IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE** - S/S Avalon Avenue, N/S Del Rio Road, E/S Inverness Avenue **(49 Inverness Avenue)** 12th Election District 7th Council District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 06-259-SPHA
Salem Baptist Church, Inc. Petitioner	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Salem Baptist Church, Inc., a body corporate of the State of Maryland, by its attorney, Dino C. La Fiandra, Esquire. The Petitioner requests a special hearing to approve a Class I Assisted Living Facility with Seven (7) Beds on the subject property as a use in combination with the continuation of the existing church use. In addition, the Petitioner requests a determination as to the number of onsite parking spaces required for the proposed Class I Assisted Living Facility and the continuation of the existing nonconforming church use. The Petitioners also request confirmation that a parking variance is not necessary for the Class I Assisted Living Facility, because parking for that use is provided in accordance with the Baltimore County Zoning Regulations (B.C.Z.R.). In the alternative, the Petitioner requests a variance from Section 409.12.B of the B.C.Z.R. to permit three (3) parking spaces in lieu of the required number as determined by the Zoning Commissioner to accommodate the existing and proposed uses. 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 6.

Appearing at the requisite public hearing in support of the requests were Jimmie Robinson, III, Church Pastor, his wife, Keena L. Robinson, who will manage the proposed Assisted Living Facility, and their attorney, Dino C. La Fiandra, Esquire. Also appearing in

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Date 1/8/06
By

support of the requests were Tina Ingram, Cheryl Borman, Diane Caudill and David Williamson. Testimony was also offered by G. Dwight Little, the Professional Engineer who prepared the site plan for this property and who has expertise in land planning and zoning matters.

The issues presented in this case generated significant public interest and a number of individuals from the surrounding community appeared, signed petitions and/or testified in opposition to the request. Nancy Kurant and Tammy Sennett acted as spokespersons for the community and those persons identified on Protestant's Exhibit 2. Additionally Lauren Taylor, Gregory Lilly, Linda Finiff, and Steve Kurant appeared as interested persons.

A significant amount of testimony and evidence was submitted at the hearing, which consumed more than seven hours, and numerous photographs, plats, maps, compatibility findings, civil citations, administrative licenses, etc., were submitted as documentary evidence. Testimony was also received from David L. Thomas, a professional engineer employed by Baltimore County in the Department of Public Works. He discussed the church's location in relationship to the tidal floodplain and recommended a Flood Elevation Certificate be obtained prior to filing for any building permits.

Testimony and evidence offered disclosed that the subject property is an irregular shaped parcel located with frontage on three public roads, namely Avalon Avenue, Del Rio Road and Inverness Avenue in Dundalk. The property contains a gross area of 14,204 sq.ft. (0.326 acres) more or less, zoned D.R.5.5 and is improved with a church building, which has existed on the site since the 1940s. As shown on the site plan, the church building occupies the bulk of the property, with small areas of open space to the north, south and west. The building nearly abuts the rear (eastern) property line. Pastor Robinson indicated that the original church building dates back to the 1940s; however, there was a 90' x 43' addition in the late 50s or early 60s.[1] Salem Baptist Church has been at this location since its purchase from the Inverness Presbyterian Church in

[1] There were 22 exhibits submitted by the Petitioner and Protestants. Protestant's Exhibit 1, a copy of the 2-page Petition for Variance filed by the former owners of the property, Inverness Presbyterian Church, was submitted into evidence. That exhibit evidences that variance relief was granted to allow reduced setbacks for the addition to the church building by former Deputy Zoning Commissioner Charles Fitzpatrick, on November 14, 1955 under prior Case No. 3657-V. In addition, relief was granted therein to allow 13 parking spaces less than that required for this site.

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February 1995. The congregation consists of about 50 people; however, the two-story sanctuary has the capacity to hold up to 400 individuals. Only once or twice a year will the church fill to 300 people with an average of 5 to 7 weddings and funerals per year. The church offers one service per week (Sunday) and one bible study (Tuesday evenings) and choir practice on Wednesday and Friday afternoons. Although there is no on-site parking provided for the church, parking in the neighborhood has not been problematic over the past 11 years.

At issue in the instant case is the Petitioner's proposal to utilize a portion of the existing building for an assisted living facility. In this regard, testimony indicated that the Petitioners have been operating such a facility since their acquisition of the property. Pastor Robinson explained that the concept of sanctuary by sheltering the homeless and caring for the poor was part of his Jesuit training. Additionally, the Maryland Department of Health and Mental Hygiene issued a license to Pastor Robinson to operate a Domiciliary Care Facility on the premises in April 1997 and an Assisted Living Program License was issued to Mrs. Robinson in November 2002. Thus, it was argued that the Petitioners have the requisite licenses to operate the facility at this location.

In support of the proposal, Dwight Little opined that the regulations permit churches and other religious institutions to operate in D.R. zones as a matter of right and that an assisted living facility is an "accessory" use to the church. He further noted that there have been no exterior changes to the building and that its use as a church continues. Similar testimony in support of the request was offered by Ms. Borman, Ms. Caudill and Mr. Williamson, residents of the facility, who believe Pastor Robinson provides a valuable service in this community.

Mr. Little further testified with regard to the density regulations of the small tract table found in Section 1B02 of the B.C.Z.R. Based upon his calculations, the subject property has sufficient area to support 2.37 density units (14,200 sq.ft./6,000 sq.ft. per density unit = 2.37 density units). Assisted living beds are calculated at the rate of 0.25 density units per bed. The Church is requesting a use permit for up to 7 beds. Accordingly, the 7 beds proposed will account for 1.75 density units.

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As noted above, several residents from the surrounding locale appeared in opposition to the request. Ms. Kurant and Ms. Sennett testified on behalf of the Protestants and expressed a number of concerns, primarily the long and torturous history of this property and Pastor Robinson's cavalier attitude towards his use of the site and its impact on the surrounding residential community. They testified that the church sanctuary was altered for the purpose of creating rooms without building permits and that no use and occupancy permit has been issued to legitimize the assisted living facility. They further noted that at one time, a school for boys was started on the premises without a permit, and that numerous citations have been issued against the Petitioners. In particular, Civil Citation No. 03-5524 and District Court Judgment No. 0804-SP03273-2005 have resulted in fines in excess of $13,000. Although I do not condone the Petitioners' use of the property without the requisite permits, I will not consider this a factor in reaching a decision. Nor will I be persuaded to grant relief out of sympathy for current patrons of the church who may become homeless or institutionalized but for this shelter facility. My decision in this matter is restricted to determining whether the use proposed at this location is appropriate.

In an attempt to "save" the legality of this use, the Petitioner presents a unique argument. The Petitioner has blocked off parts of the church building so that same cannot be used in conjunction with the church use. Moreover, it is argued that while not located in a separate building, the assisted living facility is accessory to the church use and that Section 102.2 of the B.C.Z.R. is inapplicable. That Section states that "No yard space or minimum area required for a building or use shall be considered as any part of the yard space or minimum area for another building or use."

I find that Section 102.2 of the B.C.Z.R. does apply, and that this case is a type of 'overburdening' that the County Council intended to address with the passage of Section 102.2. The proposed Assisted Living Facility is not an accessory use for purposes of density, and must stand on its own for purposes of Section 102.2. This conclusion is further supported by providing separately defined terms (Section 101) and regulations (Section 432) for Assisted Living Facilities. The Petitioner's method of calculating density requires "double-dipping" so-to-speak, utilizing the

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very modest area of the subject property to support the church, and at the same time arguing that this same lot will generate the necessary density to support the Assisted Living Facility. The only time this has been permitted is in the RC-2 zone, which is technically not a "Density" zone. The subject site was not even sufficiently large to accommodate the church, as indicated by this property's zoning history (see Footnote #1). The very purpose of requiring minimum lot areas and density requirements for certain uses is to avoid the overburdening of the land, which, when it occurs, shifts a hardship to the surrounding community, usually as a result of a self-inflicted hardship by the Owner, often for financial gain.

Finally, consideration is given as to the issue of parking. The site plan submitted shows there are no onsite parking spaces available for the church; however, the Petitioners argue that three (3) spaces can be provided for the Assisted Living Facility as required by Sections 432.A and 409.6.1 of the B.C.Z.R. These would be provided by way of the creation of a parking area on the south side of the church building and accessed via Del Rio Road. It is noteworthy to mention that the minimum required 1,421 sq.ft. of open space for the facility would be provided on the north side of the church. Thus, as the Protestants point out, there is no possibility of providing onsite parking for the church as its congregation expands in number.

Within its Petition and site plan, the Petitioner refers to the parking situation as "the continuation of the existing nonconforming church use." This may not be the case. The Protestants produced the above referred to decision in prior Case No. 3657-V. At the time those variances were granted, Section 409.2.B.1 of the B.C.Z.R. (effective 3/30/55) required 1 parking space for each 6 seats. It is undisputed that the church sanctuary has the capacity for 400 seats. This would have mandated the then property owner, Inverness Presbyterian Church, to provide a minimum of 66 parking spaces. However, by his Order of November 14, 1955, then Deputy Zoning Commissioner Fitzpatrick permitted 13 less parking spaces than required under Section 409.2, or 53 spaces. The appended site plan to Fitzpatrick's Order (Protestant's Exhibit 1) provides for parking in a horseshoe pattern around the existing structure. What has transpired with regard to

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Date 11/8/06
By

this parking provided in 1955 until the Salem Baptist Church acquired the property in 1995 is unknown, however, the term "nonconforming" appears to be incorrect.

In sum, I find that the proposed use of the property for both a church and assisted living facility does not meet the applicable criteria. The Petitioner seeks a result that undermines the essential theory of zoning. Consideration must be given to the character of the surrounding community and the anticipated impacts of the proposed use thereon. I must also consider the requirements of Section 502.1 of the B.C.Z.R, which generally require the Zoning Commissioner to consider the impact of the use on the health, safety or general welfare of the locale. One can scarcely imagine a site worse for an assisted living facility. This property, which is quite small and provides no onsite parking, is located within the interior of a residential community that competes for adequate parking on a daily basis. The proposed use in my judgment is an overcrowding of the land. Having determined that the use cannot be approved, a decision on the Petition for Variance shall be dismissed as moot.

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 granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of January 2006 that the Petition for Special Hearing to approve a Class I Assisted Living Facility with Seven (7) Beds on the subject property as a use in combination with the continuation of the existing church use; a determination as to the number of onsite parking spaces required for the proposed Class I Assisted Living Facility and the continuation of the existing nonconforming church use; and, confirmation that parking for the Class I Assisted Living Facility is provided in accordance with the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking alternative relief from Section 409.12.B of the B.C.Z.R. to permit three (3) parking spaces in lieu of that required by the Zoning Commissioner to accommodate the existing church and proposed Class I Assisted Living Facility, be and is hereby DISMISSED AS MOOT; and,

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Date 1/18/06
By

IT IS FURTHER ORDERED that the Petitioners shall have 120 days from the date hereof to cease operating its assisted living facility and to allow the current residents sufficient time to relocate to another home/facility.

Any appeal of this decision must be undertaken within thirty (30) days of the date hereof.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 11/5/06
By

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

January 18, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Dino C. La Fiandra, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: **PETITIONS FOR SPECIAL HEARING and VARIANCE**
S/S Avalon Avenue, N/S Del Rio Road, E/S Inverness Avenue
(49 Inverness Avenue)
12th Election District – 7th Council District
Salem Baptist Church, Inc. - Petitioner
Case No. 06-259-SPHA

Dear Mr. La Fiandra:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied and the Petition for Variance dismissed as moot, 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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Pastor & Mrs. Jimmie Robinson, III
2023 Ewald Avenue, Baltimore, Md. 21222
Mr. Dwight Little, Little & Assoc., Inc., 1055 Taylor Ave., #307, Towson, Md. 21286
Mr. & Mrs. Steve Kurant, 33 Mavista Avenue, Baltimore, Md. 21222
Ms. Tammy Sennett, 65 Wise Avenue, Baltimore, Md. 21222
Ms. Linda Finiff, 31 Mavista Avenue, Baltimore, Md. 21222
Mr. Gregory Lilly, 59 Wise Avenue, Baltimore, Md. 21222
Ms. Lauren Taylor, Patuxent Publishing, 409 Washington Avenue, Towson, Md. 21204
Mr. David L. Thomas, DPW; Jeff Barmach, Esq., Office of Law; People's Counsel; Case File

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 49 Inverness Avenue

which is presently zoned DR 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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Please see attached.

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.

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:

N/A
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

Salem Baptist Church, Inc.
Name - Type or Print

Signature

Jimmie Robinson
Name - Type or Print

Signature

49 Inverness Avenue
Address Telephone No.

Baltimore, Maryland 21222
City State Zip Code

Attorney For Petitioner:

Dino C. La Fiandra
Name - Type or Print

Signature

Whiteford, Taylor & Preston, LLP
Company

210 W. Pennsylvania Ave. 410-832-2000
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Representative to be Contacted:

Dino C. La Fiandra
Name

210 W. Pennsylvania Ave. 410-832-2000
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date 11-15-05

Case No. 06-259-SPHA

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 11/9/06
By

Petition for Special Hearing
Continuation Sheet
49 Inverness Avenue

Relief Sought:

1. Approval of the proposed Assisted Living Facility, Class I, with 7 beds, in combination with the continuation of the existing church use.

2. Determination of the number of parking spaces which are required on-site in light of the proposed Assisted Living Facility, Class I use and the continuation of the existing non-conforming church use.

3. Confirmation that a parking variance is not necessary for the Assisted Living Facility, Class I, because parking for that use is provided in accordance with the BCZR on site.

ORDER RECEIVED FOR FILING
Date 11/5/06
By

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 49 Inverness Avenue
which is presently zoned DR 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)

Please see attached.

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

To be shown 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:

N/A
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

Salem Baptist Church, Inc.
Name - Type or Print

Signature

Jimmie Robinson
Name - Type or Print

Signature

49 Inverness Avenue
Address Telephone No.

Baltimore, Maryland 21222
City State Zip Code

Attorney For Petitioner:

Dino C. La Fiandra
Name - Type or Print

Signature

Whiteford, Taylor & Preston, LLP
Company

210 W. Pennsylvania Ave. 410-832-2000
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Representative to be Contacted:

Dino C. La Fiandra
Name

210 W. Pennsylvania Ave. 410-832-2000
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 06-259 SPHA

Reviewed By _____ Date 11-15-05

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 11/15/05
By

Petition for Variance
Continuation Sheet
49 Inverness Avenue

Relief Sought:

If, pursuant to the accompanying Petition for Special Hearing, the Zoning Commissioner determines that a parking variance is necessary for the proposed Assisted Living Facility, Class I, and the continuation of the existing church, then the Petitioner requests a variance to permit 3 parking spaces in lieu of the number of parking spaces the Zoning Commissioner determines are necessary to accommodate the uses (proposed and existing) on-site.

from BCZR § 409.12.B for
a modified parking plan
etc

ORDER RECEIVED FOR FILING
Date 11/8/06
By
346770

DESCRIPTION TO ACCOMPANY
PETITION FOR SPECIAL HEARING

South side of Avalon Avenue
North side of Del Rio Road
East side of Inverness Avenue
Twelfth Election District Baltimore County, Maryland

Beginning for the same at the end of the second of the two following courses and distances measured from the intersection of the centerline of Inverness Avenue (50' wide) with the centerline of Avalon Avenue (40' wide), (1) Southeasterly 180 feet, more or less and thence (2) Southwesterly 20 feet, more or less to the point of beginning, thence binding on the south side of Avalon Avenue (1) North 60 degrees 41 minutes 00 seconds West 130.00 feet, thence (2) southwesterly by a line curving to the left, having a radius of 34.80 feet, for a distance of 96.80 feet, thence binding on the north side of Del Rio Road (40' wide) (3) South 40 degrees 06 minutes 00 seconds East 138.72 feet, thence (4) North 35 degrees 24 minutes 00 seconds East 116.80 feet to the point of beginning. Containing 0.314 acres of land, more or less.

THIS DESCRIPTION IS TO BE USED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

STATE OF MARYLAND
PATTIANNE SMITH
No. 21267
PROFESSIONAL LAND SURVEYOR
11-2-05

CERTIFICATE OF POSTING

RE: Case No.: 06-259-SPHA

Petitioner/Developer: SALEM BAPTIST CHURCH, INC.

Date of Hearing/Closing: DEC 30, 2005

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

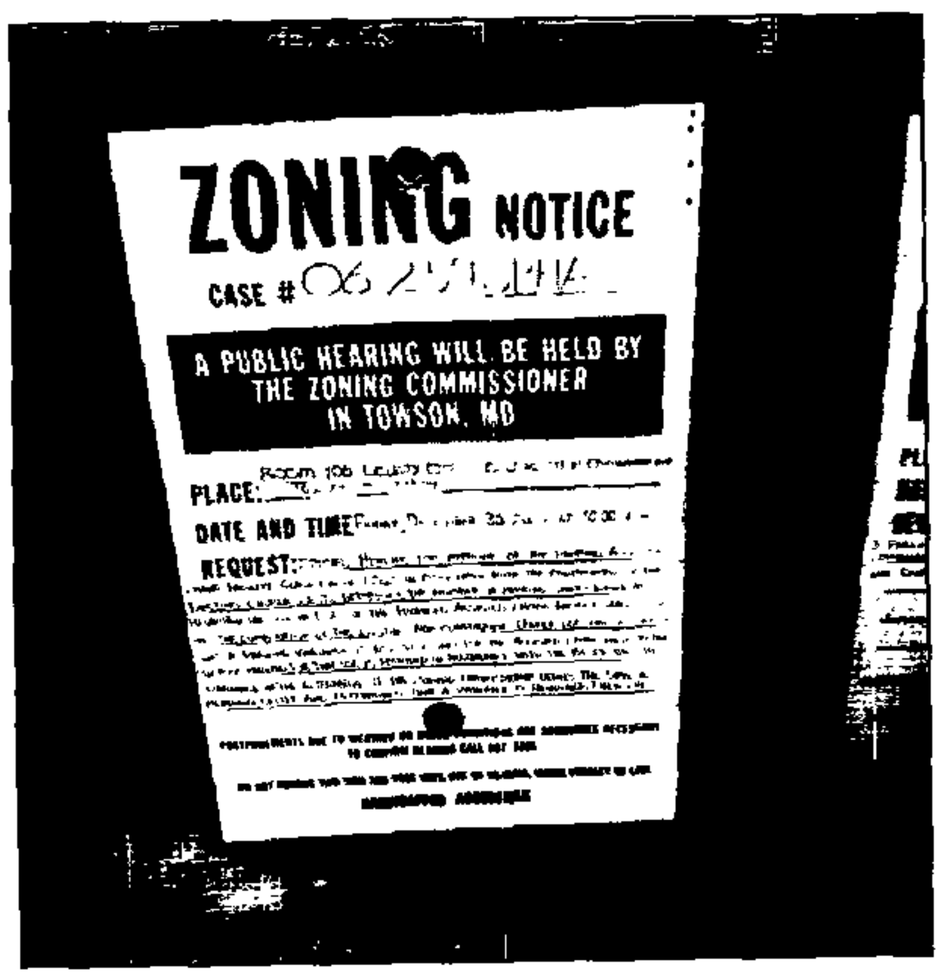
ATTN: Kristen Matthews {(410) 887-3394}

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: 49 INVERNESS AVE.

The sign(s) were posted on 12-15-05
(Month, Day, Year)

Sincerely,



49 INVERNESS AVE

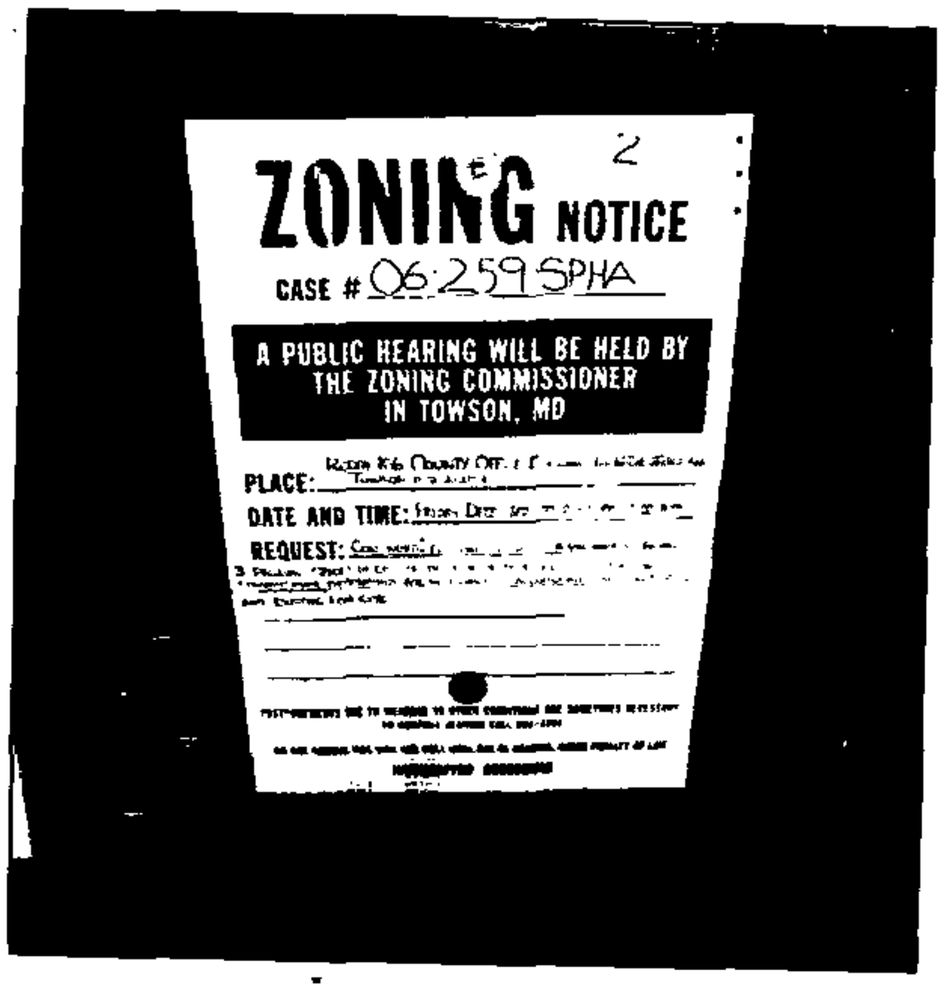
Robert Black 12-16-05
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)



49 INVERNESS AVE

RECEIVED
DEC 19 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: #06-259-SPHA
49 Inverness Avenue
Southeast corner of Avalon Avenue and Inverness Road
12th Election District - 7th Councilmanic District
Legal Owner(s): Salem Baptist Church, Inc.

Special Hearing: for approval of the proposed Assisted Living Facility, Class I with 7 beds in combination with the continuation of the existing church use, to determine the number of parking spaces which are required on site in light of the proposed Assisted Living Facility, Class I use, and the continuation of the existing non-conforming church use, and to confirm that a parking variance is not necessary for the Assisted Living Facility, Class I, because parking for that use is provided in accordance with the BCZR on site. **Variance:** in the alternative: If the Zoning Commissioner denies the Special Hearing relief and determines that a variance is required, then the Petitioner requests a variance to permit 3 parking spaces in lieu of the number of parking spaces the Zoning Commissioner determined are necessary to accommodate the uses (proposed and existing) on site.

Hearing: Friday, December 30, 2005 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
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.

12/152 Dec. 15 78263

CERTIFICATE OF PUBLICATION

12/16/, 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 12/15/, 2005.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

259

No. 1600

DATE 11.15.05 ACCOUNT 1001-006-6150

AMOUNT $ 650.00

RECEIVED FROM: Salem Baptist Church — 79 Inverness Ave.

FOR: SPHA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	TRAN
11/16/2005	11/15/2005	14:16:59	4

SAG [illegible] CASHIER [illegible]
SOURCE: R 416100 11/15/2005 DRAWER
Dept 9 5/8 ZONING VERIFICATION
CR NO. 001600
Recpt Tot $650.00
$650.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

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 259

Petitioner Salem Baptist Church, Inc.

Address or Location 49 Inverness Ave, Balto. MD 21222

PLEASE FORWARD ADVERTISING BILL TO

Name: Dino La Fiandra

Address 210 W. Pennsylvania Ave Ste 400
Towson MD 21204

Telephone Number 410832 2000

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

November 25, 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: 06-259-SPHA
49 Inverness Avenue
Southeast corner of Avalon Avenue and Inverness Road
12th Election District – 7th Councilmanic District
Legal Owners: Salem Baptist Church, Inc.

Special Hearing for approval of the proposed Assisted Living Facility, Class I with 7 beds in combination with the continuation of the existing church use, to determine the number of parking spaces which are required on site in light of the proposed Assisted Living Facility, Class I use, and the continuation of the existing non-conforming church use, and to confirm that a parking variance is not necessary for the Assisted Living Facility, Class I, because parking for that use is provided in accordance with the BCZR on site. Variance in the alternative: If the Zoning Commissioner denies the Special Hearing relief and determines that a variance is required, then the Petitioner requests a variance to permit 3 parking spaces in lieu of the number of parking spaces the Zoning Commissioner determined are necessary to accommodate the uses (proposed and existing) on site.

Hearing: Friday, December 30, 2005 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Dino LaFiandra, 210 W. Pennsylvania Avenue, Towson 21204
Jimmie Robinson, 49 Inverness Avenue, Baltimore 21222

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, DECEMBER 15, 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.

Printed on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 15, 2005 Issue - Jeffersonian

Please forward billing to:
Dino La Fiandra
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204

410-832-2000

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: 06-259-SPHA
49 Inverness Avenue
Southeast corner of Avalon Avenue and Inverness Road
12th Election District – 7th Councilmanic District
Legal Owners: Salem Baptist Church, Inc.

Special Hearing for approval of the proposed Assisted Living Facility, Class I with 7 beds in combination with the continuation of the existing church use, to determine the number of parking spaces which are required on site in light of the proposed Assisted Living Facility, Class I use, and the continuation of the existing non-conforming church use, and to confirm that a parking variance is not necessary for the Assisted Living Facility, Class I, because parking for that use is provided in accordance with the BCZR on site. Variance in the alternative: If the Zoning Commissioner denies the Special Hearing relief and determines that a variance is required, then the Petitioner requests a variance to permit 3 parking spaces in lieu of the number of parking spaces the Zoning Commissioner determined are necessary to accommodate the uses (proposed and existing) on site.

