

IN RE: PETITION FOR VARIANCE
SW/S North Bend Road, 1310.25' NW of
Edmondson Avenue
(644 North Bend Road)
1st Election District
1st Council District

Husher Leon Harris, II
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-441-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Husher Leon Harris, II. The Petitioner seeks relief from Sections 432.A.C.1 and 409.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 2 feet in lieu of the required 10 feet for off-street parking in the rear of the property wherein the spaces are proposed to be stacked. 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 Husher Leon Harris, II, property owner, and his father, Husher Leon Harris, Sr. Numerous residents from the surrounding community appeared in opposition to the request, including Laura Whittington, the adjacent property owner, and James Wilkens, who lives across the street from the site. Also appearing as Protestants and representatives of the Westgate Community Association were Rebecca Whittington, Ellen Robinson, James Wilkins, Janet Lezon, and Margaret Collins, all residents of the locale. In addition, this Zoning Commissioner received individual petitions signed by many of the residents in the area expressing strong opposition to the request, all of which were collectively marked as Protestants' Exhibit 1.

It is to be noted that there was apparently a great deal of confusion on behalf of the Protestants concerning the nature and scope of the request. The assisted living facility legislation

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Date

By

5/6/05

[Signature]

recently enacted under Council Bill No. 19-04 was written by and for the Office of Planning and the Department of Aging. These agencies are responsible for reviewing and approving the general layout and compatibility standards of any proposed assisted living facility and make recommendations to this Hearing Officer. Bill No. 19-04 imposed site requirement changes, including a minimum required 10-foot setback from an adjoining property line. It is this required setback that is at issue before me, not the appropriateness of the proposed Assisted Living Facility.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the southwest side of North Bend Road, just south of Old Frederick Road in the Westgate community of east Catonsville. The property contains a gross area of 5,450 sq.ft., more or less, zoned D.R.5.5 and is improved with a 1½ story single-family dwelling and a detached one-car garage. The Petitioner's family has owned the property since 1982. The Petitioner's mother, Patricia L. Harris acquired the property in 1994 following her divorce and continued to live in the home until she suffered a stroke last year and is now in need of constant care. The Petitioner recently acquired the property and assumed financial responsibility for its upkeep and maintenance. He testified that his mother is currently living in an assisted living facility and would like to return to her home. Thus, he would like to convert the existing house to a four-bed assisted living facility, one of which would be for his mother. Pursuant to the requirements of Council Bill No. 19-04, the Petitioner has applied for a use permit for the proposed use; however, due to the narrow width of the property and the location of existing improvements thereon, the requested zoning relief is necessary.

In this regard, a minimum of one parking space for each three beds must be provided, and each space must be a minimum of 8½' by 18' in dimension. Moreover, parking can only be located in either the side or rear yard, with a minimum setback of 10 feet from any lot line. In this case, only two parking spaces are required, and the Petitioner proposes to provide those spaces by placing one vehicle in the existing garage and another in front of the garage on the existing driveway, which is approximately 10' wide and 80' in length and located immediately adjacent to the west side property line. The Petitioner testified that it would be impractical to provide the

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By [Signature]

required parking/ delivery areas directly behind the home in view of the open space requirements, and existing trees and garden area in the rear yard. In further support of the request, the Petitioner argued that the family has used the existing driveway for parking since 1982 without detriment to the safety or welfare of the community. Moreover, the only cars that will park in the driveway will be the house manager and nursing assistant.

The cumulative concern expressed by the Protestants was the current traffic congestion and lack of adequate parking on North Bend Road. Apparently, North Bend Road is used as a "cut-through" between Frederick Road and the Baltimore National Pike (U.S. Route 40), and is heavily traveled. Rebecca Whittington and others testified that many homes in this historic subdivision (Meridale Littlefarms) was laid out in 1913 before automobiles. Most residents do not have any form of off-street parking and parking is "maxed out." The Westgate Community Association supports the neighbors' concerns and is opposed to the requested variance, stating that it is at odds with the integrity and intent of the neighborhood.

Margaret Collins, who lives down the street at 618 North Bend Road, testified that she currently lives across the street from an assisted living facility. She stated that very few people use the five parking spaces provided to the rear of home, but park in front along the curb. Shuttle buses and emergency vehicles block the road daily and traffic is often backed up. All of the citizens who testified believe that stacked parking along the driveway would be cumbersome and eventually be less attractive to employees or visitors of the proposed facility than street parking, which is already at a premium.

Consideration of variance requests from the zoning regulations is governed by Section 307 of the B.C.Z.R. That Section has been construed by the Court of Special Appeals in Cromwell v. Ward, 102 Md. App. 691 (1995). Therein, the Court noted a two-part test to be applied in considering any variance. First, the Zoning Commissioner must find that the property is unique and unusual in a manner different from the nature of the surrounding properties and that such uniqueness drives the need for the variance. If this finding is not made, the process stops and the variance must be denied. However, if the first step results in a finding of uniqueness, then the

second step of the process is taken. The second step is to determine whether an unreasonable hardship or practical difficulty resulting from the ordinance would be caused if strict adherence to the regulations were required. Moreover, the Court indicated that self-inflicted or self-created hardship is never considered proper grounds for a variance. A variance cannot be granted merely for the convenience of the property owner.

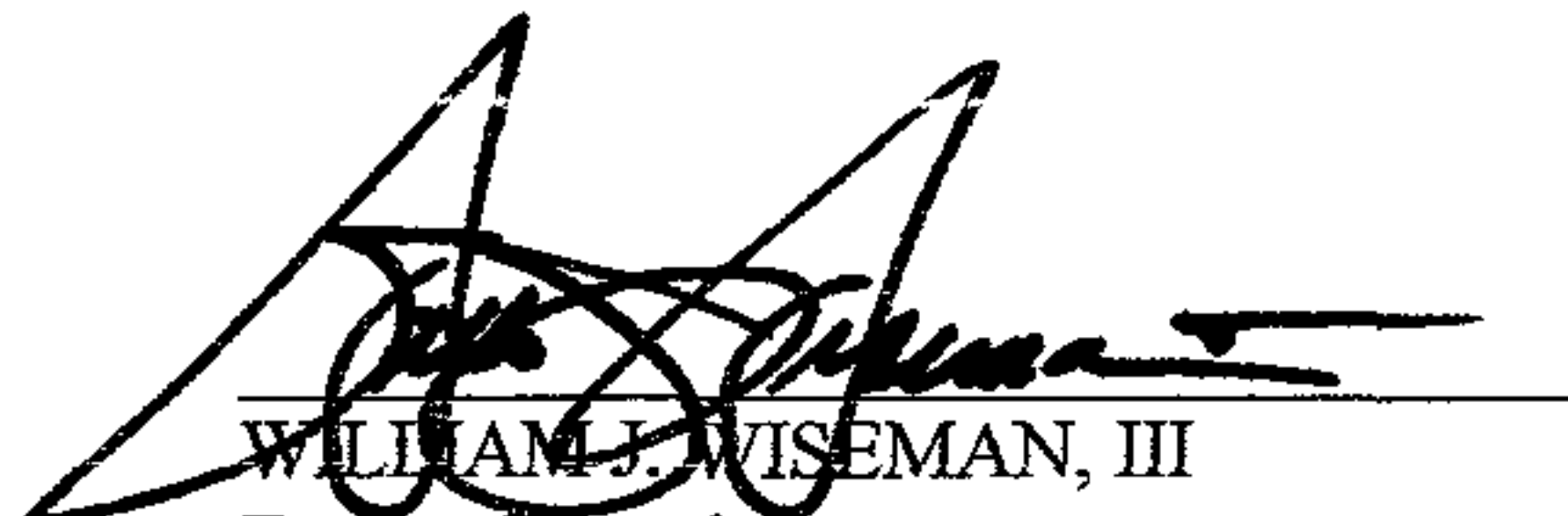
Based upon the testimony and evidence presented, I am persuaded to deny the request. There was no evidence that the subject property is peculiar, unusual or unique. Moreover, I am appreciative of the Protestants' concerns that the proposed use is not in keeping with the character of the surrounding community and will adversely affect the health, safety and general welfare of the neighborhood. For all of these reasons, I find that the proposed use is inappropriate for this site and thus, the requested relief shall be denied.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of May 2005 that the Petition for Variance seeking relief from Sections 432.A.C.1 and 409.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 2 feet in lieu of the required 10 feet for off-street parking in the rear of the property wherein the spaces are proposed to be stacked, for a proposed Class A Assisted Living Facility, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

