IN RE: PETITION FOR SPECIAL HEARING (No Specific Location - all D.R. and R.C. zones in Baltimore County)	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
Jane E. Davis Petitioner	*	Case No. 95-272-SPH
	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing. The Petition filed is unusual in that same does not relate to any specific property in Baltimore County; rather, it presents a general question for all D.R. and R.C. zones within the County. As noted on the Petition, the Petitioner seeks approval "on a County-wide basis," that a single family dwelling can be used as a Domiciliary Care Home for 3 or fewer domiciliary residents as of right in D.R. and R.C. zones. The Petition was filed by Jane E. Davis, who owns property in Baltimore County.

Appearing at the hearing on behalf of the Petition was Jane E. Davis. Also appearing as interested parties were Stephen Lafferty, William Obriecht and Richard Parsons. These individuals, all representing different community or civic associations throughout the County, appeared in view of the potential implications of the Petition on a County-wide basis.

Mrs. Davis testified that she is the owner of 1508 Rawlings Well Road, a 3/4 acre parcel located in the Catonsville/Woodlawn area of Baltimore County. The property is improved with a single family dwelling in which she, her husband, and their 10-year old grandchild reside. In addition, three other individuals reside with Mrs. Davis, including two women, 77 and 76 years of age, and one man aged 85 years. Mrs. Davis testified

that each individual has a separate bedroom, however, she provides them with meals, care and supervision on an as-needed basis. Although all three individuals are physically well, they are incapable of independent living, owing to their age. The Petitioner cooks, does their laundry and otherwise supervises and assists these individuals with daily tasks as necessary. Ms. Davis indicated that she has been engaged in this type of service for approximately 5 years and that she holds a Masters Degree in Special Education.

When Mrs. Davis is unable to be present to provide supervision and services, a single employee is present at the site. This employee is routinely present during the daytime hours of 7:00 AM to 5:30 PM, Monday through Friday. The employee is also available to be on the premises on weekends when Mrs. Davis is unavailable. Although Mrs. Davis does not dispense medication, she does assist the residents to assure that they take prescriptions on a regular basis and also provides transportation to and from Doctors' offices.

Mrs. Davis also testified that she is licensed by the State of Maryland (the Department of Health and Mental Hygiene). Apparently, her operation is classified by that State agency as a domiciliary care home. Her license allows her to operate such a facility for 3 or fewer domiciliary individuals. Mrs. Davis testified that the State regularly inspects her property and that she filed the subject Petition to obtain a ruling from this Zoning Commissioner as to where such a facility is permissible in the D.R. or R.C. zones. As noted above, no specific location was identified in the Petition. Mrs. Davis indicated that she is contemplating opening another similar facility elsewhere in the County. As is the case with her operation at 1508 Rawlings Well Road, any such facility would

provide each resident with his or her own room, congregate meals, and general supervision and assistance with daily tasks.

The interested parties who were present all questioned Mrs. Davis about her operation, from which the above information was elicited. Mrs. Davis also advised that none of the residents own automobiles and thus, the use of the property for domiciliary care residents has minimal, if any, impact on traffic or parking.

In addressing the question presented within the Petition for Special Hearing, it is important to note that the B.C.Z.R. do not define the phrase "domiciliary care home". Although this phrase is defined by the State of Maryland, it appears no where within Section 101 of the B.C.Z.R. Moreover, as is well settled, the B.C.Z.R. are written in the inclusive; that is, only uses identified and provided within same are permitted. See, e.g., Section 102.1 of the B.C.Z.R., and Kowalski v. Lamar, 25 Md. App. 493, 334 A2nd 536 (1975). Although the B.C.Z.R. do not define "domiciliary care home", elderly housing facilities are provided for within Section 432 of the B.C.Z.R. Moreover, Section 101 of the regulations defines Assisted Living Facility. Such a facility is defined, in part, as "a building or section of a building, or residence, that provides a residential living environment, assisted by congregate meals, housekeeping, and personal services for persons 62 years of age or older, who have temporary or periodic difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing, and mobility, and for any person, regardless of age, who has a physical or developmental disability." This definition appears to fit Mrs. Davis' use at 1508 Rawlings Well Road, irrespective of the fact that the nomenclature used to describe

such a use is different from the label provided by the Maryland State Department of Health and Mental Hygiene.

