IN RE: PETITIONS FOR SPECIAL HEARING
AND SPECIAL EXCEPTION – W/S
Back River Neck Road, across from
Cherry Garden Road

(929 Back River Neck Road)
15th Election District
5th Council District

Daniel Beseris, et ux Petitioners * BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

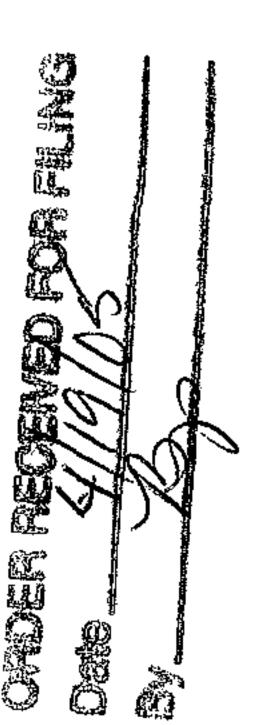
* Case No. 03-070-SPHX

* * * * * * * * *

ORDER ON REQUEST FOR EXTENSION

WHEREAS, this matter comes before the Zoning Commissioner for consideration of a request for an extension of time in which to utilize the relief granted in the above-captioned matter. By way of background, the owners of the subject property, Daniel and Gloria Beseris, through their attorney, J. Neil Lanzi, Esquire, filed Petitions for Special Hearing and Special Exception, seeking approval of a Class B assisted living facility on the subject property, pursuant to Sections 1B01.1.C(26) and 432.5 of the Baltimore County Zoning Regulations (B.C.Z.R.), and accessory parking in an M.L. zone.

By his Opinion and Order dated October 1, 2002, then Zoning Commissioner Lawrence E. Schmidt granted the requests, subject to certain terms and conditions. Pursuant to Section 502.3 of the B.C.Z.R., any special exception granted must be utilized within two years of the date of any final Order granting same; however, an extension of up to five years may be obtained, if requested prior to the expiration of the initial two-year period. Moreover, where a special exception in effect cannot be utilized within the maximum allowable time because of inadequacy or unavailability of public sewer or water facilities, the Zoning Commissioner shall extend such time for utilization to a date 18 months after such facilities become adequate and available. Such extension shall be granted upon receipt of notice from the Department of Public Works that public water and/or sewer facilities are now adequate and available to the property.



The date of such notice shall commence the 18-month period during which time there must be utilization of the special exception.

In this regard, public water was available to the subject property at the time of the zoning hearing and public sewer was to follow, pursuant to a signed sewer connection agreement by and between the Petitioners and Baltimore County. Counsel for the Petitioners has filed an extension request package to the Department of Permits and Development Management, which has been forwarded to the undersigned Zoning Commissioner for consideration. Included within this package is the requisite documentation in support of the requested extension and the certification letter from the Department of Public Works, dated April 5, 2005, which states that public sewer facilities are now adequate and available to the subject property. In that the Petitioners' request for extension meets the requirements of Section 502.3 of the B.C.Z.R.,

IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of April 2005 that the request for extension in which to utilize the special exception/special hearing relief granted in the above-captioned matter, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that said extension shall be utilized within 18 months from the date of the Department of Public Works' certification letter, or no later than October 5, 2006.

Any appeal of this Order shall be taken in accordance with Baltimore County Code Section 32-3-401.

WILLIAM JUNISEMAN, III Zoning Commissioner

for Baltimore County

WJW:bjs

OR PRINCES

cc: J. Neil Lanzi, Esquire

409 Washington Avenue, Suite 617, Towson, Md. 21204

Mr. & Mrs. Daniel Beseris, 929 Back River Neck Road, Baltimore, Md. 21221

Mr. Ernest C. Hanes, 348 Wye Road, Baltimore, Md. 21221

Mr. Philip Hanes, 905 Back River Neck Road, Baltimore, Md. 21221

Mr. Leroy Sennett, 1716 Beachwood Avenue, Baltimore, Md. 21221

Mr. Jeffrey Perlow, DPDM; Department of Public Works; People's Counsel; Case File

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION – W/S Back River Neck Road, across from

Cherry Garden Road

(929 Back River Neck Road)

15th Election District 5th Council District

Daniel Beseris, et ux Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 03-070-SPHX

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by the owners of the subject property, Daniel and Gloria Beseris, through their attorney, J. Neil Lanzi, Esquire. The Petitioners request a special exception for a Class B assisted living facility on the subject property, pursuant to Sections 1B01.1.C(26) and 432.5 of the Baltimore County Zoning Regulations (B.C.Z.R.). Additionally, special hearing relief is requested to approve accessory parking for the proposed Class B assisted living facility in an M.L. zone. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Daniel and Gloria Beseris, property owners, Tom Phelps, the Registered Property Line Surveyor who prepared the site plan for this property, and J. Neil Lanzi, Esquire, attorney for the Petitioners. Appearing as interested persons/Protestants were Ernest and Philip Hanes, owners of the adjacent property, and Leroy Sennett, a community activist in the vicinity.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the west side of Back River Neck Road, just north of Holly Neck Road and across from Cherry Garden Road in Essex. The property contains a gross area of 9.787 acres, more or less, predominantly zoned D.R.3.5 (8.814 acres); however, a narrow strip along the north

OROUND THE CARO

side of the property is zoned M.L. The site is presently improved with a two-story brick dwelling which is used as an assisted living facility operated by Gloria Beseris, co-Petitioner. The facility is operated in accordance with the regulations promulgated by the Maryland State Department of Mental Health and Mental Hygiene and presently houses 15 residents. The Petitioners desire to expand the facility and propose the construction of two "wings" to the rear of the existing building. Each wing will be approximately 60' x 100' deep and will house 16 individuals. When completed the facility will accommodate 47 senior citizens. In addition to these improvements, the Petitioners propose to expand the existing parking area to provide 20 spaces. A macadam-paved driveway provides vehicular access to the site from Back River Neck Road and the parking area on the north side of the building currently provides 10 parking spaces. This parking area is located within the M.L. zoned portion of the site and thus, the requested special hearing relief is necessary.

Photographs of the site submitted at the hearing show that the property is well maintained. Additionally, there is a significant area of forest to the rear of the lot, which will not be disturbed by the proposed improvements. The site appears to be large enough to easily handle the proposed additions.

As noted above Ernest and Philip Hanes are brothers who own the adjacent property, zoned M.L., which is improved with several buildings used in connection with a commercial swimming pool operation they own. Messrs. Hanes do not oppose the request; however, sought information as to the feasibility of changing the zoning classification of their property.

Assisted living facilities are defined in Section 101 of the B.C.Z.R. Essentially, an assisted living facility is a building that provides a residential environment for individuals 62 years of age or older. Additionally, congregate meals, housekeeping and personal services are provided. Where such services are located in a converted dwelling or other building that has not been enlarged to accommodate the facility by more than 25% of the ground floor area, the facility is determined to be a Class "A" facility. Where such services are in a new building or a building which has been enlarged by more than 25% of the ground floor area, the facility is considered to be a Class "B" facility. Moreover, Class "B" assisted living facilities are regulated by Section 432 of

Dafe

the B.C.Z.R. That Section sets out numerous requirements related to assisted living facilities. Both Class A and Class B assisted living facilities are permitted by special exception in the D.R. zone. Moreover, Section 432.5.A.2 of the B.C.Z.R. requires that the minimum lot acreage for a Class B facility shall be 1.0 acre, or 2,000 sq.ft. per resident, whichever is greater. The use of the word "or" is persuasive to a finding that the greater of those two requirements need be satisfied. In this case, 94,000 sq.ft. would be required in that up to 47 residents are proposed for this site. Obviously, this site at over 9 acres in area easily meets that requirement. Additionally, it appears that but for the special hearing request, all other requirements of Section 432 of the B.C.Z.R. are met.

Based upon the testimony and evidence offered, I am easily persuaded that the Petitions for Special Hearing and Special Exception should be granted. In my judgment, the Petitioners have met the requirements of Section 502.1 of the B.C.Z.R. for special exception relief to be granted. Moreover, the present facility appears to be well maintained and operated efficiently. There is no evidence that the proposed expansion will cause detrimental impacts to the adjacent properties or the health, safety and general welfare of the locale. The existence of commercially developed property adjacent to this site is also persuasive. The fact that the parking area is adjacent to a commercially used property is compelling to a finding that there will be no detriment to the adjacent property and that the proposed parking area is appropriate.

