

IN RE: PETITION FOR SPECIAL HEARING
 1/3 of Chesapeake Road, 50' E
 of Patapsco Road
 (7336 Chesapeake Road)
 15th Election District
 5th Councilmanic District
 Brian F. Sherman, et ux
 Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to determine if the proposed Elderly Sheltered Care Home meets the definition of a family and therefore, is not subject to additional zoning requirements, including Residential Transition Area regulations, and would not be considered a Class A Elderly Housing Facility, a Class A or B Nursing Home, or an Assisted Living Facility, in accordance with Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by Frank S. Solomon, Esquire. Phyllis Friedman, Esquire of People's Counsel also appeared. Appearing as an interested party was Mildred Laird. There were no Protestants.

Testimony indicated that the subject property known as 7336 Chesapeake Road, consists of .23 acres more or less zoned D.R. 5.5 and is improved with a split level dwelling, above-ground swimming pool, and detached garage. Said property is located within the Chesapeake Bay Critical Areas near Oliver Beach. Mr. Sherman testified the subject dwelling, which was built six years ago, contains five bedrooms, a kitchen, dining room, and two bathrooms on the upper level and four bedrooms, a bathroom, laundry room, work room/furnace room, and family room on the lower level as depicted in drawings submitted as Petitioner's Exhibit A. Mrs. Sherman testified that she had previously worked in various nursing homes on the

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 Date 4/14/91
 By [Signature]

Eastern Shore and was personally involved in the care provided to individuals. When the Shermans returned to the Baltimore area, they decided to provide a residential living alternative for the elderly. Currently, Petitioners reside on the subject property with their four children and three elderly individuals. Petitioners are desirous of opening their home to a maximum of eight elderly persons. Mrs. Sherman testified that the individuals who have resided with them over the past six years are all ambulatory and able to care for themselves, other than needing some assistance. She cited as examples getting in and out of bathrooms, help with laundry and other chores, etc. Mrs. Sherman indicated she hires help to assist in bathing the elderly, laundry and cleaning. Testimony indicated that all individuals residing in the home eat their meals in the common kitchen. Mrs. Sherman testified that some of the senior citizens assist in the preparation of meals. She emphasized that those residing with her are generally senior citizens who cannot live by themselves, and/or want an alternative family-type arrangement with others. Mrs. Sherman testified the residents are free to come and go as they please. She indicated that the individuals residing with her become residents by word-of-mouth. Mrs. Sherman testified that fees charged depend upon the financial circumstances of each person. She indicated that there are no training or rehabilitation programs on site. Petitioners argue that the occupancy of the additional elderly individuals in their home is as a family.

Mrs. Sherman indicated zoning verification became necessary in order for her to increase the number of residents under State guidelines. Testimony indicated that when Petitioners requested confirmation of their status from the Zoning Office, they were advised that due to the possibility of there being greater than the three current individuals residing in

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 By [Signature]

the home, a Petition for Special Hearing and/or Special Exception must be filed. The Petitioners filed the instant Petition for Special Hearing as they believed the expansion of the number of elderly residents was permitted as of right and that the use proposed is as a family.

To further support their argument, Petitioners cited the case of In Re: Bon Vie, Inc., Case No. 87-208-SPH. On December 12, 1986, in Bon Vie, supra, the Commissioner found that the living arrangement in that instance met the definition of "family" under the then existing Baltimore County Zoning Regulations (B.C.Z.R.). Subsequently, in Bill No. 36-88 effective June 13, 1989, the County Council passed legislation concerning elderly housing facilities. At the hearing held in the instant matter, Petitioners were asked to address the requirements set forth in Section 432 of the B.C.Z.R. which was adopted by the County Council subsequent to Case 87-208-SPH. Section 432 permits elderly housing facilities in D.R. zones subject to certain conditions.

Clearly, the definition of "family" as set forth in Section 101 of the B.C.Z.R. is not limited to the restricted, traditional definition of the "nuclear family" consisting of parents, children and extended family members related by biological or legal family relationships. It has been the policy of the Zoning Office to examine the particular circumstances of each case. While many of the characteristics of the living arrangements of the residents in the instant case are similar to a family relationship, in the opinion of the Deputy Zoning Commissioner, the facts are clear that the occupancy of the subject dwelling by elderly residents clearly falls within the definition of housing for the elderly as defined in Sections 101 and 432 of the B.C.Z.R. The case is clearly distinguishable from In Re: Bon Vie, Inc. which was decided prior to the elderly housing regula-

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 By [Signature]

tion. In this instance, the Petitioners agree that they are subject to State regulations regarding housing of the elderly and in fact, this has prompted Petitioners' request for a determination.

