IN THE MATTER OF
THE APPLICATION OF
303 N ROLLING ROAD PARTNERSHIP
FOR A SPECIAL HEARING ON PROPERTY
LOCATED ON THE E/S ROLLING ROAD,
360' S OF ALTAVUE ROAD
(303 NORTH ROLLING ROAD)

1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT * BEFORE THE

* COUNTY BOARD OF APPEALS

* OF

BALTIMORE COUNTY

* CASE NO. 99-481-SPH

ORDER OF DISMISSAL

This matter comes to this Board by way of an appeal filed by Matthew C. Decker, Petitioner, from an Order of the Zoning Commissioner dated August 30, 1999 in which the subject Petition for Special Hearing was denied.

WHEREAS, the Board is in receipt of a notice of withdrawal of appeal dated April 26, 2000 filed by Michael Gisriel, Esquire, Counsel for 303 N. Rolling Road Partnership and Matthew Decker, Appellant /Petitioner (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel on behalf of Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of April 26, 2000;

IT IS ORDERED this ______ day of _______, 2000 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 99-481-SPH be and the same is hereby **DISMISSED**.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Charles L. Marks

Thomas P. Melvin

Lynn Barranger

Law Offices

FOARD, GISRIEL & O'BRIEN, L.L.(

15 East Chesapeake Avenue Towson, Maryland 21286 Fax 410-821-7740 W. Thomas Gisrle Michael Gisriel, P.A. 410-296-1440 Of Counsel L(r) PLEASE DELIVER THE FOLLOWING PAGE(S) TO: Ú) NAME: O Michael Gisriel, Esquire FROM S 0 TOTAL NUMBER OF PAGES, INCLUDING THIS PAGE: 00 WAD - CM 26, 2000 DATE: OUR TELECOPIER TELEPHONE NUMBER IS 410-821-7740 TELECOPY SENT TO TELEPHONE NUMBER: 40-887-3/87 IF YOU DO NOT RECEIVE ALL PAGES OR HAVE ANY PROBLEM WITH RECEIVING PLEASE CALL MARY AT 410-296-1440. MESSAGET TRE Considered 3030 Parling + most - Meaning Mithdraws 1ts Appeal.
- Please CANCEL Heaving released for 5/2+5/3 + NETO, I when the Auto, ... HARD COPY TO FOLLOW: Yes_____ No X CONFIDENTIALITY NOTICE

The information in this transmission is intended only for the individual or entity fiame above. It may be legally privileged and confidential. If you have received this information in error, please notify us immediately and send the original transmission to us by mai Return postage is guaranteed. If the reader of this message is not the intended recipien you are hereby notified that any disclosure, dissemination, distribution or copying of the communication or its contents is strictly prohibited.

- Tell Robert Con 303 N. Robbin Red



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

May 5, 2000

Michael Gisriel, Esquire FOARD, GISRIEL & O'BRIEN 15 East Chesapeake Avenue Towson, MD 21286

RE: In the Matter of 303 N. Rolling Road Partnership Case No. 99-481-SPH

Dear Mr. Gisriel:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Charlotte & Lackely for Kathleen C. Bianco
Administrator

Enclosure

cc: Matthew C. Decker /
303 N. Rolling Road Partnership

Ann Marie Moneta
Marie & Phil Rogers
Frederick B. Cascio

Cathy Sidlowski

Patrice Dincan

Carol Dowdle

Mary & Wells Obrecht

K. Kirby Spencer

Chris Brennan

Francis A. Miller

People's Counsel for Baltimore County

Pat Keller, Director /Planning

Lawrence E. Schmidt /Z.C.

Arnold Jablon, Director /PDM

Virginia W. Barnhart, County Attorney

CRIDER REGENEDAR FILING Date

By IN RE: PETITION FOR SPECIAL HEARING E/S Rolling Road, 360' S of Altavue Road

(303 North Rolling Road)

1st Election District

1st Councilmanic District

303 North Rolling Road Partnership Petitioner

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 99-481-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, 303 North Rolling Road Partnership, by Matthew C. Decker, Partner, through their attorney, Michael K. Decker, Esquire. The Petitioner seeks approval of the conversion of an existing building on the subject property to a Class "A" Assisted Living Facility. The subject property and relief sought are more particularly described on the site plan submitted, which also depicts the subdivision of the subject property, formerly known as the Grimes Property, and was accepted into evidence and marked as Petitioner's Exhibit 1N.

Appearing at the requisite public hearing held in this case were Matthew Decker and his wife, Margaret Decker, Principals of the 303 North Rolling Road Partnership, owners of the subject property, and their attorneys, Michael K. Decker, Esquire, and Michael Gisriel, Esquire. Also appearing in support of the request were Anne Marie Moneta, Carol Dowdle, Phil and Marie Rogers, and Wells and Mary Obrecht. Appearing in opposition to the request were Frederick B. Cascio, K. Kirby Spencer, Cathy Sidlowski, and Chris Brennan.

Turning first to a physical description of the property, it is to be noted that the subject site is roughly rectangular in shape, and consists of a gross area of 1.36 acres, more or less, zoned D.R.2. The property is located on the north side of Rolling Road in Catonsville, adjacent to the publicly-owned property known as the Catonsville Park. The property is located in a residential area which includes both apartments and single family dwellings. The building which is the

subject of this request is located on a lot which was previously part of a larger tract, known as the Grimes Property, which was subdivided to create three lots. The lot under consideration in the instant case is now known as Lot 1, which immediately abuts Rolling Road, and is improved with a large, two and one-half story frame structure that is presently being used as a home for the elderly. Lot 2 is located to the rear of Lot 1 and is 1 acre in area. Lot 2 is improved with a one and one-half story frame dwelling, which is occupied by Matthew C. and Margaret Decker, owners of the overall tract. Lot 3 is located to the extreme rear of the site and contains .62 acres in area. Lot 3 is presently unimproved.

By way of background, this property was the subject of a Hearing Officer's Hearing before the Deputy Zoning Commissioner, Timothy M. Kotroco, on April 4, 1995. In that case, the Deckers were granted development plan approval for the resubdivision of Lots 1 and 2 of the Grimes Property to create four (4) single family lots, by Order dated April 6, 1995. However, that subdivision was never realized.

In the latter part of 1994, the 303 North Rolling Road Partnership was formed between Mr. Decker and Mr. Richard Ainsworth, an individual who had experience as an owner/operator of an assisted living facility for the elderly. In January 1995, without benefit of the requisite zoning approvals and/or permits, the Partnership began to renovate the building on Lot 1 of the subject property, and advertised the structure as the Parkside Assisted Living Facility. Ultimately, the Partnership applied, after the fact, for special exception approval for a Class "B" Assisted Living Facility, to house a maximum of 15 senior residents. Additionally, a series of zoning variances were requested. That matter came in for public hearing before this Zoning Commissioner under Case No. 96-507-XA. Following a public hearing on the requests, approval was granted for a Class "B" Assisted Living Facility by way of my Findings of Fact and Conclusions of Law and Order dated July 31, 1996. However, relief was conditioned upon the Petitioner acquiring all necessary permits for the completed/proposed improvements or renovations to the property as more fully set forth in that Order. That is, it was not the intention of this Zoning Commissioner to

reward the Applicants for their acts which were done without benefit of permits or approvals, but to require the Petitioners to obtain all of those necessary approvals, albeit after the fact.

The Protestants who appeared at that hearing were apparently dissatisfied with my decision. They filed an appeal of my Order to the County Board of Appeals. Following a de novo hearing, the Board issued its Opinion and Order on June 4, 1997. The Board denied both the Petition for Special Exception and the Petition for Variance. Thus, at that time, the Petitioners were in the rather uncomfortable position of having significantly renovated the property and actually operated same as an assisted living facility, without the necessary government approvals. The applicants took the risk of believing that my Order would not be reversed, a decision which, in hindsight, has placed them in a difficult situation. Subsequent appeals of the County Board of Appeals' decision were unsuccessful at the Circuit Court level and an appeal to the Court of Special Appeals was ultimately dismissed by the Petitioners.

With that background in place, it is clear that the Petitioners cannot now operate a Class "B" Assisted Living Facility on the subject property. The principles of res judicata bar the operation of such a facility. (See generally, <u>Board of County Commissioners v. Racine</u>, 24 Md. App. 435 (1975)). The decision of the Board of Appeals, as affirmed by the Circuit Court, represents a final judicial order on that issue.

An assisted living facility is defined in Section 101 of the B.C.Z.R. as "A building, or section of a building, or a residence that provides: 1) a residential environment assisted by congregate meals, housekeeping and personal services for a person 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, or mobility, and for persons regardless of age, who have physical or developmental disabilities; or, 2) three daily meals in a family setting, housekeeping and personal services, such as assistance with bathing, dressing, or laundry, for no more than 15 persons 62 years of age or older, and which satisfies and complies with Section 432 of these regulations." The definition also requires that the facility be certified or licensed by the Maryland Office on Aging, as required by the Code of Maryland Regulations.

The definition goes on to provide that where such services are located in a converted dwelling or other building that has <u>not</u> been enlarged to accommodate the facility by more than 25% of the ground floor area within a period of five (5) years prior to the date of application, it shall be referred to as a Class "A" Facility. The regulations also provide that where such services are located in a new building constructed for that purpose, or in a dwelling or other building which has been enlarged to accommodate the facility by 25% or more of ground floor area within a period of five (5) years prior to the date of the application, the use is considered a Class "B" Assisted Living Facility.

At the hearing before me in the instant case, substantial testimony was offered regarding the history of this property and use of the site, as outlined above, particularly emphasizing the area of the original building and the improvements thereto. The Petitioners submitted a booklet (identified as Petitioner's Exhibit 1) which contains photographs and floor plans of the property depicting improvements which have been made by the Petitioners to the structure. In my judgment, it is abundantly clear that these renovations, by definition, render the subject property as a Class "B" Assisted Living Facility, operating (albeit) illegally. That is, it is clear that the improvements to the structure exceed in size more than 25% of the original ground floor area of the building. In other words, these Applicants, through their improvements to the property, have created a structure which is unquestionably, by definition, a Class "B" Assisted Living Facility in view of its current size. No matter how creative the approach to what constitutes the original ground floor area, nor how the proposed additions are measured, this building is a Class "B" structure. As such, it is illegal, based upon the ruling of the County Board of Appeals, as affirmed by the Circuit Court.

However, in an attempt to "save" the legality of this use, the Petitioners now come before me with a unique argument. The Petitioners propose to block off parts of this structure so that same are not used in connection with the Assisted Living Facility. It is argued that by employing this approach, the Petitioners can actually reduce the size of the facility <u>itself</u> to an area less than 125% of the original ground floor area. If this argument is approved, the Applicants

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MADER RECEIVED FOR FILING

argue that the facility can be defined as a Class "A" Facility, and thus, permitted by a use permit, as opposed to special exception, pursuant to Section 432.1.A.3 of the B.C.Z.R.

Although I admire the Applicants' ingenuity, I reject their argument. It is clear, in my judgment, that the spirit and intent of the regulations requires a consideration of the mass and area of any proposed building in defining Class A or B facilities. I believe the drafters of the B.C.Z.R., in distinguishing between Class "A" and Class "B" facilities, require an examination of the size and mass of the structure at issue. If the Petitioners' approach were adopted, one could build a structure several times larger than the ground floor area of the original building, and still meet the Class "A" definition, if only a portion of the structure were used for elderly housing. That approach is at odds with what is a reasonable interpretation of the words used in the definition of an Assisted Living Facility in Section 101 of the B.C.Z.R. As has been frequently stated, it is the cardinal rule of statutory construction to determine the intent of the drafters (legislature) of the regulation. (See Germenko, et al., v Public Service Commission, 226 Md. 295 (1691).

Based upon a fair reading of the language in both Sections 101 and 432, I simply cannot adopt the Applicants' approach. Moreover, the Petitioners are not saved by any claim of undue hardship upon them by this interpretation of the regulation. Although the Zoning Commissioner cannot "do equity", such a request would also fail on its merits. The Petitioners in this case moved forward and developed the property without obtaining the requisite permits and governmental approvals. Only when threatened with sanctions did they apply for the special exception. Moreover, they were clearly advised of the ramifications and possibilities of any appeal of my original decision. They were aware that same could be reversed on appeal to the County Board of Appeals. Nonetheless, they continued to move ahead, expending resources and efforts to develop the property. Thus, it is clear that the Petitioners took a risk and that their gamble has failed. They are barred from operating this site as a Class "B" Assisted Living Facility, pursuant to the prior Order of the County Board of Appeals, as affirmed by the Circuit Court, and cannot operate the facility as a Class "A" facility, in that, by definition, this facility is not.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the special hearing request shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30 day of August, 1999 that the Petition for Special Hearing seeking approval of the conversion of the existing building on the subject property to conform to a Class "A" Assisted Living Facility, in accordance with Petitioner's Exhibit 11, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall have ninety (90) days from the date of this Order to cease operating an assisted living facility on the premises; and,

IT IS FURTHER ORDERED that any appeal of this decision must be filed within thirty (30) days of the date of this Order.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	303	N. Rol	LING	ROAD
which is	presently	y zoned _	D.B.	2

This Petition shall be filed with the Department of Permits and 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

The proposed conversion to building to conform with B.C.-Z.R. C.LASS "A" (Assisted Living Facility)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

1	zoning regulations and restrictions of Baltimore County adopted	ed 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:	<u>Legal Owner(s):</u>
	Name Type or Drint	North Type of Print
	Name - Type or Print	Name - Type or Print
!	Signature	Signature
!	Address Telephone No	Name - Type or Print Name - Type or Print
1	City State Zip Code	e Signature
1	Attorney For Petitioner:	303 N. ROLLING ROAD 410-747-4830
	zarazania janaza a varan seria	Address Telephone No.
	MICHAEL K. DECKER	Catonieville MD 21222
1	Name - Type or Print Signature Signature	City State Zip Code Representative to be Contacted:
	MICHAEL K. DECKER, 1959	MATT DECILIER
: 6 61%	Company	Name (410)
	305 N. QULLING Rund 410-747-4830	305 N. ROLLING ROAD 747-4830
1 5 mag	Address Telephone No.	
	dity State Zip Code	
200	State Zip Code	City State Zip Code
		OFFICE USE ONLY
		<i></i>
i iū		ESTIMATED LENGTH OF HEARING 41465
	Case No. 99-481-5PH	UNAVAILABLE FOR HEARING
		11
A.		Reviewed By JL Date 5/28/99
	1 <i>RS</i> 1 9/15/98	

181

John C. Mellema, Sr. Inc. 5409 East Dive Baltimore, Maryland 21227 February 17, 1999

DEED DESCRIPTION FOR LOT 1

Beginning for the same on the Eastern edge of a 70 foot ultimate right-of-way for Rolling Road 360 feet more or less from the Southern edge of 50 foot right-of-way for Altavue Road, thence leaving the Eastern edge of Rolling Road and running the following courses.

1- South 70 degrees 40 minutes 29 seconds East for a distance of 215.11 feet.

- 2- South 10 degrees 36 minutes 57 seconds West for a distance of 165.86 feet.
- 3- South 70 degrees 26 minutes 59 seconds East for a distance of 342.00 feet
- 4- North 17 degrees 36 minutes 14 seconds East for a distance of 189.38 feet.
- 5- South 70 degrees 40 minutes 29 seconds East for a distance of 34.02 feet.
- 6- South 17 degrees 36 minutes 14 seconds West for a distance of 219.53 feet.
- 7- North 70 degrees 26 minutes 59 seconds West for a distance of 587.64 feet.
- 8- North 10 degrees 38 minutes 15 seconds East for a distance of 195.36 feet.
- to the place of beginning containg 1.36 acres of land more or less.

Being lot 1 on a plat of resubdivision of Grimes Property intended to be recorded in Baltimore County, Maryland.



CERTIFICATE OF POSTING

4 , * *

RE: CASE # 99-481-SPH
PETITIONER/DEVELOPER:
(303 N. Rolling Rd. Part.)
DATE OF Hearing
(July 21, 1999)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Ave. Towson, Maryland 21204

ATTENTION: MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 303 North Rolling Road Baltimore , Maryland 21228______

The sign(s) were posted on_____ 7-6-99 _____

[Month, Day, Year]



Sincerely,
(1)/ Soldalila
100mg () 1/6/96
(Signature of Sign Poster & Date)
.
Thomas D. Oale, Ca
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
Dalchillore, Marylatid 2 (22 1
(410)-687-8405
(Telephone Number)
(

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

Case: #99-481-SPH 303 North Rolling Road
E/S Rolling Road, 360' +/- S of
Altayue Road
1st Election District
1st Councilmanic District
Legal Owner(s): 303 North
Rolling Road Partnership

Special Hearing: to approve the proposed conversion to building to conform with Class 'A' Assisted Living Facility. Hearing: Wednesday, July 21, 1999 at 2:00 p.m. in Room 407, County Courts Bidg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.
(2) For Information concerning the File and/or Hearing,
Contact the Zoning Review Office at (410) 887-3391.

C322862 7/067 July 1

CERTIFICATE OF PUBLICATION

TOWSON, MD.,, 1999
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 successive
weeks, the first publication appearing on
THE JEFFERSONIAN.
J. WUKM8n_
LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY June 24, 1999 Issue – Jeffersonian

Please forward billing to:

Matt Decker 303 N. Rolling Road Baltimore, MD 21228 410-747-4830

NOTICE OF ZONING HEARING

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

CASE NUMBER: 99-481-SPH
303 North Rolling Road
E/S Rolling Road, 360' +/- S of Altayue Road

1st Election District — 1st Councilmanic District
Legal Owner: 303 North Rolling Road Partnership

Special Hearing to approve the proposed conversion to building to conform with Class "A" Assisted Living Facility.

HEARING: Friday, July 9, 1999 at 9:00 a.m. in Room 407, County Courts Building,

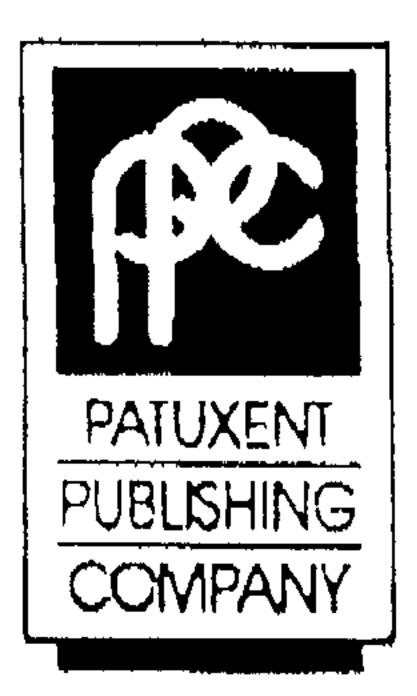
401 Bosley Avenue

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

-awtionica B. Bishnadt

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Towson Office 409 Washington Avenue, Ste. LL Legal Advertising

Ph: 410-337-2425 FAX: 410-825-4278

Susan Ext. 3425
Ellen Ext. 3418
Diane Ext. 3432
Kim Ext. 3512
Kathy Ext. 3417

Ext. 3513

VERIFICATION OF CANCELLATION

Sue

: 107	die Zouise	Hece
(NO.:_		······································
RE:	AD No.	6/341
	Invoice No.	C 321023
	•	CASE # 99-481-SPH
	Amount Owed	#0.00
The ab ease verif	ove ad was tentatively y this cancellation by s	canceled telephoncially on <u>6/8/99</u> . signing below and faxing this form back to us
Your w	vritten verification is ne	ecessary in order to stop charges on this ad.
	S	Signature
•	_	Company

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) 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 (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For News	paper Adve	ertising:					
Item Numb	ber or Case	Number: _	481			······································	<u>.</u>
Petitioner:	303	N. RoL	LING RO	AD PA	CANER	5H 17	
Address o	r Location:	303 N	. Morring t	ROMO,	BALT	MA	2126
PLEASE F	FORWARD	ADVERTISI	NG BILL TO:				
Name:	MATT D	ecker			 	, ,, ···	
			6 ROAD	<u></u>			<u> </u>
	Bau	MD 7	11228				
Telephone	e Number:	410.7	17- 4830			<u>.</u>	

Revised 2/20/98 - SCJ

Case No. 99-481-SPH

303 N. Rolling Road Partnership -LO

E/s Rolling Road, 360' S of Altavue Road (303 North Rolling Road)

1st Election District

YELLOW - CUSTOMER

Appealed: 10/1/99

CASHIER'S VALIDATION

(See attached copy of site plan to acc. petition)

BALTIMORE COUNTY, MARYL DO 18 No. 065380 No. 065380 No. 065380	
DATE 5/28/99, ACCOUNT ROO16/50 AMOUNT \$ 250,00	NY VIVIEND 5/28/1999 OR: AREA VIVIENCE / VIVIENCE IN SECURITIES OF SAME OF THE CALLON OF THE CAL
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FOR:	81-5PH

PINK - AGENCY

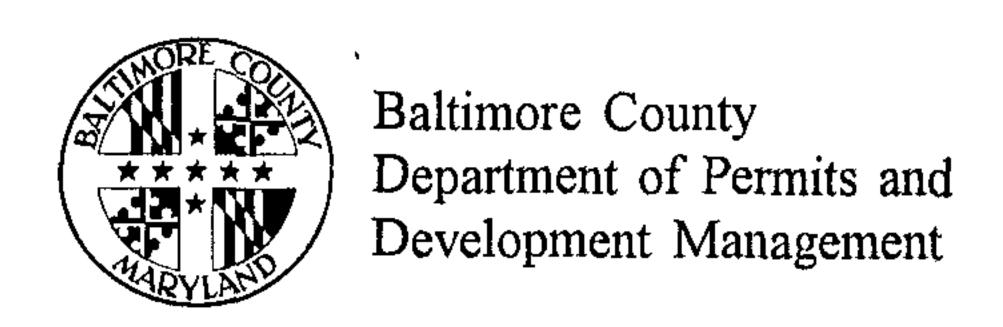
DISTRIBUTION

WHITE - CASHIER

OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 072300 PAID REELING TIME
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FROM: TOURS Muddou	175.00 CK 175.00
FOR: appeal Fe	Le (MOSIGN Lee)
GG-481-	SPH
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOME	ER CASHIER'S VALIDATION
BALTIMORE COUNTY, MARYLAND	NO. 31 HOURS BUT has not see that
	No. 072293 FAID RECEIPT PROCESS ACTUAL TIME 1/25/1999 10/22/1999 15:59:50
BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DATE 10/22/99 ACCOUNT AMOUNT \$ 3	No. 072293 PAID RECEIPT PROCESS ACTUAL TIME 1/25/1999 10/22/1999 15:59:50 REG WS04 CASHIER JKAR JLK DRAWER DRAFT 5 528 ZONING VERTIFICATION RECEIPT # 099928 CR NO. 072293
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CERTIFICATE OF COSTING

•	RE: Case No.: 99-48/-5PH
	Petitioner/Developer:
	303 NOROLLING ROS PARTNER SHIP-L
	Date of Hearing/Closing:
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
This letter is to certify under the penalties	of perjury that the necessary sign(s) required by law
were posted conspicuously on the proper	
303 N. ROLLING RO.	
	·
The sign(s) were posted on	12/13/99 Reposted 1/6/60. (Month, Day, Year)
	(MONTH, Day, rom)
	Sincerely,
T/c from	(Signature of Sign Poster and Date)
neighbor that	GARY C. FREUND (Printed Name)
Sigs was removed -	(Linner interior)
Repost request	(Address)
to inspector Fremo	· · · · · · · · · · · · · · · · · · ·
1-5-00	(City, State, Zip Code)
	(Telephone Number)
9/96 cert.doc	



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

June 10, 1999

NOTICE OF ZONING HEARING

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

CASE NUMBER: 99-481-SPH

303 North Rolling Road

E/S Rolling Road, 360' +/- S of Altavue Road

1st Election District – 1st Councilmanic District

Legal Owner: 303 North Rolling Road Partnership

Special Hearing to approve the proposed conversion to building to conform with Class "A" Assisted Living Facility.