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

WJW:bjs


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
5/16/05
bjs

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

May 5, 2005

Mr. Husher Leon Harris, II
4 Bayshire Court
Owings Mills, Maryland 21117

RE: PETITION FOR VARIANCE
SW/S North Bend Road, 1310.25' NW of the Edmondson Avenue
(644 North Bend Road)
1st Election District – 1st Council District
Husher Leon Harris, II - Petitioners
Case No. 05-441-A

Dear Mr. Harris:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", is written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Ms. Laura Whittington, 646 North Bend Road, Baltimore, Md. 21229
Ms. Rebecca Whittington, 633 North Bend Road, Baltimore, Md. 21229
Ms. Ellen Robinson, 612 Orpington Road, Baltimore, Md. 21229
Mr. James Wilkins, 647 North Bend Road, Baltimore, Md. 21229
Ms. Janet Lezon, 640 North Bend Road, Baltimore, Md. 21229
Ms. Margaret L. Collins, 618 North Bend Road, Baltimore, Md. 21229
People's Counsel; Case File

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





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 644 North Bend Rd.
which is presently zoned D.R.-5.5

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 Variance from Section(s)

FOR ASSISTED LIVING FACILITY
see attached CLASS A

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(indicate hardship or practical difficulty)

**See attached and information to be presented at
hearing.**

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

I, or we, agree to pay expenses of above Variance, 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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print City

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Husher Leon Harris II

Name - Type or Print

Signature

Husher Leon Harris II

Name - Type or Print

Signature

644 North Bend Road 410-998-9743
Address Telephone No.

Maryland 21229
State Zip Code

Representative to be Contacted:

Husher Leon Harris II
Name

644 North Bend Road 410-998-9743
Address Telephone No.

Baltimore Maryland 21229
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BN Date 3/7/05

ORDER RECEIVED FOR FILING

Date 5/16/05 Case No. 05-441-A

By [Signature]

Section 432A.C.1 and 409.2 to permit a side yard setback of 2 ft. in lieu of the required 10 ft. for off-street parking in the rear of the property wherein the spaces are proposed to be stacked.

Hardship: The garage located on the property fulfills 1 parking space requirement. We are proposing a variance permission to allow us to utilize the ample driveway to comply with the 2 parking space requirement. Undue hardship would be experienced if we were forced to comply with Section 432 A.B.C.1 and Section 409. Compliance would require us to drastically decrease the yard and garden area of the house for the insertion of the 2nd parking space. The house is being converted into an Assisted Living Facility I. The current yard and garden arrangement will provide the expected patients with needed activity and recreation space. The activity/recreation area is enclosed by a fence, which would also need to be removed in part to comply with Section 432 A.B.C.1 and Section 409. The activity/recreation area will be used for will be used for outdoor activities for the patients.

Zoning Description

Zoning Description for **644 North Bend Road**. Beginning at a Point on the **southwest** side of **North Bend Road** which is **50 feet** Wide at the distance of **1,310.25 FT, northwest** of the nearest Improved intersecting street **Edmondson Avenue** which Is **60 FT** wide. *Being **Lot# 96A, Block N/A, Section N/A** In the subdivision of **Meridale Little Farms** as recorded In the Baltimore County **Plat Book # 6, Folio #76,** Containing **5,450 SQ. FT.** Also known as **644 North Bend Road** and located in the **1st Election District, 1st Councilmanic District.**

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: #05-441-A

644 North Bend Road

S/side of North Bend Road, 270 feet east of centerline of Mt. Desales Road

1st Election District — 1st Councilmanic District

Legal Owner(s): Husher Leon Harris, II

Variance: to permit a side yard setback of 2 feet in lieu of the required 10 for off-street parking in the rear of the property wherein the spaces are proposed to be stacked, for assisted living facility class "A".

Hearing: Tuesday, April 19, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN

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.

JT 4/609 April 5

45516

CERTIFICATE OF PUBLICATION

4/6/ 2005

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/5/ 2005.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News



LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 442770

DATE

3/7/05

ACCOUNT

12001-006 650

AMOUNT

\$ 65.00

RECEIVED FROM

ALCOHOL

FOR

ALCOHOL

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

ITB 441

PAID RECEIPT

DATE

3/7/05

TIME

10:44:02

BY

WILLIAM W. HAN

0101

FOR

ALCOHOL

0101

AMOUNT

\$ 65.00

0101

DATE

3/7/05

TIME

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WILLIAM W. HAN

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TIME

10:44:02

BY

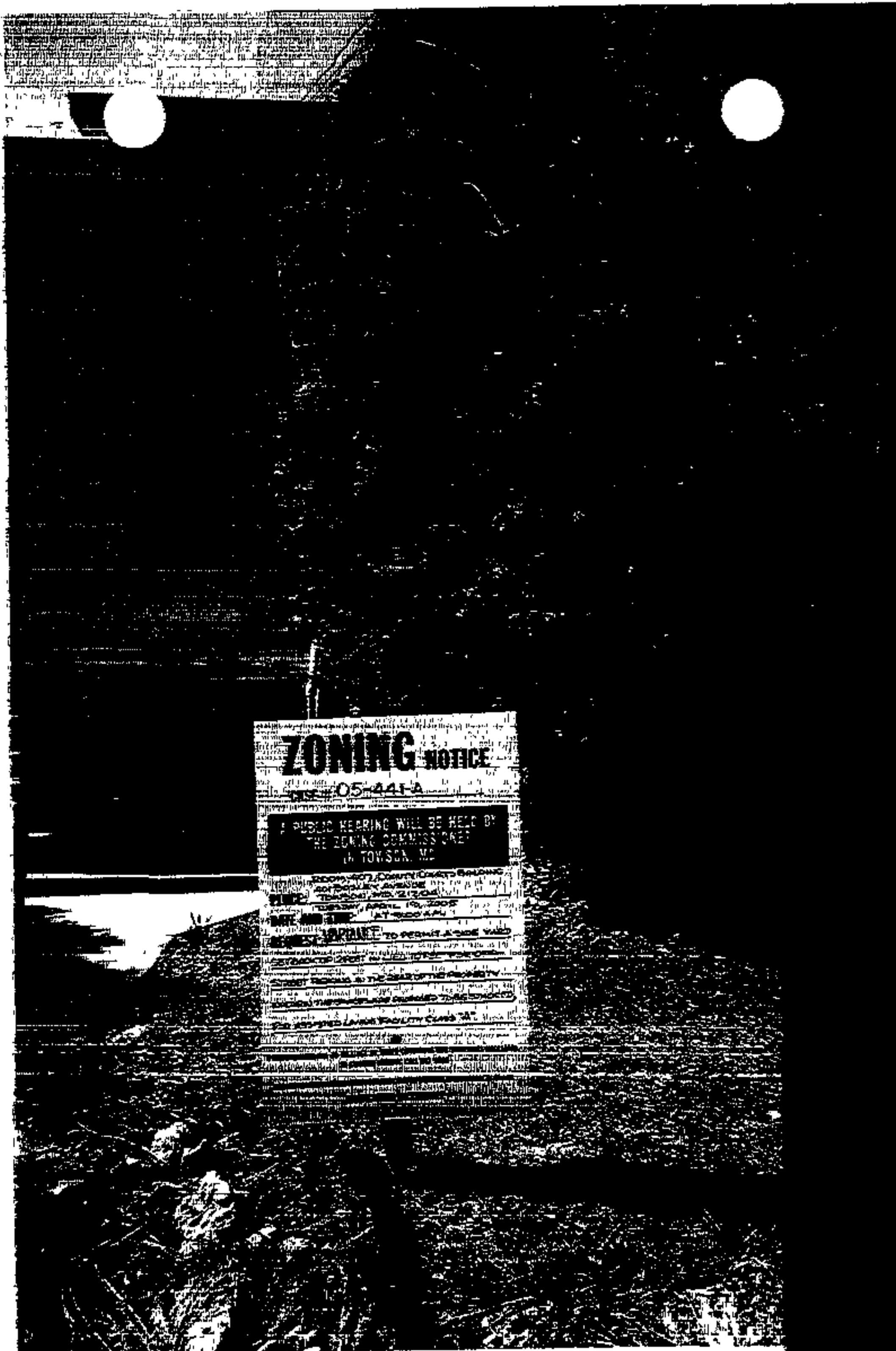
WILLIAM W. HAN

0101

FOR

ALCOHOL

0101



ZONING NOTICE
CASE # 05-441-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

ROOM 401, COUNTY COURTS BUILDING
401 DOOLEY AVENUE
TOWSON, MD 21204
TUESDAY, APRIL 19, 2005
10:00 AM - 12:00 PM

REQUEST VARIANCE TO PERMIT A SIDE YARD
SETBACK OF 2 FEET IN LIEU OF 10 FEET FOR OFF-
STREET PARKING IN THE REAR OF THE PROPERTY
WHEREIN THE SPACES ARE PROPOSED TO BE STACKED
FOR ASSISTED LIVING FACILITY CLASS "A"

FOR MORE INFORMATION OR TO REQUEST A VARIANCE, PLEASE CALL 410-313-1155



ZONING NOTICE
CASE # 05-441-A

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FOR MORE INFORMATION OR TO REQUEST A VARIANCE, PLEASE CALL 410-313-1155

CERTIFICATE OF POSTING

RE: Case No.: 05-441-A

Petitioner/Developer: HUSNER L. HARRIS, II

Date of Hearing/ Closing: APRIL 19, 2005

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

Attention: Becky Hart

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 *644 NORTH BEND ROAD

The sign(s) were posted on APRIL 1, 2005
(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

(Address)

BAUTINORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)

**Department of Permits and
Development Management**

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

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

March 15, 2005

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: 05-441-A

644 North Bend Road

S/side of North Bend Road, 270 feet east of centerline of Mt. Desales Road

1st Election District – 1st Councilmanic District

Legal Owner: Husher Leon Harris II

Variance to permit a side yard setback of 2 feet in lieu of the required 10 for off-street parking in the rear of the property wherein the spaces are proposed to be stacked, for assisted living facility class "A".

Hearing: Tuesday, April 19, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Husher Leon Harris, II, 644 North Bend Road, Baltimore 21229

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 4, 2005.**
- (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.

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 5, 2005 Issue - Jeffersonian

Please forward billing to:
Husher Leon Harris, II
644 North Bend Road
Baltimore, MD 21229

410-998-9743

NOTICE OF ZONING HEARING

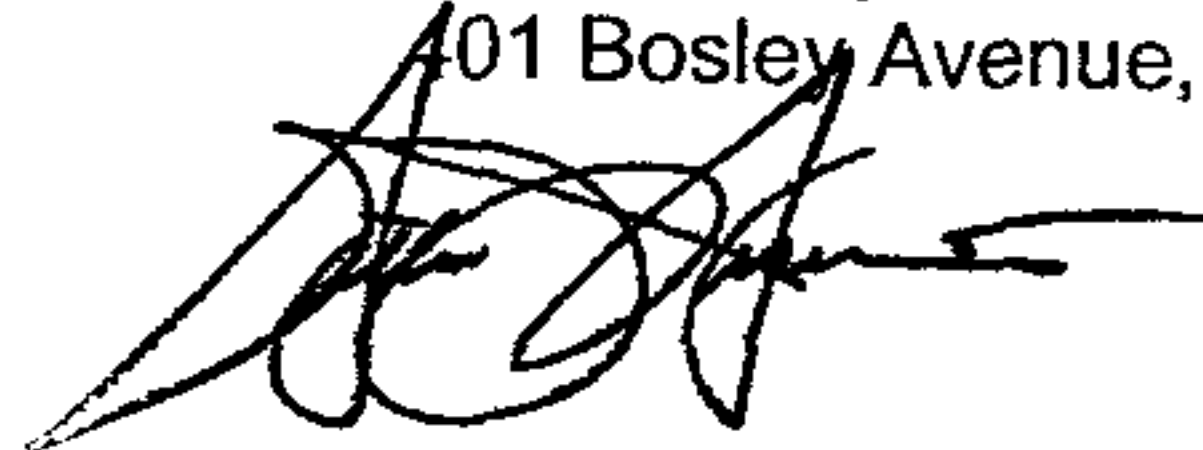
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Hearing: Tuesday, April 19, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM WISEMAN
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.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 05-441-A
Petitioner: Husher Leon Harris II
Address or Location: 644 North Bend Road Baltimore, MD 21229

PLEASE FORWARD ADVERTISING BILL TO:

Name: Husher Leon Harris II
Address: 644 North Bend Road Baltimore, MD 21229

Telephone Number: 410-998-9743

**Department of Permits
Development Management**

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



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

April 12, 2005

Husher Leon Harris II
644 North Bend Road
Baltimore, Maryland 21229

Dear Mr. Harris:

RE: Case Number: 05-441-A, 644 North Bend Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 7, 2005.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

March 23, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: March 14, 2005

Item No.: 434, 435, 436, 437, 438, 439, 441, 442, 443.

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time.