In light of Petitioners' request for housing of greater than three elderly persons, in the opinion of the Deputy Zoning Commissioner, the relief proposed is subject to the filing of a request for special exception. At the close of the hearing and following a review of the case, an opportunity had been given to Petitioners to file appropriate Petitions seeking a special exception if they desired. Petitioners have failed to file any additional Petitions.

Pursuant to the advertising, posting of the property and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of April, 1991 that the Petition for Special Hearing to determine that the proposed Elderly Sheltered Care Home meets the definition of a family, be and is hereby DENIED.

ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

ORDER RECEIVED FOR FILING
 Date 4/14/91
 By [Signature]

AMN:bjs

PETITION FOR SPECIAL HEARING
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-442-SPH

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 Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a Petition to determine if the proposed Elderly Sheltered Care Home meets the definition of a family and therefore not subject to additional zoning requirements including Section 432 of the B.C.Z.R. and to determine if the proposed Elderly Sheltered Care Home meets the definition of a family and therefore not subject to additional zoning requirements including Section 432 of the B.C.Z.R. and would qualify under 1B01.1.B.1.(c).1. (see attached)

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound 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: _____
 (Type or Print Name)
 Signature _____
 Address _____
 City and State _____
 Attorney for Petitioner:
 Frank S. Solomon
 (Type or Print Name)
 Address 605 Baltimore Avenue
 Towson, Maryland 21204
 City and State
 Attorney's Telephone No. (301) 823-1691

Legal Owner(s):
 BRIAN F. SHERMAN & JOANN SHERMAN
 (Type or Print Name)
 Address 7336 Chesapeake Road
 Middle River, Maryland 21220
 City and State
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted
 Brian F. Sherman
 7336 Chesapeake Road
 Middle River, Md. 21220 335-8304
 Address Phone No.

298

ORDER RECEIVED FOR FILING
 Date 4/14/91
 By [Signature]

s.c.o.-m.1

J. Robert Haines
 Zoning Commissioner of Baltimore County

and is not a class A Elderly Housing Facility, Class A or B, or a Nursing Home, or an Assisted Living Facility.

H.O. 90-442-SPH

This case should be heard by Ann N. cat. Bob Haines order as he had input into permitting it to be filed as a Single Family Res. cat. for \$35.00. I suggested that to the extent possible that commercial sketch be prepared and good floor plans submitted. Bob said that if information was lacking they must accept the responsibility for any effect it may have on the zoning hearing and explained this to the attorney.

I suggested that all was be clearly shown within at least 100'. The plans as submitted are reasonable for single family lot SPH.

John Lewis
 3/6/90

298

ZONING DESCRIPTION
 90-442-SPH

Beginning at a point on the North side of Chesapeake Road with a thirty (30) foot right-of-way, fifty (50) feet southeast of Patapsco Road with a thirty (30) foot right-of-way, being lot #229 of Oliver Beach, as recorded in Plat Book 12, Folio 56, also known as 7336 Chesapeake Road in the 15th Election District.

CERTIFICATE OF PUBLICATION
 Office of THE AVENUE NEWS

442 Eastern Blvd. Balto., Md. 21221 April 19, 1990

THIS IS TO CERTIFY, that the annexed advertisement of Brian F. and Joann Sherman in the matter of Petition for Special Hearing of 7336 Chesapeake Rd. Case #90-442-SPH, P.O.# 0103715, Req. # M42923. 101.5 lines @.55 or \$55.82

was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for 1 successive week(s) before the 20 day of April 1990. that is to say, the same was inserted in the issues of April 19, 1990.

