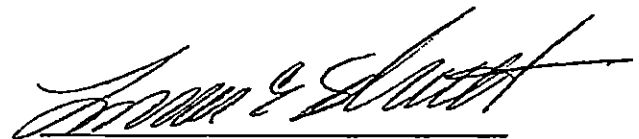
By

IT IS FURTHER ORDERED that, pursuant to Petition for Special Hearing, under Section 409.12.B of the Baltimore County Zoning Regulations (BCZR), approval for a modified parking plan wherein all of the off-street parking spaces are used in common rather than being assigned to individual uses or buildings, and to determine that the proposed lot lines do not affect the nonconforming status and use of certain R.C.4 zoned portions of the property, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that variances as more fully set forth in the schedule attached hereto as Exhibit "A", be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Developer shall prepare and submit to Permits and Development Management (PDM), within 10 days from the date of this Order, a development plan which reflects and incorporates the terms, conditions, and restrictions of this opinion and Order and/or the development plan comments.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.



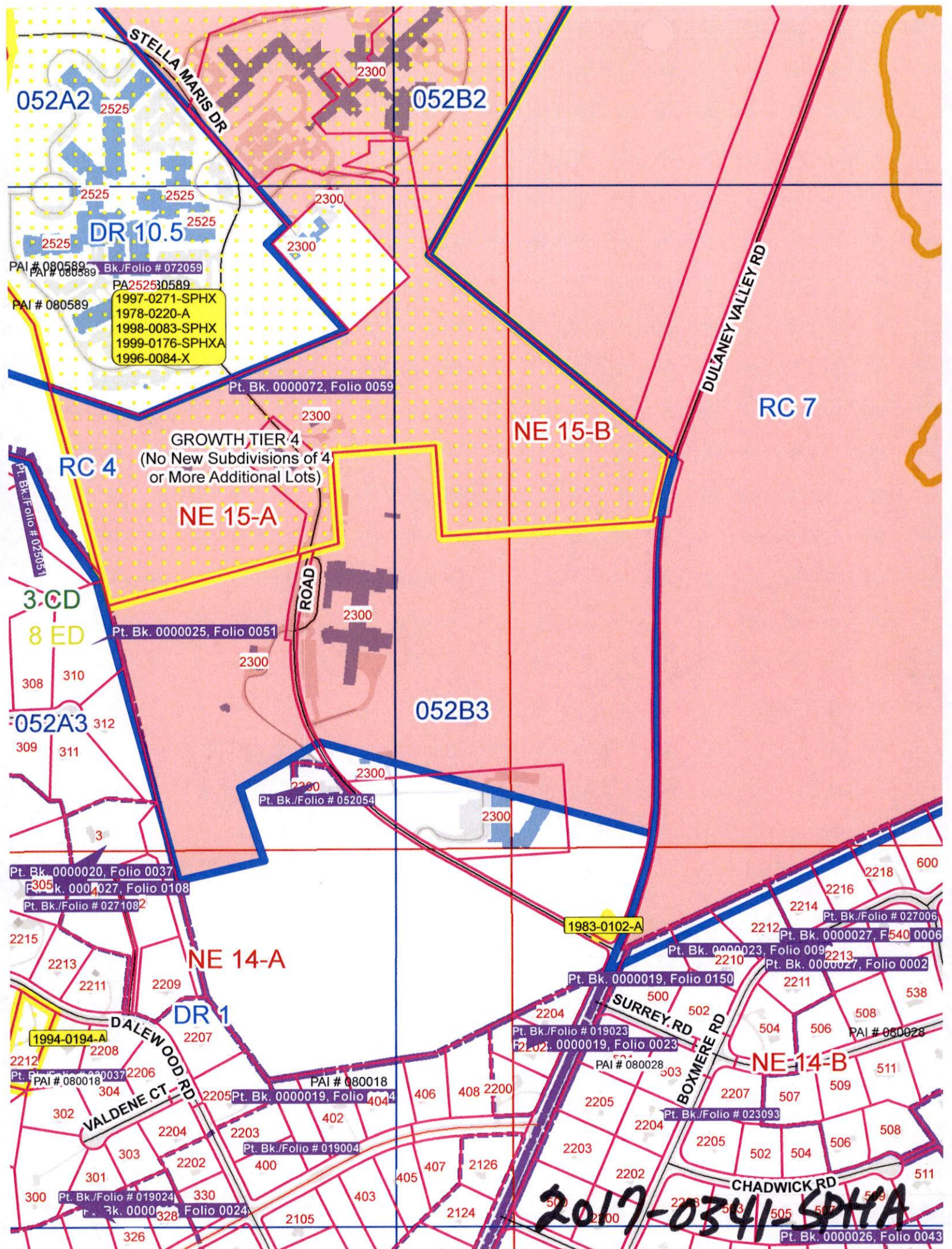
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