An issue was identified at the hearing as to the nature of the proposed expansion. As shown on the site plan, the Petitioners propose the construction of three separate wings to the rear of the existing building, in order to comply with Section 101 of the B.C.Z.R. From an operational standpoint, it appears that the wings should be inter connected so that residents and staff can move from one section of the facility to the other. The existing building will house up to 15 residents and each wing will house 16 residents each. Pursuant to an agreement reached with the neighborhood, the Petitioners have agreed that occupants will be limited to senior citizens, only (See Petitioner's Exhibit 5).

It is also to be noted that the subject property is located within the Chesapeake Bay Critical Areas and as such, compliance with those regulations must be met in accordance with the ZAC comments submitted by DEPRM.

Pursuant to the advertisement, posting of the property and public hearing on this Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this ______ day of October, 2002, the Petition for Special exception for a Class B assisted living facility on the subject property, pursuant to Sections 1B01.1.C(26) and 432.5 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking relief to approve accessory parking for the proposed Class B assisted living facility in an M.L. zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Class B assisted living facility approved herein shall be limited to no more than 47 elderly residents, 62 years of age and older.
- 3) Petitioners shall comply with the Chesapeake Bay Critical Areas regulations as set forth in the ZAC comment submitted by DEPRM, dated September 11, 2002, a copy of which is attached hereto and made a part hereof.

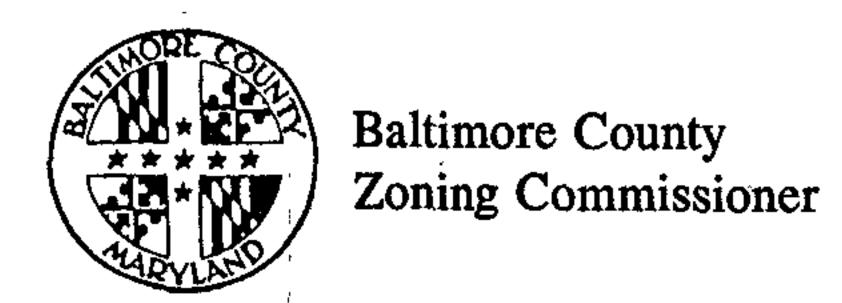
4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

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

Fax: 410-887-3468

October 1, 2002

J. Neil Lanzi, Esquire 409 Washington Avenue, Suite 617 Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION W/S Back River Neck Road, across from Cherry Garden Road (929 Back River Neck Road)

15th Election District – 5th Council District Daniel Beseris, et ux - Petitioners
Case No. 03-070-SPHX

Dear Mr. Lanzi:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Special Exception have been granted, 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

for Baltimore County

LES:bjs

cc: Mr. & Mrs. Daniel Beseris

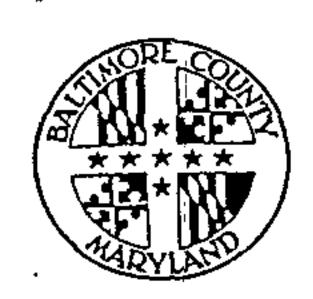
929 Back River Neck Road, Baltimore, Md. 21221

Mr. Ernest C. Hanes, 348 Wye Road, Baltimore, Md. 21221

Mr. Philip Hanes, 905 Back Rover Neck Road, Baltimore, Md. 21221

Mr. Leroy Sennett, 1716 Beachwood Avenue, Baltimore, Md. 21221

People's Counsel; Case File



ORDER RECENTO

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

for the property located at 929 Back River Neck Road which is presently zoned DR 3.5, CB, ML

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

Accessory parking for a proposed Class "B" assisted living facility to be located in an ML Zone.

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.

	perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
Daniel and Gloria Beseris	Daniel Beseris
Name (Type or Print) Signature Name (Type or Print) Signature Name (Type or Print) Signature	Signature
929 Back River Neck Road 410-686-0448	Gloria Beseris
Address Baltimore, MD 21221	Name 9 Type of Print— Locus Dexerse
City State Zip Code	Signature
Attorney For Petitioner:	929 Back River Neck Road 410-686-0448
**	Address Telephone No.
J. Neil Lanzi	Baltimore, MD 21221
Name - Type or Print Signature	City State Zip Code Representative to be Contacted:
	J. Neil Lanzi
J. Neil Lanzi, P.A. Company 409 Washington Ave, Ste 617 410-296-068	Name 6 409 Washington Ave, Ste 617 410-296-0686
Address Telephone No.	Address Telephone No.
Telephone No. Towson, MD 21204 State Zio Code	Towson, MD 21204
	City State Zip Code
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
Case No. 03-070-5PHX	UNAVAILABLE FOR HEARING
Case No. O 70-5/14x	Reviewed By JRF Date 8/8/02



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 929 Back River Neck Road

which is presently zoned DR 3.5, CB, M

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legiowner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto an made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Assisted living facility, Class "B" pursuant to Sections 1B01.1C(26) and 432.5

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

I, or we, agree to pay expenses of above Special Exception, 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.

	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:	Legal Owner(s):
Daniel and Choria Beseris	Daniel Beseris
Name-Type or Priority Super Standard Beseris Signature 929 Back River Neck Road 410-686-0448	Name - Type or Frint Signature Gloria Beseris
Address Telephone No.	Name - Type or Print
Baltimore, MD 21221 City State Zip Code	Gloria A. Beseris- Coult Bosens
Attorney For Petitioner:	000 - 1 - 1
	Address Telephone No.
J. Neil Lanzi	Baltimore, MD 21221
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:
J. Neil Lanzi, P.A.	
Company	J. Neil Lanzi
409 Washington Avenue, Ste 617 410-296-0686	Name 409 Washington Ave Ste 617 410-296-0686
I DIARDASA SIA	Address Telephone No.
Gity I	Towson, MD 21204
Towson, Maryland 21204 Gity State Zip Code	City State Zip Code
	OFFICE USE ONLY
Se No. 03-070-504×	ESTIMATED LENGTH OF HEARINGUNAVAILABLE FOR HEARING
G9115198	Reviewed By JRF Date 8/8/02

THOMAS E. PHELPS & ASSOCIATES, INC.

945 Barron Avenue Baltimore, Maryland 21221-5202 (301) 574-6744

LAND SURVEYING

LAND PLANNING

ZONING DESCRIPTION FOR the DR3.5 zone Neck Road	ed Area of 929 Back River (address)
Beginning at a point on the east (north, south, east	
name of street on which property fronts)	which is 50 feet
wide at the distance of 120 feet north	(number of feet of right-of-way width of the th, south, east or west)
centerline of the nearest improved intersecting st	reet Cherry Garden Road (name of street)
which is 30 feet (number of feet of right-of-way width)	
Block, Section # in the subdivision	on of
as recorded in Baltimore County Plat Book #	(name of subdivision), Folio #,
containing <u>9.878 Acres</u> . Also know (square feet or acres)	wn as 929 Back River Neck Rd. (property address)
and located in the 15 Election District, 5. Co	ouncilmanic District.
Thence running with Back River 1) Douth 17 57' 06" West 25 2) South 15 12' 06" West 16 3) South 15 12' 06" West 16 4) North 81 20' 58" West 16 5) [North 08 43' 06" East 37 6) South 81 10' 54" East 16 Containing 8.814 Acres more or	06.75' 6.50' 07.50'

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No.10436	PAID REGEREN WISHESS ACTUM TIME
DATE 8-5-02 ACCOUNT	01-000-0150	# 70872002
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spenne Ef Cep	tion.	
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTO	MER	CASHIER'S VALIDATION

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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: #03-070-SPHX
929 Back River Neck Road
E/S of Back River Neck Road, 120' N of centerline of Charty Garden Road

Cherry Garden Road

15th Election District - 5th Councilmanic District

Legal Owner(s): Daniel & Gloria Beseris

Contract Purchaser: Daniel & Gloria Beseris

Special Exception: to the property for Assisted Living facility. Special Hearing: to approve accessory parking for proposed Class. B" Assisted Living facility to be located in ML zone.

Hearing: Friday, September 13, 2002 at 9:00 a.m. in Room 106, Baltimore County Office Building, 111, W. Chesapeake 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.