The Avenue Inc. per publisher
 By Deanna Caldwell

Notice Of Hearing
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21284 as follows:
 Petition for Special Hearing Case number: 90-442-SPH, 7336 Chesapeake Road, 15th Election District 5th Councilmanic District
 Petitioners: Brian F. & Joann Sherman
 Hearing Date: THURSDAY, May 17, 1990 at 2:00 p.m.
 Special Hearing: To determine if the proposed Elderly Sheltered Care Home meets the definition of a family and therefore not subject to additional zoning requirements including Section 432 of the B.C.Z.R. and would qualify under 1B01.1.B.1.(c).1. and is not a class A Elderly Housing Facility, Class A or B, a Nursing Home, or an Assisted Living Facility in the instant case.
 In the event that the Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this appeal period. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.

298

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 23, 1990
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 19, 1990.

THE JEFFERSONIAN,
 S. Zabe Orban
 Publisher

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 In the event that the Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this appeal period. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 5/1/90

Brian and Joann Sherman
7336 Chesapeake Road
Middle River, Maryland 21220

Re: Petition for Special Hearing
CASE NUMBER: 90-442-SH
N/S Chesapeake Road, 50' E of Patapsco Road
7336 Chesapeake Road
15th Election District - 5th Councilmanic
Petitioner(s): Brian F. & Joann Sherman
HEARING: THURSDAY, MAY 17, 1990 at 2:00 p.m.

Dear Petitioners:

Please be advised that \$129.93 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$20.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284

receipt

Account: R-0016150
Number: No 2517

Date: 5/16/90
M9000825
PUBLIC HEARING FEES QTY PRICE
080 -POSTING SIGNS / ADVERTISING 1 X \$129.93
TOTAL: \$129.93
LAST NAME OF OWNER: SHERMAN

Chashier Validation: \$ 108****12993:a 3178F
Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

April 5, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing
CASE NUMBER: 90-442-SH
N/S Chesapeake Road, 50' E of Patapsco Road
7336 Chesapeake Road
15th Election District - 5th Councilmanic
Petitioner(s): Brian F. & Joann Sherman
HEARING: THURSDAY, MAY 17, 1990 at 2:00 p.m.

Special Hearing: To determine if the proposed Elderly Sheltered Care Home meets the definition of a family and therefore not subject to additional zoning requirements including §1801.1.B.1.b (Restrictions in Residential Transition Areas) and would qualify under 1801.1.B.1.(c).1 and is not a class A Elderly Housing Facility, Class A or B, a Nursing Home, or an Assisted Living Facility.

In the event that this petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Brian and Joann Sherman
Frank S. Solomon, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

May 1, 1990

Frank S. Solomon, Esquire
605 Baltimore Avenue
Towson, MD 21204

RE: Item No. 298, Case No. 90-442-SH
Petitioner: Brian F. Sherman, et ux
Petition for Special Hearing

Dear Mr. Solomon:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Brian F. Sherman
7336 Chesapeake Road
Middle River, MD 21220

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 28th day of March, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Brian F. Sherman, et ux

Petitioner's Attorney: Frank S. Solomon

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: April 19, 1990

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

SUBJECT: Brian F. and Joann Sherman, Item No. 298

The Petitioners' request a Special Hearing to determine if the proposed elderly sheltered care home meets the definition of a family and, therefore, is not subject to additional zoning requirements and restrictions.

- The Petitioner's brief clearly outlines the intended use of the property by its owners. The proposed use is not inconsistent with the definition of a "family" as found in the B.C.Z.R. as follows: "Any number of individuals lawfully living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel."
- The Zoning office Policy Manual states, "If a question arises as to the legitimacy of the group home or ALU, whether the conditions as found meet the definition of "family" or "community care facility" a Petition for Special Exception and Petition for Special Hearing should be filed, with a public hearing held." Staff questions why the Petitioner has not filed a request for Special Exceptions.
- The Petitioner has not indicated whether or not state approval exists for the proposed use.
- Prior to final consideration of this matter, Staff recommends that Erwin Snyder, Chief of Health Facilities and Regulatory Services, be contacted. Health Facilities and Regulatory Services is a division of the Department of Environmental Protection and Resource Management.

Should the Petitioners' request be granted, staff offers the following conditions:

- The Petitioner shall submit a revised plan which addresses parking requirements, as determined by the Zoning Commissioner.