HEARING: Friday, July 9, 1999 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon Director

c: Michael K. Decker, Esquire 303 North Rolling Road Partnership Matt Decker

Bell Jaken

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JUNE 24, 1999.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

APPEAL

Petition for Special Hearing 303 North Rolling Road E/S Rolling Road, 360' S of Altavue Road 1ST Election District – 1ST Councilmanic District 303 N. Rolling Road Partnership - Legal Owner

Case Number: 99-481-SPH

```
Petition for Special Hearing
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Description of Property

Certificate of Posting (7/6/99 by Thomas P. Ogle, Sr.)

Certification of Publication (7/1/99 – Jeffersonian)

Entry of Appearance by People's Counsel (6/23/99)

Citizen Sign-In Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibits:

MOTE EX. # IN
Booklet Regarding Property (Pet. Exch. # 1 1A > 1Q -- IS SITE PUN REFERENCE

200' Scale Photographic Map (SW 2-G) dated 1/86

NOTE EX. # IN
IS SITE PUN REFERENCE

TO IN ZC ORDER

Misc. (Not Marked as Exhibits):

1. 12/22/97 - Letter from John Lewis, Planner II, Zoning Review to Michael Gisriel, Esquire

1/21/99 – Letter from John Lewis, Planner II, Zoning Review to Matt Decker

3/3/399 - Letter from Arnold Jablon, Director to Michael Decker, Esquire

√4. 5/20/99 – Request for Review and Clarification of Final Order of the Code Official from Michael Decker, Esquire

5, 5/20/99 - Minor Subdivision of Resubdivision of Grimes Property

6. 5/23/99 - Floor Plans for 303 N. Rolling Road

方。5/28/99 - Memo from W. Carl Richards, Jr. & John Lewis, Zoning Review to Hearing Officer

√8. 5/28/99 – Memo from Arnold Jablon, Director to Zoning Commissioner

9. 6/10/99 – Notice of Zoning Hearing

رم 10م6/16/99 – Faxed Letter from Michael Decker, Esquire to Arnold Jablon, Director

-11.6/18/99 - Letter from Michael Gisriel, Esquire to PDM

√12.6/18/99 – Postponement Letter

√13.6/21/99 - Memo from James H. Thompson, Code Enforcement Supervisor, to Larry E.

Schmidt, Zoning Commissioner

√14.7/16/99 - Letter from Thomas McGee, President of American Touresorts, Inc. to Lawrence

Schmidt, Hearing Officer

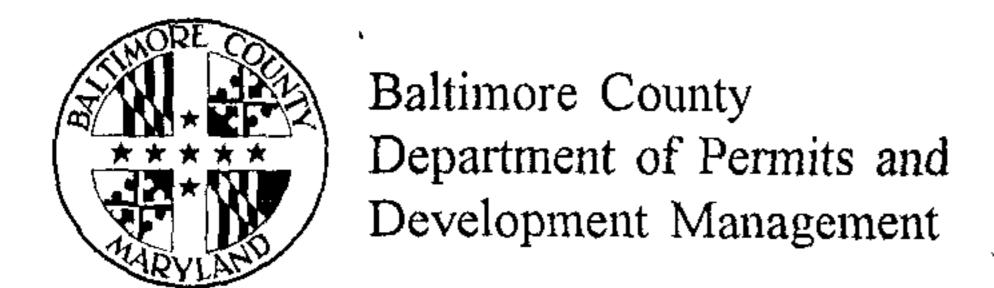
√15.7/19/99 - Letter from Mark Clark and Kelly Chullin-Clark to Lawrence Schmidt, Zoning Commissioner

Zoning Commissioner's Order dated 8/30/99 (denied)

Notice of Appeal received on 10/1/99 from Matthew C. Decker

Matthew C. Decker, 303 N. Rolling Road Partnership, 303 N Rolling Road, Catonsville, MD 21228 Michael Decker, Esquire, 305 N. Rolling Road, Catonsville, MD 21228 Michael Gisriel, Esquire, 15 E. Chesapeake Avenue, Towson, MD 21204 Ann Marie Moneta, 9906 Dolby Avenue, Glen Dale, MD 20769 Carol Dowdle, 108 S. Moreick Avenue, Catonsville, MD 21228 Mr. & Mrs. Phil Rogers, 11803 Chantilly Lane, Mitchelville, MD 20716 Frederick B. Cascio, 217 N. Rolling Road, Catonsville, MD 21228 K. Kirby Spencer, 11 N. Beechwood Avenue, Catonsville, MD 21228 Cathy Sidlowski, 1301 Summit Avenue, Catonsville, MD 21228 Chris Brennan, 102 Rosewood Avenue, Catonsville, MD 21228 People's Counsel for Baltimore County Lawrence Schmidt, Zoning Commissioner Arnold Jablon, Director of PDM

Add to file: Mr. Francis A. Miller 825 Fairway Avenue 21228 Catonsville, MD Phone: 410-747-3916



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 2, 1999

Michael K. Decker, Esq. 305 N. Rolling Road Baltimore, MD 21228

Dear Mr. Decker:

RE: Case No.: 99-481-SPH, Petitioner: 303 N. Rolling Road Partership

Location: 303 N. Rolling Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on May 28, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. Zoning Supervisor

Zoning Supervisor Zoning Review

WCR:ggs

Enclosures

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: June 16, 1999

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for June 14, 1999

Item No. 481

The Bureau of Development Plans Review has reviewed the subject zoning item. See Grimes Property, Z.A.D.M. file number I-393, off-site right-of-way must be addressed. See file number RW92-016.

RWB:HJO:jrb

cc: File

RECEIVED JUN 2 1 1999



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

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

RE: Property Owner: SOUNG O. YOO & FRED C. YOO- 470 EVA MACRIS AND SARANDOS MACRIS - 473 305 NORTH ROLLING ROAD PARTNERSHIP - 481

Location: DISTRIBUTION MEETING OF JUNE 7, 1999

Item No.: 470, 473, AND

D (481)

¿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.

- 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

RECEIVED JUN 2 1 (3.1)



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date: 6.4.99

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204 RE: Baltimore County

Item No. 48/

JLL

Dear. Ms Stephens:

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 affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Michael M. Lenhart, Chief

Engineering Access Permits Division

Mal

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

303 N. Rolling Road



Item Number: 481

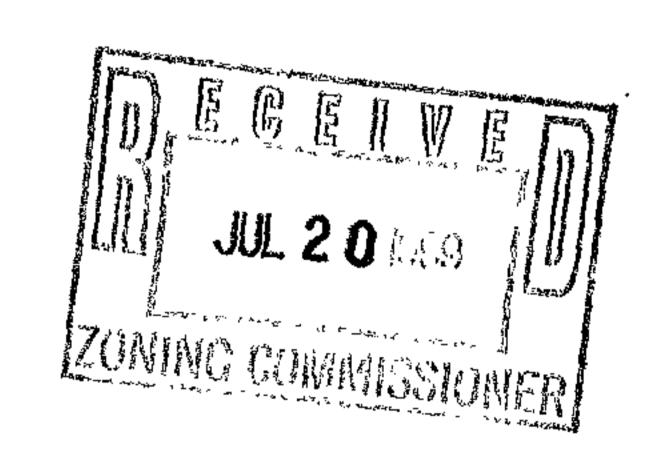
Petitioner: 303

303 N. Rolling Road Partnership

Property Size: 1.36 acres
Zoning: DR 2

Requested Action:

Hearing Date: July 21, 1999



DATE: July 20, 1999

In the opinion of this office, the property in question, 303 N. Rolling Road has been utilized as a Class B Assisted Living facility without benefit of Special Exception. The major addition to the Class A building was added in 1995 without benefit of proper building permits. The resultant building has a bulk and mass that is not in keeping with the character of the area. Zoning review staff, John Lewis has determined that the total area of the new construction of the 1st, 2nd and 3rd floors is a minimum of 112% larger than the permitted building area increase.

The property has an extensive zoning history which is partially noted on the plan. Note the Code enforcement case numbers Citation No. 98-3405 &98-3405 and outcome on the plan. The following note on the plan is in error and must be removed. It states "This building has not been originally constructed to accommadate (sic) elderly housing or an assisted living facility. No reconstruction, relocation, (exterior) changes or additions (of 25% or more in ground floor area) to the exterior of the building (beyond the enclosure of a porch or the addition of an exterior stairway) have occurred within five years of the date of this permit application."

SUMMARY OF RECOMMENDATIONS:

This office concurs with the May 28, 1999 memo from Arnold Jablon. The petitioner should comply with the Circuit Court order in Case No. C97-6654 and the Code Official's order Case No. 98-3405 &98-3405A. The addition should be removed as it exceeds the maximum allowed floor area expansion and is out of scale with the bulk and mass of other residences in the immediate area. The request for Special Hearing should be denied.

Section	Chief:

AFK:

Jeffy M' L'3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE:

June 21, 1999

TO:

Larry E. Schmidt

Zoning Commissioner

FROM:

James H. Thompson - MJ

Code Enforcement Supervisor

SUBJECT: ITEM NO.:

PETITIONER:

VIOLATION CASE NO.:

98-3405

LOCATION OF VIOLATION:

303 North Rolling Road

11th Election District

DEFENDANT(S):

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

<u>NAME</u> **ADDRESS**

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/mj/lmh

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

December 22, 1997

Michael Gisriel, Esquire Bouland, Gisriel & Brush, LLC 201 N. Charles Street, Suite 2400 Baltimore, MD 21201-4105

RE: Zoning Verification
303 North Rolling Road
Parkside Assisted Living Facility
1st Election District

Dear Mr. Gisriel:

This is a response to your letter of December 12, 1997 concerning application proposed for a Class "A" Assisted Living Facility (ALF) use permit for the above location.

Currently the use is not a Class "A" ALF. This use permit approval had been rescinded as stated in a prior letter from this office.

The special exception, as granted by the zoning commissioner, for a Class "B" ALF (now under appeal) currently authorizes this Class "B" ALF.

Concerning the points of discussion from our last two meetings and based on provided information at these meetings, I am responding to your letter in the order provided.

1. Density - Under existing Baltimore County Zoning Regulations (BCZR), Section 432.5A, Parkside located at 303 N. Rolling Road is zoned D.R.-2; therefore, under this section, Parkside would be allowed to keep the aforesaid fifteen (15) senior residents at the facility under Class "A" if the total land area of Parkside could be 1.272 acres and all other Class "A" standards are met. It is understood that Parkside has the ability to accomplish this by an adjustment to the existing lot size of Parkside from Mat Decker's adjacent parcel of approximately 2 +/- acres. Parkside can accomplish this lot size by a deed transfer from Matt Decker to Parkside and an adjustment and a refinement of the existing development plan, which would, of course, have to go before Baltimore County Development Review Committee (DRC) for approval.

Michael Gisriel, Esquire December 22, 1997 Page 2

> Section 432.5B1C2 of the BCZR states that to remain a Class "A" ALF that an existing building can be expanded up to 24.99% of the total ground floor area or footprint of the existing ground floor as it existed 5 years before the original Class "A" ALF application. The use of existing (5 year old) open porches to add to this use area calculation is being evaluated by the Office of Planning and Community Conservation (OPCC) staff and this office. The engineer for 303 N. Rolling Road (Parkside) has concluded that the original ground floor area inclusive of the open porches contained 2,528 square feet. Thus, according to Section 432.5B1C2 of the BCZR, the building at Parkside can be expanded an additional 630 square feet, if this figure utilizing said porches is accurate and is accepted by zoning and OPCC staff. I must advise you that a preliminary review of this question of open porches counting for ground floor area was not accepted by Ms. Diana Itter, the area planner in OPCC for this location.

It should be noted that part of the original ground floor area has been razed to build the addition. The total ground area replaced by the addition is 174 feet, which should be credited back to Parkside, if not part of an pre-existing open porch (which, as stated, is still under review). Also, the first floor addition, without the stairwell, contains 487 square feet while the elevator shaft has 24.43 square feet. The total of the first floor addition and the elevator contains 511.43 square feet. Thus, after factoring in all of the above, it appears that the remaining balance of net expandable area is 292.57 square feet. As discussed, this is all subject to further review involving sealed plans and certain required information as discussed and listed on a provided hand written copy at our last meeting.

3. It would be helpful if we could all agree that certain areas, such as the basement and attic, would or would not count against the additional square footage allowed. For instance, we are considering if these and other accessory areas would be made "not habitable", e.g., less than 6 feet of headroom and would not be used by the residents or would be used only as storage. How should we resolve this is still being reviewed. Maybe we can mutually agree to certain definitions of "habitable area" or "accommodate the use", e.g., a covered porch open to the elements would not count as habitable; or in the alternative, you could go to Arnold Jablon or ever a Zoning Commissioner's hearing for guidance. I will take this question up with the OPCC and zoning review staff.

Michael Gisriel, Esquire December 22, 1997 Page 3

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

John L. Lewis
Planner II
Zoning Review

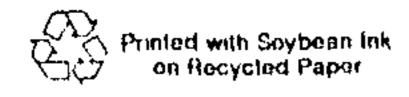
JLL:rye

c: 303 N. Rolling Road ALF

Enclosure

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
- Michael Colsnice Atty	15 E. Cheren Rodus
	Tourson Zul - 21286
	(+el 410-276-1440)
- Mike Dicker, Esq.	305 N. Rouns ed
	Catonsville, MD 21228
- MATT DECKER	303 N. ROLLING Rd
	Catonsville i MD 21228
Anne Marie Moneta	9906 Dolby Avenue
	Glenn Dale, MD 20769
Margaret Decker	305 North Rolling Rd.
······································	Catonsville, MD 21228
Carol Dowdle	108 50. MORERICK Ave
·	Catonsville, md. 2/228
Marie Rogers + Phil Rogers	11803 Chantilly lane
	Mitchellville, MD 2076
Mary Obrecht	509 Edgevale
	Battimore, MD
Wells Obrecht	509 Edgevale
**************************************	Baltimore MD
PERSAUD & DECKER ATTORNEYS AT LAW A Partnership, Including Professional Associations	——————————————————————————————————————
MICHAEL K. DECKER, ESQ.	MICHAEL GISRIEL, P.A.
} 	PRICHARD GISKIRD, I'A.
Suite 300 Coral Gables, FL 33146 Tel. 305-665-3604 Fax 305-661-8305 mkdecker@earthlink.net	FOARD & GISRIEL, L.I., C. ATTORNEYS AT LAW 410-296-1440 15 EAST CHESAPEAKE AVENUE Towson, Maryland 21286 Fax: 410-821-7740 mgisriel@aol.com



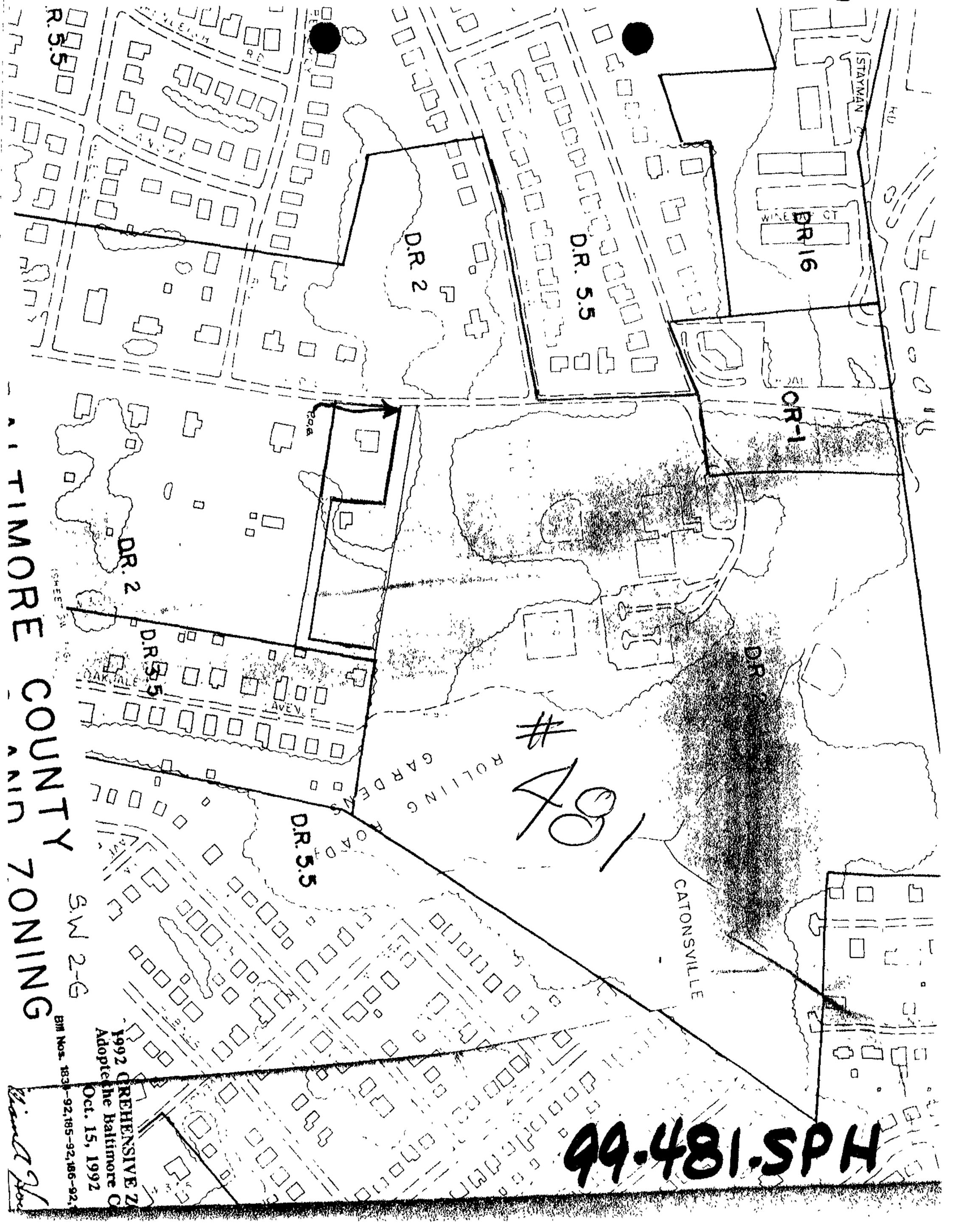
CITIZEN SIGN-IN SHEET

NAME	ADDRESS CATOUSUI //e
FREDERICK B. CASCIO	217 N. Rolling ROAD MD 21228
MEDERICIC D. CASTO	11 N. Beechwood Ave "
K. Killey Spencer	
CATHY SIDLOWSKI	1301 Summit Auz 11
Chris Brennan	102 Rosewood Ave.
Papice Discar	Catonsville Tines 257 Frederick
Tan ree first an	21228

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director DATE: November 6, 2000

Permits & Development Management

FROM:

Charlotte E. Radcliffe County Board of Appeals

SUBJECT: Closed Files (7):

99-390-XA /Baltimore Gas & Electric Co.-LO

The Westmoreland Co., Inc. -CP

99-481-SPH /303 N. Rolling Road Partnership

99-525-A /Lori Mercer

00-003-A /Thomas A. Reed

00-035-A /Pamela & William Parsons 00-057-A /Pamela & Carl Steele, Sr.

00-181-SPH /Koinonia Partnership (Gramercy)

Since no further action was taken in the above captioned cases, we are hereby closing the files and returning same to you herewith.

Attachment - (7-CBA Case Files)

Case No. 99-481-SPH

SPH -To approve conversion of existing building on subject property to a Class "A" Assisted Living Facility.

303 N. ROLLING RD PARTNERSHIP

8/30/99 -Z.C.'s decision in which Petition for Special Hearing was DENIED.

2/07/2000 - Notice of Assignment for hearing scheduled for Tuesday, May 2, and Wednesday, May 3, 2000 at 10:00 a.m. sent to following:

Matthew C. Decker /303 N. Rolling

Road Partnership

Michael Decker, Esquire Michael Gisriel, Esquire

Ann Marie Moneta

Carol Dowdle

Marie & Phil Rogers Mary & Wells Obrecht

Frederick B. Cascio K. Kirby Spencer

Cathy Sidlowski Chris Brennan

Patrice Dincan Francis A. Miller

People's Counsel for Baltimore County

Pat Keller, Director /Planning

Lawrence E. Schmidt /Z.C.

Arnold Jablon, Director / PDM

Virginia W. Barnhart, County Attorney

^{4/26/00 -}Notice of withdrawal of appeal filed by Michael Gisriel, Esquire, on behalf of Appellant, 303 N Rolling Road Partnership and Matt Decker (via FAX). Order of Dismissal to be issued.

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

FAX: 410-887-3182

Hearing Room -Room 48

Old Courthouse, 400 Washington Avenue

February 7, 2000

opped Halo

NOTICE OF ASSIGNMENT

CASE #: 99-481-SPH

Le grander of IN THE MATTER OF: 303 N ROLLING ROAD PARTNERSHIP Legal Owner /Petitioner 303 North Rolling Road 1st Election District; 1st Councilmanic

(8/30/99 -Decision of the Z.C. in which Petition for Special Hearing was DENIED..)

ASSIGNED FOR:

TUESDAY, MAY 2, 2000 at 10:00 a.m. /Day #1 and WEDNESDAY, MAY 3, 2000 at 10:00 a.m. /Day #2

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