Acting Lieutenant Don W. Muddiman
Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



Printed on Recycled Paper

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 3.11.05

Ms. Kristen Matthews
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 441 BPR

Dear Ms. Matthews:

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 Grédlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr. *JDO*

DATE: April 13, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 14, 2005

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-436

~~05-441~~

Reviewers: Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

By
4/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: March 23, 2005

RECEIVED

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

MAR 28 2005

ZONING COMMISSIONER

SUBJECT: 644 North Bend Road

INFORMATION:

Item Number: 5-441

Petitioner: Husher Leon Harris II

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. Resurface the existing macadam driveway.
2. Replace/repair the wood steps to the front porch, the wood floor of the front porch, and the wood steps at the rear of the house
3. Clear-out the existing garage to provide for parking space #1 as proposed by the petitioner. The existing residential garage is being used for storage and cannot presently be used for off-street parking.
4. Remove all litter and debris from the premises.
5. All necessary actions shall be undertaken by the property owner to make the property safe and suitable for use as an Assisted Living Facility. After all necessary renovations are completed, the property shall be inspected by the Department of Permits and Development Management (Building Inspection Division) to ensure compliance with all applicable Codes. No Certificate of Occupancy or use permit should be granted until all required actions are completed and the premise is inspected.

For further information concerning the matters stated herein, please contact Dennis Wertz with the Office of Planning at 410-88703480.

Prepared by: Mark A. Cunningham

Division Chief: Lynn Luban

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: March 24, 2005

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For March 21, 2005
Item Nos. 436, 437, 441, 442, 443,

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

RWB:CEN:cp

cc: File

RE: PETITION FOR VARIANCE
644 North Bend Road; S/side North Bend
Road, 270' E c/line Mt. Desales Road
1st Election & 1st Councilmanic Districts
Legal Owner(s): Husher Leon Harris, II
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 05-441-A

* * * * *

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 and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 22nd of March, 2005, a copy of the foregoing Entry of Appearance was mailed to, Husher Leon Harris, II, 644 North Bend Road, Baltimore, MD 21229, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

Pe. Kln...

BW
4/19

WESTGATE COMMUNITY ASSOCIATION

Serving the community Since 1931

April 21, 2005

To: William J. Wiseman, III
Zoning Commissioner
Re: Case Number 05-441-A
644 North Bend Road

The board of the Westgate Community Association is in support of the neighbors who are opposed to the request for a variance to permit a side yard setback of two feet in lieu of the required 10 feet for stacked, off-street parking. The proposed paving is out of character with the neighborhood, and furthermore, the neighbors opposed are concerned that stacked parking will be less attractive to employees of the proposed facility than street parking, which is already at a premium.

Therefore, we request that you deny the variance on this property.

Thank you.

Sincerely,



Janet Gross
President

P.O. Box 25331 Baltimore, Maryland 21229



COUNTY COUNCIL OF BALTIMORE COUNTY
COURT HOUSE, TOWSON, MARYLAND 21204

S.G. SAMUEL MOXLEY
COUNCILMAN, FIRST DISTRICT

DISTRICT OFFICE:
754 FREDERICK ROAD
CATONSVILLE, MARYLAND 21228
410-887-0896
FAX: 410-887-1012
COUNCIL OFFICE: 410-887-3196

FACSIMILE TRANSMISSION

William J. Wiseman, III
Zoning Commissioner
FAX: 3468

April 22, 2005

TO: _____

DATE: _____

Jean Seiss

FROM: _____

Confidentiality Notice:

Unauthorized interception of this telephone communication could be a violation of Federal and State Law. The document accompanying this telefax transmission contains confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telefax in error, please notify us by telephone to arrange for return of the original documents to us.

Zoning Commissioner Wiseman

Re: Case Number 05-441A
644 North Bend Road
Baltimore, Maryland 21229

Hard copy to follow.

This transmission consists of _____ page(s) including the cover page. If there are any discrepancies or problems upon receipt, please contact 410-887-0896.

From: "Husher Harris" <husherharrisii@hotmail.com>
To: <wwiseman@co.ba.md.us>
Date: 4/25/2005 1:50:42 PM
Subject: Property Dimensions of 644 North Bend Road (Case#05-441-A)

Dear Mr. Commissioner:

The dimensions for 644 North Bend Road (Case#05-441-A) are as follows:

Width: Approximately ~49.5 feet in width

Length: Approximately ~109 feet in length

Please let me know if you need any additional information.

Sincerely,

Husher L. Harris II

Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: District - 01 Account Number - 0119580130

Owner Information

Owner Name: HARRIS HUSHER L,2ND Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 644 N BEND RD Deed Reference: 1) /21169/ 660
BALTIMORE MD 21229-2210 2)

Location & Structure Information

Premises Address
644 NORTH BEND RD

Legal Description

644 NORTH BEND RD
MERIDALE LITTLE FARMS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assesment Area	Plat No:
95	21	219					96A	1	Plat Ref: 6/ 76

Special Tax Areas Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1923	1,207 SF	5,450.00 SF	04
Stories 1 1/2	Basement YES	Type STANDARD UNIT	Exterior SIDING

Value Information

	Base Value	Value As Of 01/01/2004	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	30,450	40,450		
Improvements:	56,700	74,180		
Total:	87,150	114,630	96,310	105,470
Preferential Land:	0	0	0	0

Transfer Information

Seller: HARRIS PATRICIA L	Date: 12/22/2004	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /21169/ 660	Deed2:
Seller: HARRIS HUSHER LEON	Date: 05/18/1999	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /13757/ 699	Deed2:
Seller: SNOUFFER WILLIAM E,SR	Date: 12/07/1982	Price: \$52,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 6462/ 816	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