Section 432 of the B.C.Z.R. also comprehensively sets forth the requirements for elderly housing facilities in a D.R. zone. Assuming that Mrs. Davis' residence at 1508 Rawlings Well Road is zoned D.R., it would appear that Section 432.1.A.2 of the B.C.Z.R. would allow her use of the property as an elderly housing facility for three residents. Unfortunately for Mrs. Davis, however, she was unable to produce definitive evidence about the zoning classification of her property. Moreover, Section 432 does not provide any authority for alternative living facilities to operate in R.C. zones.

Based upon the testimony and evidence presented, as well as the regulations identified above, the question presented within the instant Petition must be answered in the negative. That is, domiciliary care homes are not permitted as of right in Baltimore County in that same are not identifiable uses under the B.C.Z.R. Assisted living facilities, which may, in some cases, be a synonym for the phrase "domiciliary care home", may be allowed, as regulated by Section 432 of the B.C.Z.R. Clearly, approval for any particular use must be considered on a case by case basis, depending, of course, upon the zoning classification of that property and other relevant factors. Thus, the Petition for Special Hearing must be denied, consistent with the findings made herein.

Of final note, is the validity of Mrs. Davis' facility at 1508 Rawlings Well Road. After due consideration, I decline to issue any ruling validating that use. My specific concern in this regard is based, in part, on the Petitioner's failure to produce any testimony or evidence relating to the zoning of that property. It is unclear whether or not the

property is indeed zoned D.R. As significant is the fact that Section 26-127 of the Baltimore County Code, as well as the B.C.Z.R., require public advertisement and notice of any zoning Petition relating to any particular property. In this case, notification of the subject hearing was given by way of advertisement which appeared in the February 16, 1995 edition of the Jeffersonian. However, no sign posting was undertaken in that the Petition was not filed for any specific property. Indeed, the Petition itself seeks relief "on a County-wide basis" and does not ask for a finding as to the property at Rawlings Well Road. Therefore, I decline to issue any such ruling and direct the Petitioner to file a Petition for Special Hearing for her property at 1508 Rawlings Well Road, if, within her discretion, she believes such a finding is necessary.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested in the Petition for Special Hearing must be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of March, 1995 that the Petition for Special Hearing seeking a determination that a single family dwelling can be used as a Domiciliary Care Home for 3 or fewer Domiciliary Residents as of right in D.R. and R.C. zones throughout Baltimore County, be and is hereby DENIED.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 3/23/95
By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 23, 1995

Mrs. Jane E. Davis
1508 Rawlings Well Road
Baltimore, Maryland 21228

RE: PETITION FOR SPECIAL HEARING
(No Specific Location - all D.R. and R.C. zones)
Jane E. Davis - Petitioner
Case No. 95-272-SPH

Dear Ms. Davis:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Stephen Lafferty, 909 Wellington Road, Baltimore, Md. 21212

Mr. William Obriecht, 2415 Poplar Drive, Baltimore, Md. 21207

Mr. Richard Parsons, 412 Woodbine Avenue, Baltimore, Md. 21204

Ms. Marye D. Kellermann, 1511 Providence Road, Towson, Md. 21286

People's Counsel; Case File

270

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at BALTIMORE County MARYLAND

which is presently zoned ALL P.R. and R.C. zones

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve on a County wide basis That a single family dwelling can be used as a Domicillary Care Home for 3 or fewer Domicillary Residents as of right in D.R. + R.C. zones.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of 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/Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address Phone No

City State Zipcode

Legal Owner(s) Petitioner

JANE E. DAVIS

(Type or Print Name)

Jane E. Davis

Signature

(Type or Print Name)

Signature

455-0157

1508 RAWLINGS Well Rd

Address Phone No

BALTIMORE MD 21228

City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

unavailable for Hearing

the following dates _____ Next Two Months

ALL ✓ OTHER

REVIEWED BY: [illegible] DATE 2/2/95

ORDER RECEIVED FOR FILING

Date 3/23/95

By [illegible]

Zoning Administration & Development Management

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-272-SPH
(Item 270)
No Specific Location
BCZR Interpretation Only
Petitioner(s):
Jane E. Davis
Hearing: Friday, March 3, 1995 at 2:00 p.m. in Rm. 106, County Office Building.