Hearing: Friday, December 30, 2005 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

WILLIAM J WISEMAN III
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.

to Jeff B.

IN THE DISTRICT COURT OF MARYLAND
FOR BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND,	*	
Plaintiff,	*	Case No.
v.	*	0804-SP03273-2005
THE SALEM BAPTIST CHURCH, INC.	*	
and	*	
JIMMIE ROBINSON, III,	*	
Defendants.	*	

* * * *

Residential Code (I.R.C.) § 105.1, and International Building Code (I.B.C.) §§ 110.1 and 113.1, adopted as part of the Baltimore County Code pursuant to Bill No. 78-01, effective November 23, 2001, and Bill No. 78-01 § 106.2.1, by, respectively,

1. constructing, enlarging, altering, and changing the occupancy of the building located at 49 Inverness Avenue, Baltimore, Maryland 21222, in the Dundalk section of the County, owned by the Defendant Church (the "Building"), without first making application to Baltimore County and obtaining the required permit;

2. using and occupying the Building, and changing the existing use of the Building as a church, without obtaining the issuance by the County of a certificate of Use and Occupancy;

3. unlawfully erecting, constructing, altering, and occupying the Building in violation of the provisions of the I.B.C., adopted as part of the Baltimore County Code pursuant to Bill No. 78-01, effective November 23, 2001, and the relevant provisions of the Baltimore County Code; and

4. failing to submit and file a revised site plan with the County as required by law; and the Court further finds that Defendants have refused to comply with all attempts by Plaintiff to obtain compliance with the Baltimore County Code, so that the violations of said Code continues and Plaintiff is without an effective remedy to cause and obtain compliance therewith.

WHEREFORE, it is this _____ day of October, 2005, by the District Court of Maryland for Baltimore County,

ORDERED, that judgment by the default of Defendants The Salem Baptist Church, Inc., and Jimmie Robinson, III, and each of them be, and it is hereby, **ENTERED** in favor of the Baltimore County, Maryland and against Defendants, and each of them; and it is further

ORDERED, that Defendants, and each of them be, and each is hereby, enjoined to abate the violations of International Residential Code (I.R.C.) § 105.1, and International Building Code (I.B.C.) §§ 110.1 and 113.1, adopted as part of the Baltimore County Code pursuant to Bill No. 78-01, effective November 23, 2001, and Bill No. 78-01 § 106.2.1, all as aforesaid; and it is further

ORDERED, that Defendants, and each of them be, and each is hereby, enjoined to comply immediately with International Residential Code (I.R.C.) § 105.1, and International Building Code (I.B.C.) §§ 110.1 and 113.1, adopted as part of the Baltimore County Code pursuant to Bill No. 78-01, effective November 23, 2001, and Bill No. 78-01 § 106.2.1, by, respectively,

1. making application for and obtaining the required permits for constructing, enlarging, altering, and changing the occupancy of the building located at 49 Inverness Avenue, Baltimore, Maryland 21222, in the Dundalk section of the County, owned by the Defendant Church (the "Building");

2. obtaining the issuance by the County of a certificate of Use and Occupancy in order to use and occupy the Building, and to change the existing use of the Building as a church, to an assisted living facility;

3. complying with all provisions of the I.B.C., adopted as part of the Baltimore County Code pursuant to Bill No. 78-01, effective November 23, 2001, and the relevant provisions of the Baltimore County Code; and

4. preparing, filing, and submitting a revised site plan with the County as required by law; and it is further

ORDERED, that Defendants, jointly and severally, pay a civil penalty in the amount of Ten Thousand and 00/100 Dollars ($10,000.00); and it is further

ORDERED, that in the event Defendants fail to comply with this Order of Default Judgment on or before thirty (30) days from the date of said Order, Baltimore County shall seek a citation of constructive contempt committed by each Defendant against this Court; and it is further

ORDERED, that the Clerk shall mail to the parties, a copy of this Order of Default Judgment.

10/26/05

JUDGE, District Court of Maryland

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

ATTORNEY-CLIENT PRIVILEGED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Hon. John Olszewski, Sr.
Baltimore County Councilman
District 7

DATE: December 8, 2005

FROM: Jeffrey A. Barmach
Assistant County Attorney

RE: ***Baltimore County v. Salem Baptist Church, et al.***
District Court for Baltimore County

Don Hill requested that I brief you on the code enforcement proceedings concerning The Salem Baptist Church on 49 Inverness Avenue. On May 10, 2005, the Office of Law filed a complaint in the District Court in an effort to restrain the church officials from using the facility as an assisted living facility without the proper permits. Please find enclosed a copy of the complaint. On October 26, 2005, the church officials failed to appear at the trial and the district court entered a default judgment. Please find enclosed a copy of the default judgment.

On November 15, 2005, the Church's attorney filed a Petition for Variance with the Zoning Commissioner. Please find enclosed a copy of the Petition. The Petition requested the Commissioner to hold a special hearing and issue the required permits for the assisted living facility.

On December 6, 2005, the Office of Law requested the Bureau of Code Enforcement to re-inspect the Church once the permits are issued and determine whether the Church is in compliance on all matters. Once the site inspection has confirmed that code enforcement violations no longer exist, the Bureau will advise the Office of Law as to whether the district court case should be dismissed.

If you have any questions, please do not hesitate to contact me at (410) 887-4420.

Cc: John Beverungen, Acting County Attorney

to Jeff B.

IN THE DISTRICT COURT OF MARYLAND
FOR BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND,	*	
Plaintiff,	*	Case No.
v.	*	0804-SP03273-2005
THE SALEM BAPTIST CHURCH, INC.	*	
and	*	
JIMMIE ROBINSON, III,	*	
Defendants.	*	

* * * *

Residential Code (I.R.C.) § 105.1, and International Building Code (I.B.C.) §§ 110.1 and 113.1, adopted as part of the Baltimore County Code pursuant to Bill No. 78-01, effective November 23, 2001, and Bill No. 78-01 § 106.2.1, by, respectively,

1. constructing, enlarging, altering, and changing the occupancy of the building located at 49 Inverness Avenue, Baltimore, Maryland 21222, in the Dundalk section of the County, owned by the Defendant Church (the "Building"), without first making application to Baltimore County and obtaining the required permit;

2. using and occupying the Building, and changing the existing use of the Building as a church, without obtaining the issuance by the County of a certificate of Use and Occupancy;

3. unlawfully erecting, constructing, altering, and occupying the Building in violation of the provisions of the I.B.C., adopted as part of the Baltimore County Code pursuant to Bill No. 78-01, effective November 23, 2001, and the relevant provisions of the Baltimore County Code; and

4. failing to submit and file a revised site plan with the County as required by law;

and the Court further finds that Defendants have refused to comply with all attempts by Plaintiff to obtain compliance with the Baltimore County Code, so that the violations of said Code continues and Plaintiff is without an effective remedy to cause and obtain compliance therewith.

WHEREFORE, it is this _____ day of October, 2005, by the District Court of Maryland for Baltimore County,

ORDERED, that judgment by the default of Defendants The Salem Baptist Church, Inc., and Jimmie Robinson, III, and each of them be, and it is hereby, **ENTERED** in favor of the Baltimore County, Maryland and against Defendants, and each of them; and it is further

ORDERED, that Defendants, and each of them be, and each is hereby, enjoined to abate the violations of International Residential Code (I.R.C.) § 105.1, and International Building Code (I.B.C.) §§ 110.1 and 113.1, adopted as part of the Baltimore County Code pursuant to Bill No. 78-01, effective November 23, 2001, and Bill No. 78-01 § 106.2.1, all as aforesaid; and it is further

ORDERED, that Defendants, and each of them be, and each is hereby, enjoined to comply immediately with International Residential Code (I.R.C.) § 105.1, and International Building Code (I.B.C.) §§ 110.1 and 113.1, adopted as part of the Baltimore County Code pursuant to Bill No. 78-01, effective November 23, 2001, and Bill No. 78-01 § 106.2.1, by, respectively,

1. making application for and obtaining the required permits for constructing, enlarging, altering, and changing the occupancy of the building located at 49 Inverness Avenue, Baltimore, Maryland 21222, in the Dundalk section of the County, owned by the Defendant Church (the "Building");

2. obtaining the issuance by the County of a certificate of Use and Occupancy in order to use and occupy the Building, and to change the existing use of the Building as a church, to an assisted living facility;

3. complying with all provisions of the I.B.C., adopted as part of the Baltimore County Code pursuant to Bill No. 78-01, effective November 23, 2001, and the relevant provisions of the Baltimore County Code; and

4. preparing, filing, and submitting a revised site plan with the County as required by law; and it is further

ORDERED, that Defendants, jointly and severally, pay a civil penalty in the amount of Ten Thousand and 00/100 Dollars ($10,000.00); and it is further

ORDERED, that in the event Defendants fail to comply with this Order of Default Judgment on or before thirty (30) days from the date of said Order, Baltimore County shall seek a citation of constructive contempt committed by each Defendant against this Court; and it is further

ORDERED, that the Clerk shall mail to the parties, a copy of this Order of Default Judgment.

10/26/05

JUDGE, District Court of Maryland

IN THE DISTRICT COURT OF MARYLAND
FOR BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND, a body corporate and politic,	*	
Plaintiff,	*	
v.	*	
THE SALEM BAPTIST CHURCH, INC.	*	
Serve on: Jimmie Robinson, Jr. 703 North Avondale Road Baltimore, Maryland 21222 Resident Agent	*	**Case No.**
and	*	
JIMMIE ROBINSON, III 2023 Ewald Avenue Dundalk, Maryland 21222	*	
Defendants.	*	

* * * *

of Baltimore County, Maryland, known as 49 Inverness Avenue, Baltimore, Maryland 21222-4856 ("the Property"). Said property is held under the provisions of a Deed dated February 1, 1995, and recorded among the Land Records of Baltimore County in Liber S.M. No. 10940, folio 182.

3. At all times pertinent hereto, Jimmie Robinson III (defendant "Robinson") is and has been the pastor at The Salem Baptist Church and is and has been personally involved in all business decisions of the Church.

4. After an initial inspection of the Property on July 15, 2003, disclosed a change in use from a church to an assisted living facility without the required Use and Occupancy Permit, and interior alterations without either the proper permit for building, plumbing and electrical work, or a proper site plan, a notice requiring correction of the violations found, as referred to above, was issued on July 17, 2003, pursuant to Baltimore County Code § 1-7 (c). Defendants were ordered to obtain a Use and Occupancy Permit for an Assisted Living Facility with four (4) or more beds.

5. On July 23, 2003, an additional notice requiring correction of the violations found, as aforesaid, was issued pursuant to BCC § 1-7 (c). Defendants were ordered to (a) secure a Use and Occupancy Permit for an Assisted Living Facility; (b) secure a permit for interior alterations for building, electrical, and plumbing work; and (c) submit a proper site plan, all no later than August 20, 2003.

6. Pursuant to a letter to Defendant Robinson dated August 14, 2003, John M. Altmeyer, Supervisor of the Bureau of Code Inspection, advised that permits are required for both interior renovations and a change in occupancy or use of a structure. In addition, Mr. Altmeyer stated that a site plan must be submitted prior to initiation and completion of any alterations.

7. After a subsequent inspection of the Property disclosed that Defendants had taken no steps to correct the violations and comply with applicable law, Baltimore County Uniform Code Enforcement Citation No. 03-5524 was issued on August 21, 2005, and served upon Defendants, pursuant to Baltimore County Code § 1-7 (d).

8. Defendants Jimmie Robinson III and The Salem Baptist Church, Inc. were and are charged with:

a. failure to obtain a change in occupancy permit in violation of the International Building Code (2000 ed.) § 110.1, enacted as part of the Baltimore County Building Code pursuant to Bill No. 78-01, effective November 23, 2001;

b. failure to obtain the required permits prior to installing, enlarging, repairing, removing, converting, or replacing any electrical, gas, mechanical or plumbing system in violation of the International Residential Code (2000 ed.) § R105.1, enacted as part of the Baltimore County Building Code pursuant to Bill No. 78-01, effective November 23, 2001;

c. failure to file a revised site plan prior to changing, increasing, or diminishing a site, in violation of Baltimore County Council Bill 78-01 § 106.2.1, effective November 23, 2001.

A civil penalty of $5,800 was proposed.

9. A code enforcement hearing was held on October 7, 2003, pursuant to Baltimore County Code § 1-7 (e), at which Defendant Robinson appeared and took part. By Final Amended Order of the Code Enforcement Hearing Officer dated December 1, 2003, a civil penalty in the amount of $3,000.00 was imposed unless Defendants obtained:

(a) a change of occupancy permit from a church to an assisted living facility on or before May 1, 2004;

(b) a building permit for the interior alterations, including building, electrical, and plumbing work on or before May 1, 2004;

(c) a site plan for the facility on or before May 1, 2004.

The Code Enforcement Hearing Officer directed that if Defendants complied with the Final Order, the civil penalty, in its entirety, would be abated. On May 4, 2004, counsel for Defendants spoke with Grant Kidd, Inspector, Baltimore County Department of Permits and Development Management, and stated that Defendants still were in the process of obtaining the required permits. Defendants today have yet to obtain the required permits. Accordingly, since the violations, as aforesaid, were unabated, the civil penalty of $3,000.00 was certified as a lien against the Property on May 5, 2004, pursuant to Baltimore County Code § 1-7 (f).

10. The violations continue on the Property so that Plaintiff is without an effective remedy to cause and obtain compliance with the applicable sections of the Baltimore County Code and the Baltimore County Building Code, as aforesaid. Plaintiff therefore seeks to have the violations, as aforesaid, immediately abated, an additional civil penalty assessed against Defendants, and each of them, permanently enjoined from further violation of the sections of the Code, as aforesaid, on the Property.

WHEREFORE, Plaintiff requests this Honorable Court to order the following relief:

1. That Defendants immediately abate and correct the violations of the Baltimore County Code and Baltimore County Building Code, as aforesaid, found to exist on the Property;

2. That Defendants, and each of them, pay a civil penalty of up to $200.00 per violation per day for each day that the violations exist and have existed since December 1, 2003;

3. That Defendants, and each of them, be enjoined and restrained from violating the Baltimore County Code and Baltimore County Building Code, as aforesaid, in any manner in the future;

4. That a Show Cause Order be issued, directed to Defendants, and each of them, ordering each to be and appear in this Court on a date and at a time set forth therein, to show cause why the relief requested in this Complaint ought not be granted; and

5. For such other and further relief as justice may require.

Respectfully submitted,

JAY L. LINER
County Attorney

C. ROBERT LOSKOT (Atty. No. 6172)
Assistant County Attorney

JEFFREY A. BARMACH (Atty No. 8458)
Assistant County Attorney
400Washington Avenue, Room 219
Towson, Maryland 21204
410-887-4420

Attorneys for Baltimore County, Maryland

SALEM BAPTIST CHURCH
PH. 410-282-1920
49 INVERNESS AVE., #22
BALTIMORE, MD 21222-4856

6680

PAY TO THE ORDER OF Balto. County

DATE 11-27-05 7-61/520 11

three Hundred twenty five $325.00 00/100 DOLLARS

MERCANTILE-SAFE DEPOSIT & TRUST COMPANY
BALTIMORE, MARYLAND

FOR

J R III
Melvin Powell

⑈00006680⑈ ⑆052000618⑆ 000601023 7⑈

SALEM BAPTIST CHURCH
PH. 410-282-1920
49 INVERNESS AVE., #22
BALTIMORE, MD 21222-4856

6679

PAY TO THE ORDER OF Balto. County

DATE 10-27-05 7-61/520 11

three Hundred twenty five $325.00 00/100 DOLLARS

MERCANTILE-SAFE DEPOSIT & TRUST COMPANY
BALTIMORE, MARYLAND

FOR

J R III
Melvin Powell

⑈00006679⑈ ⑆052000618⑆ 000601023 7⑈

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: December 6, 2005

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT:	Item No.:	259
	Legal Owner/Petitioner	Salem Baptist Church, Inc
	Contract Purchaser:	N/A
	Property Address:	49 Inverness Ave
	Location Description:	SE corner Avalon Ave & Inverness Rd

VIIOLATION INFORMATION:	Case No.	03-5524
	Defendants:	Jimmie Robinson

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

NAME	ADDRESS
Councilman Johnny O's Office	

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

X 1. Complaint letter/memo/email/fax (if applicable)
X 2. Complaint Intake Form/Code Enforcement Officer's report and notes
X 3. State Tax Assessment printout
X 4. State Tax Parcel Map (if applicable)
☐ 5. MVA Registration printout (if applicable)
☐ 6. Deed (if applicable)
☐ 7. Lease-Residential or Commercial (if applicable)
☐ 8. Photographs including dates taken
X 9. Correction Notice/Code Violation Notice
X 10. Citation and Proof of Service (if applicable)
☐ 11. Certified Mail Receipt (if applicable)
X 12. Final Order of the Code Official/Hearing Officer (if applicable)
☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/gk
C: Code Enforcement Officer

Balti re County
Dep ent of Permits and
Development Management

Code Inspections and Enforcement
County Offic lding
111 West Chesapeake Avenue
Towson, MD 21204

DIST 12

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953
Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION

SERVE ON RESIDENT AGENT, CORPORATE OFFICER, OWNER, TENANT, AS APPLICABLE

Citation/Case No.	Property No.	Zoning:
03-5524	1209035111	

Name(s): ROBINSON, JIMMIE, III (~~OWNER~~) Res Agent
THE SALEM BAPTIST CHURCH, INC.

Address: 2023 EWALD AVE DUNDALK, MD 21222

Violation Location: 49 INVERNESS ~~RD~~ AVENUE

Violation Dates: 7/23/03 THROUGH 8/21/03

BALTIMORE COUNTY FORMALLY CHARGES THAT THE ABOVE-NAMED PERSON(S) DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS OR REGULATIONS:

B.C.C.B. 78-01 SEC 106.2.1, I.R.R. SEC 105.1, I.B.C. SEC 110.2, I.B.C. SEC 113.1

(1) SECURE CHANGE OF OCCUPANCY FROM A CHURCH TO AN ASSISTED LIVING FACILITY.

(2) SECURE PERMITS FOR INTERIOR ALTERATIONS FOR BUILDING, ELECTRICAL AND PLUMBING.

(3) SITE PLAN MUST BE SUBMITTED

Pursuant to Section 1-8, Baltimore County Code, a civil penalty has been assessed, as a result of the violation cited herein, in the amount indicated: $ 5,800.00

A quasi-judicial hearing has been pre-scheduled in Room 116, 111 West Chesapeake Avenue, Towson, Maryland, for: OCTOBER 7, 2003

Date: 10/7/03
Time: 9:00 AM.

Citation must be served by: SEPTEMBER 5, 2003

Date: 9/5/03

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Print Name: GRANT KIDD

8/21/03 Grant Kidd
Date Inspector's Signature

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name:	Citation/Case No.:

Address:

Date Defendant's Signature

AGENCY

Extend 28

CODE ENFORCEMENT REPORT

DATE: 7/23/03 INTAKE BY: BALTO. CO. T.M.A. CASE #: 03-5524 INSPEC: R. KIDD

COMPLAINT LOCATION: 49 INVERNESS RD

ZIP CODE: 21222 DIST: 12

COMPLAINANT NAME: BALTO. CO PHONE #: (H) (W)

ADDRESS: 111 W. CHESAPEAKE AVE ZIP CODE: 21204

PROBLEM: ASSISTANT LIVING FACILITY USED IN CHURCH.

OWNER/TENANT INFORMATION:

TAX ACCOUNT #: 1209035111 ZONING:

INSPECTION: 7/23/03 - ISSUED CORR. NOTICE, FOR CHANGE OF ~~USE~~ OCCUPANCY PERMIT, INT. ALTERATIONS AND SITE PLAN. GAVE COPY TO ONE OF ~~SECRETARY~~ THE SECRETARY'S. SPOKE WITH T.M.A. + R.S.W. R/C 8/18/03 R. Kidd. GAVE COPIES TO DON AT JOHNNY O'S

REINSPECTION: OFFICE. M

REINSPECTION:

REINSPECTION:

Code Enforcement - Daily Workshe

Inspector - _____

Area	Case #	Location	Apt	Zip	Date Rec	Reinsp Dt
017	03-5524	49 INVERNESS RD		21222	7/14/2003	5/19/2004

Tax Acct #: 1209035111

Complainant Name: (Last) COUNCILMAN (First) OLSZEWSKI DON
Addr:
Str # Dir Street Name Type Apt

City ST Zip
Phone: (Home) (Work) 410/887-7174

Problem: ASSISTED LIVING FACILITY, CHECK ON COMPLIANCE
07/21/03 NEW COMPLAINT-BLDG USED FOR SOMETHING OTHER THAN CH URCH, ALSO USED AS SCHOOL 6-12 GRADE, SENIOR CENTER & HOMEL ESS CENTER MAP 93-92A

Notes:

****7/15/03, ADDITION UNDER B524689, MET W/PASTOR ROBINSON, CHURCH W/ ASSISTED LIVING FACILITY, 4 PEOPLE LIVING IN AS SISTED FACILITY & 1 IN HOSPITAL, TOTAL 5, ISSUED 30 DAY CORR ECTION NOTICE TO APPLY FOR A U&O PERMIT OR TO GIVE USA COPY OF COMAR & A LETTER FROM STATE STATING THEY ARE EXEMPT FROM BCZR, GUTTER,MINOR JT&D, WINDOWS VANDALIZED LAST WEEK, FIXED W/IN 2 WKS, 443 540-5462, LICENSE ISSUED SEPT 2, P/U 8 /20/03, COMPL UPDATED, LW/CO**** 7/22/03 VISITED SITE. MET WITH MIKE COOK (DEPT OF AGING) & PASTOR RO BINSON. NO EVIDENCE OF A SCHOOL BEING PERFORMED. HANDICAP RA MP HAS TO BE CHANGED. NOT TO ADA SPECS. SPOKE WITH LENNY W. BUILDING IS O.K. FOR ASST. LIVING FOR 3 BEDS PER ZO NING. P/ U8/4/03 G.KIDD/NS*** 7/23/03 ISSUED CORR.NOTICE FOR CHANGE O F OCCUPANCY ZERMIT, INT.ALTERATIONS & SITE PLAN. GAVE COPY T O ONE OF THE SECRETARIES. SPOKE WITH J.M.A. & R.S.W.. GAVE C OPIES TO JOHNNYO'S OFFICE. P/U 8/18/03 G.KIDD/NS*** *** 7/25/03, RECIEVED CORRECTION NOTICE BACK. NO SUCH NUMBER. GA VE TO LW/RMG*** 08/13/03 RECEIVED A CALL FROM NANCY KURANT- 410-282-4896 CONCERNING 49 INVERNESS & THE CORR. NO. ISSUED. I INFORMED MRS. KURANT THAT THE CORR. NO. WOULD BE RE- CHE CKED FOR COMPLIANCE ON 08/18/03. SHE ASKED WHAT IF ANYTHING ELSE THE COUNTY *****SEE NEXT PAGE*****

P/U Date			Closed Date		Gary F to update
Anonymous Complaint	Complainant Updated		Updated by voice message	Unable to update	Update not necessary
Executive office Complaint	**Yes**	**No**	If Yes is Executive memo attached?	**Yes**	**No**

Case # 03-5524 CONTINUED

WOULD DO IF COMPLIANCE WAS NOT MET. I EXPLAINED THAT A CIVIL CITATION WOULD BE ISSUED IF COMPLIANCE WAS NOT MET. P/U 08/18/03. J.M.A./KH.*** 08/14/03 LETTER SENT TO PASTOR ROBINSON STATING OUR POSITION WITH ENF. OF CO. CODES. COPIES SENT TO EXEC. OFF. T.KOTROCO. P/U DATE TO COINCIDE W/LETTER FROM L.WASILEWSKI. G.KIDD TO FOLLOW-UP ON 08/21/03. JMA/KH.*** ****8/19/03, PRE CONVERSATION W/JMA, BUILDING INSPECTOR WILL BE DOING THE FOLLOWUP, COMPL UPDATED, P/U 8/21/03, LW/CO****

8/21/03 VISITED SITE. ISSUED CIVIL CITATION TO MR. ROBINSON AT THE CHURCH. GAVE ACOPY TO DON AT JOHNNY O'S OFFICE. ALSO SPOKE TO MIKE COOK FOR DEPT OF AGING. P/U10/2/03 G. KIDD/NS***

****8/22/03, CASE REFERRED TO BLDG INSPECTOR, LW/CO**** 9/18/03 PUT ON DOCKET FOR 10/7/03. KITTY*** 10/6/03 HEARING SCHEDULED ON 10/7/03 SPOKE TO JOHNNY O'S OFFICE P/U 10/29/03 G.KIDD/DAR***

10/27/03 FINAL ORDER SENT. FILE TO GRANT KIDD. /JF. 10/31/03 RECEIVED FINAL ORDER FROM MR.SHAPIRO. OWNER HAS TO COMPLY WITHIN 3 DIFFERENT DATES. GAVE A COPY OF ORDER TO DON AT JOHNNY O'S OFFICE. P/U 11/16/03 G.KIDD/NS*** (NEXT PAGE)>>>>>>

11/20/03 CHANGE OF OCCUPANCY PERMIT NOT ISSUED. SPOKE TO JOHNNY O'S OFFICE P/U 12/10/03 G. KIDD/DAR***

12/10/03 VISITED SITE. LEFT MESSAGE AT DOOR TO CALL. SPOKE TO JOHNNY O'S OFFICE. P/U 12/29/03 G.KIDD/NS***

12/16/03 FINAL ORDER WAS APPEALED ON 12/1/03 SPOKE TO DON AT JOHNNY O'S OFFICE & FAXED A COPY OF ORDER TO THEIR OFFICE. P/U 2/12/04 G.KIDD/NS*** 2/13/04 VISITED SITE ON 2/12/04 SPOKE TO MR ROBINSON HE GAVE ME PHONE NUMBERS FOR THE ENGINEERING FIRM THAT IS HANDLING THE SITE PLANS AND HIS ATTORNEY'S NUMBER. LITTLE & ASSOC. INC-410-296-1363. DEANO, LAFIANZO (ATTORNEY)-410-832-2000. I SPOKE TO DON FROM JONNY O'S OFFICE, RSW & JMA ABOUT THE CASE. SITE PLAN MUST BE SUBMITTED BY MARCH 1, 2004 RECIEVED LETTER FROM MR ROBINSON'S ATTORNEY ASKING FOR EXTENTION MS SHAPIRO EXTENDED CASE TO MAY 1, 2004 P/U 4/28/04 G.KIDD/JB*** 4/30/04 PERMIT NOT ISSUED SPOKE TO PASTOR ROBINSON P/U 5/31/04 G.KIDD/JB*** 5/4/04 MR.LAFIANDRA CAME TO OFFICE THIS MORNING, HAS NOT HEARD FROM LITTLE & ASSOC ABOUT SITE PLAN. MR.LAFIANDRA CALLED APPROX 3:25 SAYING HE IS STILL REPRESENTING MR.ROBINSON. I TOLD MR.LAFIANDRA I AM GIVING FILE TO HEARING OFFICER TO IMPOSE FINES. (NEXT PAGE)>>>>>>>

P/U Date			Closed Date		Gary F to update
Anonymous Complaint	Complainant Updated		Updated by voice message	Unable to update	Update not necessary
Executive office Complaint	**Yes**	**No**	If Yes is Executive memo attached?	**Yes**	**No**

GM

Case # 03-5524 CONTINUED

03-5524 (CON'T) I ALSO SPOKE TO DON AT JOHNNYO'S OFFICE ABOU
T CASE.P/U 5/19/04 G.KIDD/NS***
**5/5/04 LIEN $3,00.00 CIVIL
PENALTY INV #244720. FILE TO G KIDD. /JF**.