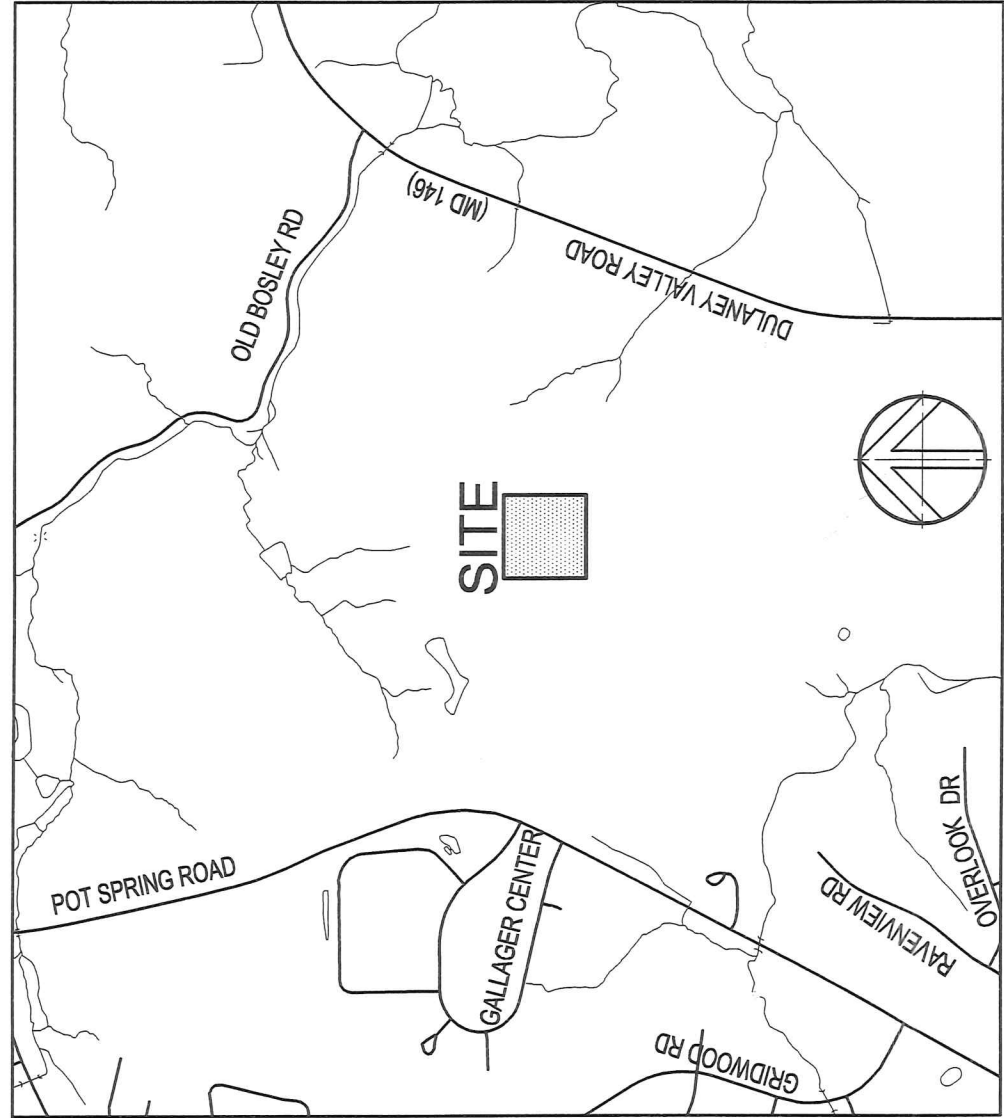
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