Special Hearing to approve on a county wide basis that a single family dwelling can be used as a domiciliary care home for 3 or fewer domiciliary residents as of right in the D.R. and R.C. zones.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1)Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2)For information concerning the File and/or Hearing, Please Call 887-3391.
2/189 February 16.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/16, 1995

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 2/16, 1995

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number 270
BY VLL

Date 2/2/95

1 RLS. SPECIAL HEARING FILING CODE 030 ~~[illegible]~~ 50.00

NO SIGN POSTING AS
NO LOCATION EXCEPT
COUNTY WIDE.

TOTAL $50.00

PETITIONER DAVIS.

MICROFILMED

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 270

Petitioner: JANE E. DAVIS

Location: COUNTYWIDE INTERPRETATION.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JANE E. DAVIS

ADDRESS: 1508 RAWLINGS WELL RD
BALTIMORE, MD 21228

PHONE NUMBER: 455-0157

AJ:ggs

MICROFILMED

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY
Feb. 16, 1995 Issue - Jeffersonian

Please foward billing to:

Jane E. Davis
1508 Rawlings Well Road
Baltimore, MD 21228
410-455-0157

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-272-SPH (Item 270)
No Specific Location - BCZR Interpretation Only
Petitioner(s): Jane E. Davis
HEARING: FRIDAY, MARCH 3, 1995 at 2:00 p.m. in Room 106, County Office Building

Special Hearing to approve on a county wide basis that a single family dwelling can be used as a domicillary care home for 3 or fewer domicillary residents as of right in the D.R. and R.C. zones.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

FEBRUARY 9, 1995

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
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No Specific Location - BCZR Interpretation Only
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HEARING: FRIDAY, MARCH 3, 1995 at 2:00 p.m. in Room 106, County Office Building

Special Hearing to approve on a county wide basis that a single family dwelling can be used as a domicillary care home for 3 or fewer domicillary residents as of right in the D.R. and R.C. zones.

Arnold Jablon
Director

cc: Jane E. Davis

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 24, 1995

Ms. Jane E. Davis
1508 Rawlings Well Road
Baltimore, Maryland 21228

RE: Item No.: 270
Case No.: 95-272-SPH
Petitioner: Jane Davis

Dear Ms. Davis:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on February 2, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards Jr

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 02/16/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF FEB. 13, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

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

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:264,267,269,270 AND 273.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: February 21, 1995

FROM: RWB Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for February 21, 1995
Items 264, 269, and 270

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:sw

Maryland Department of Transportation
State Highway Administration

O James Lighthizer
Secretary
Hal Kassoff
Administrator

2-10-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: $ 270 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

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

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING No Specific Location - BCZR Interpretation Only	*	BEFORE THE ZONING COMMISSIONER
Jane E. Davis Petitioner	*	OF BALTIMORE COUNTY
	*	CASE NO. 95-272-SPH

* * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of February, 1995, a copy of the foregoing Entry of Appearance was mailed to Jane E. Davis, 1508 Rawlings Well Road, Baltimore, MD 21228, Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: March 3, 1995

SUBJECT: Domicillary Homes

INFORMATION:

Item Number: 270

Petitioner: Jane E. Davis

Property Size:

Zoning:

Requested Action: Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Special Hearing to approve on a county-wide basis that a single family dwelling can be used as a domicillary care home for 3 or fewer dmomicillary residents as of right in the D.R. and R.C. zones.

Staff has met with Michael Cook who represents the Department of Aging. In addition we have reviewed pertinent sections of the Baltimore County Zoning Regulations related to assisted living facilities in general.

The State of Maryland regulates Group Homes for the Frail Elderly. While different terms are used by the County and State, the definitions of such uses are essentially the same.

The Baltimore County Zoning Regulations define an assistant living facility as follows:

> A building or section of a building that provides a residential living environment assisted by congregate meals, housekeeping, and personal services, for persons 62 years of age or older, who have temporary or periodic difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing of mobility, and for any person, regardless of age, who has a physical or development disability. Density for such facilities shall be calculated a .25 for each bed.

Based upon our discussion with Mr. Cook and a review of the Zoning Regulations, it is clear to the staff that the use of D.R. zoned land for a domicillary care home is permitted as a matter of right. However this use is not permitted in the R.C zones.

Prior to final consideration of this matter, this office recommends that contact be made with the Department of Aging.