No postponements will/be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

> Kathleen C. Bianco Administrator

cc: Petitioner /Appellant

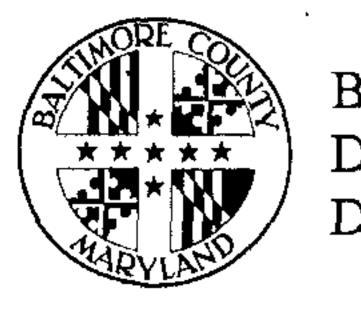
: Matthew C\ Decker /303 N. Rolling Road Partnership

Michael Decker, Esquire Michael Gisriel, Esquire

Ann Marie Moneta Marie & Phil Rogers Frederick B. Cascio Cathy Sidlowski Patrice Dincan

Carol Dowdle Mary & Wells Obrecht K. Kirby Spencer Chris Brennan Francis A. Miller

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney



Baltimore County
Department of Permits and
Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

October 26, 1999

Michael Gisriel, Esquire 15 East Chesapeake Avenue Towson, MD 21286

Dear Mr. Gisriel:

RE: Petition for Special Hearing, Case Number 99-481-SPH, 303 North Rolling Road, 1st Election District:

Please be advised that Matthew C. Decker filed an appeal of the above referenced case in this office on October 1, 1999. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call the Board of Appeals at 410-887-3180.

Sincerely,

Arnold Jablon Director

AJ:scj

C: 303 N. Rolling Road Partnership, 303 N. Rolling Road, Catonsville, MD 21228
Michael Decker, Esquire, 305 N. Rolling Road, Catonsville, MD 21228
Ann Marie Moneta, 9906 Dolby Avenue, Glen Dale, MD 20769
Margaret Decker, 305 N. Rolling Road, Catonsville, MD 21228
Carol Dowdle, 108 So. Morerick Avenue, Catonsville, MD 21228
Marie & Phil Rogers, 11803 Chantilly Lane, Mitchellville, MD 20716
Mary & Wells Obrecht, 509 Edgevale, Baltimore, MD 21228
Michael Decker, Esq., 1450 Madruga Avenue, Ste. 300, Coral Gables, FL 33146
Frederick B. Cascio, 217 N. Rolling Road, Catonsville, MD 21228
K. Kirby Spencer, 11 N. Beechwood Avenue, Catonsville, MD 21228
Cathy Sidlowski, 1301 Summit Avenue, Catonsville, MD 21228
Chris Brennan, 102 Rosewood Avenue, Catonsville, MD 21228
Patrice Dincan, Catonsville Times, 757 Frederick Road, Baltimore, MD 21228
People's Counsel









Matthew C. Decker 305 N. Rolling Road Catonsville, Maryland 21228 (410) 747-4830

September 27, 1999
Baltimore County
Department of Zoning and Development Review
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re:

303 N. Rolling Road Case No. 99-481-SPH

To Whom It May Concern,

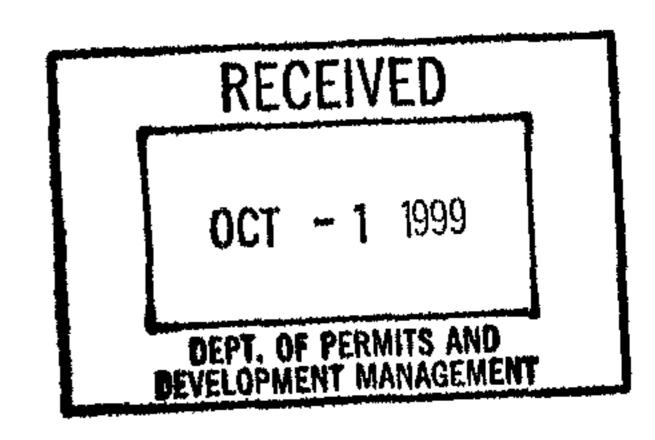
I hereby request a hearing by the County Board of Appeals for the above referenced case. Enclosed is a check for \$175.00.

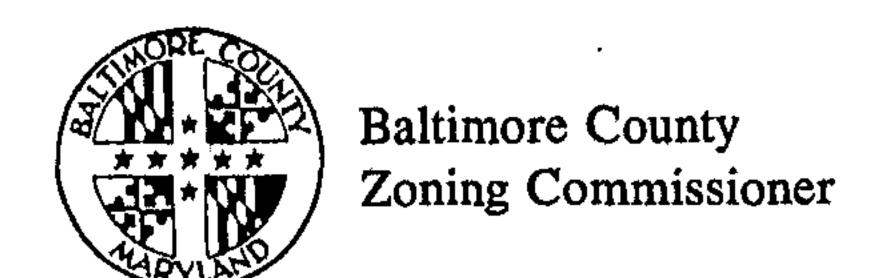
If you have any questions please do not hesitate to contact me.

Respectfully,

Matthew C. Decker

MCD/mr





Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

August 30, 1999

Michael K. Decker, Esquire 305 N. Rolling Road Baltimore, Maryland 21228

RE: PETITIONS FOR SPECIAL HEARING
NE/S Rolling Road, 360' S of Altavue Road
(303 North Rolling Road)

1st Election District – 1st Councilmanic District
303 North Rolling Road Partnership - Petitioners
Case No. 99-481-SPH

Dear Mr. Decker:

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,

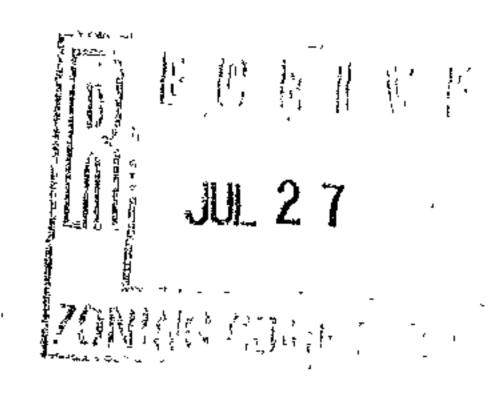
LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

Mr. Frederick B. Cascio, 217 N. Rolling Road, Catonsville, Md. 21228
Mr. K. Kirby Spencer, 11 N. Beechwood Avenue, Catonsville, Md. 21228
Ms. Cathy Sidlowski, 1301 Summit Avenue, Catonsville, Md. 21228
Mr. Chris Brennan, 102 Rosewood Avenue, Catonsville, Md. 21228
Code Enforcement Division, DPDM; People's Counsel; Case File

Mark & Kelly Clark 109 Oella Avenue Oella, Maryland 21228 (410)-750-2290



July 19, 1999

Mr. Lawrence Schmidt Zoning Comissioner for Baltimore Co. 111 W. Chesapeake Ave. Towson, MD 21204

Re: 303 N. Rolling Rd. General Partnership

Dear Mr. Schmidt:

In reference to the Rolling Meadows Assisted Living Facility, we have personally visited this facility and believe any architectural changes would be an undue financial burden on the Decker family as well as uncitely to the facility and surrounding neighborhood. This is a beautifully maintained property that offers those families in Catonsville and other communities the support they need for their loved ones.

We request the continued use of 303 N. Rolling Rd. as an assisted living facility, and to allow Mr. Decker to attain full occupancy at the 15 bed occupancy limit.

We thank you for your time.

Respectfully,

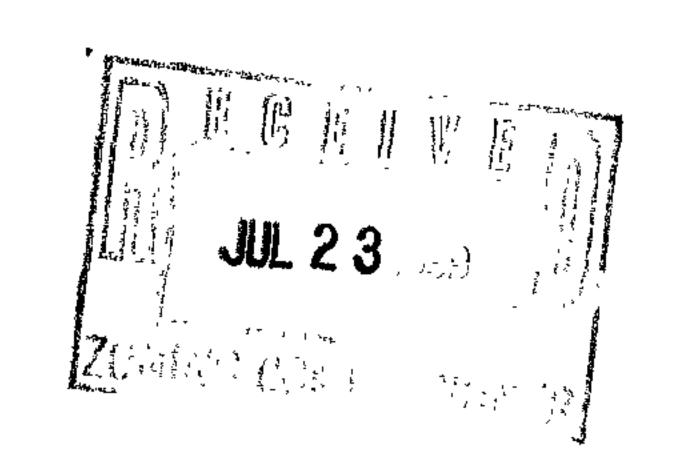
Mark A. Clark & Kelly L. Chullin-Clark, Concerned Citizens

cc: Councilman Moxley

AMERICAN TOURESORTS, INC.

802 INGLESIDE AVENUE BALTIMORE, MARYLAND 21228

Tel: (410) 788-7900 Fax: (410) 788-4467



July 16, 1999

Mr. Lawrence Schmidt Hearing Officer for Baltimore County 111 W. Chesapeake Avenue Towson, Maryland 21204

> RE: 303 N. Rolling Road General Partnership

99-481-5PH

Dear Mr. Schmidt:

American Touresorts, Inc. is the owner of the property known as 301 N. Rolling Road, adjacent to 303 N. Rolling Road.

I am not totally familiar with what building and zoning regulations were violated by the developers of this property. I am, however, most familiar with the outside appearance of the completed building.

This structure has been vastly improved and certainly enhances the surrounding community. I and my tenants are most pleased with this facility and its present operation for assisted living.

I cannot imagine how this property could possibly adversely effect any of its neighbors, the building is far superior in appearance to most of the structures on North Rolling Road, the grounds are well maintained and its operation non-interfering.

Some measure should probably be taken for violating the rules, but losing the facility or causing part of the existing structure to be removed is just plain stupid. Those promulgating of these spiteful measures should consider that this property, which was deteriorating prior to its conversion to assisted living, could now have become the "eye sore" of Catonsville.

Sincerely yours,

AMERICAN TOURESORTS, INC.

Thomas B. McGee

President

TBM:ghc

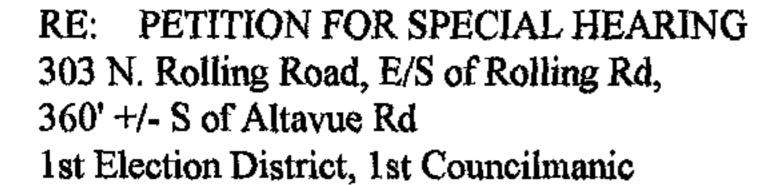
cc: Councilman Samuel Moxley

RECEIVED

JUL 1 9 1999

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT





Legal Owner: 303 N. Rolling Road Partnership Petitioner(s)



- BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- BALTIMORE COUNTY
- * Case No. 99-481-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

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of June, 1999 a copy of the foregoing Entry of

Appearance was mailed to Michael K. Decker, Esq., 305 N. Rolling Road, Baltimore, MD 21228, attorney for Petitioners.

PETER MAX ZIMMERMAN



Baltimore County Department of Permits and Development Management

Director's Office County Office Building III West Chesapeake Avenue Towson, Maryland 21204 (410) 887-3353

Fax: (410) 887-5708

March 2, 1999

Mr. Michael Decker, Esq. 305 N. Rolling Road Baltimore, Maryland 21228

Dear Mr. Decker:

= 	z·2-59	
Post-it* Fax Note 7671	Dato pages	
10 FRED (ASCIO	Prom I'm This you	
Co./Dept.	Co.	
Phone #	Phone #	
FEX#4/4-363-9663	Fax #	

Re: Citation # 98-3405, "Parkside ALF" - 303 North Rolling Road, 1st Election District

I am in receipt of the copy of your letter to James Thompson, of this department.

As a result of your letter, the hearing presently scheduled for March 2, 1999, will be postponed. Please advise this department immediately when you will be available.

Further, the order signed by Judge Brennan does not stay this department from moving forward to enforce the orders of the Board of Appeals and of Judge Brennan to insure that your client, or any subsequent purchaser, brings this property into immediate compliance with the zoning regulations of this county. Specifically, neither the county nor the Department of Permits and Development Management are parties to the case, which was before Judge Brennan. Therefore, we are not subject to the order. For your information, I had agreed at a meeting in Judge Brennan's chambers that I would not take any enforcement action until such time as the appeal to the Court of Special Appeals was finalized. At that meeting, Judge Brennan recognized that the county was not a party and he could not order the county to stay its enforcement proceedings. He did informally ask that we do so until the appeal was over. Principally, the concern was for the elderly residents who would be forced to move. I agreed.

Now that the appeal is over, I will move forward expeditiously to ensure that this property is brought into compliance. Most importantly, I disagree with your assessment that your client "diligently" pursued bringing the property into compliance. In fact, your client has done the opposite. Your client has purposefully, consistently and knowingly violated the law for its own economic well being. Your client must reduce the number of residents immediately and remove all of that which was constructed without a permit, see section 26-120, Baltimore County Code. It is my intent to seek a monetary civil penalty against your client at the rate of \$200.00 per day for each violation from the date the voluntary dismissal of the appeal was filed with the court.

Mr. Michael Decker Page 2 March 2, 1999

In short, these violations have been ongoing much too long, and it is time to stop and comply. In addition, I have directed the Zoning Review Office not to accept a petition for special hearing, which your client had moved to file. Section 26-180, Baltimore County Code, states in relevant part as follows:

"...The county may not process plans or permits for any proposed development if the applicant owns or has any interest in any property located in the county upon which there exists, at the time of the application or during the processing thereof, a violation of the zoning or development regulations of the county."

Your client is also in violation of the county development regulations on the project known as Harlem Lane Property. There has been a failure to resolve issues involving deeds, traffic engineering, and a delinquent over-run.

This department requires immediate compliance.

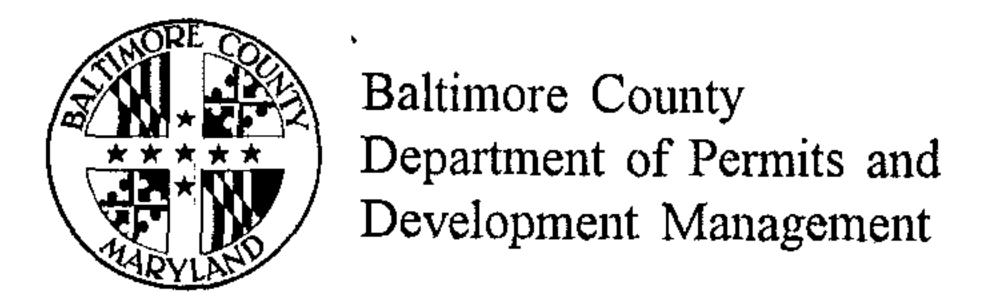
Sincerely,

Arnold Jablon

Director

AJ/cab

c: The Honorable Samuel Moxley, County Council Frederick B. Cascio



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

June 18, 1999

Michael Gisriel, Esquire 15 East Chesapeake Avenue Towson, MD 21286

Dear Mr. Gisriel:

RE: Case Number 99-481-SPH, 303 North Rolling Road

The above matter, previously assigned to be heard on Friday, July 9, 1999 has been postponed at the request of Michael Decker, Esquire, and rescheduled for Wednesday, July 21, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

You are now responsible for affixing the new hearing date and time to the hearing notice sign posted on the property as soon as possible.

If you need further information or have any questions, please do not hesitate to contact Sophia Jennings at 410-887-3391.

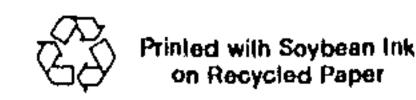
Very truly yours,

Arnold Jablon

Director

AJ:scj

C: Michael K. Decker, Esquire 303 North Rolling Road Partnership Matt Decker



Law Offices

FOARD & GISRIEL, L.L.C.

15 East Chesapeake Avenue Towson, Maryland 21286

Michael Gisriel, P.A.

Fax 410-821-7740 410-296-1440

June 18, 1999

W. Thomas Gisriel
Of Counsel

Baltimore County
Department of Permits and
Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Attn: Ms. Sophia Jennings

Re:

Case No. 99-481-SPH 303 North Rolling Road

E/S Rolling Road, 360' +/- S of Altavue Road

1st Election District - 1st Councilmanic District

Legal Owner: 303 North Rolling Road Partnership

Dear Ms. Jennings:

Please enter my appearance as co-counsel in the above-captioned matter. I understand that the hearing date has been moved to Wednesday, July 21, 1999, at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

Please contact me if you need any additional information. I remain

Very truly yours,

Michael Gisriel

M

Michael Geriel

MG/myj

ce:

Mrr Matt Decker

Michael Decker, Esquire

RECEIVED

JUN 23 1999

DEPT OF PERMITS AND DEVELOPMENT MANAGEMENT

6/21/99

PERSAUD & DECKER

ATTORNEYS AT LAW

A PARTNERSHIP, INCLUDING PROFESSIONAL ASSOCIATIONS

1450 MADRUGA AVENUE, SUITE 300 CORAL GABLES, FLORIDA 33146 TEL: (305) 665-3604 FAX: (305) 661-8305

June 16, 1999

VIA FACSIMILE (410) 887-5708 AND REGULAR MAIL

Arnold Jablon, Director Development Processing County Office Building 111 West Chesapeake Avenue Towson, MD 21204

RE: Case No. 99-481-SPH

303 North Rolling Road

E/S Rolling Road, 360' +/- S of Altavue Road

1st Election District - 1st Councilmanic District

Legal Owner: 303 North Rolling Road Partnership

Dear Mr. Jablon:

I am in receipt of your Notice of Zoning Hearing in the above-referenced matter. I am writing to request that the zoning hearing be re-scheduled for another date as the undersigned has a specially set hearing in Key West, Florida on July 8, 1999 in the matter of <u>Decker V. Mass Mutual</u>, et al. Case No.98-20618 CA 18. Also, Margaret Decker, part owner of the above-referenced property is due to give birth to her fourth child during the week of July 5, 1999.

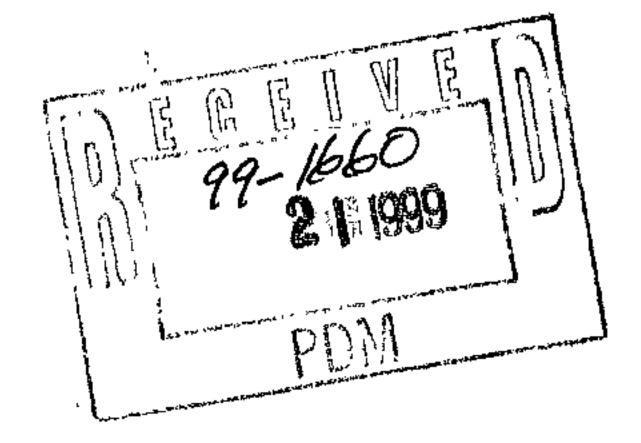
Thank you for your attention to this matter, I look forward to hearing from you.

Sincerely,

PERSAUD & DECKER

Michael K. Decker

MKD\lc



BALTIMORE COUNTY, MARYLAND Inter-Office Memorandum

DATE:

May 28, 1999

TO:

Hearing Officer

FROM:

W. Carl Richards, Jr./John L. Lewis

Zoning Review – PDM

SUBJECT:

Case Number 99-481-SPH

303 North Rolling Road

The applicant was advised by staff to use the following wording and instead chose to use the wording as seen on the petition form. We advised that this was at his own risk.

Recommended Wording by Staff:

"A Special Hearing to determine that additions to a proposed Class "A" ALF (dwelling) are less than 25% of the previously existing ground floor area (which would then qualify the building to become a Class "A" rather than a Class "B" ALF), as shown on provided plans and exhibits."

Mr. Decker stated that he intends to provide more detailed information concerning these issues for the hearing.

There is a prior zoning case (99-507-XA); also the original ALF file (approval rescinded) in our records.

WCR:JLL:sci

BALTIMORE COUNTY, MARYLAND Inter-Office Memorandum

DATE:

May 28, 1999

TO:

Zoning Commissioner

FROM:

Arnold Jablon Director, PDM

SUBJECT:

PDM Recommendation Case Number 99-481-SPH 303 North Rolling Road

This Department recommends to the Zoning Commissioner that the relief/favorable determination requested should not be granted. The petitioner in the instant matter built additions to this property with incorrect (and then without) building permits. The petitioner should not be allowed to benefit from its illegality. It is our recommendation that the Zoning Commissioner require that the petitioner return the property to its original condition, i.e., to that condition existing prior to the illegal additions by removal of all of the illegal additions to the property. No relief/favorable determination should be granted until and unless this is accomplished.

AJ:JLL:scj



Baltimore County Department of Permits and Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 21, 1999

Mr. Matt Decker 303 Rolling Road Partnership 303 N. Rolling Road Catonsville, Maryland 21228

Dear Mr. Decker:

RE: 303 N. Rolling Rd., AKA Parkside Senior Assisted Living, Zoning Case #96-507-XA, 1st Election District

This letter serves to confirm that the zoning staff has reviewed your building area plans for the above address as it relates to your proposed (future) reapplication for a Class "A" assisted living facility for the elderly.