8/399 Aug. 29 8/399 Aug. 29 C559699

CERTIFICATE OF PUBLICATION

<u>5</u> 29,2002
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 829,2002.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

CERTIFICATE OF POSTING

4	RE: Case No.: <u>03-070-9PHX</u>
•	Petitioner/Developer: DANIEL +
	GLORIA BESERIS
	Date of Hearing/Closing: 9/13/07
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:	
were posted conspicuously on the property lo	perjury that the necessary sign(s) required by law cated at 929 Back RIVER NECK RD
The sign(s) were posted on	8/28/02
	(Month, Day, Year)
	Sincerely,
	8/28/02
	(Signature of Sign Poster and Date)
	SSG ROBERT BLACK
	(Printed Name)
	1508 Leslie Rd
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 2827940
	(Telephone Number)
4	

RE:	PETITION FOR SPECIAL HEARING
	& SPECIAL EXCEPTION
	929 Back River Neck Road
	120' north of ctrl of Cherry Garden Road
	15 th Election District 5 th Councilmanic
	District
	Legal Owner: Daniel & Gloria Beseris

Petitioner(s)

- ZONING COMMISSIONER
- **FOR**
- **BALTIMORE COUNTY**
- 03-070-SPHX

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

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 28th day of August, 2002 a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, P.A., 409 Washington Avenue, Suite 617, Towson, Attorney for Petitioner(s). MD 21204

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 28, 2002 Issue – Jeffersonian

Please forward billing to:

J Neil Lanzi 409 Washington Avenue Suite 617 Towson MD 21204

410 296-0686

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: 03-070-SPHX 929 Back River Neck Road

E/S of Back River Neck Road, 120' N of centerline of Cherry Garden Road

15th Election District – 5th Councilmanic District

Legal Owner: Daniel & Gloria Beseris

Contract Purchaser: Daniel & Gloria Beseris

Special Exception to the property for Assisted Living facility. Special Hearing to approve accessory parking for proposed Class "B" Assisted Living facility to be located in ML zone.

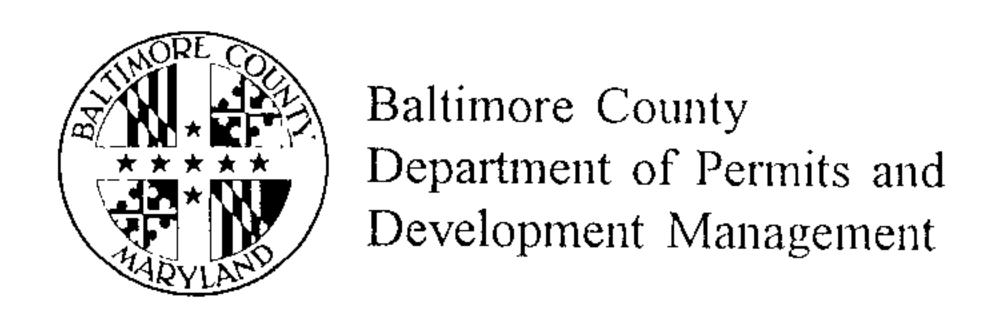
HEARING: Friday, September 13, 2002 at 9:00 a.m. in Room 106, Baltimore County Office Building, 111 W Chesapeake Avenue

and the state of the said

LAWRENCE E. SCHMIDT GDZ SONING 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.



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

August 20, 2002

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: 03-070-SPHX 929 Back River Neck Road

E/S of Back River Neck Road, 120' N of centerline of Cherry Garden Road

15th Election District – 5th Councilmanic District

Legal Owner: Daniel & Gloria Beseris

Contract Purchaser: Daniel & Gloria Beseris

Special Exception to the property for Assisted Living facility. Special Hearing to approve accessory parking for proposed Class "B" Assisted Living facility to be located in ML zone.

HEARING: Friday, September 13, 2002 at 9:00 a.m. in Room 106, Baltimore County

Office Building, 111 W Chesapeake Avenue

And the state of t

Arnold Jablon 607 Director

C: J Neil Lanzi, 409 Washington Avenue, Suite 617, Towson 21204 Daniel & Gloria Beseris, 929 Back River Neck Road, Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, AUGUST 28, 2002.

(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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

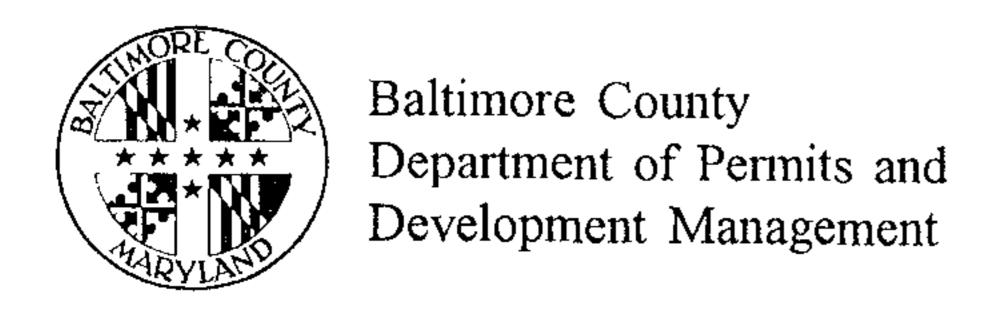
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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 Newspaper Advertising:
Item Number or Case Number: 03-070-5PHX Petitioner: Doniel Reseas
Address or Location: 929 Back River Neck Road
PLEASE FORWARD ADVERTISING BILL TO:
Name: Nell Canzi
Address: 409 Worhington au 5th 617
Towson MD 31204
Telephone Number: 410 296 0686

Revised 2/20/98 - SCJ



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

September 6, 2002

Mr. & Mrs. Daniel Beseris 929 Back River Neck Road Baltimore MD 21221

Dear Mr. & Mrs. Beseris:

RE: Case Number: 03-070-SPHX, 929 Back River Neck Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 08, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. らりて

W. Carl Richards, Ar.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: gdz

Enclosures

c: J Neil Lanzi, 409 Washington Avenue, Suite 617, Towson 21204 People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: October 8, 2002

TO:

Arnold Jablon, Director

Department of Permits & Development Management

FROM: A

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 26, 2002 Item Nos. 068, 069, 070, 071, 072, 073, 074, 076, 077, and 080

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

10/13

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:	R. Bruce Seel	ey RBS ITGT		
DATE:	September 11	, 2002		
SUBJECT:	Zoning Item Address	70 929 Back River N	leck Road	
Zoning	g Advisory Cor	nmittee Meeting o	f <u>August 19, 2002</u>	
	_	nvironmental Prote ve-referenced zoni		Management has no
an exte	ension for the re	eview of the above		Management request item to determine the
	-		ection and Resource eferenced zoning iter	Management offers m:
	Protection of	Water Quality, Str	st comply with the leams, Wetlands and altimore County Cod	Floodplains (Sections
<u> </u>	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).			
<u>X</u>	Critical Area		ust comply with the ons 26-436 through the ty Code).	•
X_	Additional Co	mments:		
See at	tachment			
Revie	wer: Keith	Kelley	Date: Septem	ber 10, 2002

CBCA Zoning Comments (zoning item #70)

The property is located within the Limited Development Area (LDA), or Resource Conservation Area (RCA), or Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area (CBCA).
This proposal must use best management practices, which reduce pollutant loadings by 10%.
Man-made impervious surfaces are limited to 15% for lots greater than ½ acre in size.
Man-made impervious surfaces are limited to 25% for lots less than ½ acre in size.
Mitigation is required if exceeding the 25% impervious surface limit. Impervious surfaces are limited to 25% of the lot & 500 square feet or 31.25% of the lot. Otherwise, a Critical Area Administrative Variance (CAAV) is required.
If permitted development on a property currently exceeds impervious surface limits, that percentage may be maintained during redevelopment of the property. 15% forest must be established or maintained. This equates to 15 trees for a lot of this size.
Any tree removed in the buffer for this structure must be replaced on a 1:1 basis.
All downspouts must discharge rainwater runoff across a pervious surface such as a lawn.
The lot is in a Buffer Management Area (BMA). Mitigation (planting trees, removing impervious area, or paying a fee-in-lieu) is required for the placement of the proposed structure within 100' of tidal waters.
If the lot is unimproved, then the proposed dwelling cannot go any closer to the water than the neighboring dwelling farthest away from the water.
If the lot is improved, then the proposed dwelling can go as close to the water as the existing dwelling.
A Critical Area Administrative Variance (CAAV) is required for the placement of the proposed structure within 100° of tidal waters, tidal wetlands, stream, or within 25° of non-tidal wetlands.
A Critical Area Administrative Variance (CAAV) is required since the proposed principal structure cannot honor the required 35' residential building setback or 25' commercial building setback from the 25' or 100' buffer.
Kdk#14/cbcazoningcomments