APR 23 1990

Brian F. and Joann Sherman, Item No. 298
Page 2
April 19, 1990

- A landscape plan shall be submitted to the Baltimore County landscape planner for approval.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM298/ZAC1

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3354

March 23, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 293, 294, 295, 296, 297, 298, 299, 301, 302, 303, 304, 305, and 306.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/lw

RECORDED
INDEXED
ZONING OFFICE

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
 N/S Chesapeake Rd., 50' E of
 Patapsco Rd. (7336 Chesapeake
 Rd.), 15th Election District
 5th Councilmanic District : OF BALTIMORE COUNTY

BRIAN F. SHERMAN, et ux,
 Petitioners : Case No. 90-442-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

RECEIVED
 MAY 6 1990
 ZONING OFFICE
 Phyllis Cole Friedman
 Phyllis Cole Friedman
 People's Counsel for Baltimore County
 Peter Max Zimmerman
 Peter Max Zimmerman
 Deputy People's Counsel
 Room 304, County Office Building
 Towson, Maryland 21204
 687-2188

I HEREBY CERTIFY that on this 4th day of May, 1990, a copy of the foregoing Entry of Appearance was mailed to Frank S. Solomon, Esquire, 605 Baltimore Ave., Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman
 Peter Max Zimmerman

Baltimore County Government
 Zoning Commission
 Office of Planning and Zoning

111 West Chesapeake Avenue
 Towson, MD 21204 887-3353

March 8, 1991

Frank S. Solomon, Esquire
 605 Baltimore Avenue
 Towson, Maryland 21204

RE: Petition for Special Hearing
 N/S Chesapeake Road, 50' E of Patapsco Road
 (7336 Chesapeake Road)
 15th Election District - 5th Councilmanic District
 Brian F. Sherman, et ux - Petitioners
 Case No. 90-442-SPH

Dear Mr. Solomon:
 The purpose of this letter is to advise you of my intention to make a decision in the above-referenced matter. After the close of the hearing, and pursuant to discussions between Phyllis Friedman, Esquire, People's Counsel, you and me, it was my understanding that you were going to discuss the matter with your clients and perhaps file additional petitions, including, but not limited to, a special exception request. To date, no petitions have been filed.

If no word is heard from you within ten (10) days of the date of this letter, a decision will be rendered based upon the Petition filed and the testimony and evidence presented at the hearing.

Should you have any questions on the subject, please do not hesitate to contact me. Thank you for your attention in this matter.

Very truly yours,
 Ann M. Nastarowicz
 ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

AMN:bjs
 cc: Phyllis Friedman, Esquire
 People's Counsel
 Case File

EXHIBIT 298

IN RE: PETITION SPECIAL HEARING
 E/S of Courtleigh Drive,
 118.19' S of the centerline
 of Old Court Road (3735 and
 3737 Courtleigh Drive) -
 2nd Election District
 Bon Vie, Inc.,
 Petitioner

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 87-208-SPH

90-442-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests an interpretation by the Zoning Commissioner as to whether a proposed sheltered care home satisfies the Baltimore County Zoning Regulations (BCZR) and is permitted in a D.R.5.5 Zone.

The Petitioner, a profit-making corporation, by Jack Millard, President, appeared and was represented by Counsel. Emily Wolfson, on behalf of Liberty Communities Development Corporation; Vivian Noonan, on behalf of Courtmar Association; and Richard Lewis, an adjoining property owner, appeared, not necessarily in opposition but to express certain concerns.

Testimony indicated that the subject property, zoned D.R.5.5, consists of three unimproved lots. The Petitioner proposes to construct a 34' x 58', eight bedroom, split-foyer dwelling containing approximately 1,500 square feet on both the first and second levels on two of the lots, which are located on Courtleigh Road at Old Court Road. The dwelling will be a single-family residence in all respects, although it will house approximately eight senior citizens. The occupants will live together as a nuclear family, sharing one kitchen and one living area. Each, however, will have his or her own bedroom.

The purpose of the request is to provide a residential living alternative for the elderly, which is severely needed in Baltimore County. In fact, this is the first sheltered care home for the elderly proposed in Baltimore County.