The staff has determined that (even when allowing an exclusion for the basement) the total area of new building construction of the 1st, 2nd and 3rd floor is a minimum of 112% larger than the permitted area of building increase. Regretfully, due to this conflict with the definition of an assisted living facility Class "A", we cannot see a way to approve this proposed plan.

You, of course, may have a zoning special hearing before the Zoning Commissioner should you disagree with this determination.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

John L. Lewis

Planner li

Zoning Review

JLL:cjs

c: Mr. Mike Gisrael, Esquire, 210 E. Lexington Street, Suite 400, Baltimore, MD. 21202 Peter Zimmerman, Esquire, People's Counsel Mr. Fred Cascio, 217 N. Rolling Road, Baltimore, MD. 21228 Zoning Case #96-507-XA 303 N. Rolling Road ALF file IN RE: BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION

* BEFORE THE

CODE ENFORCEMENT HEARING

CODE OFFICIAL

303 N. ROLLING ROAD PARTNERSHIP *

CITATION NO 98-3405&98-3405A

RESPONDENT

"PARKSIDE ASSISTED LIVING, INC."

REQUEST FOR REVIEW AND CLARIFICATION OF FINAL ORDER OF THE CODE OFFICIAL

Comes now Respondent, 303 N. Rolling Road Partnership, by and through the undersigned counsel and files this request for review and clarification of final order of the code official entered on May 5, 1999. The reasons are as follows:

- 1. Respondent has always operated the facility legally under court or county approval.
- 2. The Proffer that was agreed to at the hearing was as follows:
 - a) A civil penalty of \$4,000 would only be imposed if Respondent did not comply with agreed Proffer or fulfill the requirements mandated by the Hearing Officer to be heard at a future date.
 - b) Respondent would only have 11 residents.
 - c) Respondent would not use basement, second and third floor of the addition except for storage until a decision was made at the Special Hearing.
 - d) Baltimore County would inspect facility on Monday May 17, 1999 to determine if in compliance as described above.
 - e) Respondent will meet with John Lewis on May 20, 1999 to review and schedule Special Hearing.
- f) The Division of Code Inspection and Enforcement will monitor the use of the facility with the assistance of the Department of Aging and the Department of Zoning.
- 3. Respondent did not testify nor was there any mention of the removal of the addition at

the hearing.

Wherefore, Respondent's respectfully requests a Review and Clarification of Final Order of the Code Official to be modified as stated above or Respondent be given fifteen (15) days from date of the decision of this request by Code Official to file an appeal.

Respectfully,

Michael K. Decker, Esq. Attorney for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20^{th} day of May, 1999, a copy of the Request for Review and Clarification of Final Order of the Code Official was hand delivered to: Baltimore County Department of Permits and Development Management, Stanley Schapiro, 111 West Chesapeake Avenue, Towson, Maryland 21204, Code Official.

Michael K. Decker, Esq. Attorney for Respondent IN RE: BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION

BEFORE THE

CODE ENFORCEMENT HEARING

CODE OFFICIAL

303 N. ROLLING ROAD PARTNERSHIP *

CITATION NO 98-3405&98-3405A

RESPONDENT

"PARKSIDE ASSISTED LIVING, INC."

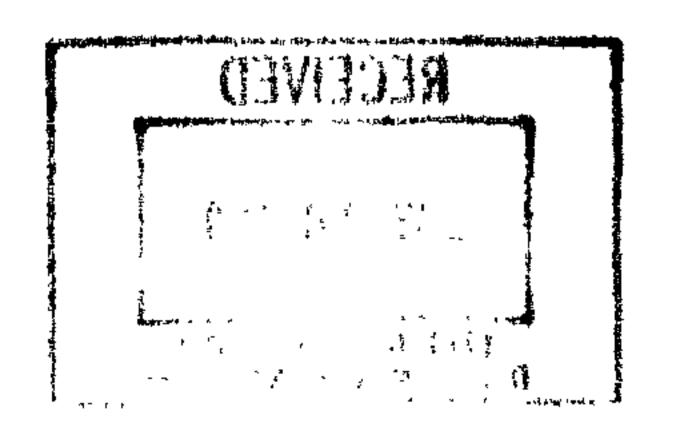
* * *

ORDER

THEREFORE, IT IS ORDERED by the Code Official, this ____ day of May 1999, as follows:

- 1) A civil penalty of \$4,000 will be imposed if Respondent did not comply with agreed Proffer or fulfill the requirements mandated by the Hearing Officer to be heard at a future date.
- 2) Respondent will only have 11 residents.
- 3) Respondent will not use basement, second and third floor of the addition except for storage until of decision was made at the Special Hearing.
- 4) Baltimore County will inspect facility on Tuesday May 18, 1999 to determine if in compliance as described above.
- 5) Respondent will meet with John Lewis on May 20, 1999 to review and schedule Special Hearing.

IT IS FURTHER ORDERED that the Division of Code Inspection and Enforcement will monitor the use of the facility with the assistance of the Department of Aging and the Department of Zoning.



Stanley Schapiro Code Official

RECEIVED

MAY 20 1999

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

INDEX

1 2 & 3 4 & 5
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Original Permit, Use Permit and Fire Inspection

Deed Reference

M

THE THE



ORIGINAL GROUND FLOOR AREA

Property Address: 303 N. Rolling Road Catonsville, Maryland 21228

Owners: 303 N. Rolling Road General Partnership

Gerald S. Decker, P.E. 305 N. Rolling Road Catonsville, Maryland 21228 (410) (410)747-4830 PREPARED BY:

SCALE 1/8" = 1 May 23, 1999

2,905 1,920 1,711

SO FT

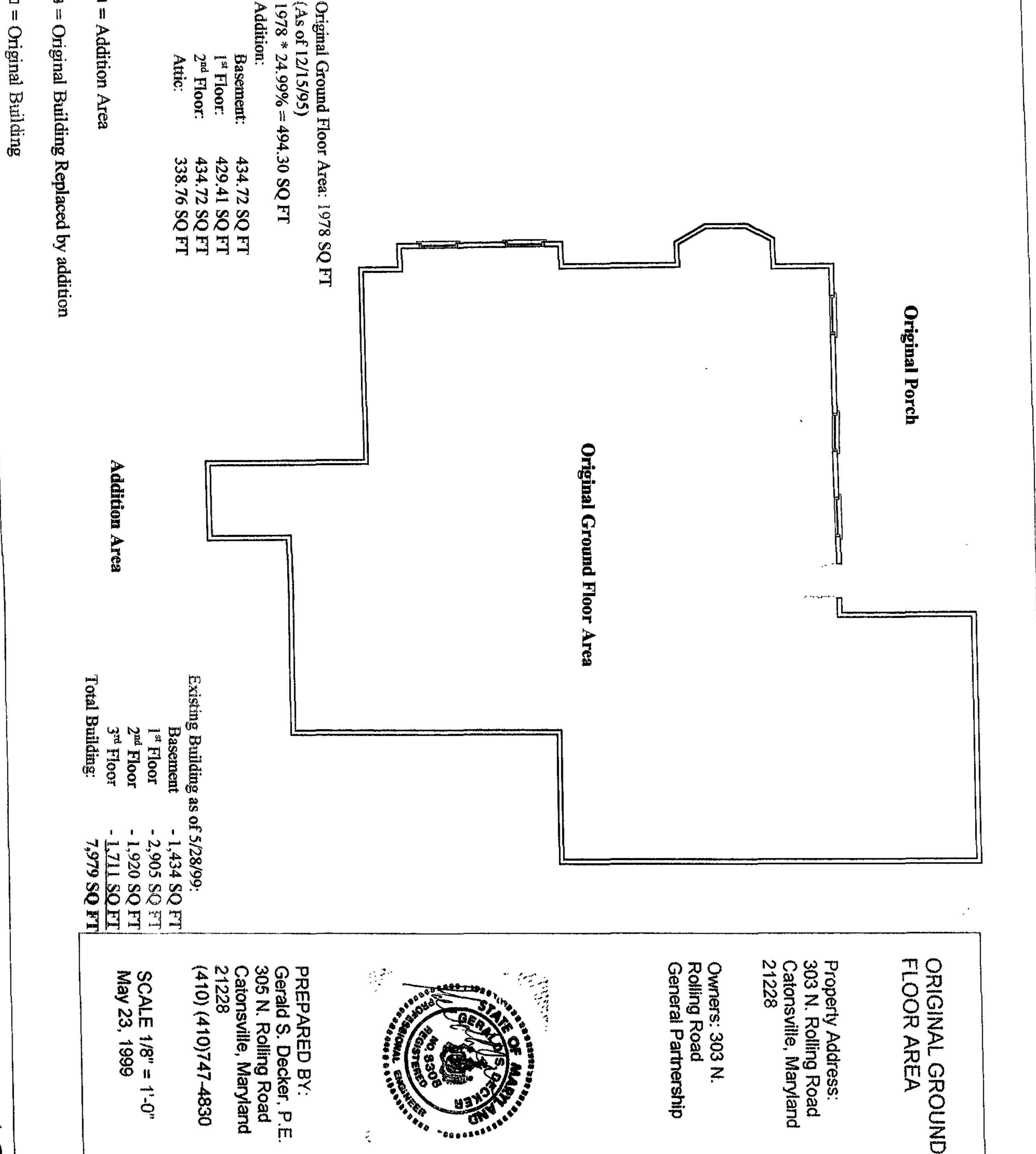
7,979

Total Building:

1,434 SQ FT of 5/28/99: Existing Building as Basement 2nd Floor 3rd Floor 1st Floor round Floor Original Porch Original Ground Floor Area: 1978 SQ FT = 494.30 SQ FT 434.72 434.72 429.41 ddition Area Basement: (As of 12/15/95) 1978 * 24.99%= 2nd Floor: 1st Floor: Attic: Addition:

riginal Building Replaced by addition

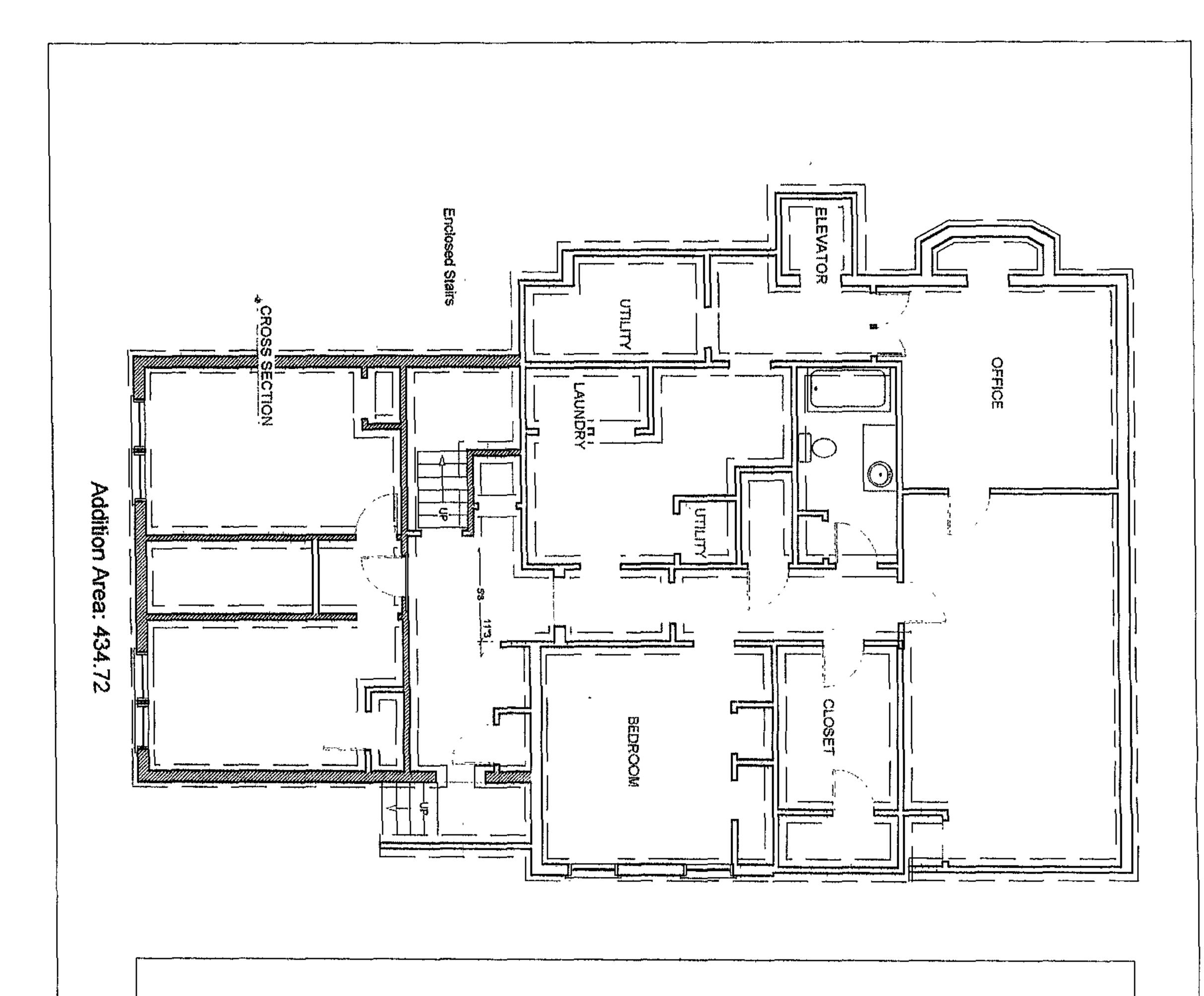
riginal Building



¥ **4**

99.481.5PM

Exhibit



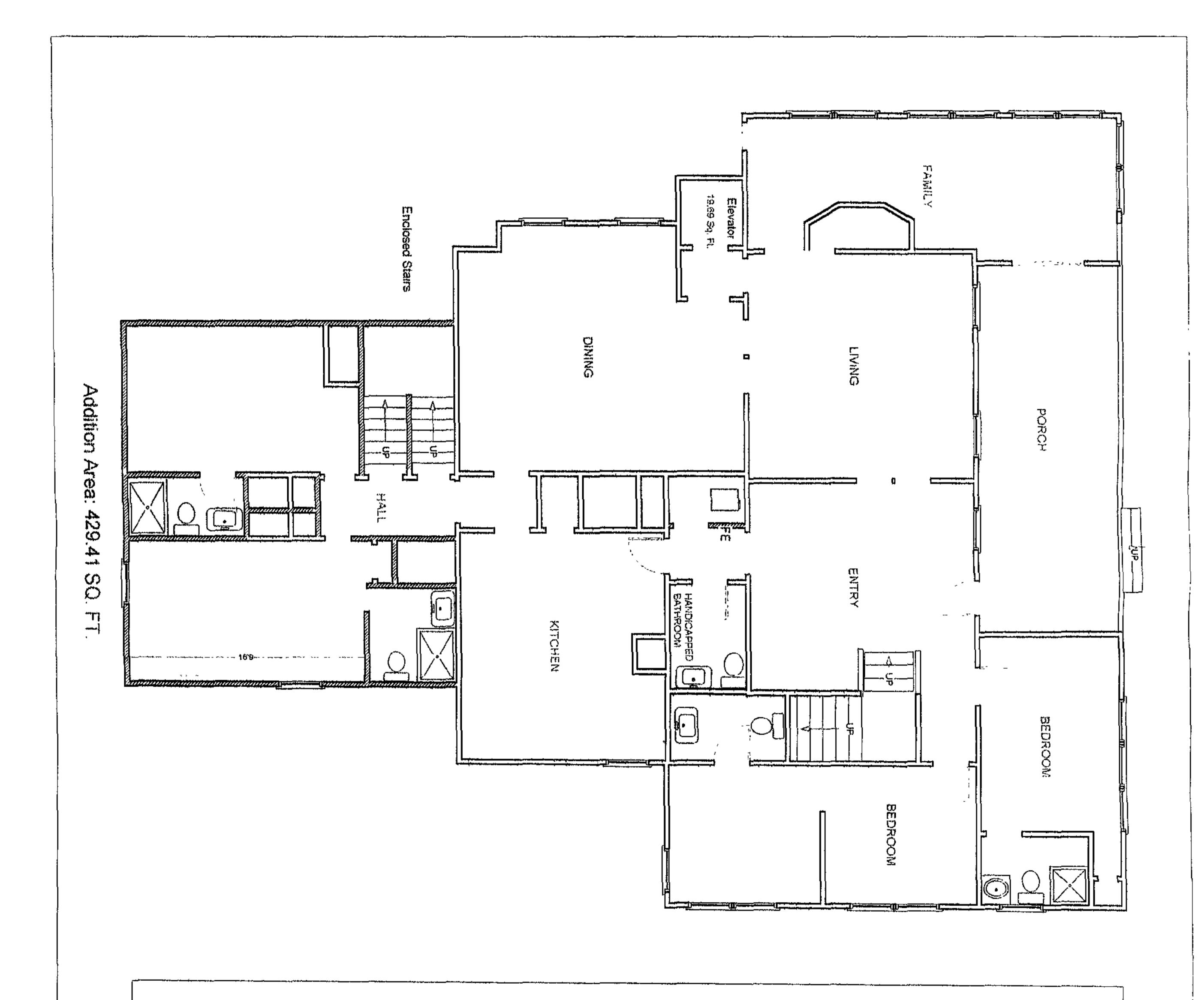
CURRENT

Property Address:
303 N. Rolling Road
Catonsville, Maryland
21228

Owners: 303 N. Rolling Road General Partnership

PREPARED BY:
Gerald S. Decker, P.E.
305 N. Rolling Road
Catonsville, Maryland
21228
(410) (410)747-4830

SCALE 1/8" = 1'-0" May 23, 1999



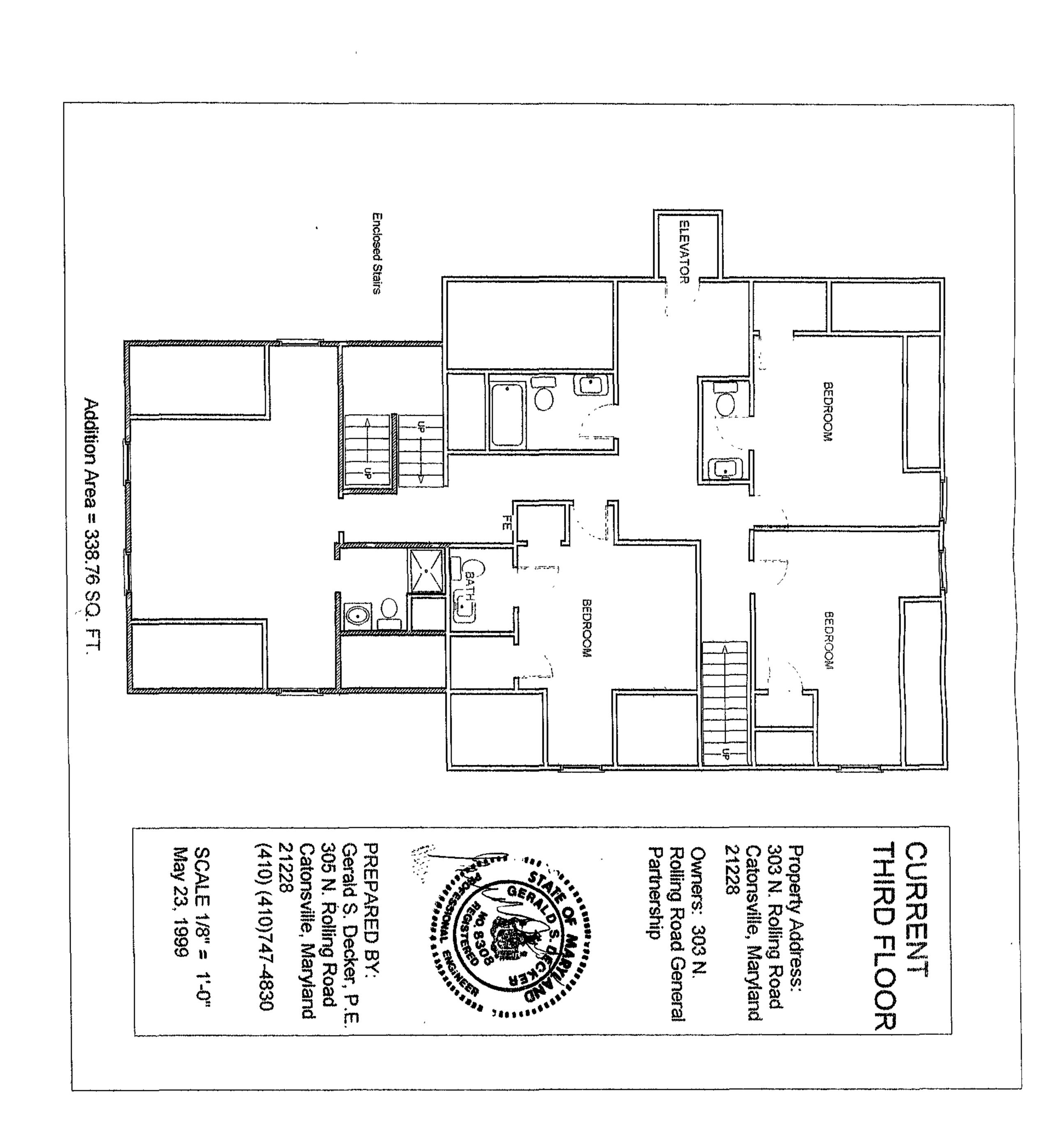
FIRST CURRENT

Property Address: 303 N. Rolling Road Catonsville, Maryland 21228

303 N.

Owners: 303 N. Rolling Road General Partnership

PREPARED BY:
Gerald S. Decker, P.E.
305 N. Rolling Road
Catonsville, Maryland
21228
(410) (410)747-4830 SCALE 1/8" = May 23, 1999



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Approved Minor Subdivision Plot	N
Letter to editor from daughter praising ALF	Ο
Letter to John Schneider, President of N. Rolling Road Community Assoc. attempting to restore matter with community	þ
Resume of Nurse Carol E. Dowdle	Q

PURPOSE OF THE HEARING

- 1. Matthew and Margaret Decker, (hereinafter Petitioners) request that this hearing officer allow them the continued use of the facility known as 303 N. Rolling Road as a Class "A" Assisted Living Facility, hereinafter ALF.
- 2. There are currently 11 residents at the facility who would be adversely affected if the facility were either shut down or parts of the addition demolished.
- 3. The Petitioner's seek approval of the plans that they are submitting (Petitioner's Exhibit A) which allows the Petitioner to continue operating the facility while shutting off the areas on the upper level of the facility. Those areas equal the square footage built in excess of the 25% rule. (See BCZR 4-131 B attached as Exhibit B).
- 4. The restricted use of the facility will serve to balance the equities of the parties. Forcing the costly removal of the addition serves no legitimate county goals and would result in penalties not anticipated by the legislative intent in BCZR 4-131 B which was enacted to facilitate affordable housing for the elderly. Any other remedy would unjustly cause harm to the existing elderly residents who are currently residing on the property.

HISTORY

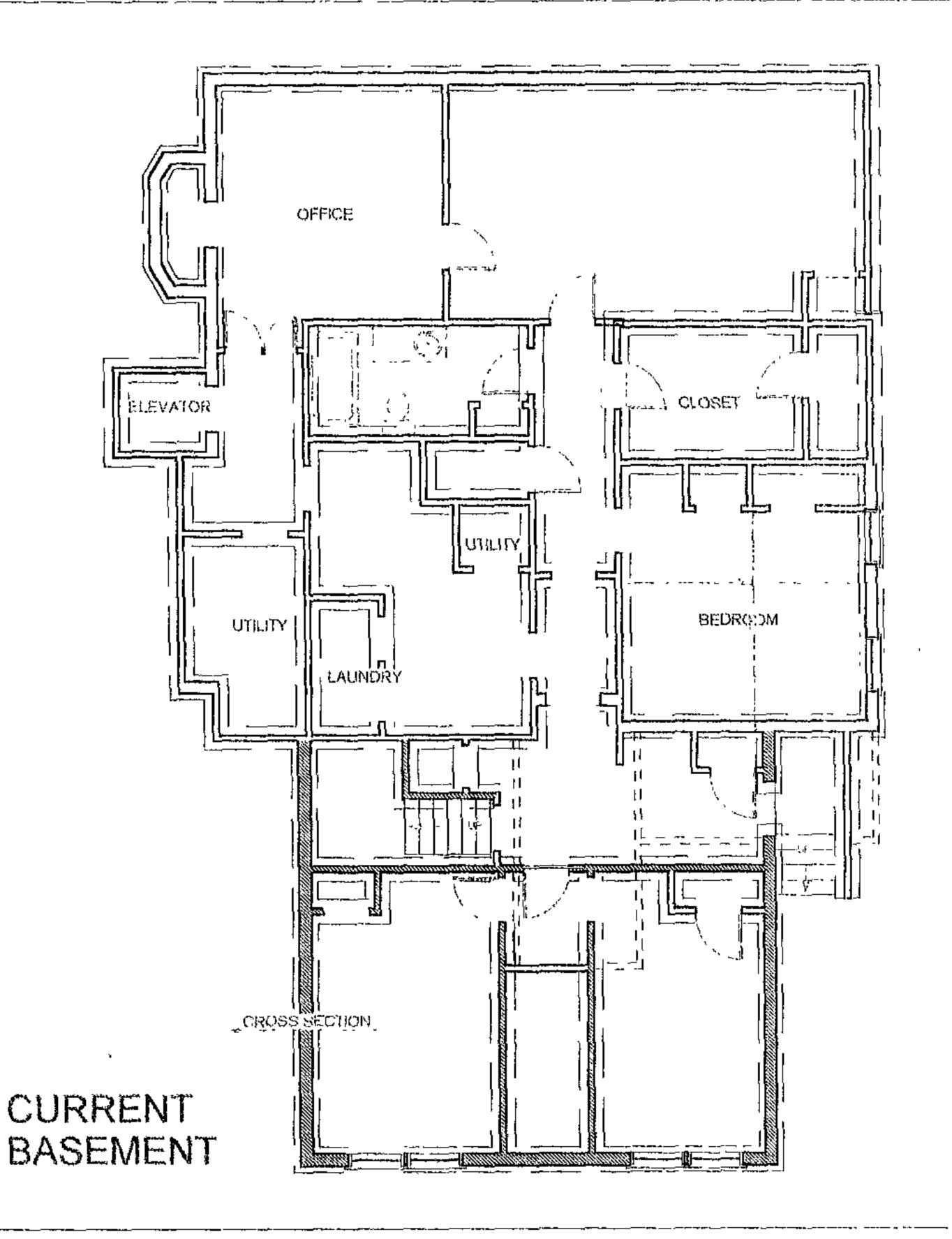
- 1. Matthew and Margaret Decker are the current owners of the property known as 303 N. Rolling Road.
- 2. They live on the property in a small cottage house with their three children.
- 3. The both work at the assisted living facility.
- 4. Margaret prior to her marriage to Matt worked for a year as a missionary in Mexico City, Mexico working with the very poor orphan children.
- Both Matt and Margaret are currently involved with their church and have served as youth leaders for St. Mark's Catholic Church.
- 6. A major factor in Matt and Margaret's decision to purchase the property was to use the property to house seniors as a family ministry and service to the community as well as provide for their family.
- 7. Coincidently Matt meet Rick Ainsworth who was working for Marriott and owned an ALF.
- 8. Rick was looking to start another assisted living facility and seemed to have the experience to help Matt and Margaret convert their building into a functioning ALF.
- 9. Unfortunately Matt and Rick had different agendas and it became apparent that the

- two could not work together.
- 10. The partnership struggle occurred at the same time as the facility was dealing with the county and local residents in getting approval for a 15 bed facility.
- 11. The combination of the partnership dissolution battle and unfamiliarity with the new ALF regulations and fitting in the Life Safety requirements IE two sets of stairs, handicapped accommodations, fire sprinklers and elevator all resulted in an addition that was greater than the 25% allowed for a Class "A" facility.
- 12. This led to the need to seek a petition for a Class "B" use permit, which was ater reversed on appeal.
- 13. Matt and Rick have since resolved their dispute and Rick is no longer involved in the 303 N. Rolling Road property.
- 14. A full chronology of the relevant legal events involving this property is attached as Exhibit C.
- 15. The facility has at all times operated legally either by county approval or Order of Court (See composite Exhibit D)

MEMO OF LAW

- 1. This is a case of first impression. This ALF was granted a Class "B" Special Exception and pursuant to said special exception the petitioner began providing care for approximately 12-15 senior citizens.
- 2. The seniors varying from 80-101 years old and are extremely satisfied with the level of care they are receiving at the facility (See Composite Exhibits II) and wish to remain there for the remainder of their lives. It would be a great hardship for the seniors and their families if they had to move out of the home.
- 3. The other alternative of removing parts of the addition would be unduly costly, unhealthy and punitive in nature. The dust, noise and commotion from the construction would be an unhealthy disturbance to the residents. The removal of the addition would not further the health safety or general welfare of the community. The county and the Protestants seek to punish the property because of the initial permitting errors. This serves no legitimate county purpose and masks the true intent of the Protestants.
- 4. Section 502.1 of BCZR is the criteria mandated to evaluate our request. Pursuant to said rule the facility has clearly not been detrimental to the health, safety and or general welfare of the community. The facility has been in existence for over three years and has not adversely impacted neighboring properties (See Composite Exhibit F "letters from neighboring property owners") nor has it unduly taxed public utilities, or caused an adverse environmental impact or otherwise negative impact on the community. It is clear that there has been a pronounced improvement to the community. (See Composite Exhibit G "before and after" pictures.)

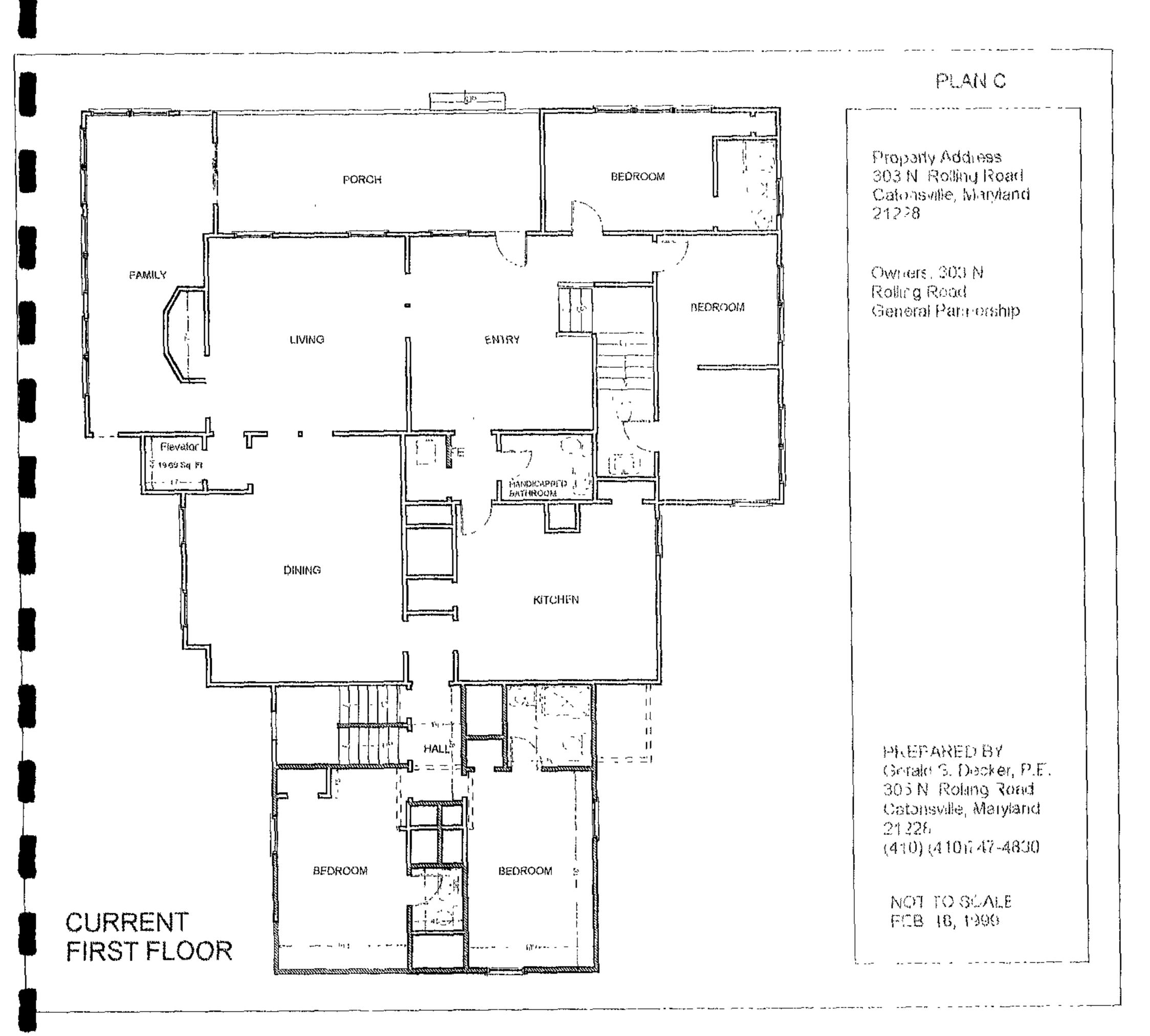
- 5. The county seeks to force the removal of an addition on the type of property that the Baltimore County Planning Board in a 1997 report has recommended be approved for a Class "A" ALF. The county planning committee has catefully studied the issues and would be in the best position to evaluate the appropriateness of allowing this facility to serve the needs of the elderly in Baltimore County. (See Composite Exhibit H).
- 6. The property is very unique in that it is the last home on Rolling Road and to the north is the Catonsville Senior Center and all of the commercial property along route 40 and to the south are apartment buildings. The total property consists of 3.11 acres. It was zoned R.O. and used as a doctors office since 1952. The house was in disrepair and was not practical as a single family house. The actions sought by the county and the Protestants will cause not only a financial burden that Petitioner's would be unable to afford but would have severe negative consequences on the elderly residents. There is no doubt that a practical difficulty would exist if the request is denied. Petitioner would have no idea of how to demolish parts of the addition without effecting the life safety issues, heating and air-conditioning systems, sprinklers etc... for the remainder of the facility. All these systems and fire safety precautions were designed to function at there present capacity.

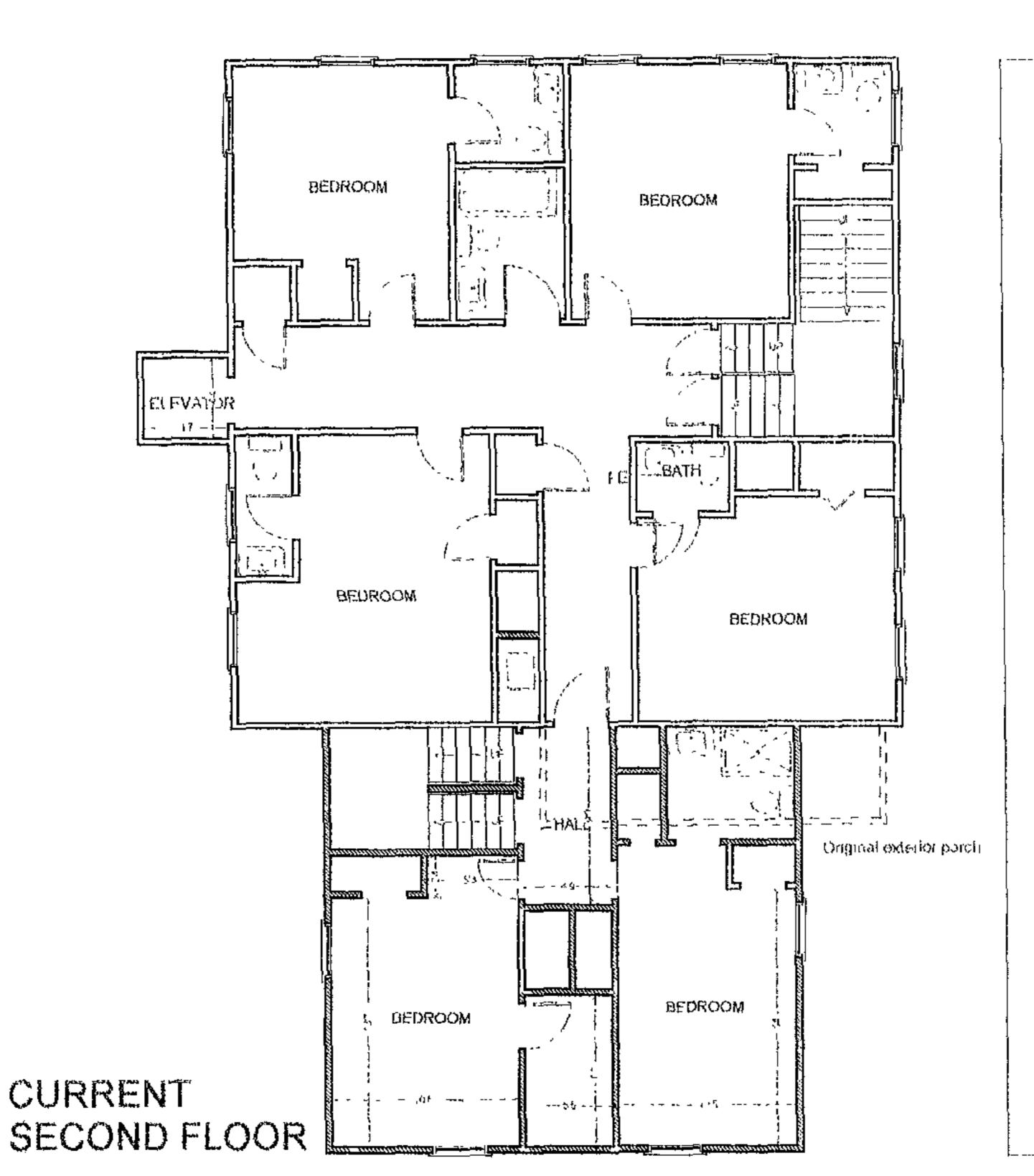


Property Address
303 N. Rolling Road
Catonsvilla, Maryland
21228

Owners 303 N. Rolling Read General Partnership

PREPARED BY.
Gerald S. Decker, P.E.
305 N. Rolling Road
Catonsville, Maryland
21228
(410) (410)747 4830





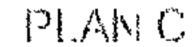
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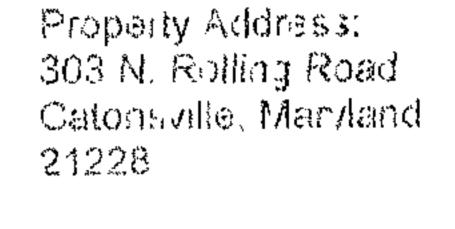
Property /\ddress: 303 N. Rolling Road Catonsville, Vlaryland 21228

Owners: 303 N Rolling Road General Farmership

PREPARED EY.
Gorald S. Decker, F.E.
305 N. Rolling Road
Calonsville, Maryland 21228
(410) 747-4830

NOT TO SCALE. FEB 18, 1999

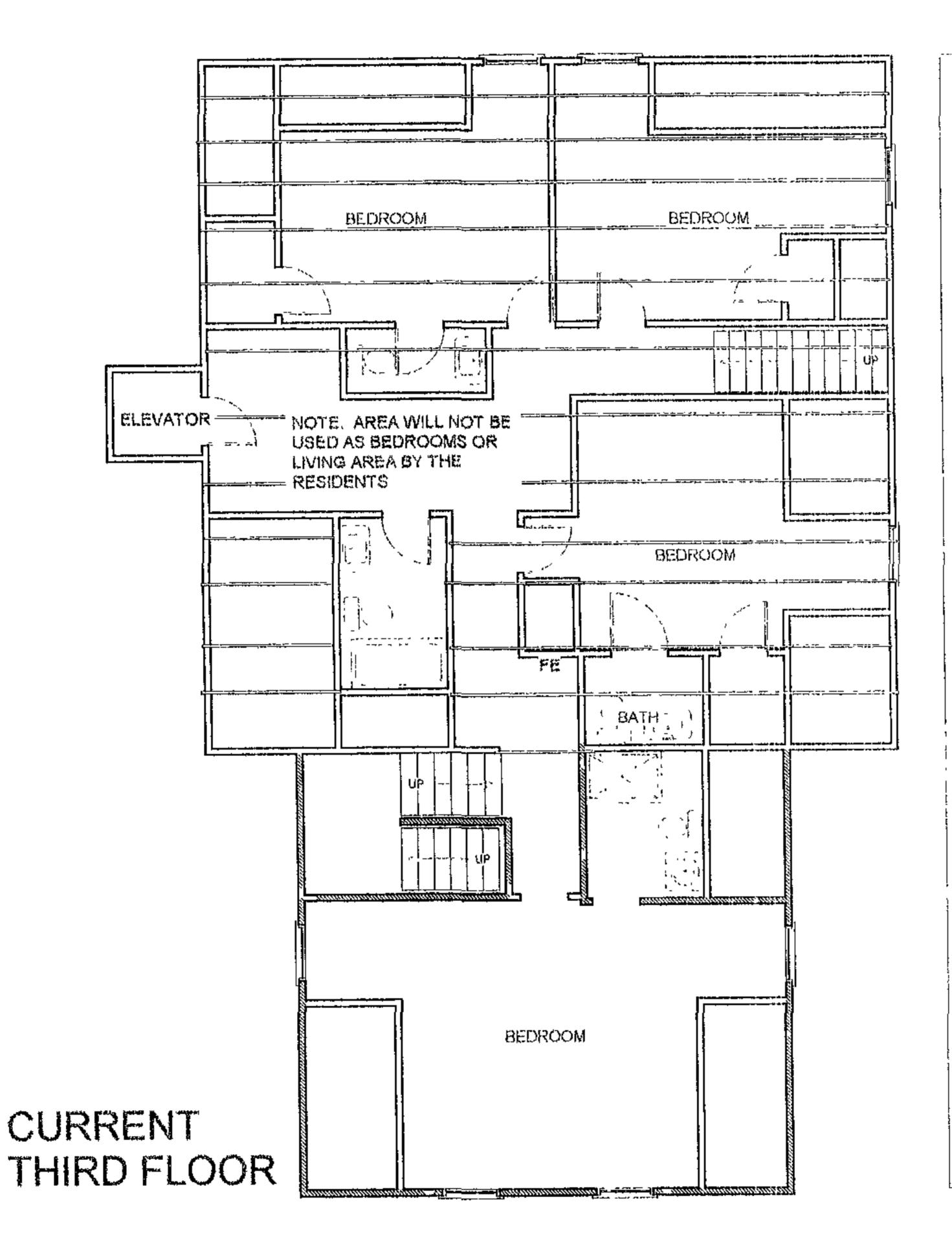




Owners: 303 N. Rolling Road General Partnership

PREPARED BY.
Gerald S. Decker, P.E.
305 N. Rolling Road
Catonsville, Maryland
21228
(410) (410)747-4830

NOT TO SCALE FEB. 18, 1999



- In addition to the record keeping requirements of COMAR, Title 14.11.07., the owner or manager of an assisted living facility shall maintain a complete and accurate personnel file for each employee of the facility. Personnel files shall be maintained for a period of at least five years. Any disciplinary action taken against an employee shall be documented in the personnel file. Personnel files shall be available for inspection by the Maryland or Baltimore County Office of Aging. Unless disclosure is required by law, the owner or manager may not disclose information contained in an employee's personnel file to any person or agency other than the employee, the employee's agent, or the Maryland or Baltimore County Office of Aging and their respective agents. {Bill No. 82, 1994.}
- Additional standards for assisted living facilities, Class A:
 - a. Assisted living facilities, Class A, shall be exempt from Division 2, Article V, Title 26 of the Baltimore County Code, 1988, provided there will be no enlargement of the building in ground floor area by 25% or more within a period of five years prior to application and the residential appearance of the structure and its setting, including accessory parking spaces, will be maintained so that the converted dwelling will be highly compatible with adjacent residential property. This determination shall be made by the director of the office of planning and zoning, upon review of a plan which indicates the size of the lot, square footage of the building, proposed parking and loading spaces, and proposed private open space.
 - b. The reconstruction of assisted living facilities, Class A, which is destroyed by fire or other casualty, may not increase the size or gross floor area of the structure or alter its location without a special hearing.
- Additional standards for assisted living facilities,
 Class B:
 - a. The lot shall meet the minimum setback, maximum height, and maximum coverage for other principal buildings for the zone where it is located.
 - b. The lot shall have frontage on a principal arterial as defined in these regulations, except if the facility is located in a property which is designated as historic or is in a historic district, as identified on the zoning maps.

Exhibit B

- 432.5--Assisted Living Facilities Class A and Class B. (Bill No. 188, 1993.)