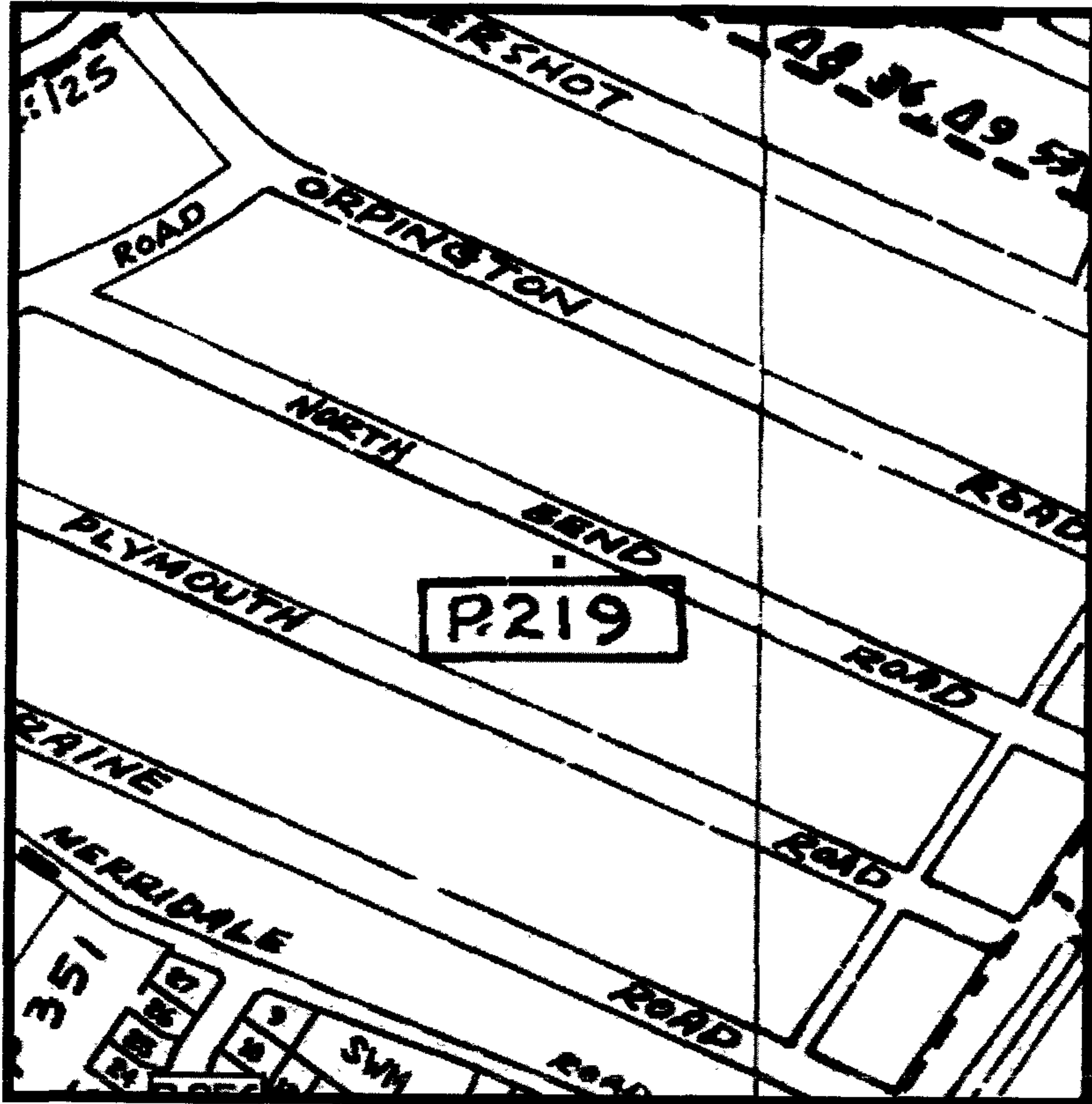
* NONE *



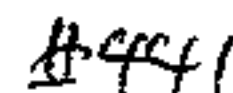
Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 01 Account Number - 0119580130



Property maps provided courtesy of the Maryland Department of Planning ©2004.
For more information on electronic mapping applications, visit the Maryland Department of Planning
web site at www.mdp.state.md.us/webcom/index.html



Baltimore County - My Neighborhood



1" = 100'

2/14/44

DATE 4/19/05

NAME _____

[illegible]

CASE NAME _____
CASE NUMBER _____
DATE _____

CASE NAME _____
CASE NUMBER _____
DATE _____

CASE NAME _____
CASE NUMBER _____
DATE _____

Case No.:

05-441-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	Petition - 47 NAMES
No. 2		FAXED LETTER - DAVID ROBISON
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

BW
4/19

WESTGATE COMMUNITY ASSOCIATION

Serving the community Since 1931

RECEIVED

APR 25 2005

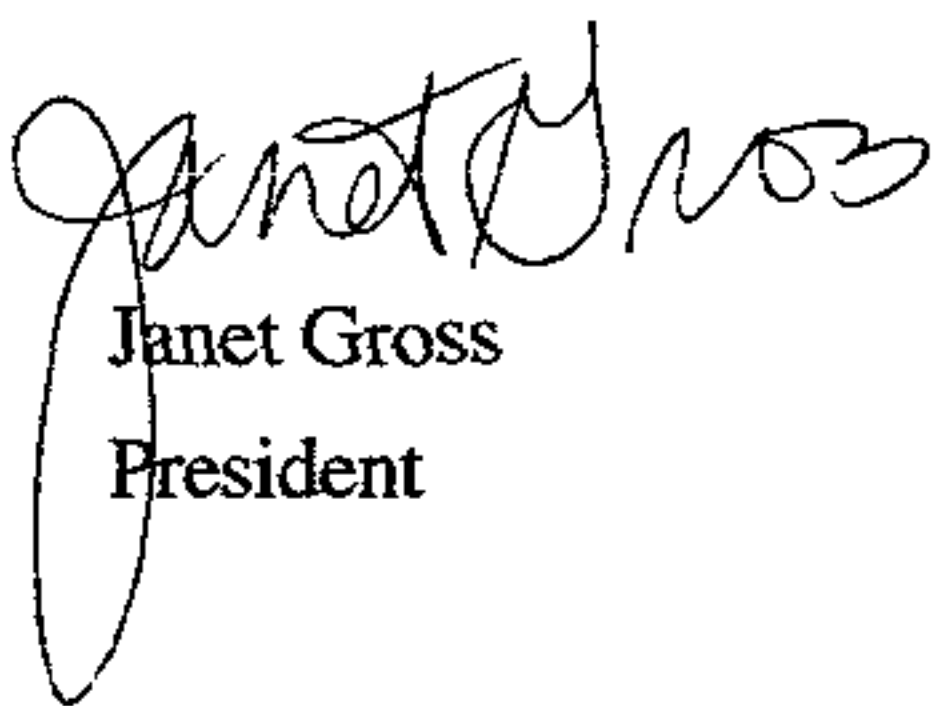
ZONING COMMISSIONER

April 21, 2005

To: William J. Wiseman, III
Zoning Commissioner
Re: Case Number 05-441-A
644 North Bend Road

The board of the Westgate Community Association is in support of the neighbors who are opposed to the request for a variance to permit a side yard setback of two feet in lieu of the required 10 feet for stacked, off-street parking. The proposed paving is out of character with the neighborhood, and furthermore, the neighbors opposed are concerned that stacked parking will be less attractive to employees of the proposed facility than street parking, which is already at a premium. Therefore, we request that you deny the variance on this property.
Thank you.

Sincerely,


Janet Gross
President

P.O. Box 25331 Baltimore, Maryland 21229

Protestants
Exhibit 1

Community Petition in Opposition of Zoning Request 05-441-A

We the undersigned are opposed to zoning request 05-441-A, requesting a variance to permit a side yard setback of 2 feet in lieu of the required 10 feet for off-street parking in the rear of the property. Further, we object that the applicant wishes to stack vehicles in the rear of the yard for a proposed Class-A Assisted Living Facility. We feel that the request is not warranted for a variance, will have a detrimental impact to the adjacent property owners and poses safety risks for the community as a whole. The applicant's property is not unique and the parking will not be consistent with the surrounding properties.

Name Lisa CannanAddress 630 North Bend RdPhone # 410-744-6221Signature Lisa CannanName Evelyn WoodsAddress 637 North Bend RdPhone # 410-744-3632Signature Evelyn WoodsName Robert WoodsAddress 637 North Bend Rd.Phone # 410-744-3632Signature Robert WoodsName Rebecca A. WhittingtonAddress 633 North Bend Rd.Phone # 410-788-2813Signature Rebecca Whittington

PROTESTANT'S

EXHIBIT NO. 1

Community Petition in Opposition of Zoning Request 05-441-A

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Name Mr. & Mrs. Richard Peterson
Address 645 N. Bend Rd.
Phone # 410-744-4016
Signature Tricia Peterson

Name Richard Cornsaker
Address 4 Mont Reale Rd
Phone # 410 719 0968
Signature Richard Cornsaker

Name William McClung
Address 643 North Bend Rd 21229
Phone # 410 869-8819
Signature William McClung

Name Margaret Whittington
Address 633 North Bend Rd.
Phone # 410 788 2813
Signature Margaret Whittington

Community Petition in Opposition of Zoning Request 05-441-A

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Name Ellen Robinson
Address 612 ORPINGTON ROAD
Phone # 410-788-5633
Signature Ellen Robinson