5/20/04- I SPOKE TO MR. ROBINSONS LAWYER, HE ~~E~~ WILL BE HANDLING THE SITE PLAN AND OBTAINING NECESSARY BUILDING PERMITS.
I SPOKE TO DON AT JOHNNY O'S OFFICE R/C 6/21/04 G. Kidd

KH
GM

P/U Date			Closed Date		Gary F to update
Anonymous Complaint	Complainant Updated		Updated by voice message	Unable to update	Update not necessary
Executive office Complaint	**Yes**	**No**	If Yes is Executive memo attached?	**Yes**	**No**

UPDATE/MESSAGE FORM

Date: 5/5/04

Time: _____ a.m. p.m.

Inspector: Q. Kidd

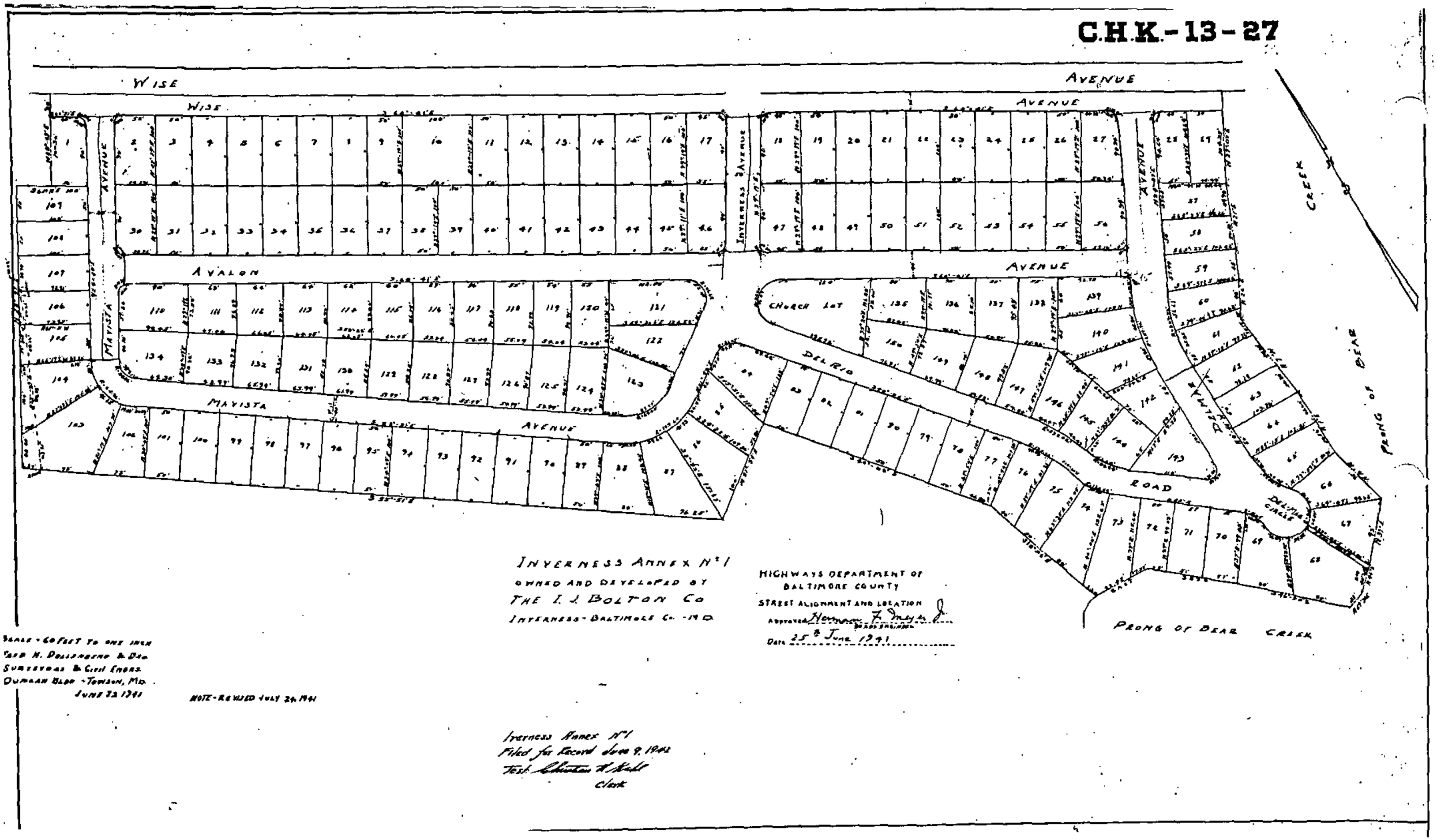
Case No.: 03-5524

Address: 49 INVERNESS AVE

Comments: 5/4/04- MR. CAFIANDRA CAME TO OFFICE THIS MORNING, HAS NOT HEARD FROM LITTLE + ASSO. ABOUT SITE PLAN. MR. CAFIANDRA CALLED APPROX 3:25, SAYING HE IS STILL REPRENSENTING MR. ROBINSON. I TOLD MR CAFIANDRA, I AM GIVING FILE TO HEARING OFFICER TO IMPOSE FINES. I ALSO SPOKE TO DON AT JOHNNY O'S OFFICE ABOUT CASE. K/C 5/19/04 [illegible]

ENTERED INTO AS400 _____

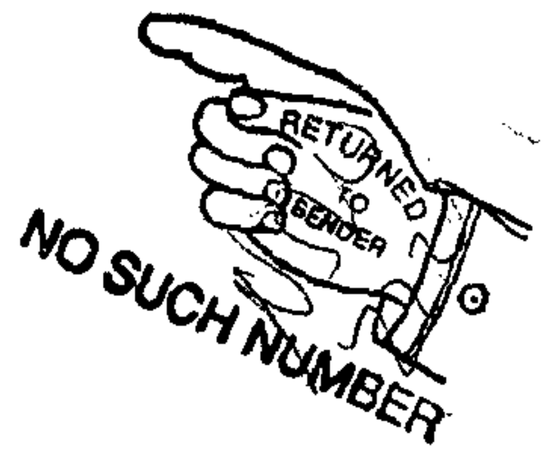
C.H.K.-13-27


WISE
AVENUE
AVALON
MAYISTA
DEL RIO
CHURCH LOT
ROAD
CREEK
PRONG OF BEAR
PRONG OF BEAR CREEK
INVERNESS AVENUE
INVERNESS ANNEX Nº 1
OWNED AND DEVELOPED BY
THE I. J. BOLTON Co
INVERNESS - BALTIMORE Co. - MD.
HIGHWAYS DEPARTMENT OF
BALTIMORE COUNTY
STREET ALIGNMENT AND LOCATION
APPROVED Herman F. Dorsey Jr.
ROADS ENGINEER
DATE 25th June 1941
SCALE - 60 FEET TO ONE INCH
FRED H. DOLLENBERG & DAU
SURVEYORS & CIVIL ENGRS.
DUMAAN BLDG - TOWSON, MD.
JUNE 23 1941
NOTE - REVISED JULY 24 1941
Inverness Annex Nº 1
Filed for Record June 9. 1943
Test Christian H. Kroll
Clerk

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

Rm 113
03-5524
V

Return Service Requested



BALTIMORE MD 212
PM
17 JUL
2003

RECEIVED
JUL 25 2003

JIMMY ROBINSON JR
703 N AVONDALE RD
BALTIMORE MD 21222

21222-

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Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

Baltimore County Uniform Code Enforcement Correction Notice

July 17, 2003

Salem Baptist Church
Care of Pastor Robinson
49 Inverness Avenue
Baltimore MD 21222-4856

Jimmy Robinson, Jr
703 N Avondale Road
Baltimore MD 21222

No Such Number
See Attached

RE: Case NO. 03-5524
49 Inverness Avenue

Dear Pastor Robinson:

Baltimore County Government has received several complaints from the community regarding the land use at 49 Inverness Avenue, Dundalk, MD 21222. Resulting from our investigation, it has come to our attention that you are operating a 5 bed, level 2 Assisted Living Facility at the Salem Baptist Church.

The Baltimore Count Zoning Regulations (BCZR) requires a Use and Occupancy Permit for an Assisted Living Facility with 4 or more beds. Additionally, there may be other zoning issues concerning a dual use i.e. a Church and an Assisted Living Facility, which could complicate the issuance of the Use Permit. These cannot be evaluated until a Use Permit application review (which includes a review of a duel use site plan) has occurred.

Under COMAR, some facilities are exempted from the BCZR. Our Zoning Regulations and Zoning Policy Manual does not include the section (Title 19 Section 1801et seq) under which you are currently operating. Please provide Baltimore County

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Baltimore County
Department of Permits and
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Code Inspections and
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County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

with a copy of this section of code and a letter from a qualified representative of the Department of Heath and Mental Hygiene that states whether and how you are exempted from the BCZR.

Failure to apply for a Use and Occupancy Permit from the Zoning Office or to provide the required exempting information by 8/20/03 will result in the issuance of a civil citation with the potential of monetary fines.

If you should have any questions, please feel free to call me at 877-5681.

Sincerely,

Inspector Wasilewki
Code Inspections and
Enforcement Officer

LW:rmg

BCZR
1B01.1A; 101; Def Class A Assisted Living Facility; 102.1; 432

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PANEL BP1003M

TIME: 11:08:55 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 07/09/2003

DATE: 07/31/2003 GENERAL PERMIT APPLICATION DATA EDW 12:55:05

PERMIT #: B524689 PROPERTY ADDRESS

RECEIPT #: A472874 49 INVERNESS AVE

CONTROL #: C- SUBDIV: NE COR MAVISTA AVE

XREF #: B524689 TAX ACCOUNT #: 1209035111 DISTRICT/PRECINCT 12 06

OWNERS INFORMATION (LAST, FIRST)

FEE: 160.00 NAME: SALEM BAPTIST CHURCH INC

PAID: 160.00 ADDR: 49 INVERNESS AVE BALTIMORE MD 21222-4856

PAID BY: APP

DATES APPLICANT INFORMATION

APPLIED: 07/09/2003 NAME: JIMMIE ROBINSON

ISSUED: 07/09/2003 COMPANY: SALEM BAPTIST CHURCH

OCCPNCY: ADDR1: 49 INVERNESS AVE

ADDR2: BALTIMORE MD 21222-4856

INSPECTOR: 12C PHONE #: 443-540-5462 LICENSE #:

NOTES: MR/EDW

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE

PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

Post-it® Fax Note 7671	Date 7/31/03	# of pages ▶ 3
To DORIS	From	
Co./Dept. KUHAR	Co. Jim	
Phone #	Phone # Thompson	
Fax # 410-285-7838	Fax #	

PANEL BP1004M

TIME: 11:09:15 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 07/09/2003

DATE: 07/31/2003 BUILDING DETAIL 1 EDW 13:08:39

DRC#

PERMIT # B524689 PLANS: CONST 0 PLOT 1 PLAT 0 DATA 0 EL 2 PL 2

TENANT

BUILDING CODE: CONTR: OWNER

IMPRV 2 ENGNR:

USE 09 SELLR:

FOUNDATION BASE WORK: CONSTRUCT 12'X4'=48SF WOOD DECK WITH STEPS &

3 3 "L" SHAPED HANDI-CAPPED RAMP:40'X16'=640SF ON

CONSTRUC FUEL SEWAGE WATER FRONT OF EXISTING CHURCH.

2 1E 1E OVERALL: 40'X16'X4'=736SF OK TO WAIVE PLANS

CENTRAL AIR PER JA. CBCA?

ESTIMATED COST

30,000.00 PROPOSED USE: CHURCH & ADDITION

OWNERSHIP: 1 EXISTING USE: CHURCH

RESIDENTIAL CAT:

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:

1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE

PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

PANEL BP1005M

TIME: 11:09:35 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 07/09/2003

DATE: 07/31/2003 BUILDING DETAIL 2 EDW 13:08:39

PERMIT #: B524689

GARBAGE DISP:

POWDER ROOMS:

BATHROOMS:

KITCHENS:

BUILDING SIZE

FLOOR: 736

WIDTH: 40

DEPTH: 16

HEIGHT: 4'

STORIES:

LOT NOS:

CORNER LOT: Y

LOT SIZE AND SETBACKS

SIZE: 14204SF

FRONT STREET:

SIDE STREET:

FRONT SETB: 19

SIDE SETB: NC/NC

SIDE STR SETB:

REAR SETB: NC

ZONING INFORMATION

DISTRICT:

PETITION:

DATE:

MAP:

BLOCK:

SECTION:

LIBER: 000

FOLIO: 000

CLASS: 01

ASSESSMENTS

LAND: 0057500.00

IMPROVEMENTS: 0384700.00

TOTAL ASS.:

PLANNING INFORMATION

MSTR PLAN AREA: SUBSEWER: CRIT AREA: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE

PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

RA1001B

DATE: 07/29/2003 STANDARD ASSESSMENT INQUI (1)
TIME: 14:03:57

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
12 09 035111	12	3-1	01-00	N	NO		01/08/03

SALEM BAPTIST CHURCH INC
DESC-1.. IMPSLT ES DEL RIO NE
DESC-2.. NE COR MAVISTA AVE
49 INVERNESS AVE
PREMISE. 00000 DEL RIO AVE
00000-0000
BALTIMORE MD 21222-4856 FORMER OWNER: INVERNESS PRESBYTERIAN CHU

FCV	PRIOR	PROPOSED	PHASED IN	CURR FCV	CURR ASSESS	PRIOR ASSESS
LAND:	52,500	57,500				
IMPV:	368,500	384,700	TOTAL..	428,066	428,066	421,000
TOTL:	421,000	442,200	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0
DATE:	10/99	09/02				

TAXABLE BASIS		FM DATE
03/04 ASSESS:	0	10/03/02
02/03 ASSESS:	0	05/30/02
01/02 ASSESS:	0	06/01/01

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

RA1001C

DATE: 07/29/2003 STANDARD ASSESSMENT INQUIRY (2)
TIME: 14:04:04

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
12 09 035111	12	3-1	01-00	N	NO		01/08/03

LOT.... BOOK.... 0000 MAP..... 0104 LOT WIDTH..... 96.83
BLOCK.. FOLIO... 0000 GRID.... 0013 LOT DEPTH..... .00
SECTION.. PARCEL.. 0222 LAND AREA.. 14204.000 S
PLAT.. YEAR BUILT..... 00

TRANSFER DATA

NUMBER..... 073867
DATE..... 02/13/95
PURCHASE PRICE..... 350,383
GROUND RENT..... 0
DEED REF LIBER..... 10940
DEED REF FOLIO..... 0182
CONVEYED IND..... 1
TOT-PART TRAN IND..... T
GRANTOR ACCT NO.. 00-00-000000

EXEMPT DATA

STATUS..... 3
CLASS CODE..... 700
STATE EXEMPT CODE..... 000
COUNTY EXEMPT CODE..... 000
CURR STATE EX ASMT.... 0
PRIOR STATE EX ASMT... 0
CURR COUNTY EX ASMT... 0
PRIOR COUNTY EX ASMT.. 0

CRITICAL AREAS CODE	NEW CONST YEAR	CARD NO	STRUCTURE CODE	SQ. FEET
		07989		6461

ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF

RA1001D

DATE: 07/29/2003 STANDARD ASSESSMENT INQUIRY (3)
TIME: 14:04:11

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
12 09 035111	12	3-1	01-00	N	NO		01/08/03

STATE

REC CREATE DATE.. 10/23/92
DELETE CODE.....
DATE DELETED.....
LAST FM DATE..... 10/03/02
LAST FM TYPE..... R
PREV FM DATE.....
PREV FM TYPE.....

GEO CODE	N/A	LAND-USE
82	NO	EC

COUNTY

LAST LOAD DATE... 01/08/03
PRIOR LOAD DATE.. 11/20/02

STATE TAXABLE ASSESS
03/04 ASSESS: 0

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

20 COLUMBIA CORPORATE CENTER
10420 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044-3528
TELEPHONE 410 884-0700
FAX 410 884-0719

DINO C. LA FIANDRA
DIRECT NUMBER
410 832-2084
DLafiandra@wtplaw.com

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

OKAY TO EXTEND THE DATE OF FINALITY TO 1 MAY 2004
Stanley J. Schapiro 2/13/04

February 13, 2004

Via Hand Delivery
Hon. Stanley Schapiro
Baltimore County Department of Permits and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Code Enforcement Matter 03-5524
49 Inverness Avenue

Dear Mr. Schapiro:

I represent the Salem Baptist Church, Inc., the Respondent in the above-captioned matter. By Amended Order dated December 1, 2003, you imposed and suspended a $3000.00 fine, pending my client's application for and receipt of permits and site plan approval for an assisted living center. You had required that we obtain the permits by February 15, 2004 and site plan approval by March 1, 2004.

In recent days my client has realized that it cannot meet these deadlines. As stated, my client has retained my firm to assist in its efforts to comply with your order. My client has also retained the services Dwight Little, P.E., to assist in these efforts. Mr. Little and I are optimistic that we can resolve the issues in the shortest possible time.

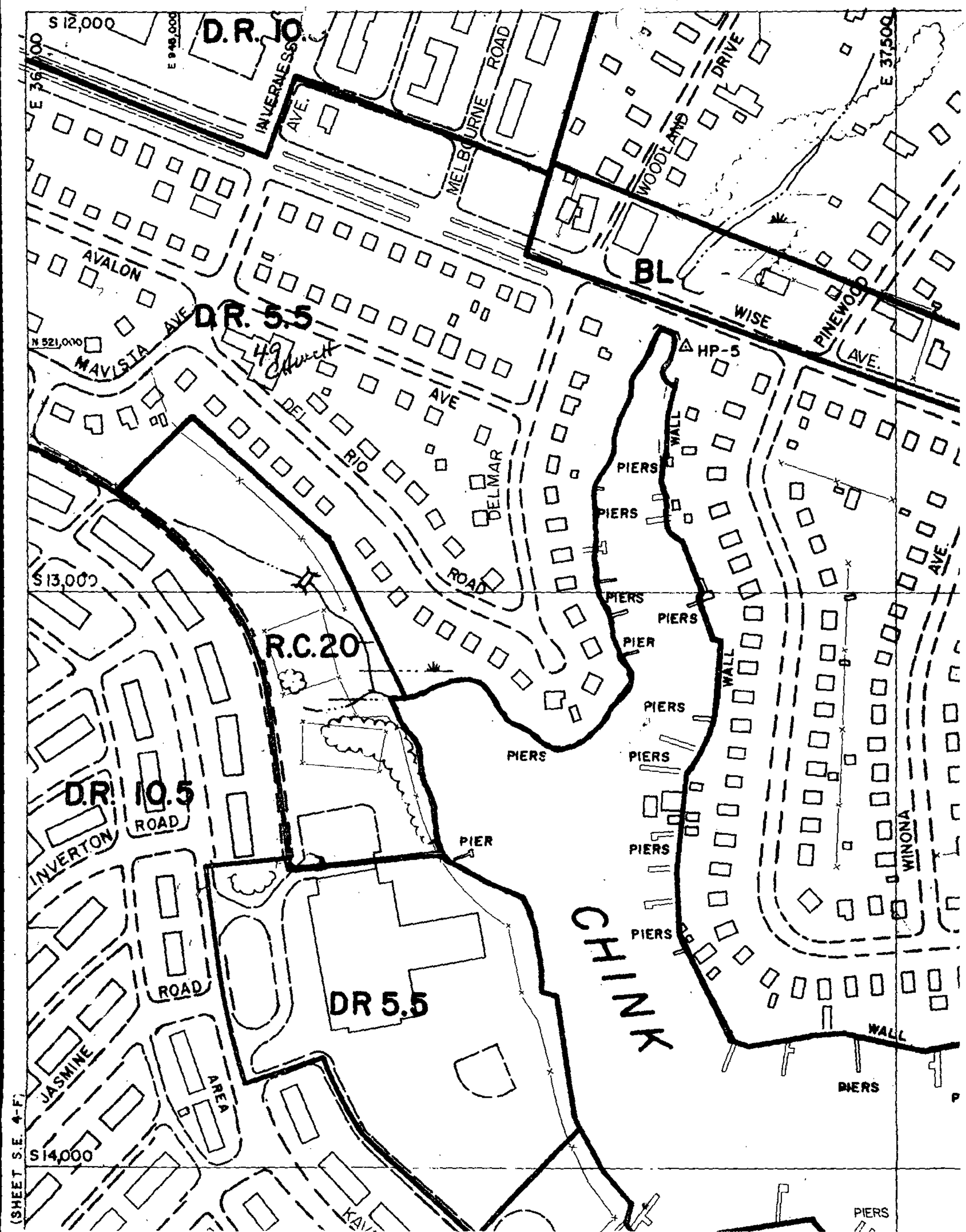
In light of these efforts, I would respectfully request an extension of time in order to resolve the issues presented by the Amended Order. **Please extend the time for compliance with the Amended Order until May 1, 2004.** We need to apply for use, building, plumbing and electrical permits. We can surely file for most if not all of these permits within the next 30 days. As you know, once the applications are filed, timing is largely out of our client's hands and in the hands of the county. In light of this consideration, we feel that May 1, 2004 is an attainable deadline.

Should you have any questions, please contact me.

Sincerely,

Dino C. La Fiandra

C: Mr. Grant Kidd


S 12,000
E 36,000
E 37,500
D.R. 10.
INVERNESS
AVE.
MELBOURNE
ROAD
WOODLAND
DRIVE
BL
WISE
PINEWOOD
AVE.
AVALON
D.R. 5.5
N 521,000
MAVISTA AVE
49
AVE
DEL
RIO
DELMAR
ROAD
HP-5
WALL
PIERS
PIER
S 13,000
R.C.20
D.R. 10.5
INVERTON
ROAD
CHINK
DR 5.5
WINONA
AVE.
JASMINE
AREA
S 14,000
(SHEET S.E. 4-F)

Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

August 14, 2003

Salem Baptist Church
49 Inverness Avenue
Baltimore, MD 21222

03-5524

Dear Pastor Robinson III:

Re: Case #03-5524

Thank you for your correspondence of August 13, 2003 regarding Inspector Grant Kidd. It is always refreshing to receive a positive comment about one of our county employees.

The purpose of this communication is to address some concerns you have with respect to change of occupancy and interior alteration to your church. An inspection was made on July 23, 2003 by Inspector Grant Kidd, at which time a correction notice was issued. The content of which referred to securing a change of occupancy permit and an interior alteration permit for work done in the church sanctuary area. Section 105.1 of the International Building Code references that a permit is required for interior renovations or change of occupancy of a structure. Section 110.1 of the International Building Code specifically states that no change in the existing occupancy shall be made without issuance of a certificate of use and occupancy. Site Plan Requirements are also addressed in Section 106.2 of The International Building Code.

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It is our expressed hope that you will comply with the correction notice issued. Chronologically, all building codes adopted by Baltimore County since 1956 concur with your issued correction notice. Failure to comply with this notice will result in the issuance of a civil citation with the potential of a monetary fine. As I have stated previously, our concern is for your cooperation in this matter.

If you have any questions, please feel free to contact me at 410-887-3953 between the hours of 7:70 a.m. and 3:30 p.m., Monday through Friday

Respectfully,

John M. Altmeyer, Supervisor
Code Inspections and Enforcement

JMA/jaf
cc: James T. Smith, County Executive
Timothy M. Kotroco, Director

permit from the payment of other fees that are prescribed by law.

108.6 Refunds. The building official is authorized to establish a refund policy.

SECTION 109
INSPECTIONS

109.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

109.2 Preliminary inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

109.3 Required inspections. The building official, upon notification, shall make the inspections set forth in Sections 109.3.1 through 109.3.10.

109.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

109.3.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

109.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official.

109.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

109.3.5 Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

109.3.6 Fire-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

109.3.7 Energy efficiency inspections. Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation *R* and *U* values, fenestration *U* value, duct system *R* value, and HVAC and water-heating equipment efficiency.

109.3.8 Other inspections. In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

109.3.9 Special inspections. For special inspections, see Section 1704.

109.3.10 Final inspection. The final inspection shall be made after all work required by the building permit is completed.