 - A. Density. (Bill No. 188, 1993.)
 - 1. Assisted living, Class A. The residence shall be located on a lot that will meet all of the density requirements for its size and zone, except that if there will be more than six residents, the following table shall apply: {Bill No. 188, 1993.}

ZONES

SQ. FEET MIN. LOT SIZE	R.C.5/D.R.1	D.R.2	D.R.3.5	na - Table de la cale de cale de propriet de la companion de propriet de la cale de la	
Seven Residents	50,000	25,000	12,500	10,000	9,000
Each Additional Resident	5,000	3,800	2,000	1,500	1,200
{Bill	No. 188, 1993	3.}			医克尔克氏试验 计工程 电子 化二甲基 化二甲基 化二甲基 化二甲基 化二甲基 化二甲基 化二甲基 化二甲基

- 2. Assisted Living facilities, Class B. The minimum lot area shall be one acre or 2,000 square feet per resident, whichever is greater. (Bill No. 188, 1993.)
- B. Performance standards. (Bill No. 188, 1993.)
 - 1. Standards for Class A and Class B assisted Living facilities: {Bill No. 188, 1993.}
 - a. Except for the signs permitted by 413.1., no other signs or displays of any kind visible from the outside shall be permitted.
 - b. Off-street parking shall be provided in accordance with Section 409, and subject to the following conditions, but no parking structure shall be permitted, except for a residential garage, as defined in Section 101. {Bill No. 188, 1993.}
 - (1) Parking shall be at least 10 feet from the property line except that if the property line abuts an alley, no setback is required provided that the alley does not abut the front or rear yard of a residentially-used property. This requirement shall not apply to spaces existing before the effective date of Bill No. 188-93. (Bill No. 188, 1993.)
 - (2) Parking and delivery areas shall be located in the side or rear only. This requirement shall not apply to parking spaces existing

- b. The reconstruction of assisted living facilities, Class A, which is destroyed by fire or other casualty may not increase the size or gross floor area of the structure or alter its location without a special hearing.
- 3. Additional standards for Class B assisted living facilities:
 - a. The lot shall meet the minimum setback, maximum height and maximum coverage for other principal buildings for the zone where it is located;
 - b. The lot shall have frontage on a principal arterial as defined in these regulations, except if the facility is located in a property which is designated as historic or is in a historic district, as identified on the zoning maps.

Law Offices

FOARD & GISRIEL, L.L.C.

15 East Chesapeake Avenue Towson, Maryland 21286

Michael Gisriel, P.A.

Fax 410-821-7740 410-296-1440

W. Thomas Gladel Of Counsel

PARKSIDE ALF 303 N. Rolling Road Catonsville, MD 21228

CHRONOLOGY OF RELEVANT EVENTS

1. April, 1996	Parkside applies for Class B Special Exception and Variance		
2. June 1996	Parkside opens to public		
3. July 31, 1996	Baltimore County Zoning Commissioner grants Parkside Class B Special Exception and Variance		
4. August, 1996	Parkside neighbors - Fred Cascio, et al. appeal to Board of Appeals		
5. June 4, 1997	Baltimore County Board of Appeals reverses Zening Commissioner and denies Class B Special Exception and Variance		
6. June 30, 1997	Parkside files Appeal and Motion to Stay to Baltimore County Circuit Court		
7. October 17, 1997	Judge Cadigan, after hearing in open court, grants Parkside Stay Order of Board of Appeals decision		
8. May 26, 1998	Judge Brennan affirms County Board of Appeals decision		
9. June 1998	Parkside files Appeal of Judge Brennan's Opinion and Motion for Stay to Maryland Court of Special Appeals		
10. July 13, 1998	Judge Turnbull mistakenly denied Parkside's Stay Motion thirking jurisdiction over Stay Motion was with Court of Special Appeals.		
11. July 23, 1998	Baltimore County issues Violation Notice based on Judge Turnbull's mistaken denial of Stay Motion.		

Exhibit C

12. October, 1999	Judge Brennan properly takes jurisdiction over Stay Motion, i.e trial not Court of Special Appeals and after hearing in court on September 15, 1999 issues new Stay Order.
13. Fall, Winter 1998 and Winter, Spring, 1999	Parkside meets with Baltimore County officials regarding dropping Class B Special Exception Petition and operating as a Class A facility under existing Baltimore County Regulations
14. February 5, 1999	Appeal Re: Class B Special Exception to Court of Special Appeals voluntarily dismissed
15. February 16, 1999	Judge Brennan issues Order granting Parkside's request to Stay all "fines and restrictions" while Parkside Nesotrators in Baltimore County
16. April 27, 1999	Baltimore County hearing on July 23, 1998 Zoning Violation



Re: In the Matter of 303 N. ROLLING ROAD PARTNERSHIP

Petitioner

For Judicial Review of the Decision of the Circuit Court of Baltimore County

In the

Circuit Court

* For

*

*

*

Baltimore Coursey

Docket No: C97-6654

ORDER FOR STAY

Petitioners's, 303 N. Rolling Road Partnership, Motion For Stay is hereby GRANTED;

Dated this day of 10

Exhibit D

1,0

Copies furnished to:

Michael K. Decker, Esquire 305 N. Rolling Road Catonsville, Maryland 21228

Peter M. Zimmerman, Esquire People's Counsel 400 Washington Avenue Towson, Maryland 21204 FILED FEB 17 1999

1.11 - 1

RE: PETITION OF 303 N. ROLLING ROAD PARTNERSHIP FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY

IN THE MATTER OF THE APPLICATION OF 303 N. ROLLING ROAD PARTNERSHIP FOR * A SPECIAL EXCEPTION AND VARIANCES County Bd. of Appeals Case No. 96-507-XA

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

Case No. 3-C-97-6654

Upon consideration of the record, and after hearing in open court on September 15, 1998, it is 1998 by the Circuit Court for Baltimore County, ORDERED

- 1. That Petitioner's Motion for Stay Pending Appeal, be, and hereby is DENIED
- 2. This Order prohibits any new or replacement residents at Parkside Assisted Living Facility.
- 3. This Order is not intended to remove the existing occupants residing at Parkside Assisted Living Facility as of September 15, 1998.
- 4. Petitioner shall provide the Court and the Office of People's Counsel, within ten (10) business days of the date of this Order, with an Affidavit signed by a partner authorized to bind the partners of 303 N. ROLLING ROAD PARTNERSHIP, setting forth the names of all residents as of September 15, 1998, and the admission date to Parkside of each resident.
- 5. Petitioner shall provide the Court and the Office of People's Counsel with a signed and dated Affidavit, as set forth in Paragraph 4 of this Order, every thirty (30) days thereafter, setting forth the names of all residents as of the date of each Affidavit, and the admission date to Parkside of each resident.

FILED OCT 011998

M. Mondo Domodia

7. This Order shall remain in effect, subject to any further Order of this Court

ALFRED L. BRENNAN, SR., Judge

IN RE:	BALTIMORE COUNTY UNIFORM
	CODE ENFORCEMENT CITATION
	CODE ENFORCEMENT HEARING

* BEFORE THE

* CODE OFFICIAL

303 N. ROLLING ROAD PARTNERSHIP *

CITATION NO 98-3405&98-3405A

RESPONDENT

* "PARKSIDE ASSISTED LIVING, INC."

* * *

REQUEST FOR REVIEW AND CLARIFICATION OF FINAL ORDER OF THE CODE OFFICIAL

Comes now Respondent, 303 N. Rolling Road Partnership, by and through the undersigned counsel and files this request for review and clarification of final order of the code official entered on May 5, 1999. The reasons are as follows:

- 1. Respondent has always operated the facility legally under court or county approval.
- 2. The Proffer that was agreed to at the hearing was as follows:
 - a) A civil penalty of \$4,000 would only be imposed if Respondent did not compay with agreed Proffer or fulfill the requirements mandated by the Hearing Officer to be heard at a future date.
 - b) Respondent would only have 11 residents.
 - c) Respondent would not use basement, second and third floor of the addition except for storage until a decision was made at the Special Hearing.
 - d) Baltimore County would inspect facility on Monday May 17, 1999 to determine if in compliance as described above.
 - e) Respondent will meet with John Lewis on May 20, 1999 to review and schedule Special Hearing.
- f) The Division of Code Inspection and Enforcement will monitor the use of the facility with the assistance of the Department of Aging and the Department of Zoning.
- 3. Respondent did not testify nor was there any mention of the removal of the addition at

the hearing.

Wherefore, Respondent's respectfully requests a Review and Clarification of Final Order of the Code Official to be modified as stated above or Respondent be given fifteen (15) days from date of the decision of this request by Code Official to file an appeal.

Michael K. Decker, Esq.
Attorney for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of May, 1999, a copy of the Request for Review and Clarification of Final Order of the Code Official was hand delivered to: Baltimore County Department of Permits and Development Management, Stanley Schapiro, 111 West Chesapeake Avenue, Towson, Maryland 21204, Code Official.

Michael K. Decker, Esq. Attorney for Respondent

Baltimore County, Maryland
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

IN RE: BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION CODE ENFORCEMENT HEARING

303 N. Rolling Road Partnership

Respondent

- * BEFORE THE
- CODE OFFICIAL
- * Citation/Case No. 98-3405& 98-3405A
- * "PARKSIDE ASSISTED LIVING, INC." 303 N. Rolling Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW FINAL ORDER OF THE CODE OFFICIAL

This matter comes before the Code Official pursuant to §1-7, Baltimore County Code, for consideration of a code enforcement citation issued to the respondent named above by the Division of Code inspections and Enforcement, Department of Permits and Development Management for violations allegedly occurring at the assisted living facility (The "Facility") located at 303 N. Rolling Road.

The respondent did appear and was represented by Michael Gisriel, Esquire and Michael K. Decker, Esquire.

This code enforcement hearing was duly scheduled, and was conducted on the 27th day of April 1999.

Appearing and testifying on behalf of the respondent were Matt Decker and Margaret Decker, owners and developers of the facility.

Company of your fi

Baltimore County, Maryland
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

May 18 99 04:20p

Appearing in opposition to the respondent's alleged use of the subject property without proper permits were Frederick B. Cascio, Kirby Spencer and Cathy Sidlowski.

Testimony also was taken from Michael Johnson, code enforcement inspector, Michael Cook, Department of Aging, and John Lewis, Zoning Review.

Testimony and evidence presented and proffers by respondent's counsel indicates that the respondent, Partnership, obtained a Class A use permit for an assisted living facility to house eight (8) residents. Thereafter, the respondent built an addition to the facility without obtaining a building permit. Respondents later obtained a building permit based on the assertion that the building was used as a single family residence, rather than an assisted living facility. The county rescinded the Class A use permit on 10 June 1996 because the large, three story addition exceeded the ground floor area of the Class A permit.

Thereafter, the respondents filed a petition for a Class B use permit and for fourteen (14) variances. The variances were granted by the Zoning Commissioner. An appeal was taken by concerned citizens and the Board of Appeals heard the case de Novo and denied the variances requested. Subsequently, the Circuit Court uphetd the decision of the Board of Appeals, and an appeal to the Court of Special Appeals by the respondents was dismissed on their own motion.

Baltimore County, Maryland Department of Permits and Development Management 111 West Chesapeake Avenue Towson, MD 21204

On 26 June 1998, the inspector issued a written correction notice pursuant to §1-7(c), Baltimore County Code, which described with particularity the nature of the violation and the manner of correction, marked in evidence as PEx1.

The correction notice stated that the subject Class A assisted living facility is prohibited without a permit being issued.

On 23 July 1998, pursuant to §1-7(d), Baltimore County Code, a code enforcement citation was issued. The citation marked in evidence as PEx2, was legally served on the respondent by the inspector.

The citation described the violation as: BCZR: §1801.1A, §101, "Assisted living facility, Class A"; §432; Operation of a Class A assisted living facility without a permit being issued. The citation proposed a civil penalty of \$4000 to be assessed. A code enforcement hearing date was set for 8 September 1998.

Attorney Gisriel argued by motion that the citation was issued contrary to Judge Brennan's Order, which placed a stay on all fines and restrictions. However, the only parties before the court at that time was the respondent and People's Counsel. Baltimore County was not a party to the case, therefore the motion is denied.

3

eleven. In addition, the respondent will file an accepted petition for a special hearing within 30 days of this hearing. The respondent will allow Baltimore County inspectors to confirm the fact that the new addition is not being occupied.

Pursuant to the correction notice and subsequent code enforcement citation issued, and hearing held, and for the reasons set forth above, it is found as a matter of law that a code violation existed for 22 days.

THEREFORE, IT IS ORDERED by the Code Official, this ______ day of May 1999, as follows:

- 1. A civil penalty is imposed in the amount of \$4000;
- 2. The respondent must remove the addition to the subject property that was constructed without a permit;
- 3. The Order to remove the addition is stayed pending the filing of an accepted petition for special hearing by 28 May 1999.
- 4. The number of residents must be limited to (11) eleven persons and the addition must be blocked off from the original building and not used for housing residents.

p.5

Baltimore County, Maryland
Department of Permits and Development Management
111 Wost Chesapeake Avenue
Towson, MD 21204

18 99 04:21p

5. The suspension of the Order to remove will continue throughout the time respondents appeal this Order to the Board of Appeals or the Order of the hearing officer's special hearing. If the respondent loses all the above appeals, the addition must be removed within 30 days of the order denying the respondent relief.

IT IS FURTHER ORDERED that the Division of Code Inspection and Enforcement monitor the use of the facility with the assistance of Michael Cook and John Lewis.

Stanley Schapipal Code Official

The violator is advised that pursuant to §1-7(g)(1), Baltimore County code (effective June 6, 1997), an appeal to the Baltimore County Board of Appeals may be taken within fifteen (15) days after the date of a final Order §1-7(g)(2) requires the filing of a perit on setting forth the grounds for appeal and a filing fee of \$150. The appellant is urged to read the requirements for the appeal petition. Security in the amount of the civil penalty must be posted with the Director.

ADDENDUM

The respondent offered the following exhibits which are marked in evidence as shown:

1.	Chronology of relevant events	Ista town
2.	J. Brennan's Order dated 11 October 19989	REXT
3.	Petitioner's Motion for Stay and Order 5 February 1999	REX
4.	Petitioner's Motion for Stay and Order 16 February 1999	REx3
5.	Deed description for 303 Rolling Road	REx4
6.	Photographs of front and side view of facility	REx5
7	Letter from Parkside dated 19 April 1999	REx6 collectively
• •	worth nominarkards dated 19 April 1999	REx7

Shirley Lambert 1602 Kirkwood Road Catonsville, Maryland 21207

July 16, 1999

