

IN THE MATTER OF THE APPLICATIONS OF THE INSTITUTE OF MISSION HELPERS OF BALTIMORE CITY, INC., et al., FOR SPECIAL EXCEPTION AND VARIANCE  
Property located on South side of West Joppa Road, between Greenwood Road and Chestnut Avenue-9th Election District (Zoning Commissioner Case No. 89-89-XA)

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY  
Case No. 1

and

IN THE MATTER OF APPEAL FROM CRG - TOWSON LIFE CARE COMMUNITY PLAN (CRG #8814IX-522)

CASES CONSOLIDATED

CONSENT ORDER

An appeal was filed with this Board on October 11, 1988, by the Chestnut Partnership ("Chestnut"), Petitioners, after the Zoning Commissioner of Baltimore County denied Chestnut's applications for certain special exceptions and variances by order dated September 13, 1988. The Petition for Special Exception sought permission to utilize a portion of the Mission Helpers' convent site for a continuing care (life care) facility (the "Community"), pursuant to Section 432.3 of the Baltimore County Zoning Regulations (BCZR) and approval of a density of 8.98 density units per acre. The Petition for Zoning Variance sought approval for a maximum height of sixty (60) feet in lieu of the permitted fifty (50) feet and for a distance of from twenty (20) to fifty (50) feet between certain

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garages and certain 60-foot high-residential buildings in lieu of the required seventy-five (75) feet.

On September 8, 1988, the Baltimore County Review Group (CRG) approved, at a public hearing, the Towson Life Care Community Plan (Case No. 8814IX-522), said Plan being submitted by Chestnut to the County for approval pursuant to the development process of Baltimore County.

The Ruxton-Riderwood-Lake-Roland Area Improvement Association, Inc. (the "Association"), the Advisory Board established in accordance with Section 432.3.F of the Baltimore County Zoning Regulations (the "Advisory Board"), and individual members of the Advisory Board, including Gail O'Donovan, individual adjacent property owner, have appeared both at the CRG meeting and the hearing held before the Zoning Commissioner in opposition to the Community as proposed by Chestnut. An appeal to this Board from the approval of the CRG plan was filed on October 6, 1988 by the Ruxton-Riderwood-Lake-Roland Area Improvement Association, the Advisory Board, and Gail O'Donovan. The opposition to the Community has centered upon the size and scope of the Community, as well as the potential negative impacts that the proposed Community facilities would have upon the surrounding property owners and community.

All parties have, by motion, requested this Board to consolidate the aforesaid appeal from the special exception and variance decisions of the Zoning Commissioner and the appeal

from the approval of the CRG plan. The Motion to Consolidate both issues before this Board is GRANTED.

The parties to these issues, being the Chestnut Partnership ("Chestnut"), the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc. (the "Association"), the Advisory Board established in accordance with Section 432.3.F of the Baltimore County Zoning Regulations (the "Advisory Board"), Gail O'Donovan, individual, and the individual members of the Advisory Board (the "Neighbors") have met and negotiated in an effort to reach agreement on modification on the proposed continuing care ("life care") facility (the "Community") to reduce its size and scope and potential negative impacts upon the surrounding neighborhood. After additional meetings with the Director of Planning of Baltimore County, the parties advised this Board that they have successfully reached an Agreement, which they have reduced to writing in the form of a Restrictive Covenant Agreement dated October 13, 1988. It is the intent of all parties that this Agreement will be incorporated into any decision of the Baltimore County Planning Board and will be recorded among the Land Records of Baltimore County and run with and bind the subject land and all parties to the Agreement and their successors.

All parties to this case have requested this Board, pursuant to a proposed "Consent Order" jointly submitted to

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adopt and incorporate the Restrictive Covenant Agreement dated October 13, 1988 into a Final Order of this Board.

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Therefore, IT IS ORDERED by the County Board of Appeals this 25th day of October, 1988, that the use of the property involved in this case for a continuing care facility having a density as agreed upon by the parties in the Restrictive Covenant Agreement is hereby approved, and variances from the maximum height set forth in Section 1802.2.A of the Baltimore County Zoning Regulations and from the minimum horizontal distances between buildings set forth in Section 1801.2.C.1 of those regulations are hereby granted, subject to the following conditions and limitations:

1. The Continuing Care Facility hereby approved shall conform in all respects to the terms and conditions of the October 13, 1988 Restrictive Covenant Agreement and Exhibits between the parties, which is hereby incorporated as a part of this Order as if it were fully set forth herein.
2. The maximum building height for the continuing care facility shall be 60 feet.
3. The minimum horizontal distance between any garage and the closest residential building shall be twenty (20) feet.
4. The special exceptions hereby granted shall expire five years after the date of this Order.

AND the appeal from the approval of the CRG Plan (Case No. 8814IX-522) is hereby determined in accordance with the terms

and conditions of the Restrictive Covenant Agreement as stated above.

COUNTY BOARD OF APPEALS  
FOR BALTIMORE COUNTY

*Thomas J. ...*  
CHAIRMAN, Thomas J.

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*Lawrence E. Schmidt*  
Lawrence E. Schmidt

*Henry H. Lewis*  
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