109.4 Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

109.5 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

109.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

SECTION 110
CERTIFICATE OF OCCUPANCY

110.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

110.2 Certificate issued. After the building official inspects the building or structure and finds no violations of the provi-

at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

SECTION R105
PERMITS

R105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory structures, provided the floor area does not exceed 200 square feet (18.58 m^2).
2. Fences not over 6 feet (1829 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment accessory to a one or two-family dwelling.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

Electrical:

Repairs and maintenance: A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation appliances.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

R105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

R105.2.2 Repairs. Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

R105.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

R105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form

sions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

110.3 Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

110.4 Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 111
SERVICE UTILITIES

111.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official.

111.2 Temporary connection. The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

111.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 112
BOARD OF APPEALS

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

112.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

SECTION 113
VIOLATIONS

113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

113.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

113.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

Salem Christian ~~Society~~ Acad.
10.7

Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

DIST 12

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953
Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION

SERVE ON RESIDENT AGENT, CORPORATE OFFICER, OWNER, TENANT, AS APPLICABLE

Citation/Case No.	Property No.	Zoning:
07-5724	12A9035111	~~RES AGT~~ Partoo

Name(s): ROBINSON, JAMIE III (OWNER)
THE SALEM BAPTIST CHURCH, INC.

Address: 2425 EWALD AVE DUNDALK, MD 21222

Violation Location: 49 INVERNESS AVENUE

Violation Dates: 7/03/07 THROUGH 8/21/07

BALTIMORE COUNTY FORMALLY CHARGES THAT THE ABOVE-NAMED PERSON(S) DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS OR REGULATIONS:

B.C.C.B. 74-01 SEC 106.2 I.T.A.R. SEC 105.1, I.B.C. SEC 102, I.B.C. SEC 113.1

(1) SECURE CHANGE OF OCCUPANCY FROM A CHURCH TO AN ASSISTED LIVING FACILITY.

(2) SECURE PERMITS FOR INTERIOR ALTERATIONS FOR LIVING, ELECTRICAL AND PLUMBING.

(3) SITE PLAN MUST BE SUBMITTED

Pursuant to Section 1-8, Baltimore County Code, a civil penalty has been assessed, as a result of the violation cited herein, in the amount indicated: $ 5,800.00

A quasi-judicial hearing has been pre-scheduled in Room 116, 111 West Chesapeake Avenue, Towson, Maryland, for:
OCTOBER 7, 2003
Date: 10/7/03
Time: 9:00 AM

Citation must be served by:
SEPTEMBER 5, 2003
Date: 9/5/03

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Print Name: GRANT KIDD

8/21/07 Grant Kidd
Date Inspector's Signature

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name:

Citation/Case No.:

Address: corp Ex 4 - newspaper Albicler
Sub curia

Date Defendant's Signature

VIOLATION SITE

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE • COURTHOUSE ROOM 150
TOWSON, MARYLAND 21204-4665
TELEPHONE (410) 887-2413

CASHIER USE ONLY

SALEM BAPTIST CHURCH INC
49 INVERNESS AVE
BALTIMORE, MD 21222-4856

INVOICE NO. 244720

INVOICE DATE 5/5/04

SUBMITTING AGENCY AND ORGANIZATION	PROVIDER CODE / SOC. SEC. NO.	INVOICE TYPE	TOTAL AMOUNT DUE
017-1715			$3,000.00

LINE NO.	FUND	AGCY	ORGN	SUB ORGN	ACTV	OBJ	SUB OBJ	REV SOURCE	SUB REV	REPT CATG	BS ACCT	LINE AMOUNT
01	001	006						3120				$3,000.00
02												
03												

COMMENTS: CIVIL PENALTY

DESCRIPTION: PROPERTY # 12-09-035111 PREMISE: 00049 INVERNESS RD
REPRESENTS PENALTY ASSESSED PURSUANT TO CIVIL CITATION # 03-5524
THIS INVOICE CONSTITUTES A LIEN AGAINST THE REAL PROPERTY
COLLECTED IN THE SAME MANNER OF TAXES
IF THE CHARGES ARE NOT PAID WITHIN 30 DAYS OF INVOICE DATE THEY
WILL BE SUBJECT TO INTEREST AT THE RATE OF ONE (1) PERCENT PER MONTH
INSPECTOR: GRANT KIDD #03-5524

INVOICE NO. 244720

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE • COURTHOUSE ROOM 150 • TOWSON, MARYLAND 21204-4665

ORIGINATING AGENCY COPY

03-5524

March 16, 2004

Kitty,

Here is a copy of the statement that I read at the October 7, 2003 hearing. Enclosed too, are copies of the other documents that I gave Mr. Shapiro that day. Check out all the miss medications on the DHMH report and some of their other comments.

If you have any questions at all, please call my home at 410 – 282 – 4896.

How is it that he was given an extension when he has done nothing to comply with the law? See the letter dated April 21, 2003 from the Maryland State Dept. of Education stating that he "MUST COMPLY" with laws and regulations that pertain to schools including zoning. Why is it that the children from the school and the residents of the assisted living facility can not be removed until he complies with the law?

Nancy Kurant

Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

November 17, 2003

Mr. Jimmie Robinson III, Resident Agent
The Salem Baptist Church, Inc.
49 Inverness Avenue
Baltimore, MD 21222

Re: Salem Baptist Church, Inc., 49 Inverness Avenue

Dear Mr. Robinson:

Since you did not receive a copy of the original Findings of Fact and Conclusions of Law, we are faxing you the attached copy today. You may use today's date as the start of the 15-day period when an appeal can be filed.

Sincerely,

Stanley J. Schapiro
Code Enforcement Hearing Officer

sjs/jm

Attachment

Printed with Soybean Ink
on Recycled Paper

Statement read at Oct 7, 2004 hearing.
by Nancy Kierant.

I know this looks like a lot but I promise it will only take about 5 minutes. There are a few copies I would like to leave with you.

I got involved with this in mid July when my husband and son who are volunteer firemen, where called to that location for a medical emergency, and almost fell off the poorly constructed ramp and deck.

I found out that the ramp and deck where built without acquiring the proper permits, much less meeting ADA regulations.

Upon inspection by Baltimore County the ramp has been removed and steps added. The ramp has still not been completed and the deck is missing guardrails.

Then I made calls to find out if permits had been acquired for the business itself or the interior construction done to the old sanctuary. There was a license issued by the state of Maryland DHMH Assisted Living program for the business, but nothing for the construction of the rooms, the electrical or plumbing work.

An open house was scheduled at the church on July 20, 2003 to mark the opening of a boys school. I walked down to get some information about the school, only to find out that the event had been cancelled without notice. There were at least 50 other neighbors there. Questions were flying and answers were few, then Rev. Jimmie Robinson III responded from home and invited the group inside the church. Once inside he would only address questions from those who took one of the five chairs he placed up front. Still no direct answers. We as a community were frustrated at not getting a straight answer and the meeting got loud and we were asked to leave their building.

That is when we got Councilman Olszewski involved. My husband and I were invited by the councilman to attend a one on one meeting on July 21, 2003 with Rev. Robinson at his church. At this time the Rev. told us that he answered to a higher authority... the church. Which to him meant that he didn't have to follow guidelines set down by the State or County. That is when Councilman Olszewski told him that he was wrong that he needed permits for the construction, a site plan and a Change of occupancy for the changes he had made to the building. During phone calls prior to this meeting, Rev. Robinson agreed allow the meeting he call for July 22, 2003 at his church to be moved to Patapsco High School and the councilman was to officiate. At this meeting we were to address the issues but Rev. Robinson was over 20 minutes late and refused to answer any questions. There were almost 200 of the community present who left the meeting with more questions than answers.

A short time after this meeting Councilman Olszewski and his office staff had been instructed by their attorney not to discuss the case with the community. We were left to start making calls again.

I contacted Bill Dorrill deputy director of the State of Maryland Assisted Living program because I have not been able to reach Carol Benner the director since her attendance at the July 22nd meeting. Through him I received a copy of the inspection done at the Apex Center on July 25th. There were 9 pages of violations. Their Plan of Correction was to be returned on or before August 8, 2003. As of August 26, 2003 when I spoke to the investigator, it had not been returned and they had been granted a 45-day extension. I have since received a completed Plan of Correction and the ramp was to have been completed on September 30th. Which it has not! Mr. Dorrill has not returned my last 3 calls, so I cannot tell you if any of the other work has been completed.

Through Grant Kidd at Baltimore County Code enforcement the church was cited and given the proper amount of time to acquire the permits, draw up a site plan and apply for a change of occupancy. They failed to comply and were cited on September 5, 2003. That gave them another 45 days to comply. Did they apply for the permits or the change of occupancy – NO – the beginning of September of this year, they opened the Salem Christian Academy, a private school, which at the July 22nd meeting the Rev. Robinson told us the plans for a school at this church had been cancelled. Then what are the boys doing at his church during school hours?

I then called the State of Maryland Board of Education private school division to see if they had any information about the Salem Christian Academy. I spoke with Jestine Smith who was kind enough to send me a copy of the file on this school. In these documents I found a letter dated April 21, 2003 addressed to Rev. Robinson stating that although his is a church exempt school it must comply with other laws and regulations that pertain to schools including federal, state, and/or local regulations regarding health, fire safety, zoning, and asbestos. He was to contact the local health, fire safety and zoning offices, (addresses were enclosed), for information. At the July 22nd meeting Rev. Robinson asked for forgiveness, that he was ignorant of the law... this proves he choose to ignore the law!

Rev. Robinson has done nothing to comply with the State of Maryland or Baltimore County. How is it that this church can continue to operate two businesses in our residential community without going through the proper procedure? The community wants to know why the children from the school and the residents of the Assisted Living are not removed until this location meets code? The trust with the Rev.

Robinson is gone and we must trust you to do the right thing and close these businesses down.

I am submitting to you for your review, a copy of the picture of the deck, which appeared in the *Dundalk Eagle* on July 31, 2003, a copy of the letter from the school board, and a copy of the DHMH Assisted Living inspection.

October 7, 2003 Room 116 – Baltimore County Office Building
111 West Chesapeake Ave
Towson, Maryland

Mr. Stanley Shapiro – hearing official

9:00 – Rev. Robinson a no show.

9:15 – He arrived with 6 children (5 boys and 1 girl) and was granted permission for 2 of the children to videotape the hearing. I was not pleased with that decision. Again he will have me on tape. And what will he be using it for.

Grant Kidd was called on and read his report.

Then Rev. Robinson was given a turn to talk. It will cost $5,000 to get the proper permits.

Then there was a call for witnesses. I read my prepared statement and gave the hearing officer a copy of the:

Dundalk Eagle article with the picture of the ramp
the Maryland State Board of Education letter
the Assisted Living inspection with completion dates
and my statement

Mr. Shapiro asked Rev. Robinson if he would like to rebut anything in my statement. The only thing he questioned was how I got in his building. "You invited my husband and I in with Councilman Olszewski." Oh.

He was asked again why he has done nothing to comply with zoning. He started talking about only having 3 staying overnight and he didn't need to comply. Again he brought up that there has been vandalism to his church and someone blocked the sewage pipe to his home. Then he gave Mr. Shapiro copies of the white supremacy propaganda with the hearing notice stapled on top of the pile. I got Mr. Shapiro's attention and told him what the police said when I took my copies to the police station.

Joan Bowers and Greg Lilly also gave witness statements. They didn't have anything prepared only rebutted what Rev. Robinson said. David Lantz

(37 Mavista Ave.) was there but didn't offer a statement. I asked Mr. Shapiro what has to been done to remove the children and the assisted living residents until Rev. Robinson meets code? This hearing is only to address the charges that proper permits were not obtained. Then Mr. Shapiro told Grant Kidd that civil charges needed to be started against Rev. Robinson.

Mr. Shapiro told Rev. Robinson to spend the rest of the day filing for the requirements handed down by Zoning and to watch for a letter in 3-4 days, as he will be facing a fine.

My feeling was that Mr. Shapiro was very frustrated with Rev. Robinson.

After the hearing was over and Rev. Robinson left I spoke briefly with Grant Kidd, Len Wasilewski, and Mr. Shapiro and told them that I felt like the Rev. was playing the state against the county. He picks out only what benefits him out of all the regulations. Mr. Shapiro said that he picked up on that right away.

Here is a copy of the Hearing notice that I sent to my neighbors, I do not have a copy of any of the white supremacy propaganda, as I gave everything I had to the Baltimore County Police department.

Change of Occupancy Hearing

For the Assisted living program and the private school that Salem Baptist Church opened. Is scheduled for *Tuesday, October 7, 2003* at 9 am. The hearing will take place in the

County Office Building
111 West Chesapeake Avenue, Towson
Room 116

This hearing is to address the fact that these businesses were opened without acquiring the proper permits. Even though, Rev. Robinson was cited and given 30 days to acquire them, he did not. Further more, instead of applying for the permits, The Salem Christian Academy became a reality at the church. Rev. Robinson told us at the meeting on July 22, 2003 that the plans for the private boys school had been cancelled, then why is it up and running?

How did he get another business opened in our community without getting the proper permits? Come to Towson Tuesday and ask the hearing officer yourself!

STATE OF MARYLAND
DHMH
Maryland Department of Health and Mental Hygiene
Office of Health Care Quality
Spring Grove Center • Bland Bryant Building
55 Wade Avenue • Catonsville, Maryland 21228-4663
Robert L. Ehrlich, Jr., Governor – Michael S. Steele, Lt. Governor – Nelson J. Sabatini, Secretary

July 29, 2003

Ms Keena Robinson
Assisted Living Manager
Apex Center Of Salem Baptist Church
49 Iverness Avenue
Dundalk, MD 21222

RE: NOTICE OF CURRENT DEFICIENCIES

Dear Ms Robinson:

On July 25, 2003, an annual survey was conducted by representatives of the Office of Health Care Quality to determine if your facility was in compliance with State licensure requirements for Assisted Living Programs. As documented in the attached DHMH Form 767, violations of the Assisted Living regulations (COMAR 10.07.14) were noted.

A plan of correction (PoC) for the deficiencies identified in the attached DHMH 767 must be signed, dated, and submitted on the enclosed form within 10 days of your receipt of this notice. Failure to submit an acceptable PoC by this date may result in administrative action.

Your PoC must contain the following for each deficiency cited:

What corrective action will be taken for those residents found to have been affected by the deficient practice;

How you will identify other residents having the potential to be affected by the same deficient practice and what corrective action will be taken;

What measures or system changes you will make to ensure that the deficient practice does not recur, i.e., how your operating procedures will ensure this;

How the corrective action will be monitored to ensure the deficient practice will not recur, i.e., what quality assurance program will be put into place and who will be responsible; and

A specific, reasonable date by which the violation will be corrected (actual date) – not "by the end of the month" or "as soon as possible", etc.

If upon a subsequent revisit or by other means, we verify that the facility has not corrected the deficiencies, or if the seriousness of noncompliance changes from the original survey findings, enforcement action may be taken.

If you have any questions, please contact me at 410-402-8175.

Sincerely,

Taressa Crest RN

Taressa L. Crest, R.N.
Health Facilities Nurse Surveyor
Residential and Community Program Unit
Assisted Living Program

cc: File
Enclosure State Form
Facility # 03AL070

Office of Health Care Quality

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X2) MULTIPLE CONSTRUCTION	(X3) DATE SURVEY COMPLETED
	03AL070	A. BUILDING B. WING	7/25/03

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
APEX CENTER OF SALEM BAPTIST CHURCH	49 IVERNESS AVENUE DUNDALK, MD 21222

(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
Z 000	Initial Comments The following deficiencies are the result of an annual survey conducted on July 25, 2003, for the purpose of determining the facility's compliance with COMAR 10.07.14. Survey activities included review of three (3) current resident records, one (1) closed resident record, two (2) staff records, observation of resident care, staff practices, and interview of staff and residents. The facility's census at the time of survey was three (3) residents.	Z 000		
Z 870	.03E .03 Licensed Required E. Posting of License. An assisted living program shall conspicuously post its license at the facility. This Requirement is not met as evidenced by: Based on observation, the facility failed to post its license at the facility. Findings include: Observation of the environment revealed that the current assisted living license was not posted. Interview of the alternate assisted living manager (ALT) revealed that the licensed was in a drawer in the manager's office. The ALT immediately displayed the license after the surveyor's observation.	Z 870		
Z2090	.15 A8 .15 Assisted Living Manager A. Qualifications. The assisted living manager shall at a minimum: (8) Have adequate knowledge in: (a) The health and psychosocial needs of the population being served, (b) The resident assessment process, (c) Use of service plans,	Z2090		

OHCQ
LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE TITLE (X6) DATE

Office of Health Care Quality

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 03AL070	(X2) MULTIPLE CONSTRUCTION A. BUILDING ____ B. WING ____	(X3) DATE SURVEY COMPLETED 7/25/03
NAME OF PROVIDER OR SUPPLIER APEX CENTER OF SALEM BAPTIST CHURCH	STREET ADDRESS, CITY, STATE, ZIP CODE 49 IVERNESS AVENUE DUNDALK, MD 21222		

(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
Z2090	Continued From Page 1 (d) Cuing, coaching, and monitoring residents who self-administer medications, with or without assistance, (e) Providing assistance with ambulation, personal hygiene, dressing, toileting, and feeding, (f) Resident's rights, (g) Fire and life safety, (h) Infection control, including standard precautions, (i) Basic food safety, (j) Basic first aid, (k) Basic CPR, (l) Emergency disaster plans, and (m) Individual job requirements of all staff. This Requirement is not met as evidenced by: Based on record review and staff interview, the facility failed to provide documented evidence of CPR training. Findings include: Review of the assisted living manager's record revealed no documented evidence of current CPR training.	Z2090		
Z2110	.15 C(1) .15 Assisted Living Manager C. Duties. A licensee shall ensure that the staffing plan includes, at a minimum, an individual referred to in this chapter as the assisted living manager, who shall be on site or available on call and have overall responsibility for: (1) The management of the assisted living program, including recruiting, hiring, training, and supervising all staff, and ensuring that either a criminal history records check or a criminal background check is conducted consistent with the requirements of Health-General Article, Title 19, Subtitle 19, Annotated Code of Maryland;	Z2110		

Office of Health Care Quality

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 03AL070	(X2) MULTIPLE CONSTRUCTION A. BUILDING ____ B. WING ____	(X3) DATE SURVEY COMPLETED 7/25/03
NAME OF PROVIDER OR SUPPLIER APEX CENTER OF SALEM BAPTIST CHURCH	STREET ADDRESS, CITY, STATE, ZIP CODE 49 IVERNESS AVENUE DUNDALK, MD 21222		

(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
Z2110	Continued From Page 2 This Requirement is not met as evidenced by: Based on record review and staff interview, the facility failed to ensure that all staff obtained a criminal background check, and initial training at the time of hire. Findings include: Review of staff records revealed that staff #1 and #2 had no records available for review at the time of survey. Interview of the alternate assisted living manager (AALM) revealed that staff #1 was in the process of obtaining all necessary documents and staff #2 was no longer employed at the facility.	Z2110		
Z2340	.19 A .19 Resident Record or Log 19 Resident Record or Log. A. The assisted living manager shall ensure that an individual record or log is maintained at the facility for each resident in a manner that ensures security and confidentiality, and which includes at a minimum: (1) The documentation required by Regulation .09B and C of this chapter; (2) Medical orders and rehabilitation plans, if appropriate; (3) The service plan; (4) Care notes as indicated in §B of this regulation; and (5) The emergency data sheet as described in Regulation .24C of this chapter. This Requirement is not met as evidenced by: Based on record review and staff interview, the facility failed to obtain physician's signatures on all medications prescribed to the residents at the time of admission. Findings include:	Z2340		

Office of Health Care Quality

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X2) MULTIPLE CONSTRUCTION	(X3) DATE SURVEY COMPLETED
	03AL070	A. BUILDING B. WING	7/25/03

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
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Z2340	Continued From Page 3 Review of three (3) of four (4) resident records revealed that resident's #1, #3, and #4 record revealed no documented evidence of signed physician's orders.	Z2340		
Z2440	.21 A .21 Medication Mangagement .21 Medication Management A. An assisted living manager shall ensure that the initial assessment process identifies whether a resident: (1) Is capable of self-administering medication; (2) Is capable of self-administering medication, but requires a reminder to take medications or physical assistance with opening and removing medications from the container, or both; or (3) Requires that medications be administered by the assisted living program staff or other care giver consistent with the provisions of COMAR 10.27.11. This Requirement is not met as evidenced by: Based on record review, the facility failed to provide documented evidence which determines whether all residents are capable of self-administering medications, or if medications were to be administered by the facility's staff. Findings include: Review of resident #4's record revealed no documentation to determine if the resident could administer prescribed medications independently or with assistance.	Z2440		
Z2860	.26 A2 .26 Resident's Rights A. A resident of an assisted living program has the right to: (2) Receive treatment, care, and services that are adequate, appropriate, and in compliance with	Z2860		

Office of Health Care Quality

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 03AL070	(X2) MULTIPLE CONSTRUCTION A. BUILDING ___ B. WING ___	(X3) DATE SURVEY COMPLETED 7/25/03
NAME OF PROVIDER OR SUPPLIER APEX CENTER OF SALEM BAPTIST CHURCH	STREET ADDRESS, CITY, STATE, ZIP CODE 49 IVERNESS AVENUE DUNDALK, MD 21222		

(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
Z2860	Continued From Page 4 relevant State, local, and federal laws and regulations; This Requirement is not met as evidenced by: The facility failed to ensure that their residents receive treatment, care, and services that are adequate,appropriate, and in compliance with relevant State, local, and federal laws and regulations. Findings include: 1) Observation of resident #1's medication administration record (MAR) dated July 2003, revealed missing signatures of staff, which would validate that medication orders were given. It was revealed that aspirin one tablet by mouth daily was missing signatures on July 3, 4, 18,19, and 21. Centrum one tablet by mouth daily was missing on July 3,4,18,19 and 21. Ferrous sulfate one tablet by mouth daily was not signed as given on July 3,4,18,19 and 21. Gemfibrozil 600 mg. one tablet by mouth twice a day was not signed as given on July 3,4,18,19,20 and 21 at 9 a.m. and July 3,4,6,14,17,20,21,23 and 24 at 5 p.m. Remeron 15 mg. tablet one tablet by mouth at bedtime was not signed as given on July 3,4,17,20,23 and 24. Plavix 75 mg. tablet one tablet daily was missing signatures for July 1,2,3,4,5,6,7,17,18, and 19. Further review revealed no documentation on the back of the MAR of why the medication was not given. 2) Resident #2 was admitted to the facility on 7/7/03,whose diagnosis was documented as Schizophrenia paranoid type, and mild mental retardation. Review of July 2003, MAR revealed missing signatures of staff that would have validated that ordered medications were given. It was revealed that Lipitor 20 mg. tablet one tablet by mouth daily was not signed off as being given at 9 a.m. on the 19, 20 and 21. Clozapine 100 mg. (tablet) two tablets by mouth daily was not signed off as given on the 19, 20, and 21 . Buspirone Hcl 30 mg. tablet one tablet	Z2860	Centrum – vitamin Ferrous Sulfate – Iron Gemfibrozil – cholesteral/triacylglycerols Remeron – treatment of depression Plavix – antiplatelet , prevents clots Lipitor – cholesterol lowering drug Clozapine – is an atypical antipsychotic Buspirone – antianxiety agent antianxiety drug	

Office of Health Care Quality

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X2) MULTIPLE CONSTRUCTION A. BUILDING B. WING	(X3) DATE SURVEY COMPLETED
	03AL070		7/25/03

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
APEX CENTER OF SALEM BAPTIST CHURCH	49 IVERNESS AVENUE DUNDALK, MD 21222

(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
Z2860	Continued From Page 5	Z2860		

by mouth twice a day was not signed off as given at 9 a.m. on the 19 , 20 and 21 and at 9 p.m. on the 10 , 19 and 24 . Clozapine 100 mg. (tablet) three tablets at bedtime was not signed off as given on the 10 , 19 and 24 . Lexapro 20 mg. (tablet) one by mouth daily was not signed off as being given at 9 a.m. on the 7 , 19 ,20 , and 21 . Geodon 80 mg. (tablet) one tablet twice a day was not signed off as given at 9 a.m. on the 7 , 20 and 21 . The same medication and dosage amount was not signed off as given at 9 p.m. on the 10 th. There was no documentation on the back of the MAR to explain why the medicines were not given as ordered.

Buspirone – antianxiety agent
Clozapine – is an atypical antipsychotic
Lexapro – for the treatment of depression
Geodon – for the treatment of Schizophrenia

3) Resident #4 was admitted to the facility on June 11, 2003,whose diagnosis was documented as cancer of the tongue (status post surgery), Bladder perforation, Seizure disorder and HTN (high blood pressure). Review of June and July's MAR revealed missing signatures of staff which would validate that ordered medications were given. It was revealed that Paxil 20 mg. tablet one tablet by mouth at bed time was not signed off as given at 9 p.m. on June 18 th. Depakote 250mg. (capsules) one capsule by mouth twice daily was not signed as given in June at 9 a.m. and 9 p.m. on the 18 . July's MAR revealed that Depakote was not signed as given at 9 a.m. on the 1, 2, 3 ,4 ,5,7, 8,9,10 ,11,12,15,16,17,18,19 ,21 ,22,23 and 24. Risperdal 2 mg. (tablet) one by mouth twice daily was not signed off as given on June's MAR on the 18 at 9a.m and 9 p.m. July's MAR revealed that the same order for Risperdal was not signed off as given at 9 a.m. on everyday except the 6,13 and 21 . Dilantin 50 mg. tablets three tablets in the morning was not signed as given at 9 a.m. on the 18. Review of July's MAR revealed that the same order for Dilantin was missing signatures for everyday at 9 a.m. except for the 6,13,and the 20 . Dilantin 50 mg. tablets two tablets every evening by mouth was not signed as given at 9 p.m. on the 18th of June.