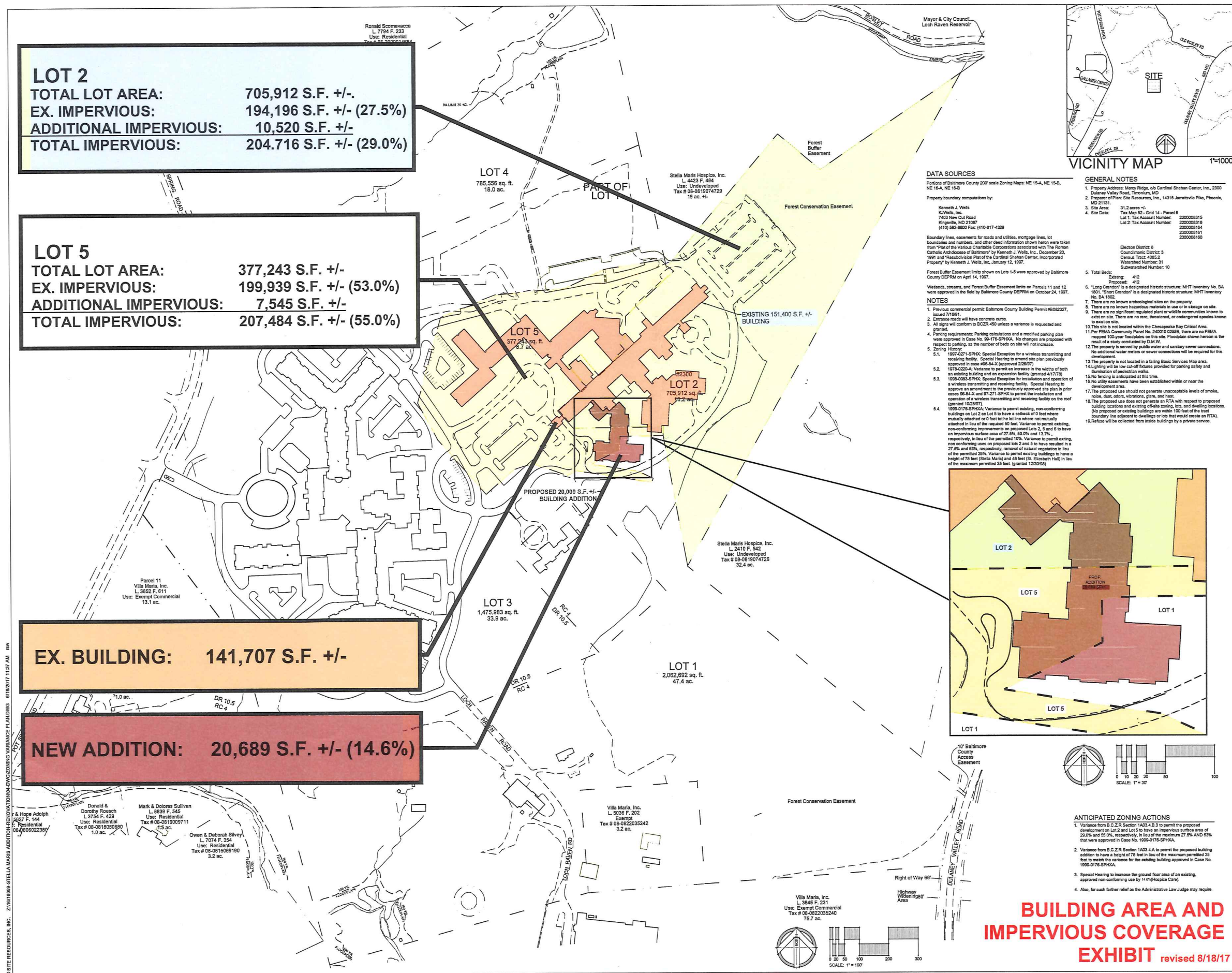