Name Ronald Robinson
Address 612 ORPINGTON ROAD
Phone # 410-788-5633
Signature Ronald Robin

Name _____
Address _____
Phone # _____
Signature _____

Name _____
Address _____
Phone # _____
Signature _____

Community Petition in Opposition of Zoning Request 05-441-A

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Name MARK G. BURKHARDT
Address 619 ORPINGTON RD
Phone # 410 788 4533
Signature Mark G Burkhardt

Name MARGARET E LEACH
Address 611 ORPINGTON RD
Phone # 410-744-2569
Signature Margaret E Leach

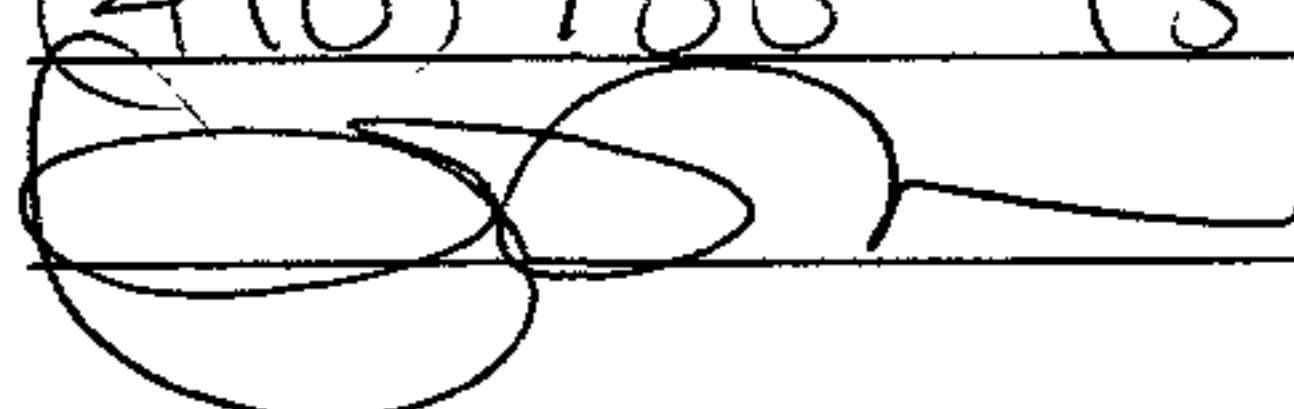
Name LOUISE M. BATES
Address 603 ORPINGTON RD, 21229
Phone # 410-788-2240
Signature Louise M. Bates

Name David Mendonca
Address 600 ORPINGTON RD
Phone # 410-788 4929
Signature David Mendonca

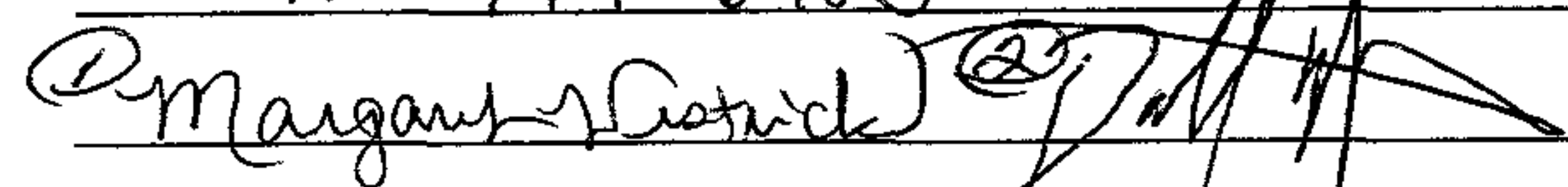
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Name MATVIN O. KASE
Address 608 ORPINGTON RD
Phone # 410-744-6577
Signature Martin O. Kase

Name Katie Westwick
Address 604 Orpington rd. Catonsville
Phone # (410) 788-4581
Signature 

Name Melody Williams
Address 617 Orpington Rd, Catonsville
Phone # 410-747-8362
Signature 

② Name Margaret & Darrell Westrick
Address 616 Orpington Rd.
Phone # 410-719-6783
Signature 

Community Petition in Opposition of Zoning Request 05-441-A

We the undersigned are opposed to zoning request 05-441-A, requesting a variance to permit a side yard setback of 2 feet in lieu of the required 10 feet for off-street parking in the rear of the property. Further, we object that the applicant wishes to stack vehicles in the rear of the yard for a proposed Class-A Assisted Living Facility. We feel that the request is not warranted for a variance, will have a detrimental impact to the adjacent property owners and poses safety risks for the community as a whole. The applicant's property is not unique and the parking will not be consistent with the surrounding properties.

Name Sandra Pelati
Address 646 N. Bend Rd.
Phone # 410-719-2764
Signature Sandra Pelati

Name Brooks + Carri Harlan
Address 648 North Bend Rd.
Phone # 410-747-1287
Signature Carri Harlan

Name Ashley ROBINSON
Address 612 Orpington Rd.
Phone # 410-788-5633
Signature _____

Name _____
Address _____
Phone # _____
Signature _____

Community Petition in Opposition of Zoning Request 05-441-A

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Name Shelby Lane
Address 634 North Burda
Phone # 410 788-1407
Signature Shelby Lane

Name JO Zeemer
Address 617 North-bund Rd.
Phone # 410-869-1945
Signature JO Zeemer

Name Laura White
Address 646 North Bund
Phone # 410 719 2764
Signature Laura White

Name _____
Address _____
Phone # _____
Signature _____

Community Petition in Opposition of Zoning Request 05-441-A

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Name Margaret Buckingham
Address 652 North Bend
Phone # _____
Signature Margaret Buckingham

Name Jacqueline Segue-Wilkins
Address 647 North Bend Rd.
Phone # 410-869-0757
Signature JMSegue-Wilkins

Name LAURA M. OLIPHANT
Address 632 NORTH BEND RD
Phone # 410-788-2231
Signature [Signature]

Name DIANE L. RESIDES
Address 632 NORTH BEND RD
Phone # 410-788-2231
Signature Diane Resides

Community Petition in Opposition of Zoning Request 05-441-A

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Name EUGENE CROSS
Address 629 NORTH BEND RD, BALTIMORE, MD 21229
Phone # 410 788 6427
Signature Eugene Cross

Name DOROTHY CROSS
Address 629 NORTH BEND RD. BALTO. MD. 21229
Phone # 410 - 788 - 6427
Signature Dorothy Cross

Name JAMES NEWTON
Address 642 NORTH BEND ROAD BALTO, MD 21229
Phone # 410-744-4475
Signature James E Newton

Name Patricia Newton
Address 642 North Bend Road Balto, MD 21229
Phone # 410-744-4475
Signature Patricia Ann Newton

Community Petition in Opposition of Zoning Request 05-441-A

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Name DEBBIE + GREG WISNO
Address 1226 NORTH BEND RD
Phone # 410-747-0895
Signature [Signature]

Name JUSTAS BLUM
Address 624 N. BEND RD. BALT. MD 21229
Phone # 410 749 4023
Signature [Signature]

? Name RICHARD FLEURY
Address 622 N. BEND RD. BALTO. MD. 21229
Phone # 410-744-6854
Signature [Signature]

Name Gregory Thornton
Address 620 N Bend Rd, Balto MD, 21229
Phone # (410) 719-7589
Signature [Signature]