Paxil – for the treatment of depression
Depakote – manic depression – bipolar
Risperdal – antipsychotic
Dilantin – for the treatment of Epilepsy

Office of Health Care Quality

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 03AL070	(X2) MULTIPLE CONSTRUCTION A. BUILDING B. WING	(X3) DATE SURVEY COMPLETED 7/25/03
NAME OF PROVIDER OR SUPPLIER APEX CENTER OF SALEM BAPTIST CHURCH	STREET ADDRESS, CITY, STATE, ZIP CODE 49 IVERNESS AVENUE DUNDALK, MD 21222		

(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
Z3470	Continued From Page 6	Z3470		
Z3470	.30 A .30 Approval of Burial Arrangements .30 Approval of Burial Arrangements for Unclaimed Deceased Residents. A. An assisted living program shall ascertain and document on admission of the resident, or as soon after as possible: (1) Any arrangements (financial, religious, name of preferred funeral director, if any, etc.) the resident has made, or wishes to make, with regard to burial; and (2) The name, address, and relationship of any person who has agreed to claim the body of the resident or who has agreed to assume funeral or burial responsibility. This Requirement is not met as evidenced by: Based on record review and staff interview, the facility failed to provide documented evidence that burial arrangements was ascertained on all residents. Findings include: Review of four (4) of four (4) resident records revealed no documented evidence of burial arrangements available for review at the time of survey.	Z3470		
Z3490	.31 A .31 General Physical Plant Requirements. .31 General Physical Plant Requirements. A. The facility, which includes buildings, common areas, and exterior grounds shall be kept: (1) In good repair; (2) Clean; (3) Free of any object, material, or condition that may create a health hazard, accident, or fire; (4) Free of any object, material, or condition that may create a public nuisance; and (5) Free of insects and rodents.	Z3490		

Office of Health Care Quality

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 03AL070	(X2) MULTIPLE CONSTRUCTION A. BUILDING ____ B. WING ____	(X3) DATE SURVEY COMPLETED 7/25/03
NAME OF PROVIDER OR SUPPLIER APEX CENTER OF SALEM BAPTIST CHURCH	STREET ADDRESS, CITY, STATE, ZIP CODE 49 IVERNESS AVENUE DUNDALK, MD 21222		

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Z3490	Continued From Page 7 This Requirement is not met as evidenced by: Based on the surveyor's observations on 7/25/03, the facility failed to maintain all areas in good repair. Findings include: (1) On the exterior of the front entrance door, the upper section, has chipping paint. (2) The kitchen walls are damaged in three areas. Two of the three areas has exposed and broken drywall which is above and directly below the preparation table. The damaged wall above the preparation table measures approximately nine inches by six inches (9" x 6") and the damaged wall below measures approximately six inches by four inches (6" x 4"). Above the handsink on the far wall the paint is chipping in an area that is approximately 18 inches by 12 inches (18" x 12"). (3) The door that leads to the laundry has missing trim molding around the frame of the door. (4) Around the top interior of the side entrance door, an exposed wire extends from the door molding. (5) In the multi-purpose room a crack approximately one quarter of an inch wide extends the entire length of the far wall. (6) The wall mounted thermostat does not have a cover and one electrical outlet is missing a cover in the multi-purpose room. Further observations revealed that the facility failed to keep all equipment clean in the kitchen. An inspection of the grease extracting hood, revealed that the filters were heavy laden with grease and discolored due to the grease deposits. Observations of the exterior grounds revealed conditions that may create an accident. A handicap ramp has been recently installed at the front entrance of the the building. The construction of this ramp appears to be incomplete. Sections of the ramp were not level and when body weight was applied the ramp	Z3490		

Office of Health Care Quality

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 03AL070	(X2) MULTIPLE CONSTRUCTION A. BUILDING B. WING	(X3) DATE SURVEY COMPLETED 7/25/03
NAME OF PROVIDER OR SUPPLIER APEX CENTER OF SALEM BAPTIST CHURCH	STREET ADDRESS, CITY, STATE, ZIP CODE 49 IVERNESS AVENUE DUNDALK, MD 21222		

(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
Z3490	Continued From Page 8 did not seem to give ample support. An interview with the owner revealed that the ramp was build by a friend. The owner stated that the ramp was not built according to handicap specifications.	Z3490		
Z3570	.32 C .32 Water Supply. C. Hot Water Temperature. Hot water accessible to resident's shall be blended externally to the hot water generator, by either individual point-of use control valves of the antiscald or thermostatic mixing valve type, to a maximum temperature of 110°F and a minimum temperature of 100°F at the fixture. This Requirement is not met as evidenced by: Based on the surveyor's observation on 7/25/03, the facility failed to keep the hot water temperature that is accessible to the residents below 110 degrees Fahrenheit. Findings include: The hot water temperature at the handsink in the bathroom/shower room on the main level, registered at the temperature of one hundred and forty two degrees Fahrenheit. The owner immediately made the needed adjustments to lower the temperature.	Z3570		

PLEASE *PRINT* LEGIBLY

SIGN-IN SHEET

Name	Address	City, State	Zip Code
Nancy Kurant	33 Mavista Ave	Balto MD	21222
Joan Bowers	69 Del Rio Rd	Balto MD	21222
Gregory Lilly	59 Wise Ave	Balto Md	21222

Revised 4/17/00

Baltimore County
Department of Permits and
Development Management

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

August 27, 2003

Pastor Jimmie Robinson III
Salem Baptist Church
49 Inverness Avenue
Dundalk, Maryland 21222

Dear Pastor Robinson:

RE: Zoning Verification, 49 Inverness Avenue, Church School, 12th Election District

Your letter to Mr. Timothy Kotroco, Director, concerning the above referenced matter has been referred to me for reply. Please be advised as follows. A "Church School" is a use permitted as a matter of right within the existing church facility. However, in the subject case there are several pending zoning and building code issues that unfortunately prevent the issuance of an approval for the proposed school at this time. When the outstanding issues are resolved with Code Enforcement, the proposed Church School can be reconsidered with the submittal of an appropriate site plan that addresses parking. The parking calculation for the school cannot exceed the parking required for the church, which is one parking space for every 4 seats in the sanctuary.

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

Sincerely,

Joseph C. Merrey
Planner II
Zoning Review

03-3118

Printed with Soybean Ink

MARYLAND STATE DEPARTMENT OF
EDUCATION
Achievement Matters Most

Nancy S. Grasmick
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD

AUG 07 2003
RECEIVED

August 7, 2003

03-5524

Pastor Jimmie Robinson, III
Salem Baptist Church, Inc.
49 Inverness Avenue
Dundalk, MD 21222

Re: **Salem Christian Academy**
49 Inverness Avenue
Dundalk, MD 21222

Dear Pastor Robinson:

I am writing as follow-up to our telephone conversation regarding an inquiry this office received from the Baltimore County Public Schools/Office of Special Education regarding the approval status of Salem Christian Academy and a newspaper article that appeared in *The Baltimore Sun* on July 22, 2003. A copy of that article is enclosed for your review. The July 22, 2003 article states that the school intends to operate "a high school for learning-disabled boys in September."

In my April 21, 2003 letter to you, I advised you that Salem Christian Academy is officially registered with the Maryland State Department of Education (Department) as a church-exempt school and is exempt from education regulations only. That letter further stated that registration to operate as a church exempt school does not mean State approval or accreditation of the school.

In a recent telephone conversation, you and I spoke regarding the school's status. During our conversation, we discussed the fact that the school is operating legally as a registered church-exempt school. You confirmed that you understood that the school does not hold a Certificate of Approval from the Maryland State Board of Education to operate a nonpublic school, including a nonpublic school that provides special education services.

During our telephone conversation, we discussed the fact that, because Salem Christian Academy does not hold approval from the Maryland State Board of Education to operate a special education school, the school is not permitted to represent that it offers a special education program through the use of terms, "special education" and "IEP." The terms "special education" and "IEP" could, in fact, lead individuals to believe that the school is approved to provide special education services eligible for public funding, when, in fact, it is not.

If you have any questions, please contact me at (410) 767-0408. I wish Salem Christian Academy much success.

Sincerely,

Virginia Cieslicki

Virginia Cieslicki
Chief
Nonpublic School Approval Branch

Enclosures:
Copy of newspaper article received via fax on July 22, 2003

c: Mr. Don Hill, Councilman John Olszewski's office (faxed to 410-285-7838)
Ms. Rosemary Rappa, Office of Special Education, Baltimore County Public Schools
Ms. Renee Spence, Executive Director, Governmental Relations, MSDE

GB

Code Enforcement - Daily Worksheet

Inspector - G. Kidd

Area	Case #	Location	Apt	Zip	Date Rec	Reinsp Dt
015	03-5278	49 INVERNESS		21222	7/08/2003	8/20/2003

Tax Acct #: 0000000000

Complainant Name: (Last) ANON (First)
Addr:
Str # Dir Street Name Type Apt

City ST Zip
Phone: (Home) (Work)

Problem: RAMP W/O PERMIT IN FRONT, NOT UP TO CODE;

Notes:

03-5278 7/8/03 VISITED SITE. WORK JUST STARTED FOR H/C RAMP . OWNER CAME IN AND GOT PERMIT ON 7/9/03. B524689 P/U FILE ON 7/9/04 WHEN PERMIT EXPIRES. PERMIT NOTED W/FILE # TO CLO SE AT SAME TIME. P.U 7/9/04 E.ECKER/NS*** 7/23/03 VISITED SITE ISSUED CORRECTION NOTICE TO CALL FOR FOOTING AN D MAKE HANDICAP RAMP SAFE. RAMP IS NOT TO BE USED UNTIL INSP ECTIONS ARE DONE SPOKE TO RSW & JMA P/U 8/6/03 G,KIDD/JB*** 08/12/03 FT. INSP. CALLED FOR TODAY. P/U 08/20/03. G.KIDD/KH.***

8/21/03 - COMPLETION ON DECK WAS SCHEDULED ON 8/20/03, WHICH WAS DISAPPROVED, NO PROPER HANDRAIL'S AND NO FROST FTS ARE DONE. R/C 9/2/03 G. Kidd.

NA
GB

P/U Date		Closed Date		Gary F to update
Anonymous Complaint	Complainant Updated	Updated by voice message	Unable to update	Update not necessary

Executive office Complaint	Yes	No	If Yes is Executive memo attached?	Yes	No

Maryland Department of Assessments and Taxation 2

Taxpayer Services Division
301 West Preston Street Baltimore, Maryland 21201

Taxpayer Services Division

Entity Name: THE SALEM BAPTIST CHURCH, INC.
Dept. ID #: D00190454

General Information | *Amendments* | Personal Property | Certificate of Status

Principal Office (Current):	2238 E. LANVALE ST. BALTO, MD 00000
Resident Agent (Current):	JIMMIE ROBINSON, JR. 703 N. AVONDALE RD. BALTO, MD 21222
Status:	INCORPORATED
Good Standing:	No
Business Code:	Churches
Date of Formation or Registration:	08/21/1963
State of Formation:	MD
Stock/Nonstock:	Nonstock
Close/Not Close:	Unknown

Link Definition

General Information	General information about this entity
Amendments	Original and subsequent documents filed
Personal Property	Personal Property Return Filing Information and Personal Property Assessments
Certificate of Status	Get a Certificate of Good Standing for this entity.

C. KIDD

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

20 COLUMBIA CORPORATE CENTER
10420 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044-3528
TELEPHONE 410 884-0700
FAX 410 884-0719

DINO C. LA FIANDRA
DIRECT NUMBER
410 832-2084
DLafiandra@wtplaw.com

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

03-5524

OKAY TO EXTEND THE DATE OF FINALITY TO 1 MAY 2004
Stanley J. Schapiro 2/13/04

February 13, 2004

Via Hand Delivery
Hon. Stanley Schapiro
Baltimore County Department of Permits and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Code Enforcement Matter 03-5524
49 Inverness Avenue

Dear Mr. Schapiro:

I represent the Salem Baptist Church, Inc., the Respondent in the above-captioned matter. By Amended Order dated December 1, 2003, you imposed and suspended a $3000.00 fine, pending my client's application for and receipt of permits and site plan approval for an assisted living center. You had required that we obtain the permits by February 15, 2004 and site plan approval by March 1, 2004.

In recent days my client has realized that it cannot meet these deadlines. As stated, my client has retained my firm to assist in its efforts to comply with your order. My client has also retained the services Dwight Little, P.E., to assist in these efforts. Mr. Little and I are optimistic that we can resolve the issues in the shortest possible time.

In light of these efforts, I would respectfully request an extension of time in order to resolve the issues presented by the Amended Order. **Please extend the time for compliance with the Amended Order until May 1, 2004.** We need to apply for use, building, plumbing and electrical permits. We can surely file for most if not all of these permits within the next 30 days. As you know, once the applications are filed, timing is largely out of our client's hands and in the hands of the county. In light of this consideration, we feel that May 1, 2004 is an attainable deadline.

03-5524

Should you have any questions, please contact me.

Sincerely,

Dino C. La Fiandra

C: Mr. Grant Kidd

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015
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DINO C. LA FIANDRA
DIRECT NUMBER
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1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
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Should you have any questions, please contact me.

Sincerely,

Dino C. La Fiandra

C: Mr. Grant Kidd

MARYLAND STATE DEPARTMENT OF EDUCATION
Achievement Matters Most

Nancy S. Grasmick
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD

LETTER OF REGISTRATION OF A CHURCH-EXEMPT SCHOOL

April 21, 2003

Pastor Jimmie Robinson, III
Salem Baptist Church, Inc.
49 Inverness Ave.
Dundalk, MD 21222

Re: **Salem Christian Academy** School Number: **09-03-9169**
49 Inverness Avenue
Dundalk, MD 21222
Telephone: (410) 282-1920

Dear Pastor Robinson:

The Registration Form For A School To Operate Exempt From Approval By The State Board Of Education has been received. Official documentation submitted with the Registration Form supports the fact that the Legal Authority responsible for governing and operating the above-referenced school is a bona fide church organization. The school, therefore, has been officially registered to operate exempt from education regulations as a "church-exempt school." This means that the school may legally operate without holding a Certificate of Approval from the Maryland State Board of Education. Registration to operate as a church-exempt school does not mean state approval or accreditation of the school.

Church-exempt schools are exempt from education regulations only. Exemption from education regulations applies only to the instructional day for any ages or grades of enrollment in the school, including Nursery School (ages 2, 3, and/or 4) through Grade 12. The exemption does **not** apply to before and/or after school programs or any child care services provided. A registered church-exempt school must comply with other laws and regulations that pertain to schools including federal, state, and/or local regulations regarding health, fire safety, zoning, asbestos, and age of compulsory school attendance. Contact the local health, fire safety, and zoning offices (addresses enclosed) for information about applicable regulations that pertain to the school. Contact the Maryland Department of the Environment regarding asbestos regulations (see notice enclosed).

By copy of this letter, notice is filed with the local school system, fire safety office, health department, zoning office, Maryland Department of the Environment, and the Child Care Administration that the school has been registered with the Maryland State Department of Education to operate without holding a Certificate of Approval from the Maryland State Board of Education. You should have already contacted these agencies regarding requirements applicable to your school's operation since exemption from education regulations does not exempt the school from other applicable regulations. Another listing of these agency contacts is enclosed for your reference.

The school must also comply with the Criminal Background Investigation Law and the Child Abuse and Neglect Reporting Law. Information regarding these laws was previously sent to you. Additional copies of notices about these laws are also enclosed with this letter.

In order to ensure the accuracy of the registration of the school with the Maryland State Department of Education, please advise this office in writing the following:

- **If there is a change in the name of the school**
- **If there is a change in the location of the school from the location registered;**
- **If there are additional locations of the school;**
- **If there is a change in the name of the church that operates the school;**
- **If another church or another Legal Authority operates the school;**
- **If the school becomes incorporated;**
- **If the school ceases to operate.**

If the school enrolls secondary school students (Grades 9 - 12) and ceases operation, the original or a legible copy of the secondary school transcript for each student who has been enrolled in the secondary school must be filed with the State Department of Education. Education Article, §2-304, Annotated Code of Maryland (enclosed), is the law that establishes this requirement.

Enclosed is a packet of laws that pertain to Maryland nonpublic schools. Please ensure that you and the school staff become familiar with the requirements of these laws and keep this packet available for reference. More information pertaining to Maryland's nonpublic schools may be found on the internet at www.msde.state.md.us/nonpublic

If the school or a ministry of the church elects to supervise home instruction, notify this office so that the supervision of home instruction may be registered. Registration of the school does not include the registration of supervision of home instruction.

Please maintain this letter and enclosures for future reference. You may wish to make a copy of this letter and its enclosures to be filed with the administrator of the school.

If you have any questions, please call me at (410) 767-0407.

Sincerely,

Virginia Cieslicki

Virginia Cieslicki
Chief
Nonpublic School Approval Branch

Enclosures: Education Article, §2-304, Annotated Code of Maryland
Notice Regarding Asbestos in Schools
Notice Regarding Criminal Background Investigation
Notice Regarding the Child Abuse and Neglect Reporting Law
Fact Sheet Regarding Church-Exempt Schools
Fact Sheet Regarding the Mandatory Kindergarten Attendance Law and Chart
List of Local Agency Contacts
Legal Requirements That Pertain To Maryland Nonpublic Schools

c (without enclosures):
Captain Rick DeSlavis, Baltimore County Fire Department
Dr. Joe A. Hairston, Superintendent, Baltimore County Public Schools
Mr. Arnold Jablon, Baltimore County Office of Zoning Admin. and Dev. Management
Ms. Katherine Mansberger, Chief, Medical Environmental Health, Balto. County Health Department
Ms. Barbara Rice, Regional Manager, Baltimore County Child Care Administration
Mr. Larry Vermont, Asbestos Compliance Office, MD Dept. of the Environment

Code Enforcement - Daily Worksh c

Inspector - G. Kidd

Area	Case #	Location		Apt	Zip	Date Rec	Reinsp Dt
017	03-5524	49	INVERNESS RD		21222	7/14/2003	2/12/2004

Tax Acct #: 1209035111

Complainant Name: (Last) COUNCILMAN (First) OLSZEWSKI DON
Addr:
Str # Dir Street Name Type Apt

City ST Zip
Phone: (Home) (Work) 410/887-7174

Problem: ASSISTED LIVING FACILITY, CHECK ON COMPLIANCE
07/21/03 NEW COMPLAINT-BLDG USED FOR SOMETHING OTHER THAN CH URCH, ALSO USED AS SCHOOL 6-12 GRADE, SENIOR CENTER & HOMEL ESS CENTER MAP 93-92A

Notes:

****7/15/03, ADDITION UNDER B524689, MET W/PASTOR ROBINSON, CHURCH W/ ASSISTED LIVING FACILITY, 4 PEOPLE LIVING IN AS SISTED FACILITY & 1 IN HOSPITAL, TOTAL 5, ISSUED 30 DAY CORR ECTION NOTICE TO APPLY FOR A U&O PERMIT OR TO GIVE USA COPY OF COMAR & A LETTER FROM STATE STATING THEY ARE EXEMPT FROM BCZR, GUTTER,MINOR JT&D, WINDOWS VANDALIZED LAST WEEK, FIXED W/IN 2 WKS, 443 540-5462, LICENSE ISSUED SEPT 2, P/U 8 /20/03, COMPL UPDATED, LW/CO**** 7/22/03 VISITED SITE. MET WITH MIKE COOK (DEPT OF AGING) & PASTOR RO BINSON. NO EVIDENCE OF A SCHOOL BEING PERFORMED. HANDICAP RA MP HAS TO BE CHANGED. NOT TO ADA SPECS. SPOKE WITH LENNY W. BUILDING IS O.K. FOR ASST. LIVING FOR 3 BEDS PER ZO NING. P/ U8/4/03 G.KIDD/NS*** 7/23/03 ISSUED CORR.NOTICE FOR CHANGE O F OCCUPANCY ZERMIT, INT.ALTERATIONS & SITE PLAN. GAVE COPY T O ONE OF THE SECRETARIES. SPOKE WITH J.M.A. & R.S.W.. GAVE C OPIES TO JOHNNYO'S OFFICE. P/U 8/18/03 G.KIDD/NS*** *** 7/25/03, RECIEVED CORRECTION NOTICE BACK. NO SUCH NUMBER. GA VE TO LW/RMG*** 08/13/03 RECEIVED A CALL FROM NANCY KURANT- 410-282-4896 CONCERNING 49 INVERNESS & THE CORR. NO. ISSUED. I INFORMED MRS. KURANT THAT THE CORR. NO. WOULD BE RE- CHE CKED FOR COMPLIANCE ON 08/18/03. SHE ASKED WHAT IF ANYTHING ELSE THE COUNTY *****SEE NEXT PAGE*****

P/U Date			Closed Date		Gary F to update
Anonymous Complaint	Complainant Updated		Updated by voice message	Unable to update	Update not necessary
Executive office Complaint	**Yes**	**No**	If Yes is Executive memo attached?	**Yes**	**No**

G.K

Case # 03-5524 CONTINUED

WOULD DO IF COMPLIANCE WAS NOT MET. I EXPLAINED THAT A CIVIL CITATION WOULD BE ISSUED IF COMPLIANCE WAS NOT MET. P/U 08/18/03. J.M.A./KH.*** 08/14/03 LETTER SENT TO PASTOR ROBINSON STATING OUR POSITION WITH ENF. OF CO. CODES. COPIES SENT TO EXEC. OFF. T.KOTROCO. P/U DATE TO COINCIDE W/LETTER FROM L.WASILEWSKI. G.KIDD TO FOLLOW-UP ON 08/21/03. JMA/KH.*** ****8/19/03, PRE CONVERSATION W/JMA, BUILDING INSPECTOR WILL BE DOING THE FOLLOWUP, COMPL UPDATED, P/U 8/21/03, LW/CO****

8/21/03 VISITED SITE. ISSUED CIVIL CITATION TO MR. ROBINSON AT THE CHURCH. GAVE ACOPY TO DON AT JOHNNY O'S OFFICE. ALSO SPOKE TO MIKE COOK FOR DEPT OF AGING. P/U10/2/03 G. KIDD/NS***

****8/22/03, CASE REFERRED TO BLDG INSPECTOR, LW/CO**** 9/18/03 PUT ON DOCKET FOR 10/7/03. KITTY*** 10/6/03 HEARING SCHEDULED ON 10/7/03 SPOKE TO JOHNNY O'S OFFICE P/U 10/29/03 G.KIDD/DAR***

10/27/03 FINAL ORDER SENT. FILE TO GRANT KIDD. /JF. 10/31/03 RECEIVED FINAL ORDER FROM MR.SHAPIRO. OWNER HAS TO COMPLY WITHIN 3 DIFFERENT DATES. GAVE A COPY OF ORDER TO DON AT JOHNNY O'S OFFICE. P/U 11/16/03 G.KIDD/NS*** (NEXT PAGE)>>>>>>

11/20/03 CHANGE OF OCCUPANCY PERMIT NOT ISSUED. SPOKE TO JOHNNY O'S OFFICE P/U 12/10/03 G. KIDD/DAR***

12/10/03 VISITED SITE. LEFT MESSAGE AT DOOR TO CALL. SPOKE TO JOHNNY O'S OFFICE. P/U 12/29/03 G.KIDD/NS***

12/16/03 FINAL ORDER WAS APPEALED ON 12/1/03 SPOKE TO DON AT JOHNNY O'S OFFICE & FAXED A COPY OF ORDER TO THEIR OFFICE. P/U 2/12/04 G.KIDD/NS***

2/13/04- VISITED SITE ON, 2/12/04 SPOKE TO MR. ROBINSON. MR. ROBINSON GAVE ME PHONE NUMBERS FOR THE ENGINEERING FIRM THAT IS HANDLING THE SITE PLAN AND HIS ATTORNEY'S NUMBER.
LITTLE + ASSO, INC - 410-296-1636
DEANO, LAFIANDRA (ATTORNEY) - 410-832-2000.
I SPOKE TO DON FROM JOHNNY O'S OFFICE, RSW + J.MA ABOUT THE CASE. SITE PLAN MUST BE SUBMITTED by MARCH 1, 2004.

P/U Date			Closed Date		Gary F to update
Anonymous Complaint	Complainant Updated		Updated by voice message	Unable to update	Update not necessary
Executive office Complaint	Yes	No	If Yes is Executive memo attached?	Yes	No

RECIEVED LETTER FROM MR. ROBINSON'S ATTORNEY, ASKING FOR AN EXTENSION. MR. SHAPIRO EXTENDED CASE TO MAY 1, 2004. R/C 4/28/04 G Kidd

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

In the Matter of

Jimmie Robinson III, Resident Agent
The Salem Baptist Church, Inc.

Respondent

Civil Citation No.03-5524

49 Inverness Avenue

FINDINGS OF FACT AND CONCLUSIONS OF LAW
AMENDED FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on October 7, 2003, for a hearing on a citation for violations under the Baltimore County Code for failure to obtain change of occupancy, failure to obtain permits for interior alterations and failure to have a site plan on residential property located at 49 Inverness Road.

On August 21, 2003, a code enforcement citation was issued pursuant to §1-7 (d), BCC. Grant Kidd, Code Enforcement Inspector, issued a code enforcement citation. The citation was legally served on the Respondent. The citation described the violations as follows:

Baltimore County Council Bill 78-01 §106.2.1, I.RR, §105.1, I.B.C., §1102, I.B.C., §113.1:

1. Secure change of occupancy from a church to an assisted living facility.
2. Secure permits for interior alteration for building, electrical and plumbing.
3. Site Plan must be submitted.

Further, the citation proposed a civil penalty of $5,800 to be assessed. A code enforcement hearing date was scheduled for October 7, 2003.

Jimmie Robinson, III, Respondent appeared and testified.

Grant Kidd, code enforcement inspector also testified.

The following community members appeared and testified:

Nancy Kurant	33 Mavista Avenue	Baltimore, MD 21222
Jason Bowers	69 Del Rio Road	Baltimore, MD 21222
Gregory Lilly	59 Wise Avenue	Baltimore, MD 21222

Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

September 8, 2003

Salem Baptist Church
49 Inverness Avenue
Dundalk, MD 21222

Dear Mr. Robinson III:

Thank you for your recent letter to County Executive James T. Smith, Jr. regarding 49 Inverness Avenue. An email to Timothy Kotroco, Director of Permits and Development Management was also received concerning the same issue. The County Executive received your letter and requested that I respond on his behalf. I am also responding on behalf of Director Timothy Kotroco.

