

IN RE: PETITION FOR SPECIAL HEARING:
N.W. Frederick Road, 170 Pk. #
from c/o Springtown Avenue
6348 Frederick Road
1st Election District
1st Councilmanic District
Paradise Assisted Living, Inc.,
Petitioner

* REPORT THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-319-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 6348 Frederick Road in Catonsville. The Petition is filed by Paradise Assisted Living, Inc., property owner. Approval is requested of a modification to the special exception previously granted for this property, so as to allow a 44 bed Assisted Living Facility in lieu of the 30 beds presently approved. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Special Hearing received at Petitioner's Exhibit No. 3.

Appearing at the requisite public hearing held for this case was Glen Lindgren, a principal in Paradise Assisted Living, Inc., property owner. Also present was Frederick Thompson, the engineer who prepared the site plan, and Pamela Fetsch. The Petitioner was represented by John Murphy, Esquire.

Testimony and evidence presented was that the property is approximately 1.42 acres in gross area, split into D.R.10.5 and D.R.5.5. Presently, the site is improved with an existing structure previously used as a dwelling. The site also contains a macadam parking area. Vehicular access to the property is by way of Frederick Road (Md. Route 144).

Apparently, CMO approval was obtained for this project in November of 1990. Special exception approval was also obtained at that time for an

assisted living facility. The Board of Appeals granted the aforementioned special exception so as to allow 30 beds. Apparently, after obtaining those approvals, construction was begun on the site to convert the property from a dwelling to an assisted living facility. Unfortunately for the property owner, however, the improvements were never completed due to a fire which damaged much of the structure.

The petitioner now comes before me with an updated plan (Petitioner's Exhibit No. 3) seeking a modification of the prior Order to permit up to 44 beds. As the plan shows, an area of the structure previously used as a porch will be enclosed to provide additional room. Moreover, the building is being reduced in height and the top story removed. Additional testimony and evidence offered was that notwithstanding these changes more than a sufficient number of parking spaces are available. Additionally, a copy of a covenant by and between the property owner and numerous individuals of the Paradise Community Association was submitted into evidence (Petitioner's Exhibit No. 4). This covenant sets forth an agreement by and between the property owner and those neighbors regarding the use and appearance of the property. Primarily, the covenants involve the site development and landscape plan details.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Special Hearing. In my judgment, the alterations to the previous plan are appropriate. Moreover, they will not result in any detrimental impact to the health, safety or general welfare of the locale. Thus, the Petition for Special Hearing shall be approved.

Notwithstanding this approval, however, same shall be conditioned. Specifically, I shall incorporate as a condition precedent to the grant of the relief the terms and conditions of the covenant by and between this property owner and the Paradise Community Association and its individual

members. Moreover, the Petitioner must obtain final approval of its landscape plan from the County's Landscape Architect.

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

WHEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 6th day of May 1997 that, pursuant to the Petition for Special Hearing, approval be and is hereby GRANTED.

1. The Petitioner is 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. As a condition to the grant of the relief herein, the terms and conditions of the covenant binding on the current owners, successor owners and all assigns of the property known as 6348 Frederick Road (Petitioner's Exhibit No. 4) be and is hereby incorporated herein.

3. The Petitioner shall provide a landscape plan to the County's Landscape Architect, Office of Planning, for approval. The approved landscape plan shall become a permanent part of the record and file in this matter.

4. Pursuant to Section 100.7 of the BOZB, the approval granted herein shall be valid for a period not to exceed 5 years from the date of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

May 6, 1997

John Murphy, Esquire
14 W. Bolling Road
Catonsville, Maryland 21228

RE: Case No. 97-319-SPH
Petition for Variance
Property: 6348 Frederick Road
Paradise Assisted Living, Inc., Petitioner

Dear Mr. Murphy:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LEJ:mm

att.

C1: Mr. Frederick Thompson, 439 E. Lake Avenue, Baltimore, Md. 21212
C1: Ms. Pamela Fetsch, 101 S. Springtown Avenue, Catonsville, Md. 21228
C1: Mr. Glen Lindgren, 214 Friendship Manor Drive, Stevensville, Md.

Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 6348 Frederick Avenue
which is presently zoned DRS.5/DRS.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, upon receipt of the property value in Baltimore County and which is described in the description and site plan herein and upon a full hearing, hereby petition for a Special Hearing, under Section 100.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

a modification of the Special Exception applicable to the property to allow 44 beds instead of the 30 beds presently approved.