Community Petition in Opposition of Zoning Request 05-441-A

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Name SEAN P. Byrne
Address 635 PLYMOUTH RD.
Phone # (410) 788-7089
Signature Sean P. Byrne

Name David M. Beal
Address 637 Plymouth Rd.
Phone # (410) 788-3350
Signature David M. Beal

Name Joan Anticini
Address 1636 North Bend Rd
Phone # 410 788-9446
Signature Mrs Joan Anticini

Name James A. Carran
Address 630 North Bend Rd
Phone # 410-744-6221
Signature James A. Carran

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Name

✓ Janet L. Lezon

Address

640 North Bend Road

Phone #

(410) 747-0661

Signature

Janet L. Lezon

Name

Richard M. Holla

Address

640 North Bend Road

Phone #

(410) 747-0661

Signature

Rich M. Holla

Name

LILIAN G. HOLLAR

Address

640 NORTH BEND RD

Phone #

(410)-747-0661

Signature

Lillian G. Hollar

Name

William COBURN

Address

650 NORTH BEND RD

Phone #

410 788 4019

Signature

W. Coburn

David Robison
640 Coleraine Road
Baltimore, MD 21229

April 18, 2005

Baltimore County
Zoning Commissioner
410-887-3468

Dear Zoning Commissioner,

I am writing to express my opposition to a zoning variance for **644 North Bend Road**
Location: S/side of North Bend Road, 270 feet east centerline Mt. Desales Road 1st
Election District. Case Number: 05-441-A.

Unfortunately, I will not be able to attend the hearing scheduled for 9am on 4/19/05, but wish this letter to be entered into the record.

The property in question is located in the Meridale Little Farms subdivision in the East Catonsville area. I am a resident of this subdivision. The vast majority of homes consist of single-family dwellings, *therefore there is a distinct residential feel of the neighborhood.* This subdivision is one of the earliest in Baltimore County, having been laid out in 1913.

The neighborhood was established well before automobiles were extensively used as a mode of transportation. Most residents of the neighborhood do not have any form of off-street parking. I feel the variance requested is at odds with the historic integrity and original intent of the neighborhood.

The variance notice does not mention exactly how many cars are proposed to be parked on the lot. Personally, in my backyard, I could conceivably squeeze 12 vehicles in the area if using the "stacked method" the variance notice calls for. I can't speak for the neighbors of 644 North Bend Road, but I would not want my neighbor to erect a parking lot beside my backyard.

Thank you for your careful consideration in this matter.

Sincerely,



David Robison
Meridale Little Farms
410-719-8963

PROTESTANT' S

EXHIBIT NO.

2

Site Plan for Assisted Living Facility I

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

644 North Bend Road
Baltimore County, MD 21229
1st Election District
Owner: Husher Leon Harris II
Phone: 410-998-9743

Lot Size: 5,450 SQ. FT.
Zone: DR 5.5

Parking: 1 space for Each 3 beds = 2 spaces required.

Existing Floor areas SQ. FT.

1st Floor (Living Room, Dining Room, Kitchen, Master Bedroom, Bath-Full,
2nd Bedroom): 814.41 SQ. FT.
2nd Floor (3rd Bedroom, Bath-Half, 4th Bedroom): 328.18 SQ. FT.
Total: 1,142.59 SQ. FT.

Basement for storage and equipment: 814.41 SQ. FT.
Existing Garage: 231.15 SQ. FT.

Open Space: 10 x Lot Area (5,450 SQ. FT.) = 545 SQ. FT.

Engineer Scale: 1" = 20' FT.

This building has not been originally constructed to accommodate Elderly housing or an Assisted Living Facility. No construction, relocation, exterior changes or additions of 25% or more in ground floor area as it has existed for 5 years before the date of this application has occurred to the exterior of the building. No additions are proposed.

Signs will comply with section 450 B.C.Z.R

The undersigned are responsible for the accuracy of the information on this plan.

Husher Leon Harris II
Signature
Date: 1/26/2005

Zoning Description

Zoning Description for 644 North Bend Road. Beginning at a Point on the south west side of North Bend Road which is 50 feet Wide at the distance of 1,310.25 FT. northwest of the nearest Improved intersecting street Edmondson Avenue which is 60 FT wide. *Being Lot# 96A, Block N/A, Section N/A In the subdivision of Meridale Little Farms as recorded in the Baltimore County Plat Book # 6, Folio #76. Containing 5,450 SQ. FT. Also known as 644 North Bend Road and located in the 1st Election District, 1st Councilmanic District.

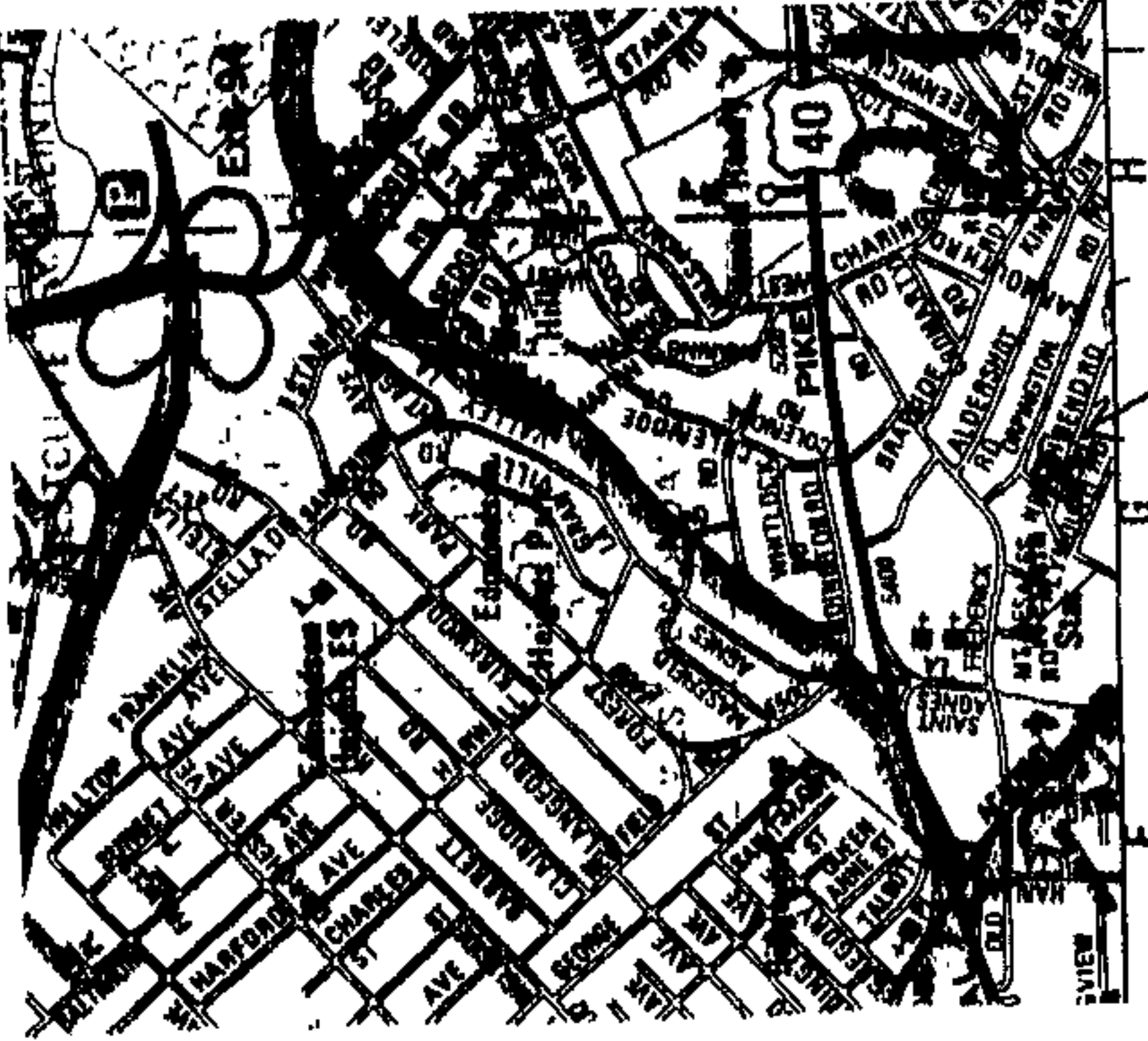
Property Address: 644 North Bend Road
Plat Book# 6
Folio# 76
Lot# 96A
Section# N/A
Owner: Husher L. Harris II