Grant Kidd issued a correction notice on July 23, 2003 upon learning that alterations were made to the structure located at 49 Inverness Avenue. An alteration permit is required to change a building or an area within a building from one type of use to another. In this case, an area previously used as a sanctuary was changed by subdividing the sanctuary into rooms for the purpose of housing assisted living clientele. Walls were constructed, electrical and plumbing work almost certainly had to be performed to transform the area to rooms. Every business in Baltimore County and every homeowner in Baltimore County is required by law to obtain permits for work of this nature. Obtaining permits, requesting required inspections and receiving a use and occupancy certificate upon completion of the work is a requirement of the law. The license to have (4) four assisted living patients was issued by the State; the issuance of that license does not excuse you from the necessity of obtaining County permits required for work performed to make accommodations for the patients.

To our knowledge to date, there are no applications on file for alterations at 49 Inverness Avenue. There is a permit on file for a 48 square foot deck, steps and ramp. There are no applications on file for electrical or plumbing permits. A citation was issued on August 21, 2003 due to lack of action on the violations listed in the correction notice of July 23, 2003.

Printed with Soybean Ink
on Recycled Paper

The citation has set a hearing scheduled for October 7, 2003 at 9:00 a.m. in Room 116 of the County Office Building. The citation assesses a possible $5,800.00 civil penalty to be determined by the Hearing Officer. You will have the opportunity to present your side of the issue at this hearing. The correction notice is clear regarding the requirements you are expected to meet to legitimize the structure for the intended use or uses.

Again, thank you for your correspondence. As per your request for a meeting for September 10, 2003, Baltimore County Officials will not be attending. For any questions and/or comments, I may be reached at 410-887-3373 or by e-mail at rwisnom@co.ba.md.us.

Sincerely,

Raymond S. Wisnom, Jr., Chief
Code Inspections and Enforcement

RSW/jaf

Published weekly, read daily 25 cents

The DUNDALK EAGLE

Dundalk, MD

Please recycle

The Eagle is printed on 35 percent recycled fiber

Picture of Ramp and deck on 3rd page.

Pastor answers critics

Salem Baptist drew protests from community

by Joseph M. Giordano

When the pastor of the privately owned Salem Baptist Church on Inverness Avenue put a wheelchair access ramp out front and opened an assisted-living home, he did not expect the firestorm of controversy that followed.

Word that the pastor wanted to start a new school at the church caused more criticism.

But after a clash with members of the community outside the church on July 20, a heated meeting with the Inverness community at Patapsco High School on July 22 and visits from inspectors and Baltimore County officials, the Rev. Jimmie Robinson III is bringing the facility up to legal standards.

"We will have no more than four [assisted-living] residents at the church,"

Pastor answers critics, page 3 THE EAGLE

PASTOR: Salem Bapt

continued from page 1

Robinson III said Monday. "We had five. Two were placed in other facilities."

Salem Baptist was cited by the county's Department of Health and Mental Hygiene, which ordered Robinson to get a change of occupancy permit because the facility housed more than the four people it was allowed to look after.

Last week, two patients were transferred to other facilities, thus delaying the church's filing, according to Robinson.

Health and Mental Hygiene spokesman J.B. Hanson said he could not comment on the Salem Baptist case because the department is still conducting an investigation.

Members of the community at the Patapsco meeting — which drew about 90 people — feared that Robinson planned to house drug addicts or patients who need specialized care.

"We are [now] only taking in people above 60 years old," Robinson said. "Someone circulated a flier that said we were going to house drug addicts. That is not true."

Robinson's wife, Keena, has a degree in social work from Morgan State University and is a certified nursing assistant (CNA) who will oversee the facility's three-person staff and day-to-day operation.

The assisted-living staff members are all CNAs as well, Robinson said.

"We've been inspected by the state," Robinson said. "They went over all our employees and our credentials. I've paid about $25,000 for everything."

The cost for Salem Baptist's assisted-living services is calculated on a case-by-case basis, accord-

"I want to apologize to the [Inverness] community. ... I was just trying to help some people out."

the Rev. Jimmie Robinson III, pastor
Salem Baptist Church

As for the controversial ramp, a county zoning inspector visited the church Friday after receiving a number of complaints at the Patapsco meeting. He wanted to make sure the church had permission to construct the wheelchair ramp.

"[Robinson] had the correct zoning permits," said inspector Len Wasilewski. "The rest is up to the building inspectors."

Robinson admitted that he began construction on the ramp without the proper permits but filed after the complaints began.

According to the county's Division of Permits and Development Management, which issues building permits, Robinson filed and was approved for construction of an "L-shaped ramp attached to the front of the building" on July 9.

The root of the problem between the church — which has a mostly African-American congregation and has resided peacefully within the predominately white community for almost a decade — and the residents seemed to be a communication breakdown between church members and Inverness residents.

"It's never been about race," said Nancy Kurant.

st leader answers criticism from community

A ramp is being brought up to code by Salem Baptist Church.
photo by Roland Dorsey

law."

In mid-July, Kurant's husband, a firefighter with the Wise Avenue volunteer station, allegedly noticed the poor construction of the ramp when he came to the church on a routine call.

"When my husband told me about it, I was angry," Kurant said. "My father had a stroke and we had to obey the law when we built our ramp. I was also afraid for my husband, who had to go walking on the [church's] ramp. He could have gotten hurt."

The discovery of the assisted-living home and last month's announcement that Robinson, a former Baltimore City teacher, intended to open a school for the learning disabled on the grounds also fueled the flames of discontent.

"The main issue was not letting the community know what was going on," said Jasmine Road resident Bonnie Fairley, who attended the meeting at Patapsco. "The pastor apologized to everyone [at the meeting] but didn't stay to answer questions.

After the July 20 incident at the church, residents met with Baltimore County Councilman John Olszewski Sr. (7th District), who decided that Patapsco High, a neutral location, would be a better meeting site for July 22.

But Robinson still held a meeting at the church — announced in a press release a day earlier than the Patapsco meeting — at the same time and could not stay for long at the school.

Robinson did announce during his brief appearance at the Patapsco meeting that the church had decided to look elsewhere for its planned school and that he was sorry about all the trouble in the community.

"I want to apologize to the [Inverness] community," Robinson said at the meeting. "I was just trying to help some people out. We will not open the school here. We are looking for other locations outside the community."

Olszewski agreed with the residents that the lines of communication should have been more open.

"It would have been better if the neighborhood would have been included in the church's plans," Olszewski said. "The church should have created some kind of dialogue with the community."

At the meeting, several residents living near the church complained about cigarette butts in their yards and a kicked-in screen door.

The church countered with police reports about several incidents at the church, including burglary, vandalism and what Robinson said was a bomb threat.

"We've had two calls for burglary, one for destruction of property and [another for] telephone misuse," said Bill Toohey, a county police spokesman.

Though the incidents have hurt the church's involvement with the community, Robinson does not blame everyone.

"I think a lot of what's happened to the church is the work of a few people," Robinson said. "In the community I don't think it's about race. I think it's a few people from the outside stirring things up. Most people I talk to in the community understand what we are trying to do."

Testimony and evidence shows that the former church structure has been altered by the Respondents by subdividing the sanctuary for the purpose of creating rooms to house assisted living customers. Construction was necessary to create these rooms and no building permits were obtained. The evidence also shows that no change of occupancy has been issued for the change from a church use to an assisted living use. Additionally, the Respondent has started a boys school. This also would require a change of occupancy permit under County regulations.

The International Building Code (I.B.C.) states the following:

Section 113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

Section 110.1 use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

The International Residential Code (I.R.C.) states the following:

Section R105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

The Baltimore County Council Bill (BCCB) states the following:

Section 106.2.1 Change in site plan. A lot shall not be changed, increased or diminished in area from that shown on the official plat site plan. Unless a revised plan showing such changes accompanied by the necessary affidavit of the owner or applicant shall have been filed and approved.

I find from the evidence that no change of occupancy permit has been applied for and issued. I find further that no building permit for the interior alterations has been applied for and issued, nor has a site plan been provided to the County. Pursuant to the correction notice and subsequent code enforcement citation issued, and hearing held, and for the reasons set forth above, it is found as a matter of law that code violations existed from July 23, 2003, and the violations are continuing.

IT IS ORDERED by the Code Enforcement Hearing Officer, this 1 day of December 2003, that a civil penalty is imposed in the amount of $3,000.

IT IS FURTHER ORDERED that the civil penalty in the amount of $3,000 shall be suspended on condition the Respondent:

1. *Obtain a change of occupancy from a church use to an assisted living* facility and a boys school on or before February 15, 2004.
2. Obtain building permits for the interior alterations, including building, electrical and plumbing permits on or before February 15, 2004.
3. Submit an approved site plan for the facility on or before March 1, 2004.

If the Respondent fails to correct the violations, then the civil penalty imposed shall be $3,000.

IT IS FURTHER ORDERED that the inspector inspect the property to determine whether the violations have been corrected.

Signed: Stanley J. Schapiro
Stanley J. Schapiro
Code Enforcement Hearing Officer

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

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

In the Matter of

Jimmie Robinson III, Resident Agent
The Salem Baptist Church, Inc.

Respondent

Civil Citation No.03-5524

49 Inverness Avenue

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Further, the citation proposed a civil penalty of $5,800 to be assessed. A code enforcement hearing date was scheduled for October 7, 2003.

Jimmie Robinson, III, Respondent appeared and testified.

Grant Kidd, code enforcement inspector also testified.

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Nancy Kurant	33 Mavista Avenue	Baltimore, MD 21222
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Gregory Lilly	59 Wise Avenue	Baltimore, MD 21222

Testimony and evidence shows that the former church structure has been altered by the Respondents by subdividing the sanctuary for the purpose of creating rooms to house assisted living customers. Construction was necessary to create these rooms and no building permits were obtained. The evidence also shows that no change of occupancy has been issued for the change from a church use to an assisted living use. Additionally, the Respondent has started a boys school. This also would require a change of occupancy permit under County regulations.

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Stanley J. Schapiro
Code Enforcement Hearing Officer

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OJ-5524

LITTLE & ASSOCIATES, INC.
Engineers ~~~ Land Planners ~~~ Surveyors
1055 Taylor Avenue, Suite 307, Towson, Maryland 21286
Phone (410) 296-1636 Fax (410) 296-1639

PROJECT NUMBER 04807A

PROJECT NAME Salem Baptist Church

DATE 2/13/04

FAX TRANSMITTAL FORM

TO: Grand Kidd - PDM
410-887-3953

FAX NUMBER: 410-887-8081

TOTAL NUMBER OF PAGES: 1

ATTN:

ORIGINAL TO FOLLOW: YES [ ]

NO [X]

FROM: Dwight Little

MESSAGE: This will confirm that we have been retained by Pastor Robinson to prepare a Site Plan for 49 Inverness Rd. as of 2/9/04.

LITTLE & ASSOCIATES, INC.
ENGINEERS~~~LAND PLANNERS ~~~ SURVEYORS

G. DWIGHT LITTLE, JR., P.E.
President

1055 TAYLOR AVENUE
SUITE 307
TOWSON, MARYLAND 21286

PHONE: (410) 296-1636
FAX: (410) 296-1639

Hearing Dt
03-5524

From: <JROBIN33@aol.com>
To: <tkotroco@co.ba.md.us>
Date: 8/27/2003 9:13:46 PM
Subject: (no subject)

Salem Baptist Church
49 Inverness Ave.
Dundalk, Md. 21222
Home: 410-282 -1920
cell: 410-443-540-5462
Email- Jrobin33@hotmail.com

August 27, 2003

RE: Meeting September 10, 2003

Dear Concerned,

I wrote you 2 weeks ago. I perceive that, I and my church members continue to have our rights violated by Baltimore county officials. Last week our church was fined $5,800.00 for not having a permit for Assisted living(which is not required for faicilities with less than 3 residents). We have been issued a license for 4 people we are at 3 people(See attached). The Inspector refused to come into our church to see. We have been denied approval by Baltimore County to open a school for 15 students in our building. We are fully licensed through The State of Maryland and Baltimore County.

It has become very obvious that 1 or 2 individuals in my community have chosen to use Baltimore county officials to deny us or rights(TO OPEN A CHRISTIAN SCHOOL AND AN ASSISTED LIVING FOR 3 PERSONS). A lady by the name of Nancy Kurant calls county offices daily. To file false complaints. We were cited not for breaking the law but because. Ms. Kurant decided to put a flier in the community to provoke persons racial fears. I have spoken to most of the people in the community and have gotten many positive responses. I video taped the so called public hearing called by the local councilman. The county officials were able to do little to please those with extreme views towards us and made many compromising statements.

We have no plans to back down from those who have decided to file false complaints , make threats, vandalize our property and practice hatred and discrimination. It is wrong for county officials to cite us for political reasons and not breaking the law. We are allowed 3 persons and have a license for 4. Yet we were told by Grant Kidd we have to get a permit to make the community happy (our right s are being violated).

The purpose of this letter is to request a meeting with you, the local councilman, an ACLU representative , our attorney and Mr. Kotroco on September 10, 2003 at 11 AM at the church. I would like to present information which I think will be favorable to the community and to the officials involved. We have not taken any legal action against Baltimore County.

Sincerely,

Pastor Jimmie Robinson

CC. Jim Smith
ACLU
Govenor Ehrlich

Rick,
Please respond to this letter. Get Grant's input. Give the letter to County Attorney's office for review + signature before sending it out.
cc Cin' O'Connor

Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

Baltimore County Uniform Code Enforcement Correction Notice

July 17, 2003

Salem Baptist Church
Care of Pastor Robinson
49 Inverness Avenue
Baltimore MD 21222-4856

Jimmy Robinson, Jr
703 N Avondale Road
Baltimore MD 21222

RE: Case NO. 03-5524
49 Inverness Avenue

Dear Pastor Robinson:

Baltimore County Government has received several complaints from the community regarding the land use at 49 Inverness Avenue, Dundalk, MD 21222. Resulting from our investigation, it has come to our attention that you are operating a 5 bed, level 2 Assisted Living Facility at the Salem Baptist Church.

The Baltimore Count Zoning Regulations (BCZR) requires a Use and Occupancy Permit for an Assisted Living Facility with 4 or more beds. Additionally, there may be other zoning issues concerning a dual use i.e. a Church and an Assisted Living Facility, which could complicate the issuance of the Use Permit. These cannot be evaluated until a Use Permit application review (which includes a review of a duel use site plan) has occurred.

Under COMAR, some facilities are exempted from the BCZR. Our Zoning Regulations and Zoning Policy Manual does not include the section (Title 19 Section 1801et seq) under which you are currently operating. Please provide Baltimore County

Printed with Soybean Ink
on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
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pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

with a copy of this section of code and a letter from a qualified representative of the Department of Heath and Mental Hygiene that states whether and how you are exempted from the BCZR.

Failure to apply for a Use and Occupancy Permit from the Zoning Office or to provide the required exempting information by 8/20/03 will result in the issuance of a civil citation with the potential of monetary fines.

If you should have any questions, please feel free to call me at 877-5681.

Sincerely,

Inspector Wasilewki
Code Inspections and
Enforcement Officer

8049
2029

LW:rmg

BCZR
1B01.1A; 101; Def Class A Assisted Living Facility; 102.1; 432

RA1001F

DATE: 09/05/2003 ASSESSMENT TAXPAYER SERVICE
TIME: 11:00:59

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HIST	DEL	LOAD DATE
16 00 011612	15	3-1	04-00	N	NO		05/16/03

RUDOLPH MELINDA
DESC-1.. IMPS
DESC-2.. OAKLEIGH BEACH
907 MEADOW AVE
PREMISE. 00907 MEADOW AVE
00000-0000
BALTIMORE MD 21222-5006 FORMER OWNER: LUBINSKI PETER T

FCV	PRIOR	PROPOSED	TRANSFER DATA		PROPERTY ID	
			NUMBER.....	243371	LOT.....	138
LAND:	34,620	34,620	DATE.....	10/08/02	BLOCK....	
IMPV:	340	56,290	PURCHASE PRICE..	79,900	SECTION..	
TOTL:	34,960	90,910	GROUND RENT.....	0	PLAT.....	
PREF:	0	0	DEED REF LIBR..	16922	BOOK.....	0012
CURT:	0	0	DEED REF FOLIO..	24	FOLIO....	0046
DATE:	05/03	07/02	YEAR BUILT.....		MAP.....	0104
			NEW CONSTR YR...		GRID.....	0015
					PARCEL...	0231

TAXABLE BASIS

03/04	53,610	LOT WIDTH.. 50.00	SB 1958	.00
02/03	34,960	LOT DEPTH.. 150.00	WB 1951	.00
01/02	81,316	LAND AREA.. 7500.000 S	SS	31.28
			WD	59.76

ENTER-INQUIRY1 PA1-PRINT PF4-MENU PF5-QUIT

Salem Baptist Church
49 Inverness Ave.
Dundalk, Md. 21222

Home: 410-282 -1920
cell: 410-443-540-5462
Email- Jrobin33@hotmail.com

August 13, 2003

RE: Citation 03-5524 and 03-5278

03-5524.

Dear Mr. Kidd,

Listed below are the responses to citations listed above.

Citation 03-5524

1. A change of occupancy is not needed sense we only have 3 residents.
2. We are not doing and nor do we plan to do and interior alterations.
3. Until we seek a change of occupancy permit no site plan is needed.

Citation 03-5278

1. Footing inspection complete 8/12/03
2. Non- compliant ramp(temporary access) has been taken down.

Mr. Kidd I appreciate your time and cooperation. I would like to inform we have been counsel by legal authorities regarding the filing erroneous citations. I understand your responsibility to the people of the county of Baltimore. Our church is determined to offer a high quality Assisted Living. We have obtain Legal council and the help of a national organization to aggressively pursue those individuals and officials who continue to " slander" and harass our church with erroneous complaints and citations. If you have further questions please feel free to call me.

Sincerely,

Pastor Jimmie Robinson III

CC. Baltimore county executive

County council

Attorney John Garza
Larry Wasilewski

Home: 410-282 -1920
cell: 410-443-540-5462
Email- Jrobin33@hotmail.com

Salem Baptist Church

August 13, 2003

RE: Citation 03-5524 and 03-6278

Dear Mr. Kidd,

Listed below are the responses to citations listed above.

Citation 03-5524

1. A change of occupancy is not needed sense we only have 3 residents.

2. We are not doing and nor do we plan to do and interior alterations.

3. Until we seek a change of occupancy permit no site plan is needed.

Citation 03-6278

1. Footing inspection complete 8/12/03

2. Non- compliant ramp(temporary access) has been taken down.

legal authorities regarding the filing erroneous citations. I understand your responsibility to the people of the county of Baltimore. Our church is determined to offer a high quality Assisted Living. We have obtain Legal council and the help of a national organization to aggressively pursue those individuals and officials who continue to " slander" our organization with erroneous complaints and citations. If you have further questions please feel free to call me.

Sincerely,

Pastor Jimmie Robinson III

CC. Baltimore county executive

Attorney John Garza

DEPARTMEN OF PERMITS AND DEVELOPM IT MANAGEMENT

County Office Building, Room 119
111 West Chesapeake Avenue
Towson, Maryland 21204

BALTIMORE COUNTY, Plaintiff, vs. ROBINSON, JIMMIE III **, Defendant**

Case # 03-5524 Violation Address 49 INVERNESS RD Zip 21222

Hearing Date 10/07/03 Issued Date 8/21/03 Expiration Date 9/05/03

Author of Citation GRANT KIDD

REQUEST FOR SERVICE

Please serve the attached process on the person shown.

ORDER FOR SERVICE

You are hereby commanded to serve the attached process and to make your return promptly on this Order if served, and if you are unable to serve, you are to make your return on this Order and return the original process no later than the last day following the termination of the validity of the process.

PROOF OF SERVICE

I hereby CERTIFY that:

___ A Citation and all other papers filed with it were served by restricted delivery mail, return card attached.

✓ A Citation and all other papers filed with it were served by personal delivery to JIMMIE ROBINSON III.
Individual or agent served

49 INVERNESS RD Zip 21222, on 8/21/03 APPROX 11:30 a.m./p.m.
At this address Date Time

Description of Person Served: Race AFRICAN AMERICAN Sex: M F Height: 6 ft. — in. Wt. APROX 400 lbs.

Age: — yrs. Other: —

Telephone verification of citation acknowledgment from _____ on __/__/__.

I was unable to serve:

1st Attempt __/__/__ _____ a.m./p.m. because _____ ____ Initials

2nd Attempt __/__/__ _____ a.m./p.m. because _____ ____ Initials

3rd Attempt __/__/__ _____ a.m./p.m. because _____ ____ Initials

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief, and do further affirm that I am a competent person over 18 years of age and not a party to the case.

111 W. Chesapeake Ave. Towson, MD 21204
Server's Address

410-887-3351
Telephone

GRANT KIDD
Server's Name (Print)

8/21/03
Date

Grant Kidd
Server's Signature

RA1001B

DATE: 08/21/2003 ANDARD ASSESSMENT INQUIRY

TIME: 08:11:52

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
12 09 035111	12	3-1	01-00	N	NO		01/08/03

SALEM BAPTIST CHURCH INC

DESC-1.. IMPSLT ES DEL RIO NE

DESC-2.. NE COR MAVISTA AVE

49 INVERNESS AVE

PREMISE. 00000 DEL RIO AVE

00000-0000

BALTIMORE MD 21222-4856 FORMER OWNER: INVERNESS PRESBYTERIAN CHU

---------- FCV ----------			---------- PHASED IN ----------		
	PRIOR	PROPOSED		CURR FCV	CURR ASSESS	PRIOR ASSESS
LAND:	52,500	57,500				
IMPV:	368,500	384,700	TOTAL..	428,066	428,066	421,000
TOTL:	421,000	442,200	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0
DATE:	10/99	09/02				

---- TAXABLE BASIS ----		FM DATE
03/04 ASSESS:	0	10/03/02
02/03 ASSESS:	0	05/30/02
01/02 ASSESS:	0	06/01/01

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

RA1001C

DATE: 08/21/2003 ANDARD ASSESSMENT INQUIRY

TIME: 08:12:20

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
12 09 035111	12	3-1	01-00	N	NO		01/08/03

LOT....	BOOK.... 0000	MAP..... 0104	LOT WIDTH.....	96.83
BLOCK..	FOLIO... 0000	GRID.... 0013	LOT DEPTH.....	.00
SECTION..		PARCEL.. 0222	LAND AREA..	14204.000 S
PLAT..			YEAR BUILT.....	00

---------TRANSFER DATA--------

NUMBER..... 073867
DATE..... 02/13/95
PURCHASE PRICE..... 350,383
GROUND RENT..... 0
DEED REF LIBER..... 10940
DEED REF FOLIO..... 0182
CONVEYED IND..... 1
TOT-PART TRAN IND..... T
GRANTOR ACCT NO.. 00-00-000000

----------EXEMPT DATA----------

STATUS..... 3
CLASS CODE..... 700
STATE EXEMPT CODE..... 000
COUNTY EXEMPT CODE..... 000
CURR STATE EX ASMT.... 0
PRIOR STATE EX ASMT... 0
CURR COUNTY EX ASMT... 0
PRIOR COUNTY EX ASMT.. 0

CRITICAL AREAS CODE	NEW CONST YEAR	CARD NO	------STRUCTURE----- CODE	SQ. FEET
		07989		6461

ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF

Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

August 14, 2003

Salem Baptist Church
49 Inverness Avenue
Baltimore, MD 21222

03-5524

Dear Pastor Robinson III:

Re: Case #03-5524

Thank you for your correspondence of August 13, 2003 regarding Inspector Grant Kidd. It is always refreshing to receive a positive comment about one of our county employees.

The purpose of this communication is to address some concerns you have with respect to change of occupancy and interior alteration to your church. An inspection was made on July 23, 2003 by Inspector Grant Kidd, at which time a correction notice was issued. The content of which referred to securing a change of occupancy permit and an interior alteration permit for work done in the church sanctuary area. Section 105.1 of the International Building Code references that a permit is required for interior renovations or change of occupancy of a structure. Section 110.1 of the International Building Code specifically states that no change in the existing occupancy shall be made without issuance of a certificate of use and occupancy. Site Plan Requirements are also addressed in Section 106.2 of The International Building Code.

Printed with Soybean Ink

It is our expressed hope that you will comply with the correction notice issued. Chronologically, all building codes adopted by Baltimore County since 1956 concur with your issued correction notice. Failure to comply with this notice will result in the issuance of a civil citation with the potential of a monetary fine. As I have stated previously, our concern is for your cooperation in this matter.

If you have any questions, please feel free to contact me at 410-887-3953 between the hours of 7:70 a.m. and 3:30 p.m., Monday through Friday

Respectfully,

John M. Altmeyer, Supervisor
Code Inspections and Enforcement

JMA/jaf
cc: James T. Smith, County Executive
Timothy M. Kotroco, Director

Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

July 17, 2003

Salem Baptist Church
Care of Pastor Robinson
49 Inverness Avenue
Baltimore MD 21222-4856

Jimmy Robinson, Jr
703 N Avondale Road
Baltimore MD 21222

RE: Case No: 03-5524
49 Inverness Avenue

Dear Pastor Robinson:

Baltimore County Government has received several complaints from the community regarding the land use at 49 Inverness Avenue, Dundalk, MD 21222. Resulting from our investigation, it has come to our attention that you are operating a 5 bed, level 2 Assisted Living Facility at the Salem Baptist Church.

The Baltimore Count Zoning Regulations (BCZR) requires a Use and Occupancy Permit for an Assisted Living Facility with 4 or more beds. Additionally, there may be other zoning issues concerning a dual use i.e. a Church and an Assisted Living Facility, which could complicate the issuance of the Use Permit. These cannot be evaluated until a Use Permit application review (which includes a review of a duel use site plan) has occurred.

Under COMAR, some facilities are exempted from the BCZR. Our Zoning Regulations and Zoning Policy Manual does not include the section (Title 19 Section 1801et seq) under which you are currently operating. Please provide Baltimore County

P/u 8/20/03

Printed with Soybean Ink
on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

with a copy of this section of code and a letter from a qualified representative of the Department of Heath and Mental Hygiene that states whether and how you are exempted from the BCZR.