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

I, we, agree to take expense 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 as amended pursuant to the Zoning Law of Baltimore County.

Under Penalty of Perjury:
I, we, agree to take expense 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 as amended pursuant to the Zoning Law of Baltimore County.

By: Glen Lindgren, President

By: John V. Murphy, Esquire

14 W. Bolling Road 744-4367

Catonsville, MD 21228-6848

ZONING DESCRIPTION - PARADISE ASSISTED LIVING

BEGINNING FOR THE SAME AT A POINT ON THE NORTH SIDE OF FREDERICK ROAD (EXISTING 80 FOOT RIGHT-OF-WAY PROPOSED 80 FOOT RIGHT-OF-WAY) AT A POINT MEASURED 170 FEET PLUS OR MINUS WEST FROM THE CENTERLINE OF SYMINGTON AVENUE, THENCE LEAVING SAID POINT AND ENDING ON THE NORTH RIGHT-OF-WAY LINE OF FREDERICK ROAD SOUTH 75 DEGREES 00 MINUTES WEST, 201.34 FEET TO A POINT, THENCE LEAVING SAID RIGHT-OF-WAY LINE AND EXTENDING THE FOLLOWING SIX COURSES AND DISTANCES TO THE POINT AND PLACE OF BEGINNING:

- (1) NORTH 11 DEGREES 18 MINUTES WEST, 341.50 FEET.
- (2) NORTH 72 DEGREES 18 MINUTES EAST, 89.18 FEET.
- (3) SOUTH 45 DEGREES 10 MINUTES EAST, 86.31 FEET.
- (4) SOUTH 18 DEGREES 25 MINUTES EAST, 22.85 FEET.
- (5) SOUTH 20 DEGREES 40 MINUTES EAST, 120.85 FEET.
- (6) SOUTH 18 DEGREES 00 MINUTES EAST, 120.85 FEET.

CONTAINING 36,180 SQUARE FEET MORE OR LESS.

AS RECORDED IN DEED 7366/7367, ALSO KNOWN AS 6348 FREDERICK ROAD AND LOCATED IN THE 1ST ELECTION DISTRICT.

CERTIFICATE OF PUBLICATION

TOWSON, MD. 21204, 1997

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 2/6/97.

THE JEFFERSONIAN,

A. Henrichs
LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE: Case No. 97-319-SPH

Paradise Assisted Living Facility, Inc. et al.
vs. JOHN HENRICHS, Esq.
Date of Posting being 2/13/97
C 9 00 AM

PAI 744-8936
PATTY

Baltimore County Department of
Planning and Development Management
County Office Building, Room 111
111 West Hampden Avenue
Towson, MD 21204

Attention: Mr. Glen Lindgren

I and/or Co-Signatory

This letter is to certify, under the penalty of perjury that the property located at 6348 FREDERICK RD

The signed were posted on

2/25/97

(Initials, Day, Year)

Signature:

Patricia M. O'Leary
(Printed Name)
523 Ferry Lane
(Address)
Hunt Valley, MD 21030
(City, State, Zip Code)
Phone: 410-844-8936
(Telephone Number)

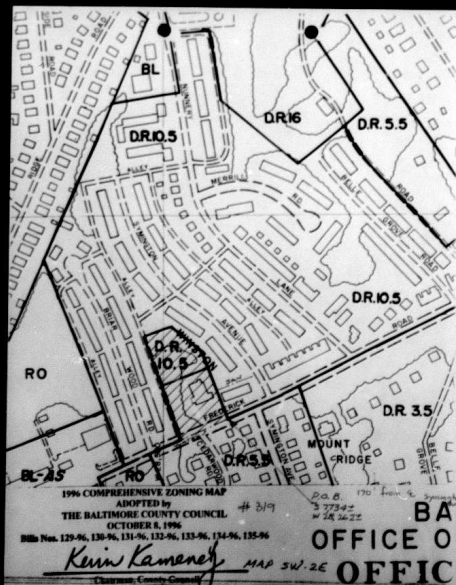
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: Feb. 3, 97 AMOUNT: \$200.00
RECEIVED FROM: John V. Murphy
FOR: 1704# 319
6348 Frederick Ave. Tolson by: JEP
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: Feb. 3, 97 AMOUNT: \$250.00
RECEIVED FROM: John V. Murphy
FOR: 1704# 319
6348 Frederick Ave. Tolson by: JEP
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: Feb. 3, 97 AMOUNT: \$250.00
RECEIVED FROM: John V. Murphy
FOR: 1704# 319
6348 Frederick Ave. Tolson by: JEP