Location Information

Election District: 1st
Councilmanic District: 1st
1"=200' Scale Map #
Zoning: DR 5.5 *5 w/ 1-6*
Lot Size: Acreage: .125, Square Feet: 5,450
Sewer: Public
Water: Public
Chesapeake Bay Critical Area: No
100 Year Flood Plain: No
Historic Property: No
Prior Zoning Hearing: N/A

1. North Arrow: See drawing.
 2. Scale of drawing: 1" = 20'
 3. Outline of property: See drawing.
 4. Vicinity Map: See drawing.
 5. Prior zoning bearings: N/A
 6. Ownership (Current & Adjacent Property): See drawing.
 7. Location: See drawing.
 8. Streets: See drawing.
 9. Buildings: See drawing.
 10. Street setbacks: See drawing.
 11. Utilities: See drawing.
 12. Features: N/A
 13. B.O.C.A: N/A
 14. Special Requirements: N/A
 15. Special Regulations: N/A
- Fire Hydrants = N/A*
- Owner: Husher L. Harris II
Address: 644 North Bend Road
Baltimore, MD 21229
Deed Reference: 13757/ 699
Parcel: 219, Map: 95, Grid: 21
Lot: 96A, Group: 80, Plat. Ref: 6/76
- Owner: Sandra Pelath & Laura Whittington
Address: 646 North Bend Road
Baltimore, MD 21229
Deed Reference: 13469/419
Parcel: 219, Map: 95, Grid: 21
Lot: 94B, Group: 80, Plat. Ref: 6/76

Vicinity Map 1" = 1000'

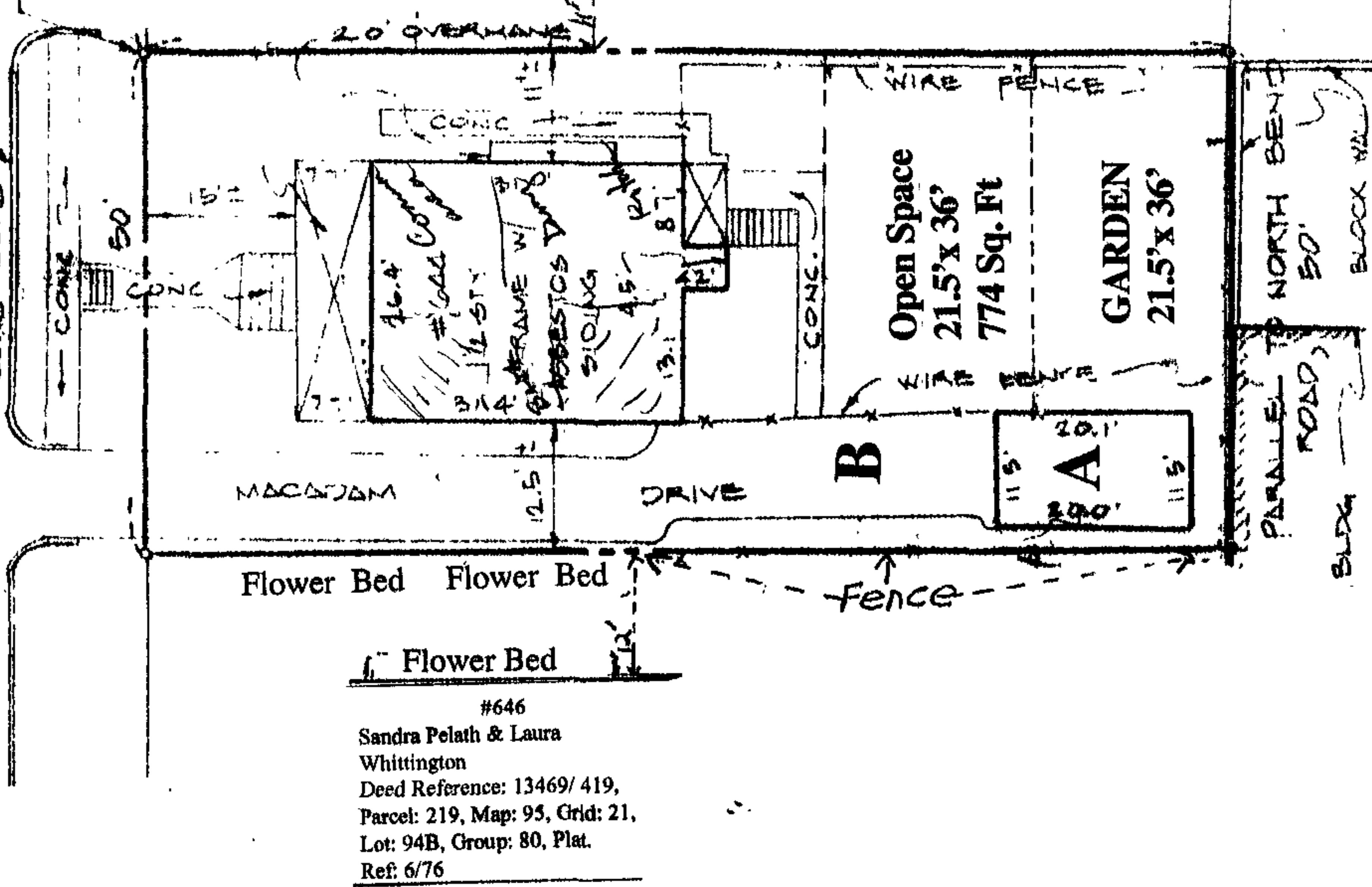


A: Proposed parking space #1 (11.5' x 20.1')

B: Proposed parking space #2 (11.5' x 18')

Owner: James and Patricia Newton
Address: 642 North Bend Road
Baltimore, MD 21229
Deed Reference: 6788/ 131
Parcel: 219, Map: 95, Grid: 21
Lot: 96B, Group: 80, Plat. Ref: 6/76

Driveway of 642 North Bend



#646
Sandra Pelath & Laura
Whittington
Deed Reference: 13469/ 419,
Parcel: 219, Map: 95, Grid: 21,
Lot: 94B, Group: 80, Plat.
Ref: 6/76

PETITIONER'S

EXHIBIT NO. 1

#441