BALTIMORE COUNTY, MARYLAND Interoffice Memorandum

The same of the sa

APR 1 5 2005

ZONNO COMPASSIONER

DATE:

April 14, 2005

TO:

William J. Wiseman

Zoning Commissioner

FROM:

Jeffrey Perlow, Planner II
Zoning Review Office, PDM

SUBJECT:

Request for Time Extension for Utilization of the Special Exception in Case # 03-

070-SPHX, 929 Back River Neck Road, Daniel and Gloria Beseris-Petitioners

Paragraph 3, Section 502.3, BCZR, states the following:

Notwithstanding the above provisions, in any case where a special exception in effect on or after January 1, 1957, cannot be utilized within the maximum allowable time because of inadequacy or unavailability of public sewer or water facilities, the Zoning Commissioner shall extend such time for utilization to a date 18 months after such facilities become adequate and available, as evidenced by the ability to obtain a public works agreement permitting exercise of the special exception. A copy of the extension order shall be sent by the Zoning Commissioner to the Director of Public Works, who shall give certified or registered mail notice when such public works agreement is obtainable, to the party, and for the property, named in the extension order at the address shown in said order, except that the party named in the extension order, by certified or registered mail notice to the Director of Public Works and the Zoning Commissioner, may change the name of the party to receive such notice from the Public Works Director, or the address to which said notice is to be sent, or both. The date on which the notice is sent by the Director of Public Works to the last party of record within, at the last address furnished, shall be the commencement date for the running of the eighteen-month extension period in which there must be utilization of the special exception. [Bill Nos. 85-1967; 68-1968; 172-1993]

Pursuant to the above paragraph, attached you will find an extension request package from J. Neil Lanzi, Esquire requesting a time extension for utilization of the special exception in Case # 03-070-SPHX. Included with Mr. Lanzi's package is a certification letter from the Public Works Department stating that public sewer facilities are now adequate and available to the subject property. Please prepare an order that extends the time for utilization of the special exception to a date 18 months after the April 5, 2005 date in the Public Works letter. It appears from the above paragraph that the extension order should be sent to the Director of Public Works. However, a copy of the order should probably be sent to Mr. Lanzi for his benefit as well as the Zoning Review Office to be placed in the original hearing file.

Thanks for taking care of this for Mr. Lanzi. If you have any questions, I can be reached at extension 3391.

1/3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: August 29, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-070

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/LL:MAC



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams
Administrator

Date: 9.6.02

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204 RE:

Baltimore County
Item No. 676

JRF

Dear. Mr. Zahner:

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,

In

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division



Roy W. Kienitz Secretary

Mary Ahrams

Deputy Secretary

Parris N. Glendening Governor Kathleen Kennedy Townsend Lt. Governor

August 23, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
County Office Building
Room 111
111 West Chesapeake Avenue
Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 8/26/02 re: Case numbers 03-068-SPHXA, 03-069-A, 03-070-8PHX, 03-071-A, 03-072-SPH, 03-073-SPH, 03-074-A, 03-075-A, 03-076-A, 03-077-A, 03-078-A, 03-079-A, 03-080-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 8/22/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup

929 Back River neck Road Legal Owner Daniel and Gloria Beseris

Special Hearing to approve accessory parking for proposed Class "B" Assisted Living Facility to located in a ML zone.

Exceptions taken:

By: Leroy Sennett 1716 Beachwood Ave. Baltimore Md. 21221 Tel/Fax 410-682-3697

- 1. Read of posting "Class "B" Assisted Living facility to be located in ML zone "Section 253 Baltimore County Zoning Regulations does not permit such usage.
- 2. If intent of issue is for accessory parking in ML zone to service assisted living facility located on adjoining D.R. 3.5 parcel consideration to smart growth management should be given to reclassifying parcel from ML to D.R. 3.5.
- 3. Special exception for parking at this facility expansion to a Class B(sect. 432.1.A.3) may in be a pre-empted ruling contrary to the sprit and intent of zoning (sect. 502.1.G) as the number of residents is factored on one acre per resident as sect. 432.5.A.2

Foot Note to file record:

On the occasion of the Back River Neck Peninsula Community Association general meeting November 27, 2001, Mr. Basaris along with his Architect Bill Chin presented their expansion plans to Gloria's Friends Home. After dialog on this issue there was agreement that Mr. Basaris would provide written assurance of no future plans for growth at on this parcel of land and requested by members of BRNPCA that this facility would be limited to the elderly and infirm and that the un-spoiled wooded area of this property be considered for inclusion in a state preservation program, the two building expansion would have limited visual impact being constructed behind the existing residential structure. With the preceding understandings a vote of the majority, voted not to oppose presented program for an additional thirty two residence plus existing fifteen residence for a total of forty seven resident clients. To date, to the best of my knowledge, written assurance on limiting expansion to Gloria's Friends Home to forty seven residence with no other development growth to this parcel has not been forwarded to Back River Neck Peninsula Association nor to Zoning files.

Respectfully, Submitted
Levery Semmett

Leroy Sennett

J. NEIL LANZI, P.A.

ATTORNEY AT LAW MERCANTILE BUILDING, SUITE 617 **409 WASHINGTON AVENUE** TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

December 13, 2004

Jeff Perlow Permits and Development Management 111 West Chesapeake Avenue Room 111 Towson, Maryland 21204

Daniel and Gloria Beseris - Petitioners

Case No. 03-07-SPHX 929 Back River Neck Road

Dear Jeff:

J. Neil Lanzi

OF COUNSEL

Fred L Coover*

*Also Admitted in District of Columbia

You may recall calling me in mid-November regarding the above referenced property. At that time you requested a letter from the Baltimore County Department of Public Works with regard to the sewer system under construction. I now enclose a copy of a letter from Glen A. Keller, P.E., chief of the sewer design section. It is my understanding that with this letter you would be forwarding my letter extension request of October 29, 2004 to the Zoning Commissioner.

Should you require anything further, please do not hesitate to contact me.

Very truly yours,

J. Neil Lanzi

JNL\mal

cc: Gloria and Daniel Beseris

J. Mayer, Architect

Suite 420, Parkside Bldg

COLUMBIA

10500 Little Patuxent Parkway Columbia, Maryland 21044-3563

Reply to Towson

Department of Public Works

Bureau of Engineering and Construction 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3788



Baltimore County

James T. Smith, Jr., County Executive Edward C. Adams, Jr., Director

December 3, 2004

Mr. J. Neil Lanzi, PA
Mercantile Building – Suite 617
409 Washington Avenue
Towson, MD 21204

Reference:

929 Back River Neck Road

Dear Mr. Lanzi:

The public sewer system that will serve the above referenced property is currently under construction. Our contractor has installed all the main sewer pipe and is now installing the necessary grinder pumps. Following the installation of all the grinder pumps, the system will be tested and disturbed areas restored. Keeping in mind factors such as weather, we can only estimate a completion date of Summer 2005.

If you have any further questions, please contact Pedro Ramirez, of my staff, at 410-887-3781.

Very truly yours,

GLEN A. KELLER, PE

Chief, Sewer Design Section

GAK:PRR:bjk

J. NEIL LANZI, P.A.

ATTORNEY AT LAW MERCANTILE BUILDING, SUITE 617 409 WASHINGTON AVENUE TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

Suite 420, Parkside Bldg 10500 Little Patuxent Parkway Columbia, Maryland 21044-3563

Reply to Towson

COLUMBIA

J. Neil Lanzi

OF COUNSEL Fred L. Coover*

*Also Admitted in District of Columbia

October 29, 2004

Timothy M. Kotroco, Director Permits and Development Management 111 West Chesapeake Avenue Room 111 Towson, Maryland 21204

Re:

Daniel and Gloria Beseris - Petitioners

Case No. 03-070SPHX 929 Back River Neck Road

Dear Mr. Kotroco:

Please be advised that I represent Gloria and Daniel Beseris, Petitioners, in the above referenced case. The purpose of this letter is to request an extension of time for the Petitioners to utilize their special exception for their property known as 929 Back River Neck Road.