Prepared by: Jeffrey W. Lux

Division Chief: Gary L. Kerns

PK/JL

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Jane E. Davis	1508 Rawlings ~~Mill~~ Well Rd Balt 21228

Interested Persons

PLEASE PRINT CLEARLY

PR[redacted] SIGN-IN SHEET

NAME	ADDRESS
STEPHEN LAFFERTY	909 WELLINGTON RD 21212
William Obriecht	2415 Poplar Dr. 21207
Richard Parsons	412 Woodbine Ave 21204

Marleene,

Please add to the notification list for case number 95-272-SPH.

Ms. Marye D. Kellermann
1511 Providence Road
Towson MD 21286

Thank you.

Julie

IN RE: PETITION FOR SPECIAL HEARING
(No Specific Location - all D.R. and R.C. zones in Baltimore County)

Jane E. Davis
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-272-SPH

* * * * * * * * * * *

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Date 3/23/95
By

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Date 3/23/95
By

property is indeed zoned D.R. As significant is the fact that Section 26-127 of the Baltimore County Code, as well as the B.C.Z.R., require public advertisement and notice of any zoning Petition relating to any particular property. In this case, notification of the subject hearing was given by way of advertisement which appeared in the February 16, 1995 edition of the Jeffersonian. However, no sign posting was undertaken in that the Petition was not filed for any specific property. Indeed, the Petition itself seeks relief "on a County-wide basis" and does not ask for a finding as to the property at Rawlings Well Road. Therefore, I decline to issue any such ruling and direct the Petitioner to file a Petition for Special Hearing for her property at 1508 Rawlings Well Road, if, within her discretion, she believes such a finding is necessary.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested in the Petition for Special Hearing must be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of March, 1995 that the Petition for Special Hearing seeking a determination that a single family dwelling can be used as a Domiciliary Care Home for 3 or fewer Domiciliary Residents as of right in D.R. and R.C. zones throughout Baltimore County, be and is hereby DENIED.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 3/23/95
By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 23, 1995

Mrs. Jane E. Davis
1508 Rawlings Well Road
Baltimore, Maryland 21228

RE: PETITION FOR SPECIAL HEARING
(No Specific Location - all D.R. and R.C. zones)
Jane E. Davis - Petitioner
Case No. 95-272-SPH

Dear Ms. Davis:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Stephen Lafferty, 909 Wellington Road, Baltimore, Md. 21212
Mr. William Obriecht, 2415 Poplar Drive, Baltimore, Md. 21207
Mr. Richard Parsons, 412 Woodbine Avenue, Baltimore, Md. 21204
Ms. Marye D. Kellermann, 1511 Providence Road, Towson, Md. 21286
People's Counsel; Case File

270

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at BALTIMORE County MARYLAND
which is presently zoned ALL D.R. and R.C. zones

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve on a County wide basis That a single family dwelling can be used as a Domiciliary Care Home for 3 or fewer Domiciliary Residents as of right in D.R. & R.C. zones

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of 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/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode

Legal Owner(s): Petitioner
JANE E. DAVIS
(Type or Print Name)
Jane E. Davis
Signature
(Type or Print Name)
Signature
455-0157
1508 RAWLINGS WELL RD
Address Phone No.
BALTIMORE MD 21228
City State Zipcode

Attorney for Petitioner:
(Type or Print Name)
Signature
Address Phone No.
City State Zipcode

Name, Address and phone number of representative to be contacted
Name
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 1HR.
unavailable for Hearing
the following dates Next Two Months
ALL X
REVIEWED BY DATE 2/2/95

ORDER RECEIVED FOR FILING
Date 3/23/95
By

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: 95-272-SPH
Room 106
Old Courthouse, Towson

IN RE: PETITION FOR SPECIAL HEARING
(No Specific Location - all D.R. and R.C. zones in Baltimore County)
Jane E. Davis
Petitioner

Hearing: Friday, March 3, 1995 at 2:00 p.m. in Rm. 106, County Office Building.

Special Hearing to approve on a county wide basis that a single family dwelling can be used as a domiciliary care home for 3 or fewer domiciliary residents as of right in the D.R. and R.C. zones.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) For Information concerning the File and/or Hearing, Please Call 887-3391.

2/165 February 16.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/16, 1995

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 2/16, 1995

THE JEFFERSONIAN,
A. Henrickson
LEGAL AD. - TOWSON

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date 2/2/95

Account: R-001-6150
Number 270
BY VLL

1 RES. SPECIAL HEARING FILING CODE 030 50.00
NO SIGN POSTING AS NO LOCATION EXCEPT COUNTY WIDE.

TOTAL $50.00

PETITIONER DAVIS.