PARADISE ASSISTED LIVING FACILITY
Project No. 052-42052
ZONING NOTICE
PLAY AREA OR COURSE
100' x 100' minimum
SPECIAL HEARING
ON A VARIANCE TO THE
ZONING REGULATIONS OF
BALTIMORE COUNTY
FOR THE PROPERTY
LOCATED AT 6348 FREDERICK RD
CATONSVILLE, MD 21228
DATE: 2/25/97
TIME: 10:00 AM
PLACE YOUR SIGNATURE
HERE
DATE: 2/25/97
TIME: 10:00 AM
PLACE YOUR SIGNATURE
HERE

RBS:SD
BRUCE:/DEPRM/TXTSBA

001 Case File

Maxela Fetsch
103 S. Springton
Ave, Caronsville, MD
21228



1. Sign form incorrect

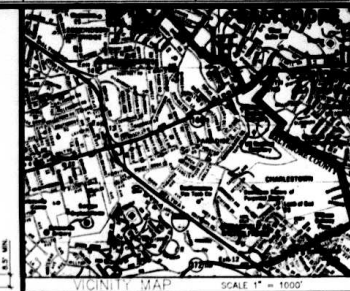
Peter Max Zimmerman
PETER MAX ZIMMERMAN

Paradise Assisted Living, INC
Grand Contracting, INC
Paradise Community Association

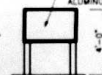
EXHIBIT No 1

SOIL	SOIL TYPE	HYDRO SOIL GROUP	LIMITATIONS		
			HOMESTES WITHOUT BASINMENTS	HOMESTES WITH BASINMENTS	STREETS AND PARKING LOTS
LNB	LEGORE--URBAN LAND COMPLEX	B	SLIGHT	SLIGHT	MODERATE SLOPE
LNC	LEGORE--URBAN LAND COMPLEX	B	MODERATE	MODERATE	SEVERE SLOPE
JUD	JOPPA--URBAN LAND COMPLEX	A	SLIGHTLY MODERATE	SLIGHTLY MODERATE	SEVERE SLOPE

BENCHMARK:
BALTIMORE COUNTY HUB NO. 10124
ELEVATION 330.594
7/8" IRON BAR AT INTERSECTION OF BACK
EDGE OF WALKS AT NORTHEAST CORNER OF
FREDERICK ROAD AND BELLE GROVE ROAD.

[illegible][illegible]

SIGN DETAIL
NOT TO SCALE



**SCHEMATIC BUILDING
HEIGHT ELEVATION**
NOT TO SCALE

AS IN ACCORDANCE WITH
BOARD OF APPEALS ORDER
90-282.SPHKA

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY PCR
DATE 8-4-92

REVISED
90-282-SPHYA
8/3/92

STORMWATER MANAGEMENT DATA

DESIGN CONDITION	PEAK FLOWS (CFS)		
	2 YEAR	10 YEAR	100 YEAR
EXISTING	2.0	4.5	7.4
POST DEVELOPMENT	2.8	5.9	9.3
PROPOSED RELEASE *	0.8	1.2	2.0

* STORMWATER MANAGEMENT CONTROLS WILL OVERHANGE RUNOFF TO ATTAIN PEAK RELEASE RATES AS SHOWN. CONTROL WILL BE THROUGH AN ENHANCED STORMWATER MANAGEMENT DETENTION FACILITY. WATER QUALITY STANDARDS WILL BE MET THROUGH VERTICALLY SIZED