By way of background, the Petitioners had requested special exception relief for a Class B assisted living facility on their property pursuant to Sections 1B01.1C(26) and 432.5 of the BCZR. Petitioners also requested special hearing relief to approve accessory parking for the proposed assisted living facility in the ML Zone. The property itself contains approximately 9.7 acres of which 8.814 acres are zoned DR 3.5. There is a narrow strip on the north side of the property which is zoned ML. For your reference, I am enclosing a copy of the decision of the Zoning Commissioner approving the zoning relief on October 1, 2002. I am also enclosing a copy of the site plan filed as an exhibit in the case along with available county comments.

The extension request is based on Section 502.3 of BCZR which provides that "... notwithstanding the above provisions, in any case where a special exception in effect on or after January 1, 1957, cannot be utilized within the maximum allowable time because of inadequacy or unavailability of public sewer or water facilities, the Zoning Commissioner shall extend such time for utilization to a date eighteen months after such facilities become adequate and available ...". As noted on the site plan, public water was available at the time of the zoning hearing and the public sewer was to follow. Petitioners and their consultants met numerous times with representatives of Public Works and DEPRM with regard to their existing septic system and the planned capital project of Baltimore County bringing public sewer to this property. Petitioners existing septic system is now pumped on a monthly basis and their planned expansion project

Timothy M. Kotroco, Director October 29, 2004 Page Two

was dependent on the public sewer connection. Petitioners recall executing a sewer connection agreement with Baltimore County prior to the zoning hearing in 2002 and to date are still waiting for the sewer connection. I am enclosing the county comments from the pre-concept plan meeting dated August 21, 2001 whereby the county required the public sewer connection.

Howard Jones, P.E., Acting Director of the General Services Administration, Maryland Department of Health and Mental Hygiene, also confirms that state approval of the assisted living facility expansion is contingent on the presence of an operational public sewer system. A copy of Mr. Jones' letter dated October 29, 2004 is attached.

Petitioners have advised me that the public sewer connection remains incomplete although the grinder pumps have been installed on their property. The line connection necessary for the pump to the existing assisted facility has not been installed. Petitioners have been advised by representatives of Baltimore County that the sewer connection will be completed in mid-2005.

It is important to note that no appeals were taken to the October 1, 2002 Order of the Zoning Commissioner. The immediate adjacent neighbors testified at the hearing and indicated they did not oppose the request for zoning relief. Moreover, Petitioners had sent a letter dated April 15, 2002, to the Back River Neck Peninsula Community Association, copy enclosed, whereby Petitioners agreed to not seek any future expansion of the assisted living facility beyond the requested forty-seven residences. Karyn Brown of the Office of Planning attended the various meetings with the community association and will confirm the association's support of this project as well. The community welcomes the much needed service for seniors and would like to see it remain rather than another housing development. Ms. Brown will also confirm the support of the Office of Planning to Petitioner's project.

Next, your file should reflect a letter to you dated September 13, 2004 from Joseph G. Mayer, II, architect, requesting spirit and intent approval of a revised site plan. During the time between the original zoning decision and the September 13, 2004 letter, my clients had retained the services of Mr. Mayer's firm to finalize the designs for the facility expansion while the sewer connection was being completed. Mr. Mayer was advised by zoning staff that the special exception two year time limit was satisfied by the submission of the spirit and intent letter request and revised plan. Your office approved the design changes submitted by Mr. Mayer by letter dated September 29, 2004. I have enclosed copies of both of these letters. It is important to note that Petitioners design is within the original special exception approval.

Timothy M. Kotroco, Director October 29, 2004 Page Two

Accordingly, on behalf of the Petitioners, I respectfully request the granting of an extension for Petitioners to utilize the special exception for an additional eighteen months after the sewer connection is complete on Petitioner's property as confirmed by the Baltimore County Department of Public Works. Petitioners architect has advised that the design process is almost complete and building permit applications will be made within the next sixty days. I had contacted the Zoning Commissioner, Lawrence Schmidt on October 1, 2004 regarding this extension request and was advised a Special Hearing may be necessary. My clients, through their architect, were of the understanding that the spirit and intent submissions satisfied the two year requirement. I would respectfully request the extension be granted without the necessity for such a hearing in light of all the circumstances, Section 502.3 of the BCZR and attached documentation in support.

Thank you for your consideration.

Very truly yours,

J. Neil Lanzi

JNL\mal

cc: Gloria and Daniel Beseris

J. Mayer, Architect



STATE OF MARYLAND

Maryland Department of Health and Mental Hygiene 201 W. Preston Street • Baltimore, Maryland 21201

Rehest L. Fhrlich, Jr., Governor - Michael S. Stoele, Lt. Governor - S. Anthony McCann, Secretary

October 29, 2004

Ms. Gloria Beacris 1000 Forest Drive Amold, MD 21012

Re:

Gloria Friends Home Assisted Living Pacility 929 Back River Neck Road Baltimore, Maryland

Dear Ms. Beseris:

The Department of Health and Mental Hygiene, Division of Engineering and Maintenance, in order to perform plans review for the purpose of approving construction, alteration and/or additions to assisted living facilities, requires proper sewage disposal to comply with COMAR requirements. It is our understanding that for expansion to be able to occur at the referenced facility, connection to the public sewage system is required. Once we can ascertain that this provision has been met we can proceed with review of any plans to be submitted for expansion at this facility.

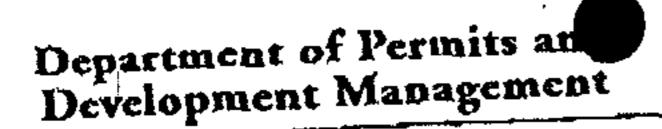
Please contact this office at (410) 767-5926 if you have any questions.

Very truly yours.

Howard B. Jones, P.E., Acting Director General Services Administration

Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroca, Director



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



September 29, 2004

Joseph G. Mayer J. Mayer Architects, LLC 2553 Housley Road Annapolis, Maryland 21401

Dear Mr. Mayer:

RE: Zoning Spirit and Intent, Case 030-070-SPHX, 15th Election District

Your letter to Mr. Timothy Kotroco, Director, has been referred to me for reply. Please be advised, having reviewed your request, that it is the opinion of this office that the proposed minor changes to the layout of this project are within the Spirit and Intent of the above referenced zoning case. This letter must be included on all future site plans filed with this Office regarding this project. Additionally, in confirming our telephone conversation of this date, it appears that the above referenced special exception relief was approved on October 1, 2002. Special Exceptions expire within two years of the approval date. I had suggested your contacting Mr. Carl Richards, Zoning Supervisor this date to discuss your "vesting" options, as the two-year expiration period is imminent.

Should you have any questions regarding the above, I may be reached at 410-887-3391.

Sincerely,

Jeseph C. Merrey

Planner II Zoning Review

Facsimile and mail 09/29/04

10.1-04

Visit the County's Website at www.baltimorecountyonline.info



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Tile Cong

Joseph G. Mayer H. AlA. Principal

2553 Honsley Road, Annapolis, MD 21401 (410) 266-9560 Fax: (410) 266-9561

11554 S. Somerset Avenue, Princess Anne, MD 21853 (410) 651-1140 Fax: (410) 266-9561

September 13, 2004

Mr. Tim Kotroco, Director Permits and Development Management 111 W. Chesapcake Avenue Towson, Md. 21204

Re:

Special Hearing and Special Exception Daniel Beseris, et vx – Petitioners

Case No. 030-070-SPHX

Dear Mr. Kotorco,

We are hereby requesting a "spirit of intent letter" for the above referenced case. We are enclosing one copy of the original site plan which was approved by your office and one copy of our current site plan.

We are presently in the design process and should be submitting for building permit within a month or so.

If you have any questions or require any additional information, please do not hesitate to call me at: 410-266-9560.