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DRAWN BY: LXL
DATE: 05/19/2017
SCALE: 1" = 100'
DRAWING NAME:

LOT 5	
TOTAL LOT AREA:	377,243 S.F. +/-
EX. IMPERVIOUS:	199,939 S.F. +/- (53.0%)
ADDITIONAL IMPERVIOUS:	7,545 S.F. +/-
TOTAL IMPERVIOUS:	207,484 S.F. +/- (55.0%)

NEW ADDITION: 20,689 S.F. +/- (14.6%)

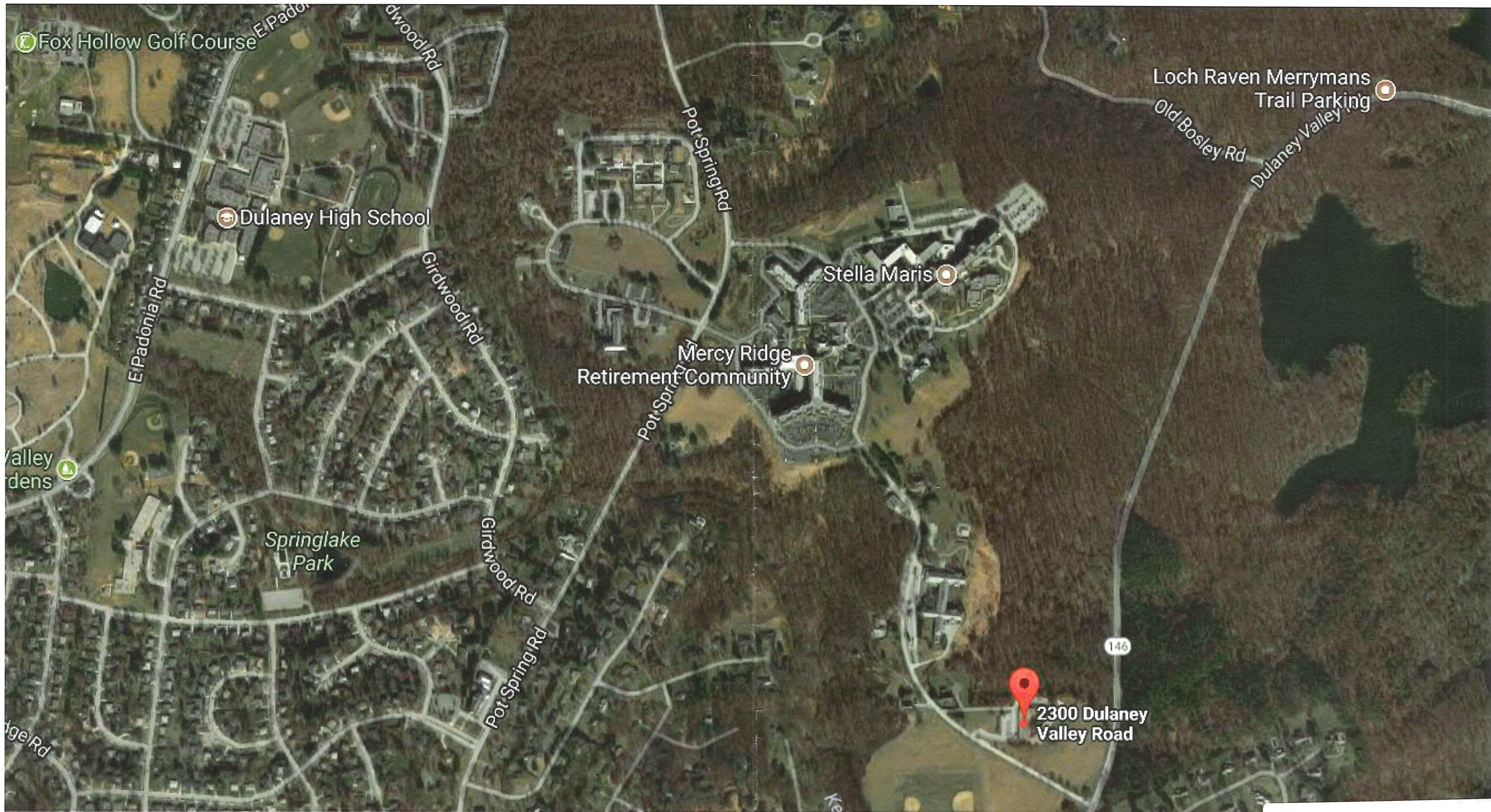


REVISIONS		
#	DATE	DESCRIPTION

DRAWN BY: LXL CHECKED BY: JLT
DATE: 05/19/2017 PROJECT #: 16099
SCALE: 1" = 100'
DRAWING NAME:

**PLAN TO
ACCOMPANY A
PETITION FOR
VARIANCE &
SPECIAL HEARING**

1 OF 1



PETITIONER' S

EXHIBIT NO. 3