Mr. Lawrence Schmidt Hearing Officer for Baltimore County 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: 303 N. Rolling Road General Partnership

Dear Mr. Schmidt:

My mother Wilhelmina Stiegler, 93 years old has been a resident at Rolling Meadows Assisted Living for almost three years. We are pleased with her living quarters, which offer a private bath and bedroom. She receives quality care that fosters the respect and dignity she deserves. The new management under Mr. and Mrs Decker has brought about a more community and family like atmosphere.

As a local resident of Catonsville I am grateful for the convenience of this nearby assisted living home. I believe any dramatic changes would adversely affect the health, safety and well being of my mother's living conditions.

Respectfully,

Shirley Lambert

Sherley Lambert

Exhibit b

Nancy Thompson 148 Sanford Avenue Catonsville, Maryland 21228

July 16, 1999

Mr. Lawrence Schmidt Hearing Officer for Baltimore County 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: 303 N. Rolling Road General Partnership

Dear Mr. Schmidt:

My mother Newman Earle, 101 years old has been a resident at Rolling Meadows Assisted Living for almost three years. We are pleased with her living quarters, which offer a private bath and bedroom. She receives quality care that fosters the respect and dignity she deserves. The new management under Mr. and Mrs Decker has brought about a more community and family like atmosphere.

As a local resident of Catonsville I am grateful for the convenience of this nearby assisted living home. I believe any dramatic changes would adversely affect the heath, safety and well being of my mother's living conditions.

Respectfully,

Pauly Rampson

Nancy Thompson

AMERICAN TOURESORTS, INC.

802 INGLESIDE AVENUE BALTIMORE, MARYLAND 21228

Tel: (410) 788-7900 Fax: (410) 788-4467

July 16, 1999

Mr. Lawrence Schmidt Hearing Officer for Baltimore County 111 W. Chesapeake Avenue Towson, Maryland 21204

Exhibit F

RE: 303 N. Rolling Road General Partnership

Dear Mr. Schmidt:

American Touresorts, Inc. is the owner of the property known as 301 N. Rolling Road, adjacent to 303 N. Rolling Road.

I am not totally familiar with what building and zoning regulations were violated by the developers of this property. I am, however, most familiar with the outside appearance of the completed building.

This structure has been vastly improved and certainly enhances the surrounding community. I and my tenants are most pleased with this facility and its present operation for assisted living.

I cannot imagine how this property could possibly adversely effect any of its neighbors, the building is far superior in appearance to most of the structures on North Rolling Road, the grounds are well maintained and its operation non-interfering.

Some measure should probably be taken for violating the rules, but losing the facility or causing part of the existing structure to be removed is just plain stupid. Those promulgating of these spiteful measures should consider that this property, which was deteriorating prior to its conversion to assisted living, could now have become the "eye sore" of Catonsville.

Sincerely yours,

AMERICAN TOURESORTS, INC.

Thomas B. McGee

President

TBM:ghc

cc: Councilman Samuel Moxley

July 16, 1999

Mr. Lawrence Schmidt Hearing Officer for Baltimore County 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: 303 N. Rolling Road General Partnership

Dear Mr. Schmidt:

We are pleased with the improvements located at 303 N. Rolling Road. We are not aware of all the zoning concerns of this property. However the appearance and use of this property as an assisted living facility did not adversely affect the decision to purchase our house (302 N. Rolling Road) two years ago.

We would be concerned if Baltimore County imposed any exterior changes to the building. In our opinion this would potentially damage the current architectural appeal.

I believe the health, safety and welfare of the community will not be affected if Mr. Decker makes some interior modifications to comply with the zoning regulations.

Respectfully,

Laurie Gallagher, Esq. Mary L. Hansen, Esq.

John Gallagher, Esq

July 20, 1999

Mr. Lawrence Schmidt Hearing Officer for Baltimore County 111 W. Chesapeake Ave. Towson, MD 21204

Re: Rolling Meadows Assisted Living Facility 303 N. Rolling Rd, Catonsville, MD 21228

Dear Mr. Schmidt:

I support the continued use of Rolling Meadows as a 15 bed assisted living facility. This facility benefits the families of the surrounding Catonsville/Oella communities and any changes or restrictions added to the exterior or interior of this property would hinder the services offered by Rolling Meadows and jeopardize the property's aesthetics as well.

I feel that Mr. Decker should be allowed to use this facility to its fullest potential in order to offer the fullest service possible to the community.

Respectfully,

Jay Patel (

Mark McKee 304 N. Rolling Road Catonsville, Maryland 21228

July 16, 1999

Mr. Lawrence Schmidt Hearing Officer for Baltimore County 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: 303 N. Rolling Road General Partnership

Dear Mr. Schmidt:

I have witnessed the improvements located at 303 N. Rolling Road which lies directly across from my house. The condition of the building has been greatly improved. I have not previously been involved in any of the zoning hearings. However, I would like to see this matter resolved in a peaceful manner without the need for Baltimore County to enforce any exterior changes to the building.

Respectfully,

Mark McKee

Mark & Kelly Clark 109 Oella Avenue Oella, Maryland 21228 (410)-750-2290

July 19, 1999

Mr. Lawrence Schmidt Zoning Comissioner for Baltimore Co. 111 W. Chesapeake Ave. Towson, MD 21204

Re: 303 N. Rolling Rd. General Partnership

Dear Mr. Schmidt:

In reference to the Rolling Meadows Assisted Living Facility, we have personally visited this facility and believe any architectural changes would be an undue financial burden on the Decker family as well as uncitely to the facility and surrounding neighborhood. This is a beautifully maintained property that offers those families in Catonsville and other communities the support they need for their loved ones.

We request the continued use of 303 N. Rolling Rd. as an assisted living facility, and to allow Mr. Decker to attain full occupancy at the 15 bed occupancy limit.

We thank you for your time.

Respectfully,

Mark A. Clark & Kelly L. Chullin-Clark, Concerned Citizens

cc: Councilman Moxley



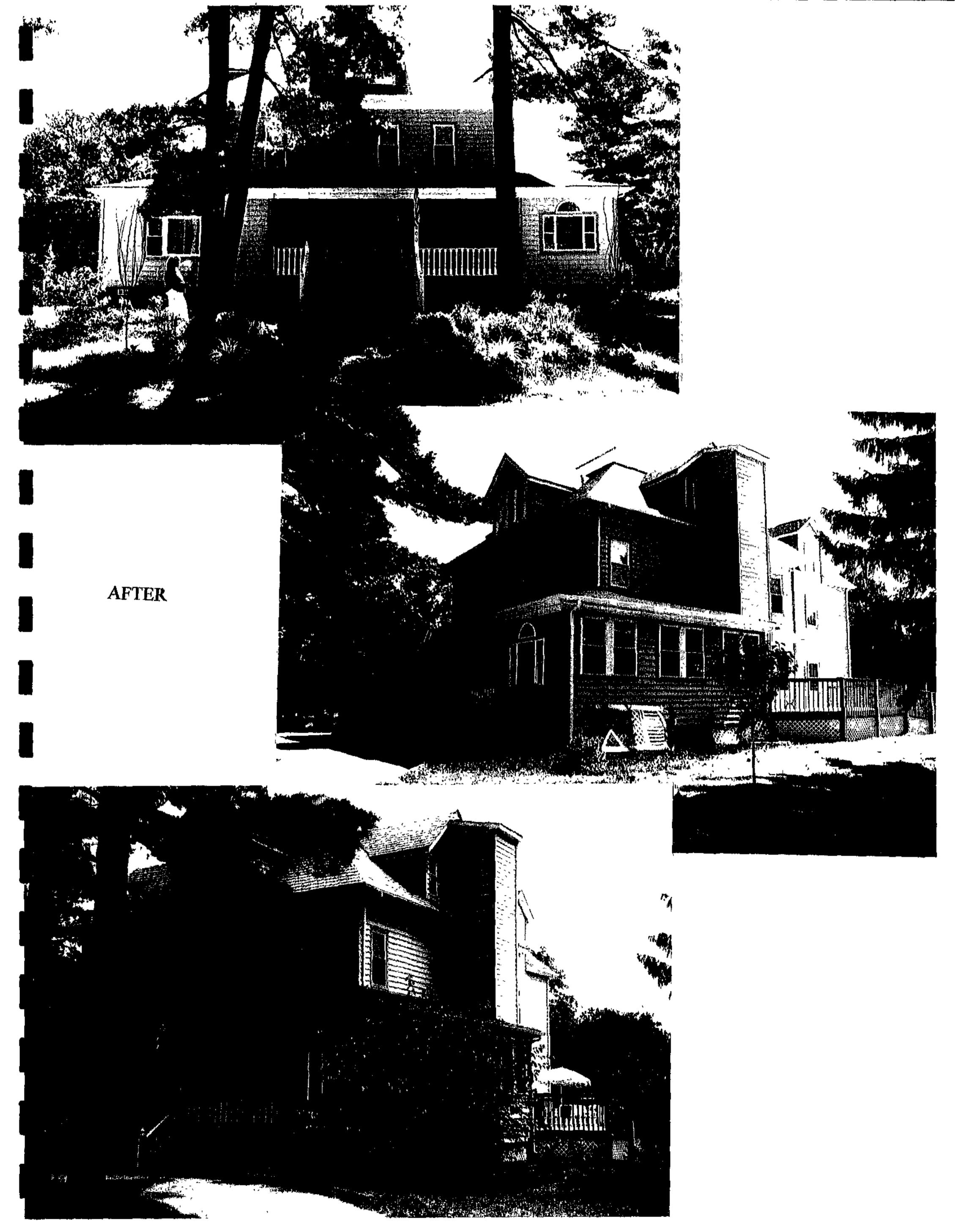




BEFORE

Exhibit G





Before





These photographs depict the property as it existed prior to the addition and renovations. From 1952-1995 the property was used as a Doctor's office and apartments

Photographs of the property after the addition and renovation







REAR VIEW (BEFORE)



REAR VIEW (AFTER)



SIDE VIEW SHOWING ADDITION & LOCATION OF STAIRS



NEIGHBORING PROPERTY WITH APARTMENTS AND FRONT EXTERIOR STAIRS

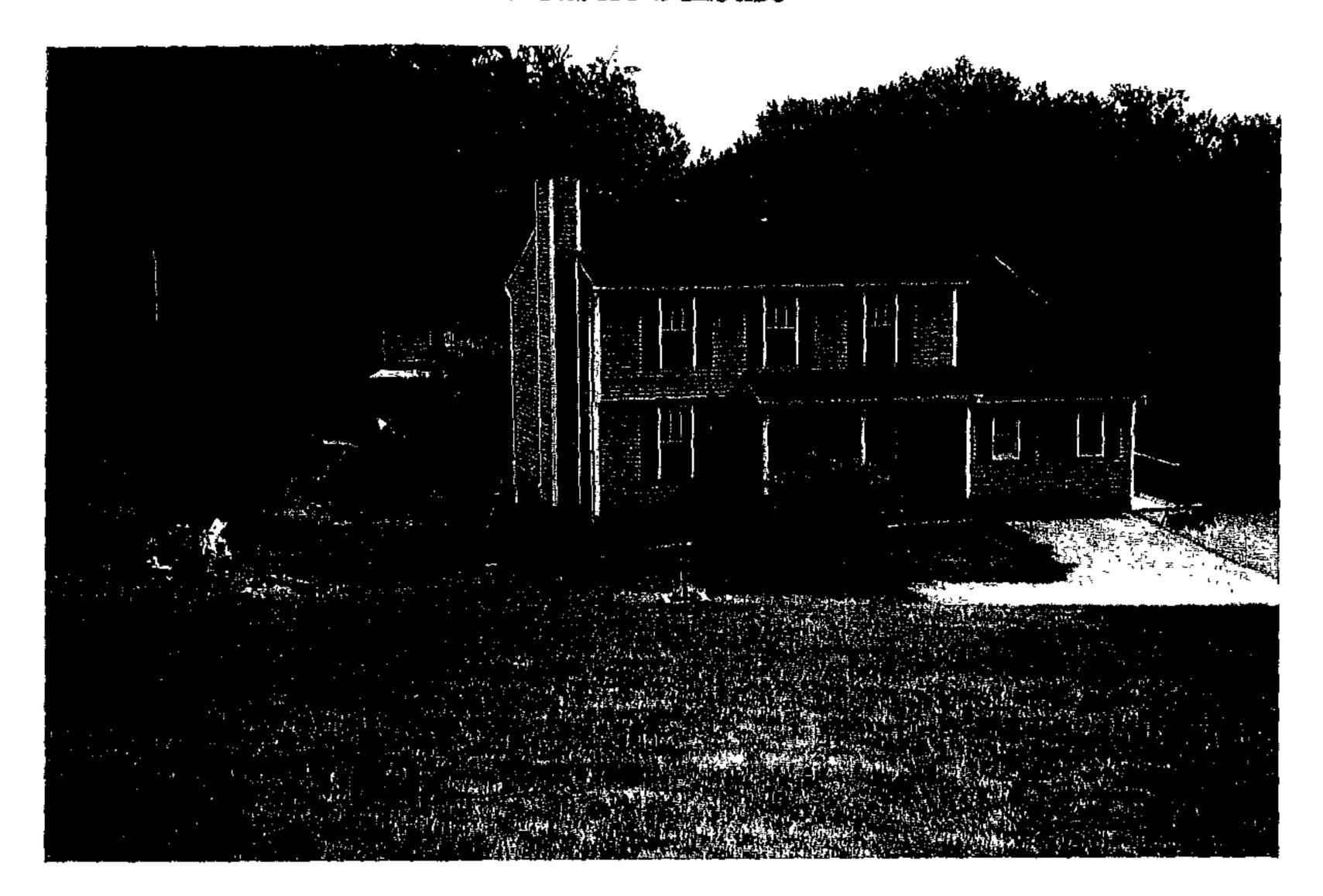


House with collapse porch





301 N. Rolling Road (Adjacent to Subject Property) The two buildings are currently used as apartments (7 units)

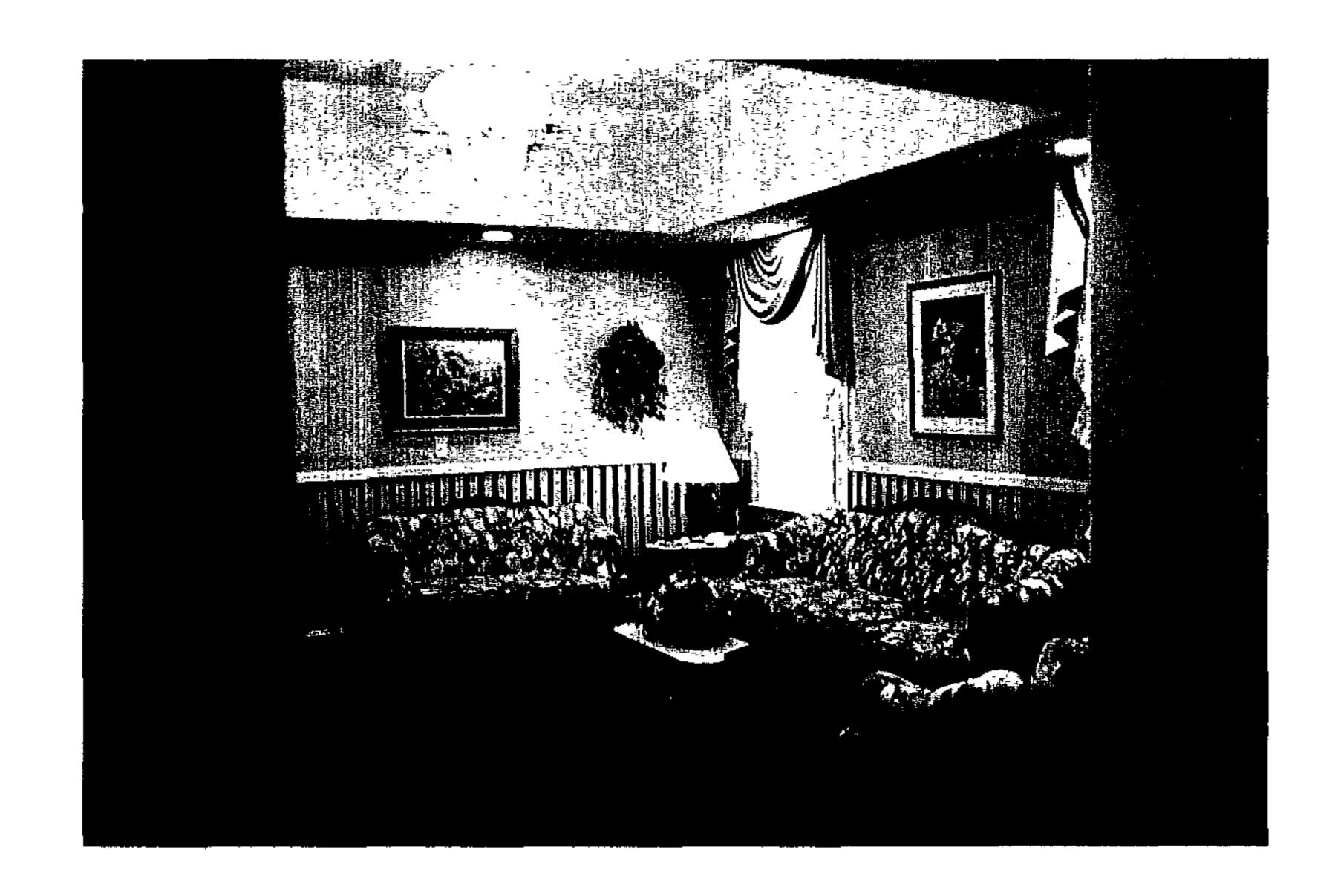




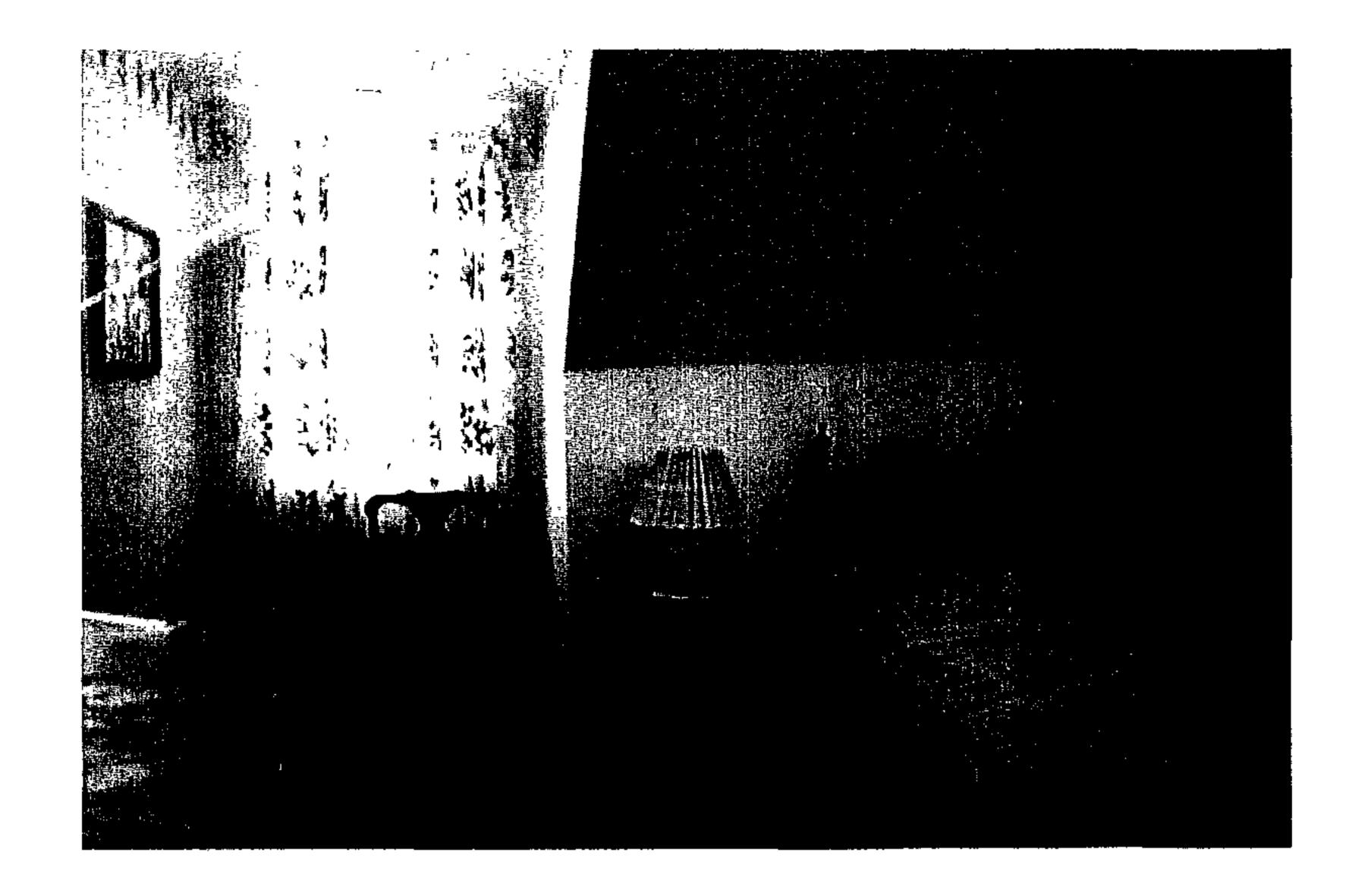
View From Mr. Cascio's House to Existing Facility
Note: Cascio cannot see the existing facility from his house or along his
driveway



Living Room, Sun Room and Dinning Room of New Facility









Interior Bedrooms of New Facility

Legislative Project #96-10 Part 2

Proposed Amendments to the Zoning Regulations Regarding Assisted Living Facilities

A Final Report of the Baltimore County Planning Board Adopted September 18, 1997

Exhibit 11

PROJECT DESCRIPTION

This project is in response to Council Resolution 61-96 (Attached), which requests the Planning Board to consider amendments to the Zoning Regulations regarding housing facilities for the elderly Part 1 of the response addressed the need to modify the Zoning Regulations with regard to multi-family buildings, including housing for the elderly and assisted living facilities. This Part 2 report addresses the need to determine whether the Zoning Regulations pertaining to assisted living facilities for 15 or fewer persons should be revised and also evaluates whether changes to the Zoning Regulations are acceded for consistency with amendments to State law regarding assisted living facilities, which become effective October 1, 1997 (Chapter 147, 1996 Laws of Maryland).

BACKGROUND

Group Sheltered Housing is a program established in the Code of Maryland Regulations (COMAR 14.11.07) through the authority of Article 70B of the Annotated Code of Maryland. Private care-givers provide living assistance (but not nursing care) for between four and fifteen find adderly residents in single-family dwellings certified by the Maryland Office on Aging and monitored improved by local government.

The number of residents permitted at each dwelling is determined by state guidelines. The number of residents is also limited by County minimum lot size standards.

ZONE/MIN. LOT SIZE (SQ. FEET) R.C.5/D.R.1 DR2 DR35 DR55 DR105/16 **AND THE PARTY** Up to Seven 50,000 12,500 10,000 9.000 Residents Each 5.000 2,000 1,500 1,200 Additional Resident

Post-II* Fax Note	7671	Date /s / Debons
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Co./Dept		COO THE REAL PROPERTY OF THE PERSON NAMED AND POST OFFICE AND PERSON NAMED AND PARTY OF THE PERS
Phone 7 8 8 -	152	PROFIG 1
#0-788-4	75.05	PARTY IN COMMENCE OF THE PARTY

Before 1993, Baltimore County had no Group Sheltered Housing. Would-be provided attributed the lack of this type of housing to the difficulty of fifthhing the Countyle special supportant quite the Louing Regulations were amended in 1993 (Bill 188-93) to permit Group Sheltered Housing (designated as "Class A Assisted Living Facility") by right in a dwelling or other building to be converted for this purpose. New-construction facilities, or projects requiring ententive entargements of existing buildings still are permitted only by special exceptions.

As of January 1, 1997 Baltimore County had Class A Assisted Living Facilities. Eleven have 15 residents each; five have twelve and two have seven residents.

In the three years that these types of homes have existed in Baltimore County, the Department of Aging, which monitors them, the matter exclude single-complaint from molabburs. Planning shift found that it was difficult to distinguish Class A Assisted Living Facilities from surrounding and inspections by the County's Department of Aging, requires that harrest be maintained. Signs are discrete, so that potential home buyers in the neighborhood would be unlikely to notice or be concerned about them.

The Fire Department and the 911 Center both report increased calls from addresses where dwellings have been converted to Class A Assisted Living Facilities. An increase in exactly calls increases traffic and noise in residential areas.

IMPACT OF NEW STATE LAW

In 1996, the Maryland General Assembly amended State law governing various types of assisted living programs (Chapter 147, 1996 Law of Maryland). A new definition, "assisted living programs" was enacted:

Assisted Living Program means a residential or facility-based program that provides housing and supportive services, supervision, personalized assistance, health-related services, or a combination thereof that meets the needs of individuals who are unable to perform or who need assistance in performing the activities of daily living or institute entail activities of daily living in a way that promotes optimum dignity and independence for the individuals (Health-General, 19-1801).

The definition excludes nursing homes, hospice care, assisted living services provided in an individual's home and certain state facilities. It includes Group Sheltered Assisted Housing, Domiciliary Care (Health-General, 19-301), and the Certified Adult Residential Environment Programs, also known as Project Home (Article 88A, Sec. 138). The three programs will no longer exist suparately.

Three levels of personal care will be available in an assisted living program: low, moderate and high. All these levels of care fall short of nursing care. An assisted living facility well be licensed for one of the three levels, but, through a resident-specific waiver, a facility may be parasitted to provide a higher level of care for a particular individual. Assisted living facilities, however, will not become nursing homes. Because nursing homes house very frail persons who are very difficult to evacuate in case of an emergency, nursing homes must be built to much different standards than assisted living facilities.

DISCUSSION

As a result of the change in State law, it is necessary to change the definition of assisted living facility so that it no longer refers only to Group Senior Assisted Housing. The definition should refer to Assisted Living Programs which will necessarily include those facilities formerly known as domiciliary care and care homes as well as Group Senior Assisted Housing.

Community representatives are concerned about the impact of allowing homes to be converted to assisted living for up to 15 persons by right. It is their contention that older neighborhoods with large homes are considered by operators to be the most desirable for assisted living facilities because the homes can accommodate the maximum number of residents permitted by zoning. The static concern is that this policy is resulting in a clustering of these facilities in neighborhoods where there are large houses. Neighborhood residents believe that this is creating negative perceptions concerning quality of life and real estate values, which will, in turn, lead to actual disinvestment and decline over time. This fear is heightened by other existing pressures on older neighborhoods in Baltimore County.

It is difficult, if not impossible, to attribute changes in property values to any single factor, such as the clustering of assisted living facilities in a neighborhood. Property values depend on a myriad of circumstances peculiar to a particular location.

Even if the effects of clustering could be documented, the 1988 Federal Fair Housing A fr
Amendments (FHAA) preclude the County from establishing dispersal requiremental what Adams of
persons are included in the FHAA's definition of "handicapped." The objective of "avoidance of
clustering" is not considered a bona fide governmental integest which justifies discriminatery treatment
with regard to housing. Potomac Group Home Corp. v. Montgomery County, 911 F. Supp. 1285 (D.Md.
1993). Based on judicial decisions in Maryland and throughout the country, the Attorney General of
Maryland has found State law requiring a minimum distance between group homes to be void under the
FHAA. 78 Op. Atty. Gen. 169 (1993). Dispersal requirements would almost certainly be considered
essentially disconnected.

A regulation requiring an assisted living facility to obtain a special exception if it will serve more than a given number of residents would probably not represent a per se violation of the FHA.A. In City of Edmonds v. Oxford House, Inc., 514 U.S. 725, (1995) the United State Supreme Court held that zoning laws which cap the number of persons in a group house are not exempt from the provisions of the FHAA. This means that such provisions may be upheld if the cap is reasonably related to land use impacts.