Very truly yours,

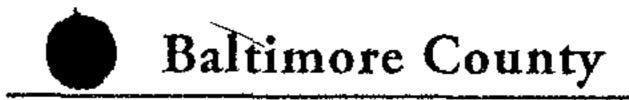
Joseph G. Mayer AIA

cc: D. Beseris Enclosures

Department of Public Wees

Bureau of Engineering and Construction 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3788





James T. Smith, Jr., County Executive Edward C. Adams, Jr., Director

April 5, 2005

Mr. J. Neil Lanzi, PA
Mercantile Building – Suite 617
409 Washington Avenue
Towson, MD 21204

Reference:

929 Back River Neck Road

Dear Mr. Lanzi:

The public sewer system that will serve the above referenced property is currently under construction. Our contractor has installed all the main sewer pipe and is now installing the necessary grinder pumps. Following the installation of all the grinder pumps, the system will be tested and disturbed areas restored. Keeping in mind factors such as weather, we can only estimate a completion date of Summer 2005.

Per your architect's April 4, 2005 e-mail, your plan is to add two additional duplex pumps to this property to serve the planned expansion. At this time, there is sufficient capacity to add these additional pumps. However, the extra capacity will be allocated on a first come, first served basis. Each request for sewer service is evaluated to determine if capacity is available for properties applying for building permits. We recommend that you apply for your building permit as soon as possible to ensure access to the sewer system.

If you have any further questions, please contact Pedro Ramirez, of my staff, at 410-887-3781.

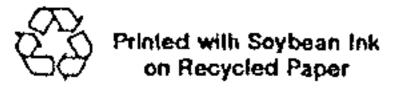
Very truly yours,

GLEN A. KELLER, PE

Chief, Sewer Design Section

GAK:PRR:bjk

cc: Joseph Kelly – J. Mayer Architects, LLC



J. NEIL LANZI, P.A.

ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

Reply to Towson

*Also Admitted in District of Columbia

J. Neil Lanzi

OF COUNSEL

Fred L. Coover*

April 12, 2005

Jeff Perlow
Permits and Development Management
111 West Chesapeake Avenue
Room 111
Towson, Maryland 21204

Re: Daniel and Gloria Beseris - Petitioners

Case No. 03-07**6**SPHX 929 Back River Neck Road

Dear Jeff:

At long last I have received the follow up letter from the Department of Public Works regarding the above referenced property. I am enclosing a copy of the letter dated April 5, 2005 from Glen Keller, P.E. who is Chief of the Sewer Design Section. I believe that now with this letter you may forward my letter extension request package of October 29, 2004 (copy enclosed) to the Zoning Commissioner.

Should you require anything further, please do not hesitate to contact me.

Very truly yours,

J. Neil Lanzi

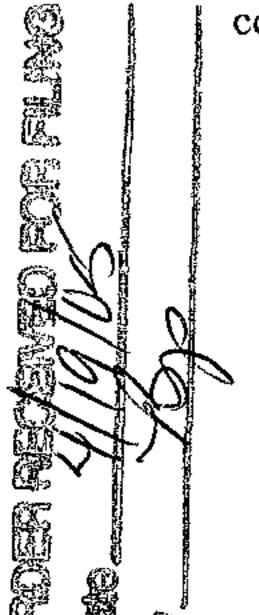
JNL\mal

cc: Gloria and Daniel Beseris

J. Mayer, Architect

APR 1 3 2005

05 546



TO: , PDM, MAIL STOP-1105

August21, 2002

FROM: LIEUTENANT JIMMIE MEZICK
BALTIMORE COUNTY FIRE MARSHAL OFFICE
MAIL STOP-1102F, PHONE (410) 887-4881

SUBJECT: SUBDIVISION REVIEW COMMENTS

PROJECT NAME: Gloria and Daniel Deseris

PROJECT NUMBER: 03-070-sphx

LOCATION: 929 Back River Neck Road

DISTRICT: 15th

COMMENTS:

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation

 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", 2000 edition prior to occupancy

RECEIVED

AUG 28 2002

DEFF. OF PERMITS AND DEVELOPMENT MANAGEMENT

April 15, 2002

Daniel J. Beseris & Gloria A. Beseris, Gloria Friends Home 929 Back River Neck Road Essex, Maryland, 21221

Jackie Nickel, President, Back River Neck Peninsula Community Association P.O. Box 16754 Essex Maryland, 21221

In response to the motion that was passed by the members of the Back River Neck Peninsula Community Association on November 20, 2001, who voted not to oppose the proposed expansion of Gloria Friends Home, located at 929 Back River Neck Road, Essex, Maryland, 21221, we, Daniel J. Beseris and Gloria A. Beseris, agree not to seek any future expansion of this senior assisted living residence and property, beyond the agreed to maximum limit of forty seven residents. We also agree that the residents of this assisted living residence will be limited to the elderly.

Daniel J. Beseris,

Gloria A. Beseris

Informational/Pre-Concept Plan Conference Checklist

•	929 Back Riven Nock Roms		DATE 8-21-01	
Project Nume	Project Address	9.5t	FEES: Concept Plan 500.00	
Owner	Eleenon/Councilmanic District	•	Development Plan	
BON BONSENES -410.686-0448	Engincer		Title Forest Buffer	
No. of Units (Residential)	No. of Square Feet (Commercial)			
For discussion of the following items, conti	act the Department of Public Works, Room 307,	County Office Buildir	g;	
	its under Section 26-236, Baltimore County Code	E; Sawas lines	219 COUNTY OFFICE Blodg	
Streets and rights of way Drains, bridges, and culy	erts	Waterlines	EXIBUTING	
Curbs and gutters	to top wants	Open space	e	
		plans		
[rallic control devices _			· · · · · · · · · · · · · · · · · · ·	
Office to obtain information on the l	following items:	D 41	` !	
		Room No / _ / / / / / / / / / / / _ / / _ / / _ / / _ /		
Tidal and/or riverine illo		Room No/		
Proximity to water and sewer (including sewer and water plans) Room No/				
State and/or Federal per	mits may be required.		· · · · · · · · · · · · · · · · · · ·	
To discuss the following items, contact the	Zoning Review Office, Room 111, County Office	e Building, or call 4)0=	on appointment:	
مسمع وديم ا		ţ	ticipated hearing requests	
Zoning classifications RTA requirements	Bulk and parking requirements Tux account numbers	<u> </u>	ior hearings with case aumbers	
			**	
To discuss the following items, contact the	Office of Planning, Room 406, County Courts B	fullding:		
Muster plan intent and/	or conflicts: Capital improvement	programs	Building elevation drawings	
Community issues	Park sites		Sign elevation drawings	
Planning Board referra	Local master plans		R.C.4 requirements Compatibility requirements	
Conceptual landscape p Historical and/or arches		dings >60)	Agricultural sites	
Open space systems (Re	creation and Parks)	0111g3 - 007	Greenways	
Anticipated waiver requ	uests (Section 26-172, Baltimore County Code)		Scenic routes/views	
Yehicular and pedestrian circulation (internal and external) Design reviews			Design reviews	
Orientation of existing and proposed buildings on site and within 200 feet of site				
To discuss the following items, contact th	e Department of Environmental Protection and I	Resource Management.	Room 416, County Courts	
Building:		410-887-3768	CA Regs and for	
Storm water munogeme Chesupenke Bay Critica	al Areas	410-887-3980 FUY	est Conservation	
Weilands, streams, and	streum bullers	410-887-3980 645	apply Stormwitter	
Forest conservation		410-887-3980	The state of the	
Wetlands, streams, and stream buffers Forest conservation Agricultural preservation and conservancy areas Hydrogeological studies and environmental effects reports 410-887-3980 410-887-3980 May a ground must be 410-887-5683 May a ground must be 410-887-5859 410-887-5859 410-887-5859 410-887-5859			used Public Sown	
Wells and septic system	s and environmental effects reports	410-887-2762	ASEO. FOR ILL JOHN	
		.:		
Submit this checklist and two checkprint	is of the following to Room 123, County Office Bu	mung;		
Site constraints and sit	e proposal plans			
Combiner plan		· / /		
Applicant's Signature formit Colut PDM Representative And T. Research				
PO Representative Marky Line DPW Representative Tolkerty Dayson				
Λ	Week All Zoning Representative		· · ·	
DEPRM Representative				