COPIES RECEIVED FROM FILE
 E/S: December 1990
 BY: Jack P. [unclear]

IN RE: PETITION SPECIAL HEARING
 Lot 229, Plat of Sections
 A & B, Oliver Beach
 15th District, Zoned
 D.R.55
 7336 Chesapeake Road
 Baltimore County, Maryland
 Brian and JoAnn Sherman
 Petitioner

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 90-442-SPH

REQUEST OF PETITIONER

The Petitioner herein requests an interpretation by the Zoning Commissioner as to whether a proposed sheltered care home satisfies the Baltimore County Zoning Regulations (BCZR) and is permitted in a D.R.55 zone.

The Petitioners, Mr. & Mrs. Brian Sherman, own the property listed as 7336 Chesapeake Road, Baltimore County, Maryland. At the present time, Petitioners care for three (3) elderly people in their home. The home is a single family residence in all respects although it will house eight senior citizens. Petitioners request that they be permitted to house and care for up to eight senior citizens at any given time. The occupants will live together as a nuclear family, sharing one kitchen and one living area.

The purpose of the request is to provide a residential living alternative for the elderly, which is severely needed in Baltimore County. The senior citizens will be ambulatory and able to care for themselves, although the Petitioners will supplement their living arrangements with professional counselors who may assist with physical mobility, personal hygiene

and household and related chores that may require physical exertion beyond their capabilities.

The residents' daily routine would correspond to that of a typical family, i.e. they prepare and eat meals in a common kitchen and share leisure time. No training, rehabilitation programs, or medical treatment would be provided other than that which may be needed or their physicians prescribe. If anything occurs which requires a higher degree of care, the resident will be moved accordingly. Each of the residents will share the responsibility of maintaining the household according to their ability and contribute financially to the Petitioners for their maintenance. The dwelling would be owned by the Petitioners, and the residents would not be on the deed nor be responsible for any of the mortgage.

It is expected that the residents will be long-term and would not leave unless there was a change in their physical condition and hospitalization of some sort is required. There would be no restrictions on their movements. The program is designed for senior citizens who cannot live by themselves but who are looking for a "family" with which they may share their lives.

The need in Baltimore County is great for sheltered care homes such as this. It serves as a lynch pin between an elderly person living alone and the transition to an expensive nursing home with its institutional environment.

The Petitioners seek approval, pursuant to Section 500.7, BCZR, that the proposed use satisfies the BCZR's definition of "family" and thereby, is permitted as of right as a single-family use.

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Brian Sherman	7336 Chesapeake Rd
John Sherman	7336 Chesapeake Rd
Frank P. Johnson	605 Balto. Avz (Attorney)

Mildred Laird
 Interested Party
 32 Caraway Rd, Reisterstown
 21136

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
 LEGISLATIVE SESSION 1988, LEGISLATIVE DAY NO. 6
 BILL NO. 36-88

MS. BARBARA F. BAKER, COORDINATOR

BY THE COUNTY COUNCIL, MARCH 21, 1988

A BILL ENTITLED

AN ACT concerning
 Elderly Housing Facilities
 FOR the purpose of amending the Baltimore County Zoning Regulations in order to define certain types of facilities for the housing of the elderly; permitting these facilities in certain residential zones of the County, either by right or by special exception; providing for such facilities established in connection with a hospital; permitting certain of these facilities to be developed under certain conditions on a property which contains institutional or historic buildings; authorizing the modification or waiver of certain of the Zoning Regulations when applied to such facilities; providing for parking requirements; and generally relating to elderly housing facilities in Baltimore County.

BY repealing
 Section 101 - Definitions, the definition of Housing for the Elderly and Life Care Facility or Continuing Care Facility, Baltimore County Zoning Regulations, as amended.
 BY repealing and re-enacting, with amendments,
 Section 101-Definitions, by adding the definitions of Assisted Living Facility, Continuing Care Facility, Housing for the Elderly, and Elderly Housing Facility,
 Baltimore County Zoning Regulations, as amended
 BY adding
 Section 432
 Baltimore County Zoning Regulations, as amended
 BY repealing, and re-enacting, with amendments
 Sections 1A04.4, 1801.1.A.1, 1801.1.C., 1801.2.C.1., 1802.2.A.,
 EXPLANATION: CAPITAL LETTERS INDICATE MATTER ADDED TO EXISTING LAW.
 [brackets] indicate matter stricken from existing law.
 underline indicates matter stricken from bill.
 Underlining indicates amendments to bill.