Failure to apply for a Use and Occupancy Permit from the Zoning Office or to provide the required exempting information by [redacted] will result in the issuance of a civil citation with the potential of monetary fines.

If you should have any questions, please feel free to call me at 877-5681.

Sincerely,

ORIGINAL SIGNED BY
LEONARD J. WASILEWSKI

Inspector Wasilewki
Code Inspections and
Enforcement Officer

LW:rmg

Printed with Soybean Ink
on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

Baltimore County Uniform Code Enforcement Correction Notice

July 17, 2003

Salem Baptist Church
Care of Pastor Robinson
49 Inverness Avenue
Baltimore MD 21222-4856

Jimmy Robinson, Jr
703 N Avondale Road
Baltimore MD 21222

RE: Case NO: 03-5524
49 Inverness Avenue

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Under COMAR, some facilities are exempted from the BCZR. Our Zoning Regulations and Zoning Policy Manual does not include the section (Title 19 Section 1801et seq) under which you are currently operating. Please provide Baltimore County

P/u 8/20/03

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111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
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with a copy of this section of code and a letter from a qualified representative of the Department of Heath and Mental Hygiene that states whether and how you are exempted from the BCZR.

Failure to apply for a Use and Occupancy Permit from the Zoning Office or to provide the required exempting information by 8/20/03 will result in the issuance of a civil citation with the potential of monetary fines.

If you should have any questions, please feel free to call me at 877-5681.

Sincerely,

ORIGINAL SIGNED BY
LEONARD J. WASILEWSKI

Inspector Wasilewki
Code Inspections and
Enforcement Officer

LW:rmg

Typed on Original.
BCZR 1B01.1A; 101 Def Class A Assisted Living Facility
102.1; 432

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on Recycled Paper

Code Enforcement - Daily Worksheet

Inspector - _____

ORIGINAL SIGNED BY
LEONARD I. WASILEWSKI

Area	Case #	Location		Apt	Zip	Date Rec	Reinsp Dt
01	03-5524	49	INVERNESS RD		21222	7/14/2003	

Tax Acct #: 0000000000 1209035111

Complainant Name: (Last) COUNCILMAN (First) OLSZEWSKI
Addr: DON
Str # Dir Street Name Type Apt
City ST Zip
Phone: (Home) (Work) 410/887-7174

Problem: ASSISTED LIVING FACILITY, CHECK ON COMPLIANCE 93-92A

[redacted]

8 people → Maista 1209035111

Broken window
Rags No parking B524689

[redacted]

Licensed Sept 02
Gaard

Window vandalized last week

Fixed w/in 2 weeks
Call 443-540-5462

7/15/03 Met w/ Pastor Robinson
church w/ assisted living facility
(4) people living in assisted facility
+ (1) in hospital total 5
Issued 30 day correction to
apply for a U+O permit or
to give us a copy of COMAR
and a letter from State Stating
they are exempt from
BCZR
P/G 8/20/03

U ate 8/20/03		Closed Date		Gary F to update
nonymous omplaint	Complainant Updated	Updated by voice message	Unable to update	Update not necessary
xecutive office omplaint	Yes	No	If Yes is Executive memo attached?	Yes / No

COMAR Sent

CODE ENFORCEMENT REPORT

DATE: 7/14/03 INTAKE BY: AP CASE #: 03-5524 INSPEC: 1

COMPLAINT LOCATION: 49 Inverness Rd

ZIP CODE: 21222 DIST:

COMPLAINANT NAME: Don/ Comm. "O" PHONE #: (H) (W) 7174

ADDRESS: ZIP CODE:

PROBLEM: assisted living facility check on compliance

IS THIS A RENTAL UNIT? YES ____ NO ____
IF YES, IS THIS SECTION 8? YES ____ NO ____
OWNER/TENANT INFORMATION:

TAX ACCOUNT #: Not Found ZONING:

INSPECTION:

REINSPECTION:

REINSPECTION:

REINSPECTION:

RA1001B

DATE: 07/15/2003 STANDARD ASSESSMENT INQUIRY (1)
TIME: 10:50:27

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
12 09 035111	12	3-1	01-00	N	NO		01/08/03

SALEM BAPTIST CHURCH INC
DESC-1.. IMPSLT ES DEL RIO NE
DESC-2.. NE COR MAVISTA AVE
49 INVERNESS AVE
PREMISE. 00000 DEL RIO AVE
00000-0000
BALTIMORE MD 21222-4856 FORMER OWNER: INVERNESS PRESBYTERIAN CHU

	FCV PRIOR	FCV PROPOSED	PHASED IN	CURR FCV	CURR ASSESS	PRIOR ASSESS
LAND:	52,500	57,500				
IMPV:	368,500	384,700	TOTAL..	428,066	428,066	421,000
TOTL:	421,000	442,200	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0
DATE:	10/99	09/02				

---- TAXABLE BASIS ----		FM DATE
03/04 ASSESS:	0	10/03/02
02/03 ASSESS:	0	05/30/02
01/02 ASSESS:	0	06/01/01

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

Maryland Department of Assessments and Taxation 2

Taxpayer Services Division
301 West Preston Street Baltimore, Maryland 21201

Taxpayer Services Division

Entity Name: THE SALEM BAPTIST CHURCH, INC.
Dept. ID #: D00190454

General Information | **Amendments** | **Personal Property** | **Certificate of Status**

Principal Office (Current):	2238 E. LANVALE ST. BALTO, MD 00000
Resident Agent (Current):	JIMMIE ROBINSON, JR. 703 N. AVONDALE RD. BALTO, MD 21222
Status:	INCORPORATED
Good Standing:	No
Business Code:	Churches
Date of Formation or Registration:	08/21/1963
State of Formation:	MD
Stock/Nonstock:	Nonstock
Close/Not Close:	Unknown

Link Definition

General Information	General information about this entity
Amendments	Original and subsequent documents filed
Personal Property	Personal Property Return Filing Information and Personal Property Assessments
Certificate of Status	Get a Certificate of Good Standing for this entity.

RA1001B

DATE: 07/17/2003 STANDARD ASSESSMENT INQUIRY (1)
TIME: 09:18:45

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
12 13 026930	12	3-1	04-00	H	NO		01/08/03

ROBINSON JIMMIE,3RD
ROBINSON KEENA L
2023 EWALD AVE

DESC-1.. IMPS
DESC-2.. EASTFIELD
PREMISE. 02023 EWALD AVE
00000-0000

BALTIMORE MD 21222-4728 FORMER OWNER: SECRETARY OF HOUSING AND

	FCV PRIOR	FCV PROPOSED		PHASED IN CURR FCV	CURR ASSESS	PRIOR ASSESS
LAND:	21,000	21,000				
IMPV:	51,600	56,130	TOTAL..	74,110	74,110	72,600
TOTL:	72,600	77,130	PREF...	0	0	0
PREF:	0	0	CURT...	74,110	74,110	0
CURT:	72,600	77,130	EXEMPT.		0	0
DATE:	10/99	07/02				

---- TAXABLE BASIS ----		FM DATE
03/04 ASSESS:	74,110	01/06/03
02/03 ASSESS:	72,600	05/30/02
01/02 ASSESS:	72,600	06/01/01

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

MARYLAND
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
OFFICE OF HEALTH CARE QUALITY
SPRING GROVE CENTER
BLAND BRYANT BUILDING
55 WADE AVENUE
CATONSVILLE, MARYLAND 21228

License No. 03AL070 Registration No. 6322

Issued to: Ms. Keena Robinson
SALEM BAPTIST CHURCH
T/A APEX CENTER OF SALEM BAPTIST CHURCH
49 INVERNESS AVENUE
DUNDALK, MD 21222

Type of Facility or Community Program: Assisted Living

Number of Beds: 4

Level of Care: 2

Date Issued: November 19, 2002

Expiration Date: November 18, 2003

Waivers:

Authority to operate in this State is granted to the above entity pursuant to The Health-General Article, Title 19 § 1801, et. seq., Annotated Code of Maryland, 1996 replacement volume, and subsequent supplements to any and all statutory provisions, including all applicable rules and regulations promulgated thereunder. This document is not transferable.

Carol

Director

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

m 113
3-5524
LW

Return Service Requested

RETURN TO SENDER

**8-06-03 BALTIMORE MD
NO SUCH NUMBER

TOWSON
AUG06'03
RECEIVED
MD

PRESORTED
FIRST CLASS

U.S. POSTAGE
00.39 2
HAMETEX 705206

AUG 11 2003

DEPT OF PERMITS AND
DEVELOPMENT MANAGEMENT

2200

TAMMY SENNETT
965 WISE AVE
BALTIMORE MD 21222

FGLUBM3 21222-4115

Printed with Soybean Ink

49 INVERNESS Rd.

Building used for something other than a church —

used as School, 12 yrs 40 12th grade —

Senior Center and Homeless shelter.

GB

CODE ENFORCEMENT REPORT Bldg. Insp.

DATE: 7/21/03 INTAKE BY: RSW CASE #: 03-5524 INSPEC: R. Kidd

COMPLAINT LOCATION: 49 Inverness Rd

ZIP CODE: 21222 DIST: 12

COMPLAINANT NAME: Anonymous PHONE #: (H) (W)

ADDRESS: ZIP CODE: 21222

PROBLEM: Building used for something other than church also used as school 6-12 grade, Senior Center and Homeless center

IS THIS A RENTAL UNIT? YES ____ NO ____

IF YES, IS THIS SECTION 8? YES ____ NO ____

OWNER/TENANT INFORMATION:

KH

TAX ACCOUNT #: ZONING:

INSPECTION: 7/22/03 - VISITED SITE, MET WITH MIKE COOK (DEPT OF AGING) AND PASTOR ROBINSON. NO EVIDENCE OF A SCHOOL BEING PERFORMED. HANDICAP RAMP HAS TO BE CHANGED, NOT TO A.D.A. SPECS. SPOKE WITH LENNY W. BUILDING IS O.K FOR ASST. LIVING FOR 4 BEDS.

~~REINSPECTION~~: L/C 8/4/03 R. Kidd

NL

GB

REINSPECTION:

REINSPECTION:

Case Entry/Update Mode . . . . : CHANGE
Format . . . . . : CASREC File . . . . . : PDLV0001

Dt Rec: 7142003 Intake: DP Act: _____ Case #: 03-5524
Insp: _____ Insp Grp: ENF Insp Area: 1 Tax Acct: 1209035111
Address: 49 INVERNESS RD Apt #: ____ Zip: 21222
Problem Descript.: ASSISTED LIVING FACILITY, CHECK ON COMPLIANCE
07/21/03 NEW COMPLAINT-BLDG USED FOR SOMETHING OTHER THAN CHURCH, ALSO USED AS
SCHOOL 6-12 GRADE, SENIOR CENTER & HOMELESS CENTER
MAP 93-92A
Complainant Name (Last): COUNCILMAN (First): OLSZEWSKI
Complainant Addr: DON
Complainant City: _____ State: __ Zip: ____
Complainant Phone (H): _____ (W): 4108877174
Date of Reinspection: 8202003 Date Closed: _____ Delete Code (P): _

F3=Exit F5=Refresh F6=Select format
F9=Insert F10=Entry F11=Change

PDLV0103F Permits Development - Livability System
View Cases

Case No: 03-5524

Notes: ****7/15/03, ADDITION UNDER B524689, MET W/PASTOR ROBINSON, CHURCH W/ ASSISTED LIVING FACILITY, 4 PEOPLE LIVING IN ASSISTED FACILITY & 1 IN HOSPITAL , TOTAL 5, ISSUED 30 DAY CORRECTION NOTICE TO APPLY FOR A U&O PERMIT OR TO GIVE USA COPY OF COMAR & A LETTER FROM STATE STATING THEY ARE EXEMPT FROM BCZR, GUTTE R,MINOR JT&D, WINDOWS VANDALIZED LAST WEEK, FIXED W/IN 2 WKS, 443 540-5462, LICENSE ISSUED SEPT 2, P/U 8/20/03, COMPL UPDATED, LW/CO****

Enter=Continue F12=Cancel

PANEL BP1004M

TIME: 08:15:48 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 07/09/2003

DATE: 07/22/2003 BUILDING DETAIL 1 EDW 13:08:39

DRC#

PERMIT # B524689 PLANS: CONST 0 PLOT 1 PLAT 0 DATA 0 EL 2 PL 2

TENANT

BUILDING CODE: CONTR: OWNER

IMPRV 2 ENGNR:

USE 09 SELLR:

FOUNDATION BASE WORK: CONSTRUCT 12'X4'=48SF WOOD DECK WITH STEPS &

3 3 "L" SHAPED HANDI-CAPPED RAMP:40'X16'=640SF ON

CONSTRUC FUEL SEWAGE WATER FRONT OF EXISTING CHURCH.

2 1E 1E OVERALL: 40'X16'X4'=736SF OK TO WAIVE PLANS

CENTRAL AIR PER JA. CBCA?

ESTIMATED COST

30,000.00 PROPOSED USE: CHURCH & ADDITION

OWNERSHIP: 1 EXISTING USE: CHURCH

RESIDENTIAL CAT:

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:

1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE

PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

PANEL BP1003M

TIME: 08:15:40 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 07/09/2003
DATE: 07/22/2003 GENERAL PERMIT APPLICATION DATA EDW 12:55:05

PERMIT #: B524689 PROPERTY ADDRESS
RECEIPT #: A472874 49 INVERNESS AVE
CONTROL #: C- SUBDIV: NE COR MAVISTA AVE
XREF #: B524689 TAX ACCOUNT #: 1209035111 DISTRICT/PRECINCT 12 06

OWNERS INFORMATION (LAST, FIRST)

FEE: 160.00 NAME: SALEM BAPTIST CHURCH INC
PAID: 160.00 ADDR: 49 INVERNESS AVE BALTIMORE MD 21222-4856
PAID BY: APP

DATES APPLICANT INFORMATION

APPLIED: 07/09/2003 NAME: JIMMIE ROBINSON
ISSUED: 07/09/2003 COMPANY: SALEM BAPTIST CHURCH
OCCPNCY: ADDR1: 49 INVERNESS AVE
ADDR2: BALTIMORE MD 21222-4856
INSPECTOR: 12C PHONE #: 443-540-5462 LICENSE #:
NOTES: MR/EDW

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*195 N.J. Super. 414, *; 479 A.2d 935, **;*
*1983 N.J. Super. LEXIS 1090, ****

ST. JOHN'S EVANGELICAL LUTHERAN CHURCH, REVEREND TRIFFEL L. FELSKE, IN HIS CAPACITY AS PASTOR, THE HOBOKEN CLERGY COALITION, ALFRED DAVIS AND WALTER RISSLAND, PLAINTIFFS, v. CITY OF HOBOKEN AND ALFRED N. AREZZO, CONSTRUCTION OFFICIAL, BUILDING SUB CODE OFFICIAL, ZONING OFFICER, HISTORIC DISTRICT OFFICER, DEFENDANTS

L-64348-83

Superior Court of New Jersey, Law Division, Hudson County

195 N.J. Super. 414; 479 A.2d 935; 1983 N.J. Super. LEXIS 1090

October 27, 1983, Decided

CASE SUMMARY

PROCEDURAL POSTURE: Plaintiffs, church and parishioners, sought a restraining order against defendant city to enjoin defendant from closing a homeless shelter that plaintiffs operated.

OVERVIEW: Plaintiffs, church and parishioners, filed an application for preliminary relief requesting that defendant city be enjoined from closing a homeless shelter that plaintiffs operated. The court issued a preliminary injunction in favor of plaintiffs. The court held that defendant could not use zoning powers to unconstitutionally infringe upon plaintiffs' First Amendment rights to engage in the free exercise of religion. U.S. Const. amend. I. The court reasoned that in view of the centuries old church tradition of sanctuary for those in need of shelter and aid that plaintiffs in sheltering the homeless were engaging in the free exercise of religion. The court noted that the shelter needed to comply with appropriate health and safety laws and regulations, including reasonable occupancy requirements. The courts held, however, that the requirements imposed were to be appropriate for homeless shelter and were to be reasonable and not overly strict. The court found that the granting of preliminary relief would not unduly harm defendant provided safety and health regulations were complied with.

OUTCOME: The court granted plaintiffs, church and parishioners, application for preliminary relief and issued a preliminary injunction that enjoined defendant city from closing a homeless shelter. The court held that defendant could not use its zoning power to preclude plaintiffs from exercising its religious function of providing a sanctuary for the homeless.

CORE TERMS: church, religious, shelter, homeless, sanctuary, preliminary injunction, regulations, zoning, First Amendment, municipality, sheltered, occupancy, occupants, religion, winter, religious liberty, irreparable harm, customarily incident, religious freedom, zoning ordinance, homeless people, free exercise, sheltering, synagogues, basement, bulwark, streets, opened, coast, doors

LexisNexis(R) Headnotes ♦ Hide Headnotes

Governments > Local Governments > Duties & Powers

Constitutional Law > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

HN1 A municipality may not exercise its zoning power in violation of the fundamental tenets of the First Amendment. U.S. Const. amend. I. Government is precluded under the First Amendment from "prohibiting the free exercise" of religion. Religious liberty has long been one of our most cherished freedoms. More Like This Headnote | *Shepardize:* Restrict By Headnote

Governments > Local Governments > Duties & Powers

Constitutional Law > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

HN2 Under the First Amendment, government must be neutral toward religion. U.S. Const. amend. I. Government may breach that neutrality if it denies or unreasonably limits the religious use of land. Courts have placed constitutional constraints upon municipal attempts to impose zoning regulations upon churches and other religious institutions. The range of religious conduct is wide, and the structures which house it are various. Religious use is not defined solely in terms of religious worship. Its use has been extended to education, an orphanage, and a center for counseling drug users. More Like This Headnote | *Shepardize:* Restrict By Headnote

Civil Procedure > Injunctions > Preliminary & Temporary Injunctions

HN3 The principles governing the issuance of preliminary injunctive relief are as follows: 1. A preliminary injunction should not issue except when necessary to prevent irreparable harm. 2. Temporary relief should be withheld when the legal right underlying plaintiff's claim is unsettled. 3. A preliminary injunction should not issue where all material facts are controverted. Thus, to prevail on an application for temporary relief, a plaintiff must make a preliminary showing of a reasonable probability of ultimate success on the merits. That requirement is tempered by the principle that mere doubt as to the validity of the claim is not an adequate basis for refusing and maintaining the status quo. 4. The relative hardship to the parties in granting or denying relief must be weighed. More Like This Headnote

COUNSEL: [***1]

Margaret M. Welch, attorney, for plaintiffs Reverend Triffel L. Felske, St. John's Evangelical Lutheran Church and the Hoboken Clergy Coalition.

Jorge Aviles, attorney, for plaintiffs Alfred Davis and Walter Rissland.

Thomas P. Calligy, attorney, for defendants City of Hoboken and Alfred N. Arezzo.

JUDGES: Humphreys, A.J.S.C.

OPINIONBY: HUMPHREYS

OPINION: [*417] [**936] This case poses an important issue as to the breadth of religious freedom when confronted with the zoning authority of local government. n1 The Hoboken municipal authorities seek to close a shelter for homeless people operated by plaintiff, St. John's Church. Plaintiffs seek an injunction against the closing, asserting their constitutional right to religious freedom. The primary issue, not previously determined in this

State, is whether a municipality may **[**937]** through its zoning laws constitutionally prohibit a church from operating a shelter for the homeless on its premises. My ruling is that the municipality may not.

- - - - - - - - - - - - - - - Footnotes - - - - - - - - - - - - - - - -

n1 This is a refinement of an oral opinion.

- - - - - - - - - - - - - End Footnotes- - - - - - - - - - - - - - - **[***2]**

The facts are essentially not in dispute. Last winter the members of the Hoboken Clergy Coalition "determined that the plight of the homeless was one of the most pressing needs in our city." (Affidavit of Rev. Felske para. 2-4). The Coalition therefore began operating a shelter in the basement of St. John's Church supported by donations from member churches. *Ibid.* The shelter feeds 30 to 50 persons an evening meal and provides sleeping accommodations for them. The next morning the people are given breakfast and "returned to the streets." *Ibid.*

Under the Hoboken zoning ordinance a church is a permitted use in the zone in which St. John's is located. Hoboken Zoning Ordinance § 4.5205. Permitted as accessory uses are "other uses customarily incident to principal uses and on the same lot." Hoboken Zoning Ordinance § 4.5203. The church contends that a shelter for the homeless is an accessory use to a church.

[*418] Rev. Felske states in his affidavit submitted on behalf of plaintiffs:

> The concept of sanctuary has been a strong element of religious tradition from Moses to the New Testament. [*Id.* at para. 7.]
> Sheltering the homeless and caring for **[***3]** the poor has consistently been a church function, carried out for centuries by religious persons. It is among one of the basic mandates in the Judeo-Christian heritage. [*Id.* at para. 7.]
> Throughout history the churches have carried out [the] biblical mandate to aid the poor and the helpless. Sanctuary became such a strong religious tradition it was recognized in Roman, medieval, and English common law. During the middle ages every church was a potential sanctuary. [*Id.* at para. 12.]
> The American colonies, particularly those with strong religious leadership and affiliation, e.g. Rhode Island, Pennsylvania and Maryland were seen as refuges from the political and religious persecutions of seventeenth century Europe. After the passage of the Fugitive Slave Act, churches and religious persons became stations along the Underground Railroad providing food and shelter for escaping slaves. [*Id.* at para. 13.]
> More recently churches and synagogues throughout this country have opened their doors to the homeless and oppressed. Although precise statistics are not available on the number of homeless shelters, these include hundreds from coast to coast. Over 50 churches **[***4]** and synagogues in New York City sheltered the homeless this past winter. Congregations in San Francisco, Atlanta, Minneapolis-St. Paul, Hartford, Jersey City and Chicago opened their doors to the poor. [*Id.* at para. 14.]
> The Hoboken Clergy and their churches are fulfilling their religious obligations and exercising a traditional religious function in utilizing the basement of St. John's to shelter the homeless poor. [*Id.* at para. 15.]

The facts set forth by Rev. Felske strongly support the plaintiff's position that using the church as a sanctuary for the poor is a religious use "customarily incident" to the "principal uses".

The use of religious places as sanctuaries predates even the Christian Church.

> Sanctuary existed among the Greeks. The Romans are said to have recognized the peculiar sacredness attached to particular places as well as to the altars of their temples and the statues of their emperors. It is probable that the church sanctuary came into existence from the time of Constantine, A.D. 303. The code of Theodosius, A.D. 392, enacted a law concerning the asylum and church. A later law, about 450, extended the limits to the precincts including **[***5]** the houses of the bishops and clergy, the cloisters, courts and cemeteries. About 680 the King of Wessex in his code of laws provided for sanctuary. Many subsequent **[**938]** acts were passed in England regulating the subject.
> **[*419]** In the Dark Ages, the church succeeded in establishing the doctrine that the blood-feud should be suspended during certain seasons . . . and in certain places. If the accused could reach a place sheltered by the protection of the church, he could evade the challenge to battle. *See* 2 *Bouvier's Law Dictionary and Concise Encyclopedia* 3005 (8th ed. 1914).

Regardless of how the City's zoning ordinance is construed, *HN1*a municipality may not exercise its zoning power in violation of the fundamental tenets of the First Amendment. Government is precluded under the First Amendment from "prohibiting the free exercise" of religion. *See also N.J. Const.* (1947), Art. I, § III.

Religious liberty has long been one of our most cherished freedoms. In *Sherbert v. Verner*, 374 *U.S.* 398, 413, 83 *S.Ct.* 1790, 1799, 10 *L.Ed.*2d 965 (1966), Justice Stewart said, "I am convinced that no liberty is more essential to the continued **[***6]** vitality of the free society which our Constitution guarantees than is the religious liberty protected by the Free Exercise Clause explicit in the First Amendment and imbedded in the Fourteenth."

*HN2*Under the First Amendment, government must be neutral toward religion. *School District of Abington Tp. v. Schempp*, 374 *U.S.* 203, 221-222, 83 *S.Ct.* 1560, 1571-1572, 10 *L.Ed.*2d 844 (1963). Government may breach that neutrality if it denies or unreasonably limits the religious use of land. It is indeed late in the day for government to interfere with religion. Pilgrims and others who fled to this country in order to pursue their religious beliefs where and how they wished, undoubtedly thought they had ended government intrusion on religious liberty.

Courts have placed constitutional constraints upon municipal attempts to impose zoning regulations upon churches and other religious institutions. *See 2 Anderson, American Law of Zoning* (2d ed. 1976), §§ 12.18 to 12.27 at 442-446. "[T]he range of religious conduct is wide, and the structures which house it are various. Religious use is not defined solely in terms of religious worship." *Id.* at 458-62. Its use has **[***7]** been **[*420]** extended to education; *Catholic Bishop of Chicago v. Kingery*, 371 *Ill.* 257, 20 *N.E.*2d 583 (1939) a day care center, *Unitarian Universalist Church v. Shorten*, 63 *Misc.*2d 978, 314 *N.Y.S.*2d 66 (Sup.Ct.1970); an orphanage, *University Heights v. Cleveland Jewish Orphan's Home*, 20 *F.*2d 743 (6th Cir.1927), *cert. den.* 275 *U.S.* 569, 48 *S.Ct.* 141, 72 *L.Ed.* 431 (1927); and a

center for counseling drug users, *Slevin v. Long Island Jewish Medical Center*, 66 *Misc.2d* 312, 319 *N.Y.S.2d* 937 (Sup.Ct.1971). *But see State v. Cameron*, 184 *N.J. Super.* 66 (Law Div.1982), aff'd. 189 *N.J. Super.* 404 (App.Div.1983), notice of appeal filed May 27, 1983.

In view of the centuries old church tradition of sanctuary for those in need of shelter and aid, St. John's and its parishioners in sheltering the homeless are engaging in the free exercise of religion. Hoboken cannot constitutionally use its zoning authority to prohibit that free exercise.