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
DAN BESERIS	929 BACK RIVER NECK Rd.
GLORIA BESERIS	929 BACK RIVER NECK Rd. 929 BACK RIVER NECK Rd. ESSEX MD 21221
Noel Canzi	409 Washinskin Own TOWSON MD.
TOM PHINDS	9 45 BARRONAUN GALT MA 21.
- 	

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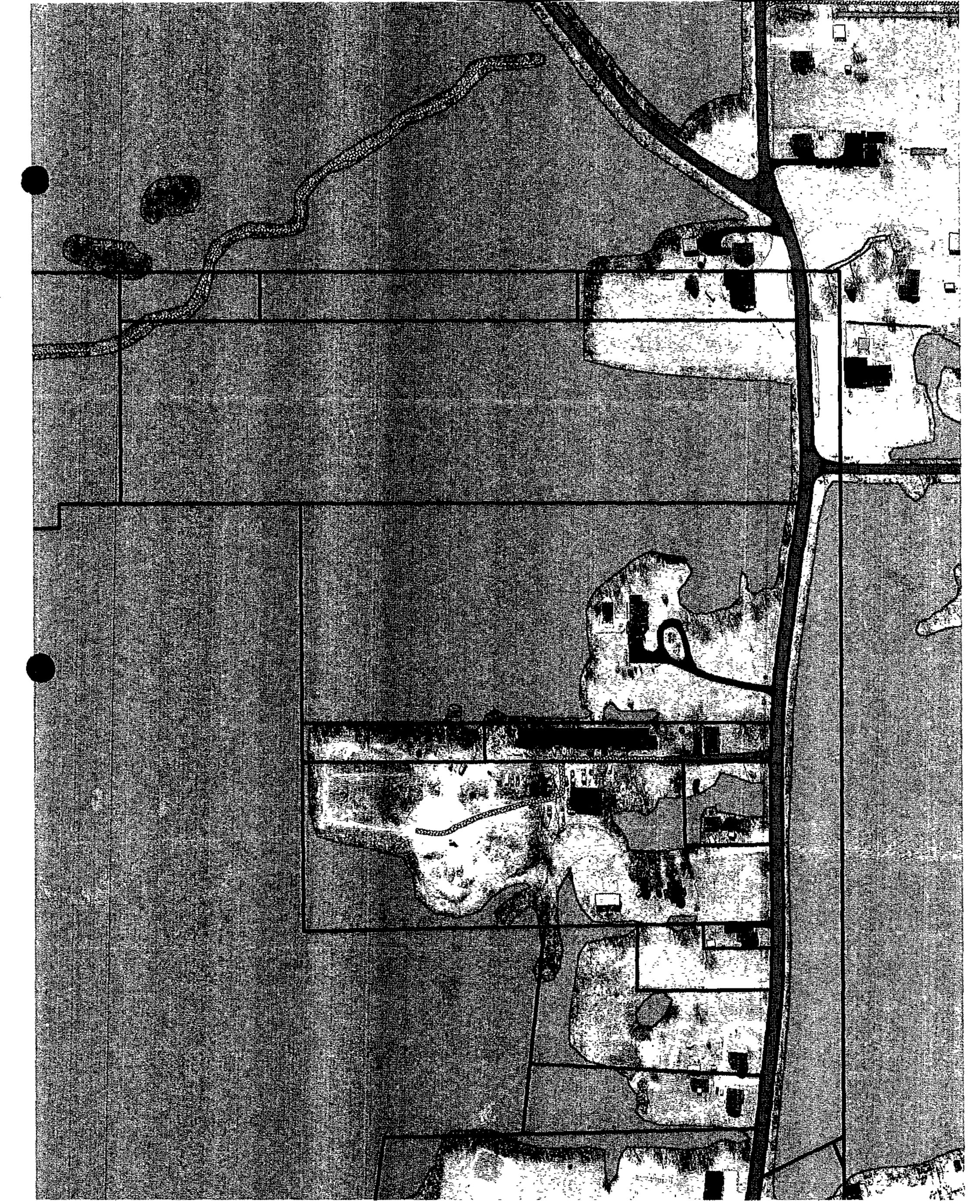
PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET



NAME,	ADDRESS
Erwest CHames	348 Wye Rd Detimon 1212
Philip Hanes	348 Wye Red Between 1212 905 Back RIVER Neck Rd 2120
LERON GENNETT	1716 BEACHWOOD AVEZIZZ
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April 15, 2002

Daniel J. Beseris & Gloria A. Beseris, Gloria Friends Home 929 Back River Neck Road Essex, Maryland, 21221

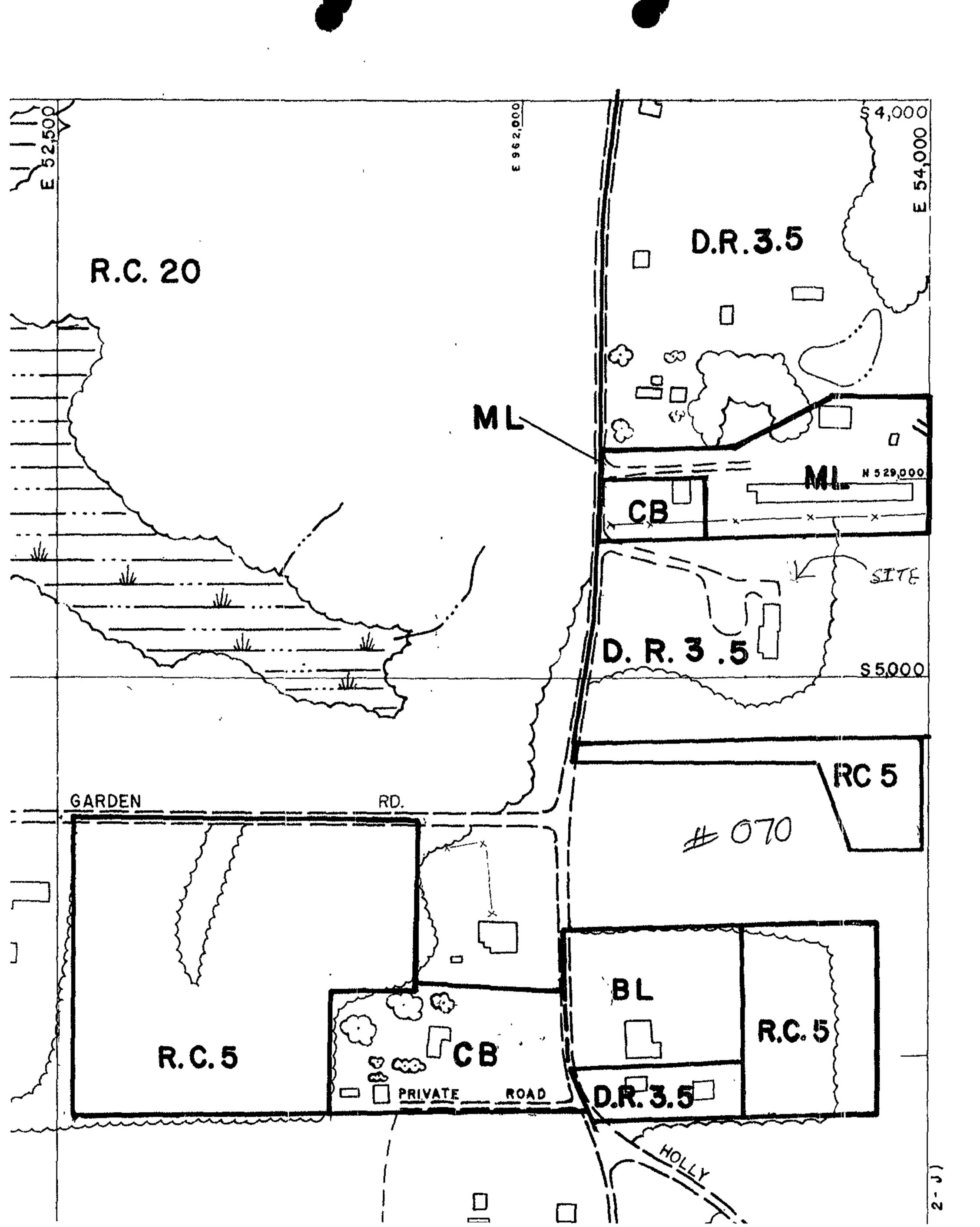
Jackie Nickel, President, Back River Neck Peninsula Community Association P.O. Box 16754 Essex Maryland, 21221

In response to the motion that was passed by the members of the Back River Neck Peninsula Community Association on November 20, 2001, who voted not to oppose the proposed expansion of Gloria Friends Home, located at 929 Back River Neck Road, Essex, Maryland, 21221, we, Daniel J. Beseris and Gloria A. Beseris, agree not to seek any future expansion of this senior assisted living residence and property, beyond the agreed to maximum limit of forty seven residents. We also agree that the residents of this assisted living residence will be limited to the elderly.