In Bryant Woods Inn. Inc. v. Howard County, Maryland. 911 F. Supp. 918 (D. Md. 1956), the United States district court in Maryland at Baltimore upheld an ordinance requiring a special exception for an assisted living facility for more than eight persons. In that case, the court found that the condition did not serve merely as a pretext for discrimination and that there was sufficient evidence that the Planning Board's denial of the expansion was based primarily upon perking, traffic, and safety and at 934. The court found that it was not necessary to approve that particular special exception in order to meet the FHAA's requirement that local governments make reasonable accommodations in their regulations to allow the disabled equal opportunity to live in suitable housing in the neighborhood of their choice. The court based its conclusions, in part, on an economic assessment of the housing market which indicated that there was an overall vacancy rate of

20% in assisted living facilities in Columbia. The court stated that granting the petition would prove benefit the corporate plaintiff, rather than the disabled whose interests the FHAA is intended to page 1000. The decision implies that under another scenario, where the vacancy rate was very low, or these would be evidence of impermissible motivation the court may hold otherwise.

COMMENTS FOLLOWING JULY 10. 1997 PUBLIC HEARING

At the July 10 public hearing, operators of assisted living facilities were concerned that requiring a special exception for facilities with more than 10 beds, and calculating density at .25 density units per bed, would result in much higher costs. They also stated that quiet residential structs are generally more desirable for these facilities than principal arterials. Where homes are available on principal arterials on Business zoned property, County zoning discourages their conversion to assisted living facilities because the same setbacks apply as in residential zones.

Neighborhood representatives from several different communities were concerned that the regulations would still permit too many beds by right, which would result in the commercialization of residential preas. Another concern was that the lack of a minimum lot size for facilities of up to 10 beds rage overcrowding. would 🗠

on August 25, 1997 the United States Court of Appeals, Fourth Circuit affirmed Excant Wants 'ir.(MD)). The Court stated: 1997 WL 49940

A handicapped person desiring to live in a group home in a residential community in Howard County can do so now at Bryant Woods Inn under existing zoning regulations. and, if no vacancy exists, can do so at the numerous other group homes at which vacancies exist. The unrefute evidence is that the vacancy rate was between 18 and 23% within Howard County. We hold that in these circumstances, Bryant Woods Ing's demand that it be allowed to expand its facility from 8 to 15 residents is not 'necessary' as used in the FHAA, to accommodate handicapped persons (at 7).

While the State arding assisted living facilities will take effect on October 1, 1997, the Department of Health ntal Hygiene's regulations have not been finalized. It is anticipated that regulations will be published in the Maryland Register early in 1998.

RECOMMENDATIONS

Planning Board recommends that the County's zoning regulations pertaining to assisted living facilities be revemped in light of State law, case law concerning the applicability of the PHAA, and the observable land use effects of existing facilities.

Planning Board recommends that assisted living facilities for up to 15 persons be permitted by right on principal americal highways (see Attachment's) and that no density calculations he applied if located in Business zones, the facility should not need to meet the more rigorous setback requirements of residential zones. These amendments would provide viable use of property which is no longer designable for single family residential use. These homes often have generous setbacks and yards. The conversion f several formerly derelict homes to assisted living facilities demonstrate the viability of this concept.

Along other residential streets, assisted living facilities for up to six persons should be permitted by right, with no minimum lot size requirements. Facilities for up to 10 persons should also be permitted by right, but the existing minimum lot size requirements should be applied. Larger facilities should be permitted only by special exception, with minimum lot size requiring applying to those not exceeding 15 residents. Larger facilities should be permitted by special exception, with density calculated at .25 density units per bed.

The County's longstanding policy is to avoid extending urban services beyond the Urban-Racal Demarcation Line. Because of the increase in service calls, Planning Board recommends that assisted living facilities no longer be permitted in RC 5 zones outside of the rural village caraters design thed in the Master Plan 1989-2000.

The Baltimore County Zoning Regulations, 1955, as amended, should be further amended as shown below. Boldfaced text is to be added to the Zoning Regulations; (brackets) indicates words to be deleted.

In Section 101 (Definitions), delete the definition of assisted living facility and teplace with a new definition and change the definition of density unit.

Assisted Living Facility: A building, or a section of a building, that provides housing and supportive services, supervision, personalized assistance, health-related services, or a combination thereof, to meet the needs of individuals who are unable to perform or who need assistance in performing the activities of daily living and which is licensed as an Assisted Living Program as defined under Section 19-1801 of the Bleakh-General Article, Annotated Code of Maryland.

Density Unit: An expression of extent or density of dwelling use as related to number of rooms in, or type of, dwelling unit, so that:

Each assisted living facility bed in a facility of 16 or more beds is equivalent to 0.25 density unit;

Each efficiency apartment is equivalent to 0.50 density unit;

Each 1-bedroom dwelling unit is equivalent to 0.75 density unit;

Each 2-bedroom dwelling unit is equivalent to 1.00 density unit; and

Each dwelling unit with 3 or more bedrooms is equivalent to 1.50 density units.

- 2. Amend Section 1A04.2, Uses permitted by right in RC 5 zones, as follows:
 - 15. Assisted living facilities for ten or fewer resident clients in there centers as designated in the Master Plan, only

- 3. Amend Section 1B01.1.A., uses permitted by right in DR zones, as follows by adding the following uses alphabetically and re-numbering accordingly:
 - 1. Dwellings as provided herein and as provided in Section 430 and subject to Section 402.
 - (e. In the case of housing for the elderly and assisted living facilities of fewer than four (Section 432).)
 - e. Assisted living facilities, subject to the provisions of Section 433
 - 1. Housing for the elderly is permitted by right, subject to the building type limitations above and to Section 432.
- 4. Change 1B01.1.C., uses permitted by special exception, in DR zones as follows:
 - 23. Assisted living facilities (Class B) subject to Section 432
- 5. Add assisted living facility as a permitted use in Section 230.9, uses permitted by right in Business Local zones:

Assisted Living Facilities

- 5. Delete 432.1.A.sub-paragraphs 1-5, general provisions applying to elderly housing in DR mones. (See Attachment 2 for existing text)
- 7. Delete Section 432.5 and replace as follows:

432.5 Assisted Living Facilities

- A. Permissibility and Density.
 - An Assisted Living Facility shall be considered a dwelling and permitted by, wight if the facility:
 - has truntage on a principal arterial and will accommodate no mare than 15 resident clients; or
 - b. will accommodate no more than 10 resident clients and is located in a structure which i) has not been enlarged by 25% of more of ground floor area within a period of five years prior to the date of application, and ii) is not located in a Baltimore County or National Register. Historic District.
 - 2. Any other assisted living facility shall be permitted by special exception.

3. Density for assisted living facilities shall be calculated as follows:

Minimum lot size (square feet)								
# RESIDENT CLIENTS	DR1	DR2	DR3.5	DRALS	DHLA.W16			
UP TO SIX		NO MINIMUM LOT SIZE						
SEVEN*	50,000	25,000	12,500	10,000	9,000			
EACH ADDITIONAL UP to 15 ^b	5,000	3,800	2,000	1,500	L'ALCIO			
16 OR MORES. 0.25 DENSITY UNITS PERCENCE.								

Applies only in DR, ROA, RO and OR zones. Density shall not be calculated in other zones where the use is perssitted.

be a principal arterial.

Where a resident lives in a room or apartment providing complete kinck en facilities intended for the daily preparation of meals by or for thus residence, density shall be calculated as appropriate for an efficiency unit or apartment (See Section 101, density unit).

B. Performance Standards for Assisted Living facilities

- Leave the signs permitted by Section 413.1, no other signs or displays of early kind visible from the outside shall be permitted.
- 2. Off-street parking shall be provided in accordance with Section 409 and subject to the following conditions, but no parking structure shall be permitted except for a residential garage as defined in Section 101.
 - Parking shall be set back at least 10 feet from the property line, except that if the property line abuts an alley, no setback is required provided that the alley does not abut the front or rear yard of a residentially-used property. This requirement shall not apply to spaces existing before the effective date of Bill No. 188-93.

(p)

date of Bill No. 188-93.

- The lot shall provide useable, contiguous, and private open space of at least 10% of 3. the lot.
- If the facility will be enlarged by more than 25% in ground floor area, or is to be 4. newly constructed, the facility shall be subject to a conspatibility fitting pressure to Section 26-282 of the Baltimore County Code, 1988.

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MALEGIS

→ ¼ VASSIST€-DOC

Resolution No. 81-98

Actachmas 1

Mr. S. G. Samuel Moxiey, Councilness

By the County Council, August S. 1916

A RESOLUTION to request the Planning Board to review the Baltimore Count Zoning Regulations in order to update the regulations with marphed to elderly housing with particular emphasis upon the role which as stated living facilities should play in meeting the needs of the County's elderly population.

WHEREAS, the Baltimore County Planning Board from them to three considers certain revisions to the Baltimore County Zoning Regulations: and

WHEREAS, the County Council has an several accamions at the Harming Board to consider amendments to the regulations in order to consider amendments to the regulations in order to consider a solvely provide for the establishment of housing facilities for the elderly; and

WHEREAS, the Planning Board has on several occasions responded its indings.

With respect to elderly housing; and

WHEREAS, in 1988 the Baltimore County Council amended the Zoring Regulations in order to define certain types of facilities for the housing of the claimty and to provide for the location of the a facilities in certain zones of the County; and

WHEREAS, in "Cour camponse to a support of the Planning Board, adopted Bill No. 188-6.... the location of housing known as againsted living facilities in residential zones under certain conditions; and

9±0∨-06-97 12:35P WHEREAS, an assisted living facility is a building or residence which provides meals, housekeeping and personal services for put and year of age or order who have temporary or periodic difficulties with one or more assential activities of daily living; and

> WHEREAS, assisted living facilities can serve as a valuable tool for the County to deal with the needs of its senior population, but the use of such facilities must be balanced with a consideration of the impact these businesses have upon the neighborhoods in which they are located; and

> WHEREAS, the percentage of persons aged 65 and over in Baltimore Charty doubled between 1970 and 1990, and Baltimore County has the highest median age of any jurisdiction in the region, a trend which is likely to continue; and

> WHEREAS, the Baltimore County Council believes that, in order to continue to deal effectively with and meet the needs of its senior population, the Zoning Regulations must be reviewed and updated, with particular attention given to the rule of assisted living facilities and their impact upon residential communities.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Baltimore County Planning Board he and it is here by requested to review the Baltimore County Zoning Regulations in order to update the regulations with respect to elderly housing, with particular amphasis upon the role which assisted living facilities should play in meeting the needs of the County's elderly population and the impact which these businesses have upon the residential communities in which they are permitted.

R06195.

Planners back regulation of assisted living size, local or

Exhibit I

BY JEFFREY RAYMOND

How many elderly people can you fit into a Baltimore County house?

Six.

That, at least, is the recommendation of the county's Planning Board, which last week approved zoning regulations for assisted living facilities. The County Council still must approve the board's recommendations.

The council is not expected to act until the end of this year, following a public hearing likely in November.

Assisted living facilities offer several levels of care for patients, usually the elderly, while allowing them to remain in a community setting. They are not meant to provide the intensive care of a nursing home.

The county's planning staff figured that cased charpeter flouse sizes and the minimum bedroom size for assisted living facilities, six people should be allowed to live in a house virtually anywhere.

The planning board added a provision that before putting an assisted living facility in a house in an historic district, the owner had to go through a hearing to get a special exception.

As many as 10 people will be allowed to live in a house if it meets the minimum lot size; 15 if

the project gets a special excep-

Depending on the size, assisted living facilities will have to be located on principal arterial roads.

current regulations that allow as many as 15 people in the homes. Neighbors of such homes worry that the houses and the neighborhoods cannot adequately support such high concentrations of people, many of whom require care nearly as intensive as that found in nursing homes.

facilities, regardless of size, is a fact of life in Baltimore County. Arnold Eppel, deputy director of the county Department of Aging, told the Planning Board that 24 homes have licenses to operate as assisted living facilities, and most are licensed to have 15 residents.

Four facilities received their licenses in the past three weeks, he said. "They're coming on line very quickly, quite frankly."

for families looking for community settings for elderly loved ones, at one-fourth to one-half the cost of traditional nursing homes, said Eppel.

Baltimore County has a higher percentage of senior citizens than state and national averages, he added, and will continue to grow faster than the state and federal fig-

ures.

Reducing the number of people allowed in each home will likely increase the overall number of homes, Eppel said, adding that he expects more nonprofit organizations to open more of the houses

The board was to have voted on regulations for home-based businesses, but put off the vote because community groups said they had not had enough time to review the proposals.

The board may still change the recommendations from the pianning staff with an eye toward making it easier to operate a business from one's residence.