LPJ INC.
CONSULTING ENGINEERS
• STRUCTURAL
• CIVIL
• SITE PLANNING

16 West 25th Street
Baltimore, Maryland 21218
(301) 366-7800

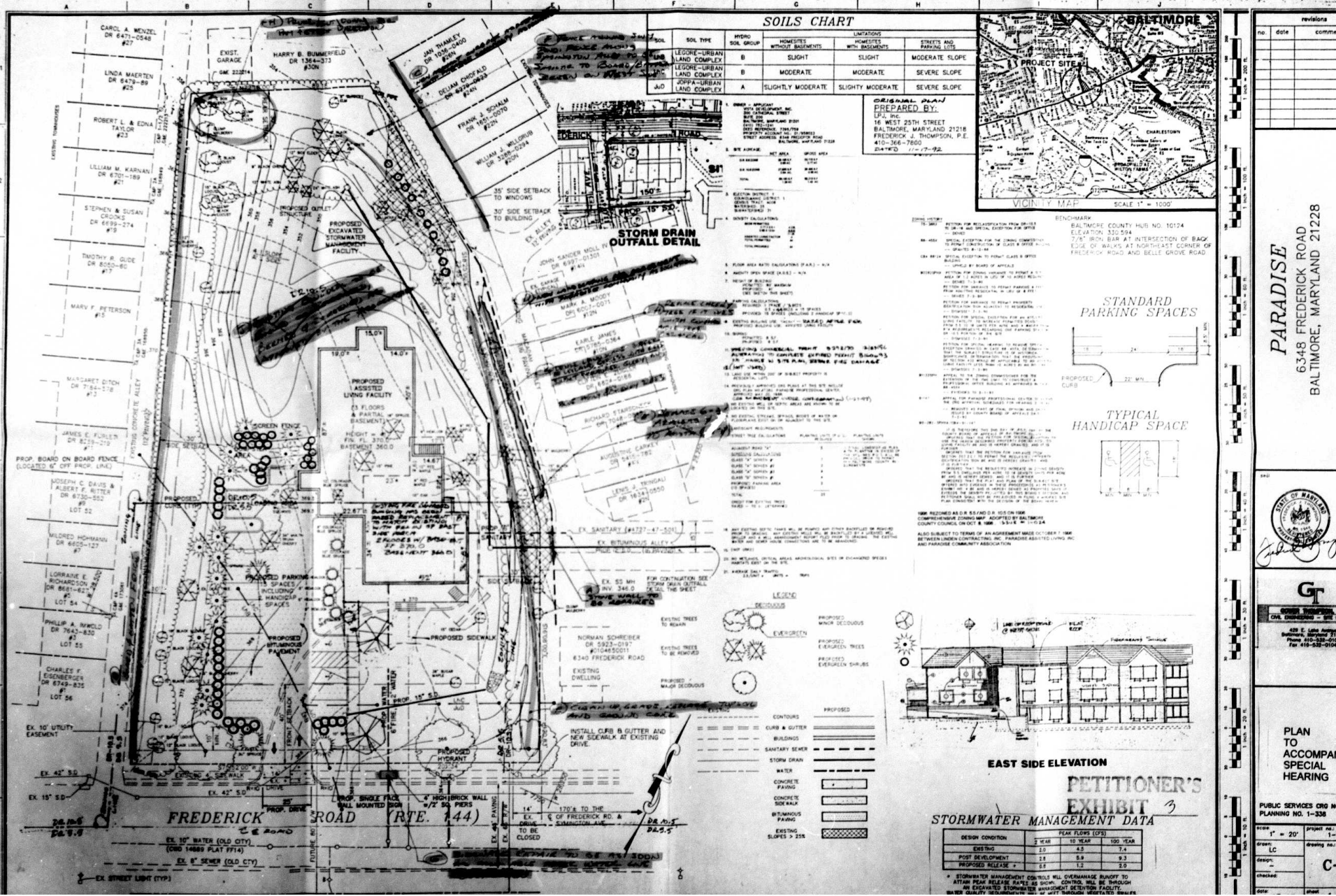
**SECOND
MODIFIED HEARING
PLAN TO
ACCOMPANY
SPECIAL
EXCEPTION/
SPECIAL HEARING
AND ZONING
VARIANCE
DECISION DATED
JULY 2, 1992**

PROPERTY ADDRESS
6348 FREDERICK RD.

scale: 1" = 20' project no.: 1-01134

C-1

7-29-92



revisions		
no	date	comm

PARADISE
6348 FREDERICK ROAD
BALTIMORE, MARYLAND 21228



City of Baltimore
Office of the Mayor
400 E. Light Avenue
Baltimore, Maryland 21202
Phone: 410-396-3000
Fax: 410-396-0100

PLAN TO
ACCOMPLISH
SPECIAL
HEARING

PUBLIC SERVICES ORG M
PLANNING NO. 1-338

scale: 1" = 20'	project no:
drawn: LC	drawing no:
design: -	
checked: -	
date: -	sheet: C