CASHIER'S VALIDATION $50.00
Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 270

Petitioner: JANE E DAVIS

Location: COUNTYWIDE INTERPRETATION.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JANE E DAVIS

ADDRESS: 1508 RAWLINGS WELL RD
BALTIMORE MD 21228

PHONE NUMBER: 455-0157

AJ:ggs

(Revised 04/09/93)

TO: PATUXENT PUBLISHING COMPANY
Feb. 16, 1995 Issue - Jeffersonian

Please foward billing to:

Jane E. Davis
1508 Rawlings Well Road
Baltimore, MD 21228
410-455-0157

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-272-SPH (Item 270)
No Specific Location - BCZR Interpretation Only
Petitioner(s): Jane E. Davis
HEARING: FRIDAY, MARCH 3, 1995 at 2:00 p.m. in Room 106, County Office Building

Special Hearing to approve on a county wide basis that a single family dwelling can be used as a domicillary care home for 3 or fewer domicillary residents as of right in the D.R. and B.C. zones.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

FEBRUARY 9, 1995

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-272-SPH (Item 270)
No Specific Location - BCZR Interpretation Only
Petitioner(s): Jane E. Davis
HEARING: FRIDAY, MARCH 3, 1995 at 2:00 p.m. in Room 106, County Office Building

Special Hearing to approve on a county wide basis that a single family dwelling can be used as a domicillary care home for 3 or fewer domicillary residents as of right in the D.R. and B.C. zones.

Arnold Jablon
Director

cc: Jane E. Davis

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 24, 1995

Ms. Jane E. Davis
1508 Rawlings Well Road
Baltimore, Maryland 21228

RE: Item No.: 270
Case No.: 95-272-SPH
Petitioner: Jane Davis

Dear Ms. Davis:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on February 2, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 02/16/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF FEB. 13, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

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

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:264,267,269,270 AND 273.

RECEIVED
FEB 21 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 21, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for February 21, 1995
Items 264, 269, and 270

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:sw

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

2-16-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: #270 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING No Specific Location - BCZR Interpretation Only	*	BEFORE THE
	*	ZONING COMMISSIONER
Jane E. Davis Petitioner	*	OF BALTIMORE COUNTY
	*	CASE NO. 95-272-SPH

* * * * * * * * * * * *

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of February, 1995, a copy of the foregoing Entry of Appearance was mailed to Jane E. Davis, 1508 Rawlings Well Road, Baltimore, MD 21228, Petitioner.

PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: March 3, 1995

SUBJECT: Domicillary Homes

INFORMATION:

Item Number: 270

Petitioner: Jane E. Davis

Property Size:

Zoning:

Requested Action: Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Special Hearing to approve on a county-wide basis that a single family dwelling can be used as a domicillary care home for 3 or fewer dmomicillary residents as of right in the D.R. and R.C. zones.

Staff has met with Michael Cook who represents the Department of Aging. In addition we have reviewed pertinent sections of the Baltimore County Zoning Regulations related to assisted living facilities in general.

The State of Maryland regulates Group Homes for the Frail Elderly. While different terms are used by the County and State, the definitions of such uses are essentially the same.

The Baltimore County Zoning Regulations define an assistant living facility as follows:

> A building or section of a building that provides a residential living environment assisted by congregate meals, housekeeping, and personal services, for persons 62 years of age or older, who have temporary or periodic difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing of mobility, and for any person, regardless of age, who has a physical or development disability. Density for such facilities shall be calculated a .25 for each bed.

Based upon our discussion with Mr. Cook and a review of the Zoning Regulations, it is clear to the staff that the use of D.R. zoned land for a domicillary care home is permitted as a matter of right. However this use is not permitted in the R.C zones.

Prior to final consideration of this matter, this office recommends that contact be made with the Department of Aging.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Kerns

PK/JL

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Jane E. Davis	1508 Rayslings ~~Mill~~ Rd Well Balt 21228

PLEASE PRINT CLEARLY

Interested Citizens ~~PROTESTANTS~~ SIGN-IN SHEET

NAME	ADDRESS
STEPHEN LAFFERTY	909 WELLINGTON RD 21212
William Obrecht	2415 Poplar Dr. 21207
Richard Parsons	412 Westbine Ave 21204

Marleene,

Please add to the notification list for case number 95-272-SPH.

Ms. Marve D. Kellermann
1511 Providence Road
Towson MD 21286

Thank you.

Julie