Hillorie Mordson of the planning staff reflected during the meeting that, between assisted living facilities and other home based businesses, people are using residences in ways nobody though about years ago.

"Maybe zoning today isn't what it was in 1926, when it started," she said. "What hasn't changed is we still have a real commitment in Baltimore County to preserving neighborhoods."

The Planning Board also approved regulations, which now go to the County Council for a vote, that would set a minimum width limit of 20 feet for town-houses. Anything less than 20 feet wide would have to be approved by the county.



Baltimore County
Department of Aging
Senior Employment and Housing Services

611 Central Avenue, Room 319 Towson, Maryland 21204 (410) 887-4632 Fax: (410) 337-5065

April 3, 1997

Ms. Grace M. Smearman
Housing Division
Maryland State Office on Aging
Room 1004
301 W. Preston Street
Baltimore, MD 21201

Dear Ms. Smearman:

Be advised that the Group Senior Assisted Housing Facility known as Parkside Assisted Living, 303 North Rolling Road, Baltimore, Md. 21228 owned by Rick Ainsworth, has complied with all local regulations of the Baltimore County Departments of Fire, Zoning, Building and Environmental Health to house a maximum number of fifteen (15) residents. A final inspection was conducted on April 1, 1997 by Denise Adams, State Office on Aging and Mike Cook, Baltimore County Department of Aging to review the State Office on Aging requirements to operate as a certified GSAH facility. No deficiencies were found.

I, therefore, recommend that Parkside Assisted Living receive a State Office on Aging GSAH certification.

Sincerely,

Charles E. Fisher, Ir

Director

Department of Aging

Exhibit J

CLF:(s

c: Rosalie Dashoff Mike Cook Helen Lorenzo Capt. Tom Logde Rick Ainsworth

with Emphasis Inh

Baltimore Co. golf course's bid to become country club denied

But zoning official OKs Mount Vista's building

By Jay Apperson sunstaff

The Baltimore County zoning commissioner yesterday rejected Mount Vista Golf Course's request to expand into a country club, but stopped short of ordering the golf course's owners to knock down their illegally built clubhouse.

In a 22-page opinion — the latest turn in a decade-long controversy — zoning Commissioner Lawrence E. Schmidt granted some of the northeast Baltimore County golf course's requests, such as the right to remain open year-round and serve food at golf tournaments.

However, Schmidt rejected requests to allow lights at the course's driving range and to use the clubhouse as a catering hall—and he sharply criticized golf course owners for showing "little regard" for their neighbors and for county zoning regulations.

J. Carroll Holzer, a lawyer representing a group of Kingsville residents, had said the golf course should have to tear down its building as a penalty for flouting the law. The golf course built a clubhouse that was three times the size approved in zoning hearings.

In his ruling, Schmidt said he shared the lawyer's "anguish" to a point and said residents' questions about the golf course owners' credibility are "well-founded." But he ruled that the building was not out of character with the existing development.

Schmidt, who conducted two days of hearings in the case, ruled that the golf course could serve a "reasonable menu" of food to a maximum of 100 golfers at a time, but could not advertise as a restaurant that is open to the public.

The zoning commissioner's ruling is the latest move in a debate surrounding the golf course. Some Kingsville residents are concerned that a restaurant might overburden the rural area's water table and might bring too much traffic to the two-lane roads nearby.

Golf course owners, and some residents, have said the course would be an asset to the area.

After originally gaining approval for a golf course and a clubhouse 40 feet by 60 feet, the golf course built a clubhouse that is more than three times that size. County officials, who initially issued a building permit for the larger clubhouse, rescinded the permit only after the building was nearly complete and residents complained.

In his ruling, Schmidt wrote that the golf course owners accepted the original conditions for the golf course project "notwithstanding the obvious fact that

those restrictions made the project financially untenable."

schmidt said that when legal attempts to ease the restrictions failed, the golf course owners "decided to go ahead anyway" and build the clubhouse to fit what they had "secretly envisioned" for the course.

Nancy Hastings, a former president of Greater Kingsville Civic Association, applauded the restriction against driving range lights and a catering business, but she questioned whether the requirement to serve a limited menu to golfers could be enforced.

"This could still be a sticky

wicket," Hastings said.

Daniel P. Crispino, one of the golf course's owners, was glad to hear that the clubhouse could stay. But when asked whether restrictions in the ruling could put the golf course out of business, he said, "I have to look everything over, It's hard to say right now."

He said he would consult with his lawyer before deciding whether to appeal the ruling.

Exhibit 6.



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES TOWSON, MARYLAND 21204

BUILD NGS ENGINEER

BUTLDING PERMIT

FERMIN #: B256485 CONTROL #: COC- C- DIST: 01 PREC +0
DATE ISSUED: 02/13/96 TAX ACCOUNT #: 0113200650 CLASS 04

PLANS: CONST O PLOT O R PLAT O DATA O ELEC YES ELUM YES

LOCATION: 303 N ROLLing RD Subdivision: 1400 ft n Emmondson av

OWNERS INFORMATION

NAME: THE DECKER GROUP/INC ADDR: 815 HILLTOP RD 21228

TENANT:

CONTR: OWNER

EMCNR:

SELLR:

WORK: INT ALT TO CONVERT SED TO ASSISTED LIVING

QUARTERS, (8) RESIDENTS, SEPARATE PERMITT REQUIRED FOR ANY ADDITIONAL WORK, PLANS WAIVED PER R.S. 12/11/95, WORDING CHANGE

12/15/95 PROM 14 TO 8 RESIDENTS.

BLDG CODE: BUCA CODE

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: BURYYATELY DANGE

ESTIMATED & PROPOSED USE: ASSISTED LIVING QUARTERS + QL

80,000,00

EXISTING USE: SFD

TYPE OF IMPRY, ALTERATION,

USE: OTHER - NON-RESIDENTIAL

FOUNDATION:

SEWAGE: PUBLIC EXIST

BASEMENT

WATER PUBLIC TO TEST

LOT SIZE AND SETBACKS

SIZE: 0.7317 AC

FRONT STREET:

SIDE STREET:

FRONT SETB:

NC

SIDE SETB:

NOVMO

SIDE SIR SETB:

REAR SETB:

NC

THIS PERMIT
EXPIRES ONE
YEAR FROM DATE
OF ISSUE

Exhibit L

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES

OFFICE OF THE BUILDINGS ENGINEER COUNTY OFFICE BUILDING, TOWSON, MD. 21204 Nº 25 27 (2) 57 5

Permission is hereby granted to:			
Name //EDECKET		10	
Address 8/5/4000	160		
EALTO MCL Zip-	2/20	2	
to use and occupy the land and/or buildings des	cribed and 1	ocated as follow	s on Permit 140
	Address		—

City, Town, State, Election District	Lot No.	Block No.	Account No.
Subdivision name or a	ereage descript	ion	
for the purpose set forth below: Use for which permit is a	ranted (describ	o fully)	<u>d</u>
Occupancy Load			
Date 2/1/2/2	sued by the	Buildings Engine	er
Fee Paid	An	Mac	Section of the second section of the section of the second section of the section of the second section of the
NOTE: This permit must be conspicuously disp which it was issued. It is not transferable. It mu representative of the Buildings Engineer, Divisio only for the use and to the extent described abo changes in occupancy require a new permit.	layed and no st be shown n of Building ve. Changes	t removed from upon demand Inspection. Th	the premises for to any authorized is permit is good

BALTIMORE COUNTY FIRE DEPARTMENT INVESTIGATIVE SERVICES FIRE INSPECTION REPORT

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BALTIMORE COUNTY FIRE DEPARTMENT INVESTIGATIVE SERVICES FIRE INSPECTION REPORT

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John C. Mellema, Sr. Inc. 5409 East Dive Baltimore, Maryland 21227 February 17, 1999

DEED DESCRIPTION FOR LOT 1

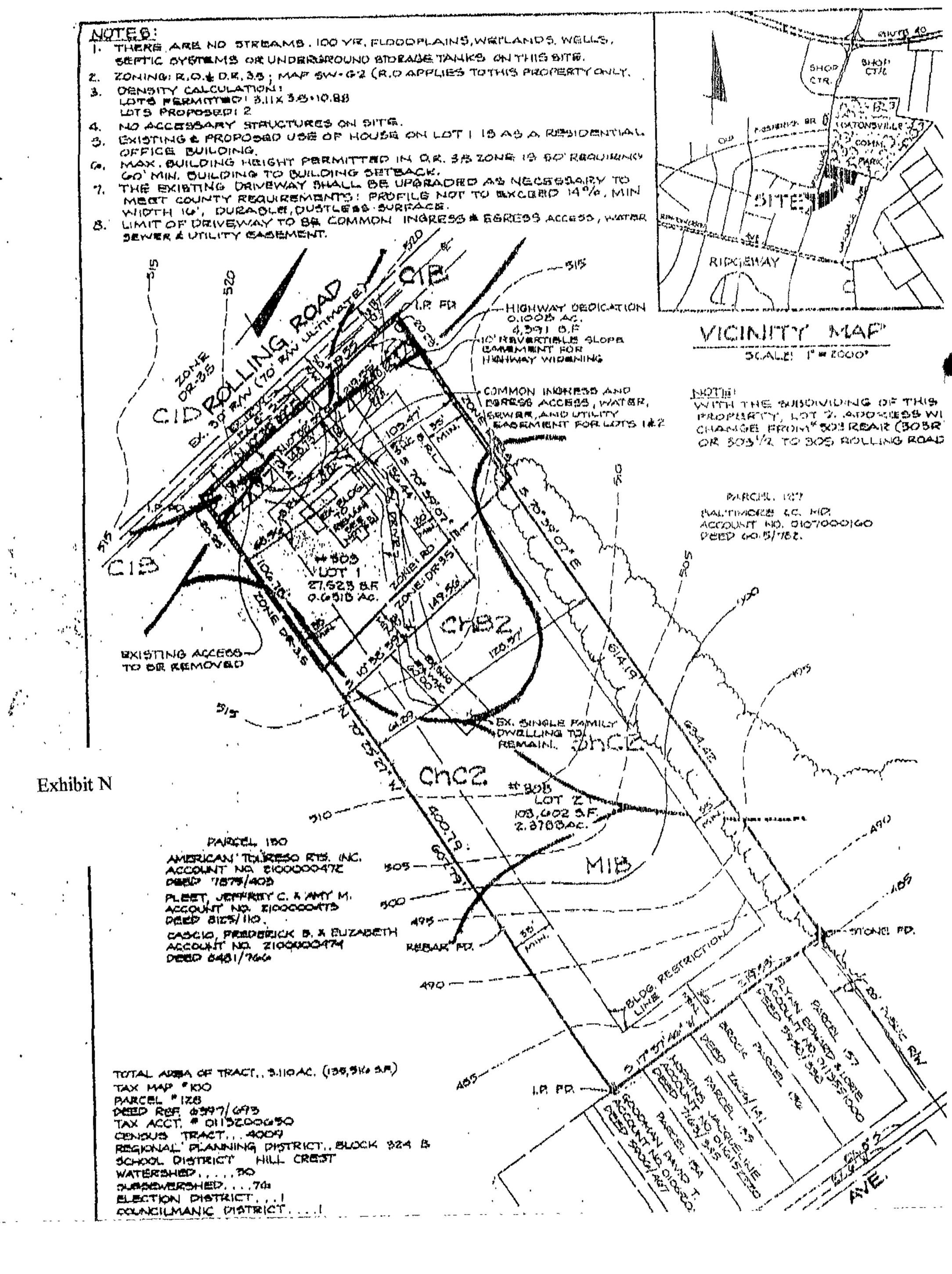
Beginning for the same on the Eastern edge of a 70 foot oltimate right-of-way for Rolling Road 360 feet more or less from the Southern edge of 50 foot right-of-way for Altavue Road, thence leaving the Eastern edge of Rolling Road and running the following courses.

1- South 70 degrees 40 minutes 29 seconds East for a distance of 215.11 feet.

- 2- South 10 degrees 36 minutes 57 seconds West for a distance of 165.86 feet.
- 3- South 70 degrees 26 minutes 59 seconds East for a distance of 342.00 feet
- 4- North 17 degrees 36 minutes 14 seconds East for a distance of 189.38 feet.
- 5- South 70 degrees 40 minutes 29 seconds East for a distance of 34.02 feet.
- 6- South 17 degrees 36 minutes 14 seconds West for a distance of 219.53 feet.
- 7- North 70 degrees 26 minutes 59 seconds West for a distance of 587.64 feet.
- 8- North 10 degrees 38 minutes 15 seconds East for a distance of 195.36 feet.
- to the place of beginning containg 1.36 acres of land more or less.

Being lot 1 on a plat of resubdivision of Grimes Property intended to be recorded in Baltimore County, Maryland.

Exhibit M



LETTERS

Assisted living facilities offer homelike atmosphere

I have recently become aware of new restrictions being placed on assisted living care. I began making phone calls starting with the Baltimore County Department of Aging, was passed on to the Maryland State Department of Aging (which did send me a copy of the restrictions) and then passed again to the Depart-

Htm:/www.lifegoeson.com

ment of Health and Mental Hygiene. There, I finally got to speak to a person who could give me some information as to what was going on,

I do feel as though a lot of unrest comes from even our county and state departments not knowing what the other one is doing.

... Over the years, I have done volunteer work at several large facilities for the elderly in our community. Even though these facilities are well maintained, they do not offer what an assisted living home does.

My mother is presently in an assisted living home. The home is

well maintained and is an asset to the Catonsville community. It offers a pleasant atmosphere for people who have given up most of their worldly possessions to spend their rentaining days in a homelike atmosphere. A large facility could not possibly give my mother the attention, warmth and personal care she receives where she is. Our family was truly blessed when my daughter heard about this facility.

During my mother's stay here, she fractured her pelvis. I have no doubt in my mind that she would not have progressed as quickly as she did

without the tender, loving care she received. The employees treat her as though she is their friend, not just like another paying cost oner.

I hope that anyone who thought that an assisted living home would disturb the community has since changed their rinds. Our children need to know compassion and how to deal with the fac s of life that we all get old. Unless you have had to deal with aging affecting your loved one's way of I fe, you truly cannot know how it feels....

Noney Macaleese Woodle vi

August 27, 1997

Exhibit O

February 19, 1999

Mr. John L. Schneider, President North Rolling Road Community Association 100 N. Rolling Road Baltimore, Maryland 21228

Re: 303 N. Rolling Road

Dear Mr. Schneider,

I appreciate you attending the community meeting on Wednesday. I will glacly attend your community meeting on March 2, 1999 at 7:00. My wife and I would like to join the association. (check enclosed)

Baltimore County's earliest available appointment to file this Special Hearing is March 4, 1999. I have enclosed the proposed plot plan for this Special Hearing and the floor plan.

I sincerely apologize to your community for the aggravation that this situation has caused. I assure you that these circumstances have brought great strain to me both personally and financially.

I will see you on Tuesday. If you have any questions please contact me.

Respectfully,

Matthew C. Decker

Exhibit P

MCD/mr

cc: O.C.N.A.

Colonial Gardens Improvement Assoc.

Junction H.O.A.

Carol Elizabeth Dowdle 108 South Morerick Avenue Catonsville MD 21228

Educational Background:

1961-1965	Graduate - Catonsville Senior High School
1965-1998	Graduate - Catonsville Community College - AA Degree Nursing

Work Background:

1968-1972	Staff Nurse, Bon Secours Hospital
1974-1989	Nursing Unit Supervisor, Meridian Nursing Center-Catonsville
1984-1985	Theory Instructor, Catonsville Community College
1084-1989	Clinical Instructor, Catonsville Community College
1089-1995	Staff Developer, Meridian Nursing Center-Catonsville
1995-1998	Administrative Officer, Department of Defense

License/Certification:

1998-Present	Registered Nurse-State of Maryland
1988-Present	Certified Inservice Trainer
1989-Present	Gerontological Nurse- American Nurses Association

1994-Present I.V. Certification

Committee Member:

Quality Assurance Infection Control Policy/Procedure Safety

Exhibit Q

Continuing Education:

1984 Geriatric Pharmacology

1988 A.N.A. Certification Class

1988 Assessment and Management of Nursing Home Residents

1988 Assessment and Management of the Geriatric Behavior Disorders

1989 Geriatric Physical Assessment

1989 Infectious Disease and Nursing Practice

1989 Skills for Inservice Trainers

1990 Dementia Training

1991 ORBA and Infection Control in Long Term Care

1991 Advanced Interactive Strategies for Teaching

1991 Management of Neuromuscular Disorders of the Elderly

1991 Preventing Violent Behavior

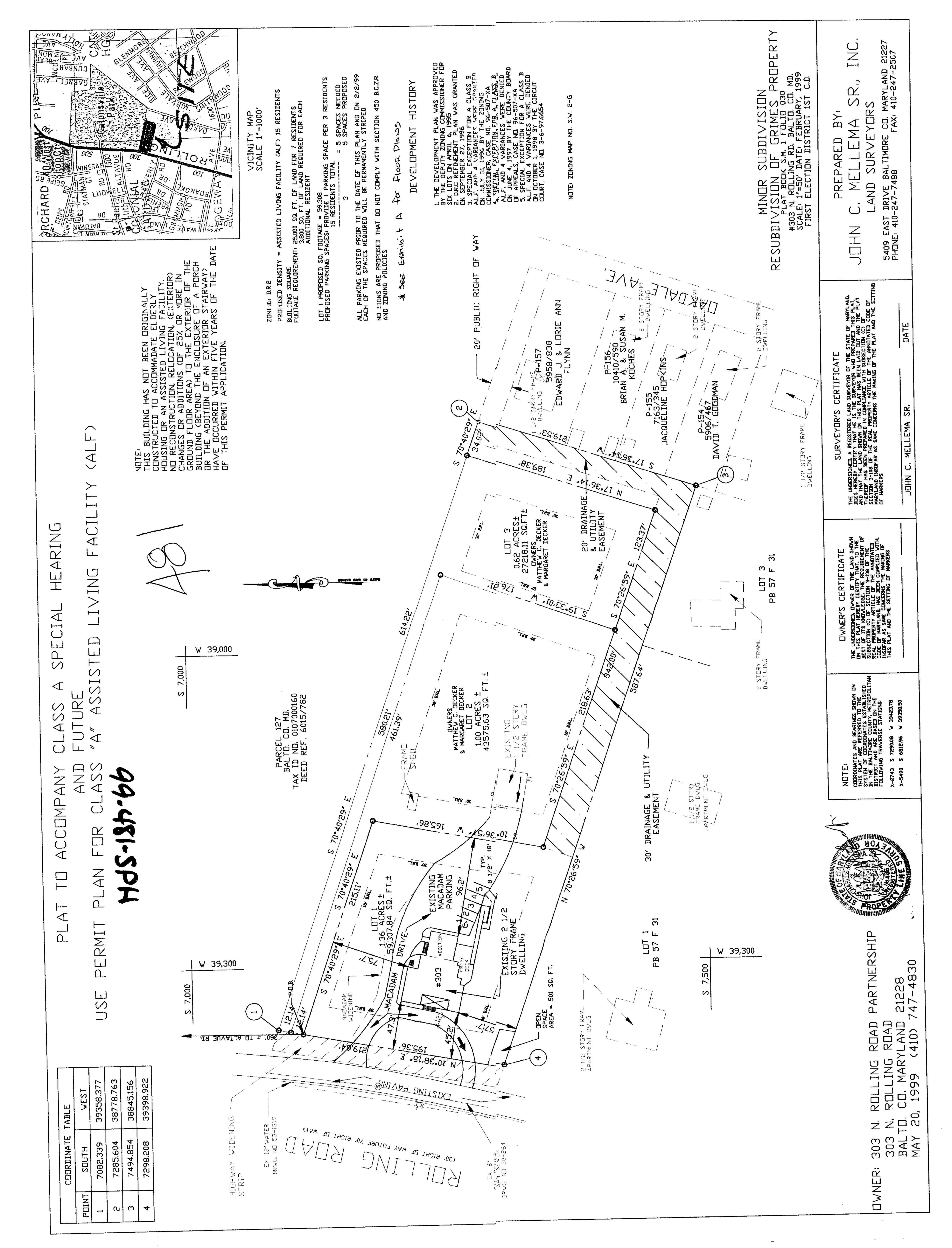
- 1991 Understanding Dementia
- 1991 Adult Physical Assessment for Nurses
- 1992 Wound Care Management
- 1992 Implementing ORBA Regulations on Bloodborne Pathogens
- 1993 Alzheimers Care-Empowering the Victim
- 1994 Beyond the Medical Model-Opening the Door to the Mind
- 1994 T.B. Control-Your Role in Success
- 1994 Administration and Interpretation of T.B. Skin Tests
- 1994 I.V. Certification Course
- 1994 Delegation in Nursing Practice
- 1994 The Aging of America-Understanding the Impact of Disability
- 1994 Wound Management
- 1995 Pressure Ulcer Care
- 1995 Alternative Restraints Concepts
- 1997 Pharmacology Update
- 1997 Stroke-First Critical Days
- 1997 T.P.N.
- 1997 Prostatic Ca

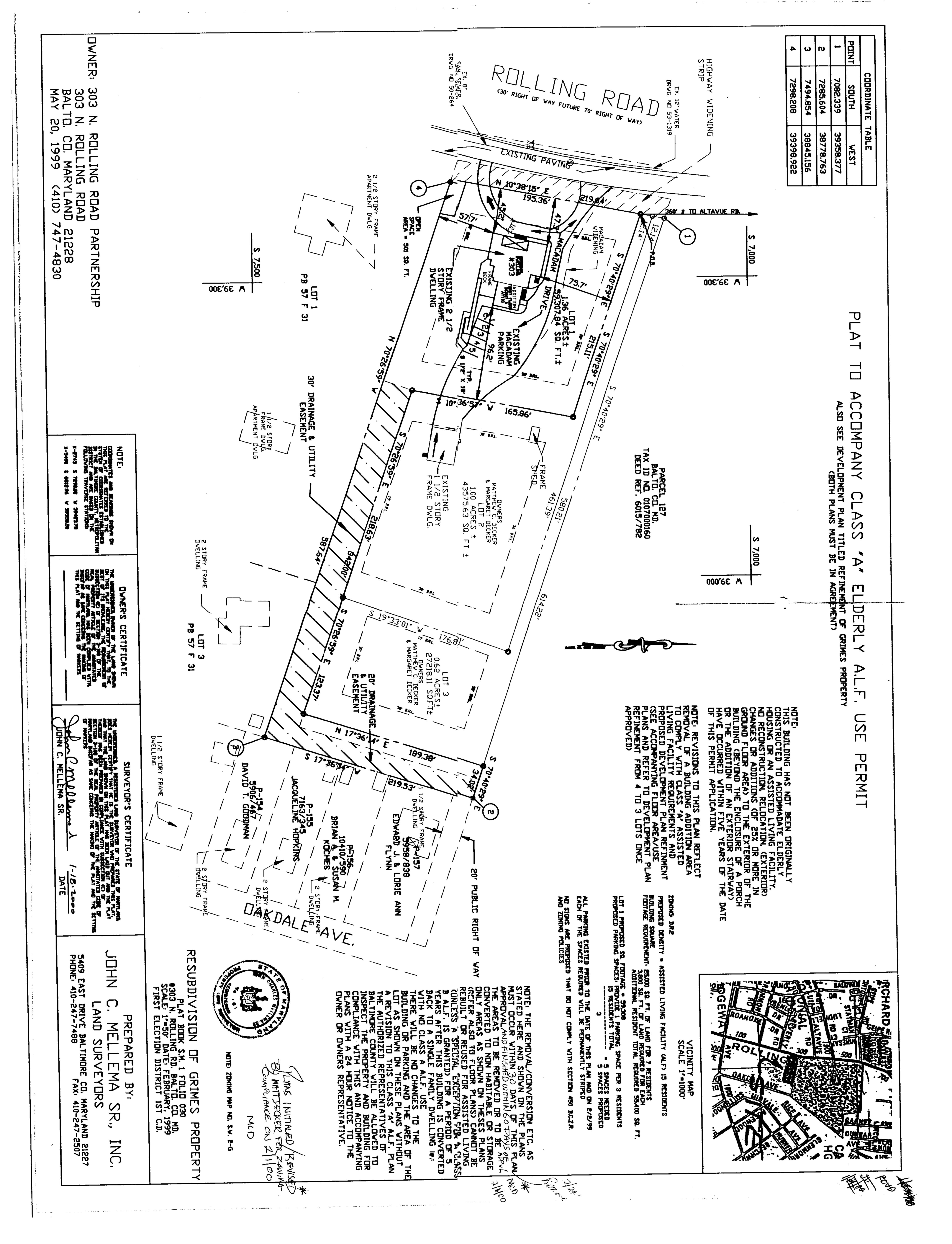
Appointed Official-State of Maryland:


1994 Citizen Advisory Board

Community Service:

- 1984-1991 4-H Leader-Hilltoppers 4-H Club
- 1997-1998 Parliamentarian-Women's Club
- 1997-1998 Volunteer-Ripon Elder Care
- 1997-1998 Secretary-Club Beyond







FFICE OF FIGURE 18 CONTRACTOR 18 CONTRACTOR

TO: PATUXENT PUBLISHING COMPANY

July 1, 1999 Issue - Jeffersonian

Please forward billing to:

Matt Decker

410-747-4830

303 N. Rolling Road Baltimore, MD 21228

NOTICE OF ZONING HEARING

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

CASE NUMBER: 99-481-SPH

303 North Rolling Road

E/S Rolling Road, 360' +/- S of Altavue Road 1st Election District – 1st Councilmanic District

Legal Owner: 303 North Rolling Road Partnership

Special Hearing to approve the proposed conversion to building to conform with Class "A" Assisted Living Facility.

HEARING: Wednesday, July 21, 1999 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT

THE ZONING REVIEW OFFICE AT 410-887-3391.

363-9663 Ris 303 Mouse Coal

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CURRENT SECOND FLOC

Property Address:
303 N. Rolling Road
Catonsville, Maryland
21228
Owners: 303 N.
Rolling Road
General Partnership



Catonsville, Maryland 21228 (410) 747-4830 Gerald S. Decker, P.E. 305 N. Rolling Road PREPARED BY:

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SCALE 1/8" 1'-0" May 23, 1999

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