Daniel J. Beseris,

Gloria A. Beseris

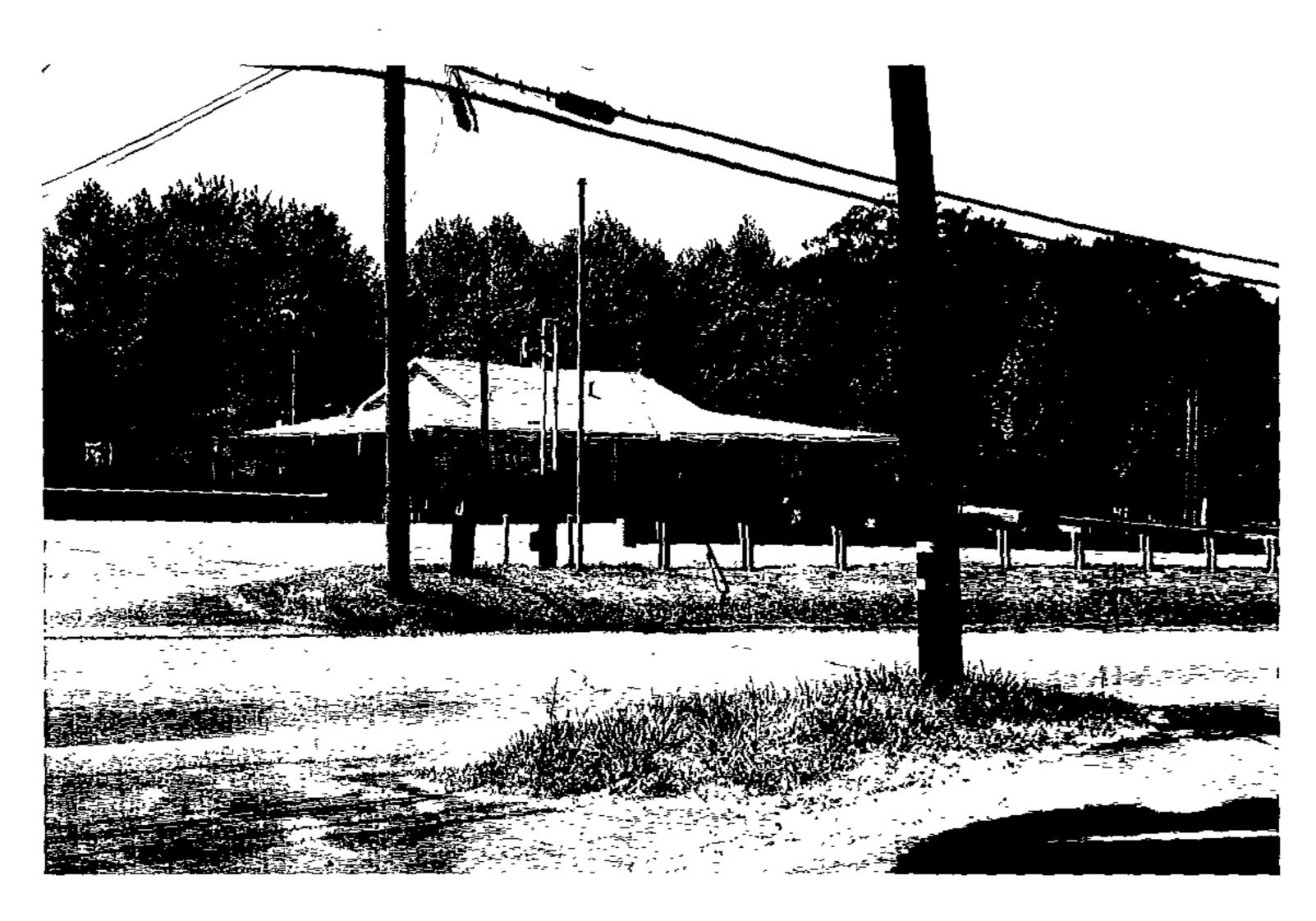
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Petitioner's exhibits 3A-3U















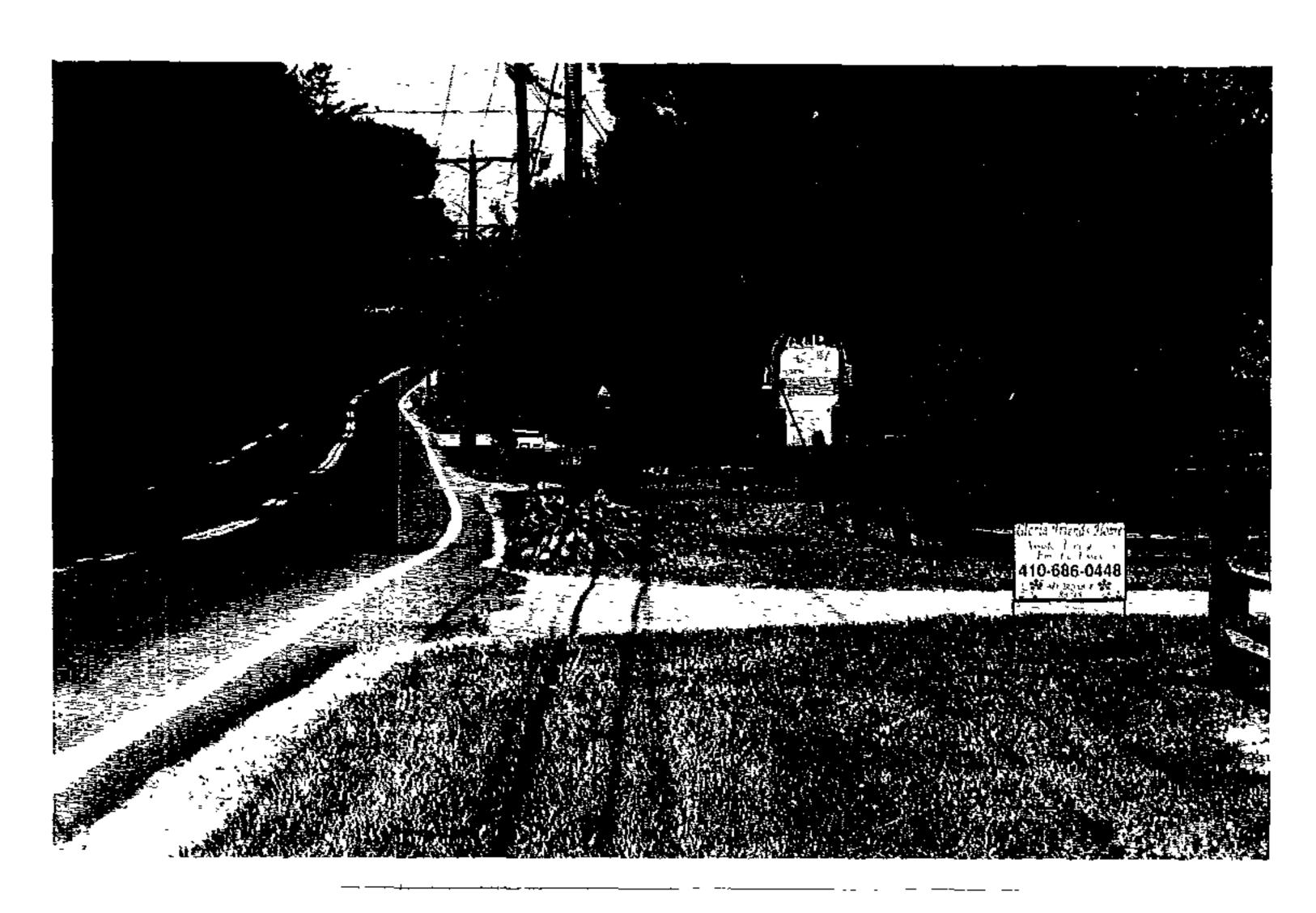














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