*HN3*The principles governing the issuance of preliminary injunctive relief are set forth in *Crowe v. De Gioia*, 90 *N.J.* 126 (1982) as follows:

> 1. [A] preliminary injunction **[***8]** should not issue except when necessary to prevent irreparable harm.
> 2. [T]emporary relief should be withheld when the legal right underlying plaintiff's claim is unsettled.
> 3. [A] preliminary injunction should not issue where all material facts are controverted . . . Thus, to prevail on an application for temporary relief, a plaintiff must make a preliminary showing of a reasonable probability of ultimate success on the merits . . . That requirement is tempered by the principle that mere doubt as to the validity of the claim is not an adequate basis for refusing and maintaining the status quo . . .
> **[**939]** 4. [T]he relative hardship to the parties in granting or denying relief must be weighed.

Id. at 132-134 [citations omitted].

The harm here is obvious, imminent and severe. If the shelter is closed its occupants will be left without food or shelter. Government alone is not presently able to cope with this grave social problem. *See* Statement of Governor Thomas H. Kean, Task Force On the Homeless delivered Oct. 24, 1983. **[*421]** St. John's represents the only bulwark these homeless people have. To tear that bulwark away would be a travesty **[***9]** of justice and compassion. Any inconvenience to the City of Hoboken and its other residents pales into insignificance when contrasted with what the occupants of the shelter would have to face if turned out into the city streets in winter weather.

Plaintiffs have a strong case factually and legally. Irreparable harm will occur if a preliminary injunction is not issued. The equities, when balanced, are clearly in favor of the plaintiffs. Hence, a preliminary injunction will issue restraining the defendants from closing the shelter pending final hearing or further order of this court.

A second matter at issue involves health and safety requirements. Plaintiffs agree that the shelter must comply with appropriate health and safety laws and regulations, including reasonable occupancy requirements. The requirements should be appropriate to a shelter for the homeless. The church should not have to meet health and safety requirements imposed upon a commercial establishment such as a hotel. Moreover, the laws and regulations should be interpreted in a reasonable and common sense manner bearing in mind that overly strict enforcement might force the shelter to close, leaving its occupants **[***10]** in a far worse state than remaining in a crowded shelter.

For its part, the church must make a good faith effort to meet reasonable and appropriate health and safety laws and regulations. Plaintiffs concede that occupancy ordinances for homeless shelters in New York and Chicago permit no more than 20 people in space comparable to St. John's. Plaintiffs can meet that limit by relocating people in other churches or homes. Hence, St. John's will within the next two weeks reduce the occupancy to 20 persons and maintain that as a maximum number.

In summary, plaintiffs have persuasively argued that housing the homeless in a church is a religious use sanctioned by **[*422]** centuries of scripture and practice. The zoning power may not be constitutionally used to preclude a church from exercising its religious function of providing a sanctuary for the homeless. Permitting the City to close the shelter would cause irreparable harm to the persons being sheltered. Granting the application for preliminary relief will not unduly harm the City provided reasonable safety and health regulations are complied with. A preliminary injunction will issue.

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Other Sources:	Law Reviews (10), Statutes (1), Treatises (3), American Law Rpts/L
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CITING DECISIONS (*9 citing decisions*)

NEW JERSEY SUPERIOR COURT

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☐ 1. **Cited by:**
Shim v. Washington Twp. Planning Bd., 298 N.J. Super. 395, 689 A.2d 804, 1997 N.J. Super. LEXIS 109 (N.J. Super. Ct. App. Div. 1997) LexisNexis Headnotes HN2

298 N.J. Super. 395 p.406
689 A.2d 804 p.809

☐ 2. **Distinguished by:**
Macedonian Orthodox Church v. Planning Bd., 269 N.J. Super. 562, 636 A.2d 96, 1994 N.J. Super. LEXIS 14 (N.J. Super. Ct. App. Div. 1994) LexisNexis Headnotes HN1, HN2

Distinguished by:
269 N.J. Super. 562 p.570
636 A.2d 96 p.100

Cited by:
269 N.J. Super. 562 p.569
636 A.2d 96 p.99

3. **Cited by:**

Burlington Assembly of God Church v. Zoning Bd. of Adjustment, 238 N.J. Super. 634, 570 A.2d 495, 1989 N.J. Super. LEXIS 491 (N.J. Super. Ct. 1989) LexisNexis Headnotes HN1, HN2

238 N.J. Super. 634 p.639
570 A.2d 495 p.498

4. **Cited by:**

Market Street Mission v. Bureau of Rooming & Boarding House Standards, Dep't of Community Affairs, 217 N.J. Super. 56, 524 A.2d 1283, 1987 N.J. Super. LEXIS 1143 (N.J. Super. Ct. 1987)

217 N.J. Super. 56 p.69
524 A.2d 1283 p.1289

5. **Cited by:**

Maticka v. Atlantic City, 216 N.J. Super. 434, 524 A.2d 416, 1987 N.J. Super. LEXIS 1023 (N.J. Super. Ct. 1987)

216 N.J. Super. 434 p.450
524 A.2d 416 p.425

3RD CIRCUIT - U.S. DISTRICT COURTS

6. **Cited by:**

Jehovah's Witnesses Assembly Halls, Inc. v. Jersey City, 597 F. Supp. 972, 1984 U.S. Dist. LEXIS 22885 (D.N.J. 1984) LexisNexis Headnotes HN2

597 F. Supp. 972 p.982

FLORIDA DISTRICT COURT OF APPEALS

7. **Cited by:**

Encuentros Familaries, Inc. v. Musgrove, 511 So. 2d 645, 1987 Fla. App. LEXIS 9542, 12 Fla. L. Weekly 1824 (Fla. Dist. Ct. App. 3d Dist. 1987)

511 So. 2d 645 p.647

OTHER NEW YORK DECISIONS

8. **Cited by:**

Greentree at Murray Hill Condo. v. Good Shepherd Episcopal Church, 146 Misc. 2d 500, 550 N.Y.S.2d 981, 1989 N.Y. Misc. LEXIS 861 (N.Y. Sup. Ct. 1989)

550 N.Y.S.2d 981 p.986

OHIO SUPREME COURT

9. **Followed by:**

Henley v. City of Youngstown Bd. of Zoning Appeals, 90 Ohio St. 3d 142, 2000 Ohio 493, 735 N.E.2d 433, 2000 Ohio LEXIS 2292 (2000) LexisNexis Headnotes HN2

90 Ohio St. 3d 142 p.149
735 N.E.2d 433 p.439

ANNOTATED STATUTES (1 Citing Statute)

☐ 10. N.J. Const., Art. I, Para. 3

LAW REVIEWS AND PERIODICALS (10 Citing References)

☐ 11. COMMENT: The Unconstitutionality of "Antihomeless" Laws: Ordinances Prohibiting Sleeping in Outdoor Public Areas as a Violation of the Right to Travel, 77 Cal. L. Rev. 595 (1989)

☐ 12. ARTICLE: THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000: A CONSTITUTIONAL RESPONSE TO UNCONSTITUTIONAL ZONING PRACTICES, 9 Geo. Mason L. Rev. 929 (2001)

☐ 13. ARTICLE: When Religion Becomes a Nuisance: Balancing Land Use and Religious Freedom When Activities of Religious Institutions Bring Outsiders into the Neighborhood, 84 Ky. L.J. 507 (1996)

84 Ky. L.J. 507 p.507

☐ 14. COMMENTS: PURSUING THE EDUCATIONAL RIGHTS OF HOMELESS CHILDREN: AN OVERVIEW FOR ADVOCATES, 53 Md. L. Rev. 1344 (1994)

☐ 15. ARTICLE: Regulating Religious Organizations Under the Establishment Clause., 47 Ohio St. L.J. 293 (1986)

☐ 16. 18 Rutgers L.J. 765

18 Rutgers L.J. 765 p.796

☐ 17. ARTICLE: RELIGION AND HOUSING FOR THE HOMELESS: USING THE FIRST AMENDMENT AND THE RELIGIOUS LAND USE ACT TO CONVERT RELIGIOUS FAITH INTO SAFE, AFFORDABLE HOUSING, 8 SCHOLAR 1 (2005)

☐ 18. COMMENT: HOMELESS FAMILIES: DO THEY HAVE A RIGHT TO INTEGRITY?, 35 UCLA L. Rev. 159 (1987)

☐ 19. ZONING AWAY FIRST AMENDMENT RIGHTS: I. INTRODUCTION, 53 Wash. U. J. Urb. & Contemp. L. 1 (1998)

☐ 20. NOTE: THE SUBSTANTIAL BURDEN OF MUNICIPAL ZONING: THE RELIGIOUS FREEDOM RESTORATION ACT AS A MEANS TO CONSISTENT PROTECTION FOR CHURCH-SPONSORED HOMELESS SHELTERS AND SOUP KITCHENS, 4 Wm. & Mary Bill of Rts. J. 1259 (1996)

ALR ANNOTATIONS (2 Citing Annotations)

☐ 21. What constitutes accessory or incidental use of religious or educational property within zoning ordinance, 11 A.L.R.4th 1084, supp sec. 3

☐ 22. Zoning regulations as affecting churches, 74 A.L.R.2d 377, supp sec. 21

TREATISE CITATIONS (3 Citing Sources)

☐ 23. 7-40A Zoning and Land Use Controls @ 40A.08

☐ 24. 2-8 Zoning Law and Practice @ 8-4

☐ 25. 6-37 Zoning Law and Practice @ 37-2

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Department of Permits and 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

December 26, 2005

Dino C. LaFiandra
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Dear Mr. LaFiandra:

RE: Case Number: 06-259-SPHA, 49 Inverness Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 15, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Salem Baptist Church, Inc. 49 Inverness Avenue Baltimore 21222

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

State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 11.28.05

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

RE: Baltimore County
Item No. 259 JCM

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

Very truly yours,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

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

November 29, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 14, 2005

Item No.: 259, 261.

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

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 5, 2005

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 21, 2005
Item Nos. 103, 250, 256, 257, 258, 259, 260 and 262

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-12052005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 28, 2005

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

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DEC 2 8 2005

ZONING COMMISSIONER

SUBJECT: 49 Inverness Avenue

INFORMATION:

Item Number: 6-259 ***(revised comment)***

Petitioner: Salem Baptist Church, Inc.

Zoning: DR 5.5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:
The Office of Planning has reviewed the above referenced case and has concerns regarding the addition of a new use on this existing church site. The number of beds (7) for the proposed assisted living use is based on the size of the entire site. However, the entire site is not used for assisted living purposes. In addition, only two parking spaces are shown to accompany the assisted living use. The Office of Planning recommends that the petitioner's request be **denied** based on concerns from the community and lack of sufficient space for this non-conforming use.

For further information concerning the matters stated here in, please contact Amy Mantay at 410-887-3480.

Prepared by: _____

Division Chief: _____
AFK/LL: CM

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RE: PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
49 Inverness Avenue; SE corner Avalon Avenue & Inverness Avenue	*	ZONING COMMISSIONER
12th Election & 7th Councilmanic Districts	*	FOR
Legal Owner(s): Salem Baptist Church Inc by Jimmie Robinson	*	BALTIMORE COUNTY
Petitioner(s)	*	06-259-SPHA

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

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.

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 29th day of November, 2005, a copy of the foregoing Entry of Appearance was mailed Dino LaFiandra, Esquire, Whiteford, Taylor & Preston, LLP, 210 West Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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NOV 29 2005
Per

Effective 3/30/55

Section 409—OFFSTREET PARKING AND LOADING
(see Section 409.5)

409.1—*Parking and Loading Spaces*—There shall be provided, at the time of application for a building permit for the erection or enlargement of any building for which offstreet parking and/or loading space is hereinafter required, other than a dwelling, a plan showing such parking and loading spaces, including the means of access and interior circulation both from the standpoint of the project itself and in relation to its surroundings.

409.2 — *Parking space* — Each offstreet parking space shall be not less than 8½ feet wide by 18 feet long, and there shall be not less than 300 square feet per space in the case of lot or garage parking where there is no attendant, and not less than 250 square feet where there is an attendant, such square foot figures to include access aisles. It is the intent of these regulations that adequate offstreet parking spaces be provided for all buildings, and that the requirements hereinafter set forth are and shall be taken as absolute minimums, to be exceeded wherever feasible.

a. Parking space for dwellings, including apartment houses—In all Zones, except as hereinafter modified, there shall be provided at least one garage or accessible and useable offstreet parking space for each dwelling unit. In all zones, in the case of a lodging, rooming or boarding house, fraternity or sorority house or dormitory, there shall be one offstreet parking space for each 5 guests or members residing on the premises, but not less than 2 parking spaces in any case. In the case of a hotel or apartment hotel, there shall be one such parking space for each guest room or suite. In the case of a motel, there shall be at least one parking space for each rental unit. Parking space as required above shall be provided on the same lot with the building which it serves or within 300 feet thereof (see Section 217.6).

b. Parking space for buildings other than dwellings—In all zones, permanently maintained offstreet parking spaces shall be provided as follows:

OFFSTREET PARKING AND LOADING

USE	PARKING SPACE
(1) High school, college, or university auditorium; theatre, church, general auditorium, stadium or similar place of assembly	1 for each 6 seats
(2) Hospital, Class A	1 for each 4 beds
Hospital, Class B and convalescent home	1 for each 10 beds
(3) Dance hall, night club or restaurant	1 for each 50 square feet of total floor area
Bowling alley	3 for individual alley
(4) Medical or dental offices and clinics	1 for each 300 square feet of total floor area
(5) Other institutional, office, and non-retail commercial buildings (excluding garage structures) having a total floor area of more than 5,000 square feet	1 for each 300 square feet of total ground floor area and 1 for each 500 square feet of total area of upper floors
(6) Buildings devoted to retail trade	1 for each 200 square feet of total floor area
(7) Industry, wholesale or warehouse type of commercial use	1 for each 3 employees in the numerically largest shift, except that the Zoning Commissioner may reduce the number of spaces required where employment condtions are such as to make the above requirements clearly excessive

Parking space as required above shall be either on the same lot with the principal use to which it is accessory or within 500 feet of the building it is intended to serve.

c. Requirements for all parking spaces or parking lots—All offstreet parking facilities

ZONING USE PERMIT CHECKLIST

ASSISTED LIVING FACILITY I (1 – 7 beds) or II (8-15 beds)

Pursuant to Bill 19-04

The zoning regulations regarding assisted living facilities (ALF's) were changed by the County Council in Bill No. 19-04, effective 5/29/04. This checklist is intended to inform the public of these standards. One of several changes is the new requirement for small scale ALF's for 1-3 residents which were formerly exempted, that now have to file for a zoning use permit as was previously required only for 4-15 resident facilities. **However, if you can clearly document to this office that your facility was licensed and legally operating for care of a certain set number of persons prior to the above referenced bill date, an ALF use permit may be issued at the discretion of the Zoning Review Office for continuance of your use for the previously licensed number of persons without a full use permit review as stipulated in this checklist.** This is done by an individual property use review for each site for which such documentation is presented. Prior to applying for this Use Permit, contact the Baltimore County Department of Aging for related information. Fees and Plan/Checklist changes are subject to change without advance notice. Sealed plans may be required.

Filing Requirements

Three (3) use permit plans, per this checklist and sample plan sheet; one planning office compatibility/appearance review package (see Recommendation Form), and $50.00 are required for filing the application. Due to the necessity of a detailed review of the materials, you must contact 410-887-3391 for a filing appointment for this use permit.

Provide the following information on an (engineer) scaled drawing at a 1"=50' or larger scale.

1. Owner's name, and if the applicant is not the owner, the applicate's name, date, address, daytime telephone number, and the address of the property under this use permit review.
2. Title: Use permit plan for Assisted Living Facility (ALF I or II). Street vicinity map with site indicated, north arrow, scale of drawing (must be at an engineer's scale and legible), election district, property outline, and dimensions in feet, the square footage of the lot, and the current zoning of the property per the 1"=200' scale official zoning map.
3. Location on the property, use and the dimensioned footprint of the ground floor area and gross floor area (all floors) of each structure on the lot in square feet. Show and label a minimum of 10% of the lot as "open space". Show the method of calculation; Lot sq ft. x .10=_____ sq ft open space.
4. A. Number of beds to be approved with parking calculations indicating 1 parking space for each 3 beds (round-up all numbers). Note that all parking and maneuvering will be paved with a durable, dustless surface (such as asphalt or concrete) and will be permanently striped. Indicate the location and dimension of all parking and maneuvering areas. Each parking space must be 8-1/2 feet x 18 feet, which must be shown and dimensioned.

   B. Parking spaces must be shown to comply with the following: 10 feet from all lot lines other than an alley that does not abut the front or rear yard of a residentially used property. All parking and delivery areas in the side or rear yard only. A public hearing is required for noncompliance. Contact the zoning office for further information.
5. A. Note on the plan: "This building has not been originally constructed to accommodate elderly housing or an assisted living facility. No reconstruction, relocation, (exterior) changes or additions (of 25% or more based on the ground floor area as of 5 years before the date of this application) to the exterior of the building have occurred, no additions are proposed to exceed this limit.

   B. Where compliance with note 5.A. cannot be stated, the use permit application may not be accepted for filing or a public hearing may be required. The zoning office should be contacted for further information.
6. For more than four beds density/area calculations must be shown on plan based on the zones minimum lot area requirements for each density or dwelling unit used. See chart at bottom of this page.
7. Class II ALF's must be shown to be located on a prinicpal arterial street on the plan.
8. Note on the plan that any proposed signs will comply with Section 450 (BCZR) and all zoning sign policies or a zoning variance is required.
9. Include signatures, printed names (and dates) of these responsible for the accuracy of the information in this application.

Density	
1-4 beds	Not required
5-8 beds	2 density lots required
9-12 beds	3 density lots required
13-15 beds	4 density lots required

Revised 9/29/04

ASSISTED LIVING FACILITIES I, II, & III.

(BILL No. 19-04)

********SECTION 101. DEFINITIONS.

ASSISTED LIVING FACILITY: A BUILDING, OR SECTION OF A BUILING THAT PROVIDES HOUSING AND SUPPORTIVE SERVICES, SUPERVISION, PERSONALIZED ASSISTANCE, HEALTH-RELATED SERVICES, OR A COMBINATION THEREOF, TO MEET THE NEEDS OF INDIVIDUALS WHO ARE UNABLE TO PERFORM OR WHO NEED ASSISTANCE IN PERFORMING THE ACTIVITIES OF DAILY LIVING AND WHICH IS LICENSED AS AN ASSISTED LIVING PROGRAM AS DEFINED UNDER TITLE 19, SUBTITLE 18 OF THE HEALTH-GENERAL ARTICLE, ANNOTATED CODE OF MARYLAND. FOR THE PURPOSES OF THIS DEFINITION, IF A RESIDENT LIVES IN A ROOM OR APARTMENT PROVIDING COMPLETE KITCHEN FACILITIES INTENDED FOR THE DAILY PREPARATION OF MEALS BY OR FOR THAT RESIDENT, THE UNIT SHALL NOT BE CONSIDERED AN ASSISTED LIVING FACILITY. DENSITY FOR SUCH FACILITIES SHALL BE CALCULATED AT 0.25 FOR EACH BED.

********ASSISTED LIVING FACTILITY I: AN ASSISTED LIVING PROGRAM WHICH:

1) IS LOCATED IN A STRUCTURE WHICH WAS BUILT AT LEAST FIVE YEARS BEFORE THE DATE OF APPLICATION.
2) WAS NOT ENLARGED BY 25% OR MORE OF GROUND FLOOR AREA WITHIN THE FIVE YEARS BEFORE THE DATE OF APPLICATION.
3) WHICH ACCOMODATES FEWER THAN 8 RESIDENT CLIENTS.

********ASSISTED LIVING FACILITY II: AN ASSISTED LIVING PROGRAM WHICH:

1) IS LOCATED IN A STRUCTURE WHICH WAS BUILT AT LEAST FIVE YEARS BEFORE THE DATE OF APPLICATION.
2) WAS NOT ENLARGED BY 25% OR MORE OF GROUND FLOOR AREA WITHIN THE FIVE YEARS BEFORE THE DATE OF APPLICATION.
3) WHICH ACCOMODATES BETWEEN 8 AND 15 RESIDENT CLIENTS.

********ASSISTED LIVING FACILITY III: AN ASSISTED LIVING PROGRAM WHICH:

1) WILL ACCOMMODATE MORE THAN 15 RESIDENT CLIENTS.
2) WILL BE IN A STRUCTURE WHICH WAS BUILT OR ENLARGED BY MORE THAN 25% OF GROUND FLOOR AREA LESS THAN FIVE YEARS BEFORE THE DATE OF APPLICATION. OR
3) WILL BE IN A STRUCTURE WHICH WILL BE NEWLY CONSTRUCTED OR ENLARGED BY MORE THAN 25% OF GROUND FLOOR AREA FOR THE ASSISTED LIVING PROGRAM.

********SECTION 432A. ASSISTED LIVING FACILITY; HOUSING FOR THE ELDERLY.

A. AN ASSISTED LIVING FACILITY IS PERMITTED IN THE D.R., R.O., R.O.A., R.A.E., B.R., AND B.M. ZONES AS FOLLOWS:

1) AN ASSISTED LIVING FACILITY I IS PERMITTED BY USE PERMIT.
2) AN ASSISTED LIVING FACILITY II IS PERMIITED BY USE PERMIT IF IT HAS FRONTAGE ON A PRINCIPAL ARTERIAL STREET.
3) AN ASSISTED LIVING FACILITY III IS PERMITTED IN A D.R. 16, R.A.E., R.O., R.O.A., OR B.M., ZONE BY USE PERMIT. A FACILITY LOCATED IN A R.O. ZONE IS ALSO SUBJECT TO REVIEW BY THE DESIGN REVIEW PANEL FOR COMPATABILITY WITH SURROUNDING USES.
4) HOUSING FOR THE ELDERLY IS PERMITTED BY RIGHT IN R.A.E. ZONES

B. EXCEPT FOR THE SIGNS PERMITTED BY SECTION 450, NO OTHER SIGNS OR DISPLAYS OF ANY KIND VISIBLE FROM THE OUTSIDE ARE PERMITTED.

C. OFF-STREET PARKING SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 409 AND SUBJECT TO THE FOLLOWING CONDITIONS, BUT NO PARKING STRUCTURE IS PERMITTED EXCEPT FOR A RESIDENTIAL GARAGE AS DEFINED IN SECTION 101.

1) PARKING SHALL BE SET BACK AT LEAST 10 FEET FROM THE PROPERTY LINE, EXCEPT THAT IF THE PROPERTY LINE ABUTS AN ALLY. NO SETBACK IS REQUIRED IF THE ALLEY DOES NOT ABUT THE FRONT OR REAR YARD OF A RESIDENTIALLY USED PROPERTY.
2) PARKING AND DELIVERY AREAS SHALL BE LOCATED IN THE SIDE OR REAR ONLY.
3) AT LEAST 10% OF THE LOT SHALL BE USED TO PROVIDE USABLE CONTIGUOUS AND PRIVATE OPEN SPACE.

D. AN ASSISTED LIVING FACILITY IS SUBJECT TO A COMPATIBILITY FINDING PERSUANT TO SECTION 32-4-402 OF THE BALTIMORE COUNTY CODE.

E. AN ASSISTED LIVING FACILITY LOCATED IN A COUNTY HISTORIC DISTRICT IS ALSO SUBJECT TO REVIEW BY THE LANDMARKS PRESERVATION COMMISSION IN THE SAME MANNER AS OTHER BUILDINGS LOCATED IN A HISTORICAL DISTRICT.

Revised 9/29/04

SAMPLE FORM, ADD YOUR INFORMATION ACCORDING TO THIS FORMAT.

ZONING USE PERMIT
PLAN FOR A ASSISTED LIVING FACILITY I OR II

#123 SMITH ROAD
BALTIMORE COUNTY MD 20204
3RD ELECTION DISTRICT
OWNER: JOHN & LINDA SMITH
ADD. #321 BROOK LA. TOWSON MD 21044
DATE 2/24/94 (PLAN DATE)
PHONE: 410-325-1799
APPLICANT: IF NOT OWNER ADD ABOVE INFO.

LOT SIZE: 6,000 SQ. FT.
ZONING MAP N.W. 5F
ZONE DR 3.5

PARKING: 1 SPACE FOR EACH 3 BEDS = 2 PARKING SPACES REQUIRED.

EXISTING FLOOR AREAS SQ. FT.
1ST FLOOR AND SUN ROOM = 1987 SQ. FT.
2ND FLOOR = 1811 SQ. FT.
TOTAL 3,798 SQ. FT.
BASEMENT FOR STORAGE AND
MECHANICAL EQUIPMENT = 1811 SQ. FT.
EXISTING GARAGE = 374 SQ. FT.

OPEN SPACE: .10 x LOT AREA (6,000 SQ. FT.) = 600 SQ. FT.

FOR MORE THAN 4 BEDS SEE THE DENSITY CHART AT THE BOTTOM OF PAGE 1 OF THIS CHECKLIST. SHOW CALCULATIONS IN THIS AREA ON YOUR PLAN.

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 (STATE IF OWNERS OR APPLICANTS) ARE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION ON THIS PLAN.

SIGNATURE DATE

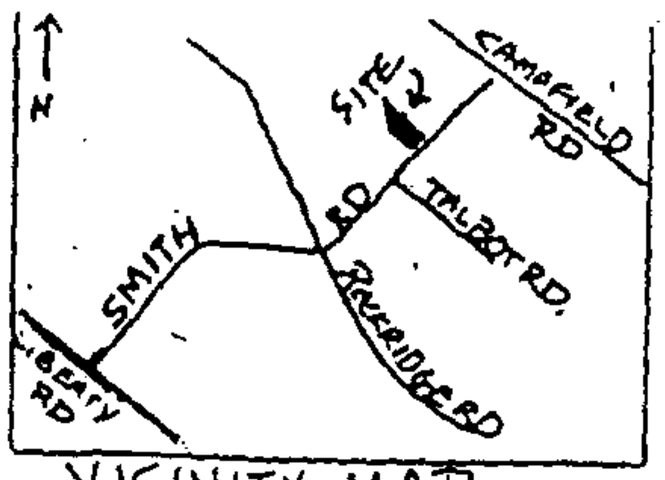
PRINTED NAME

SIGNATURE DATE

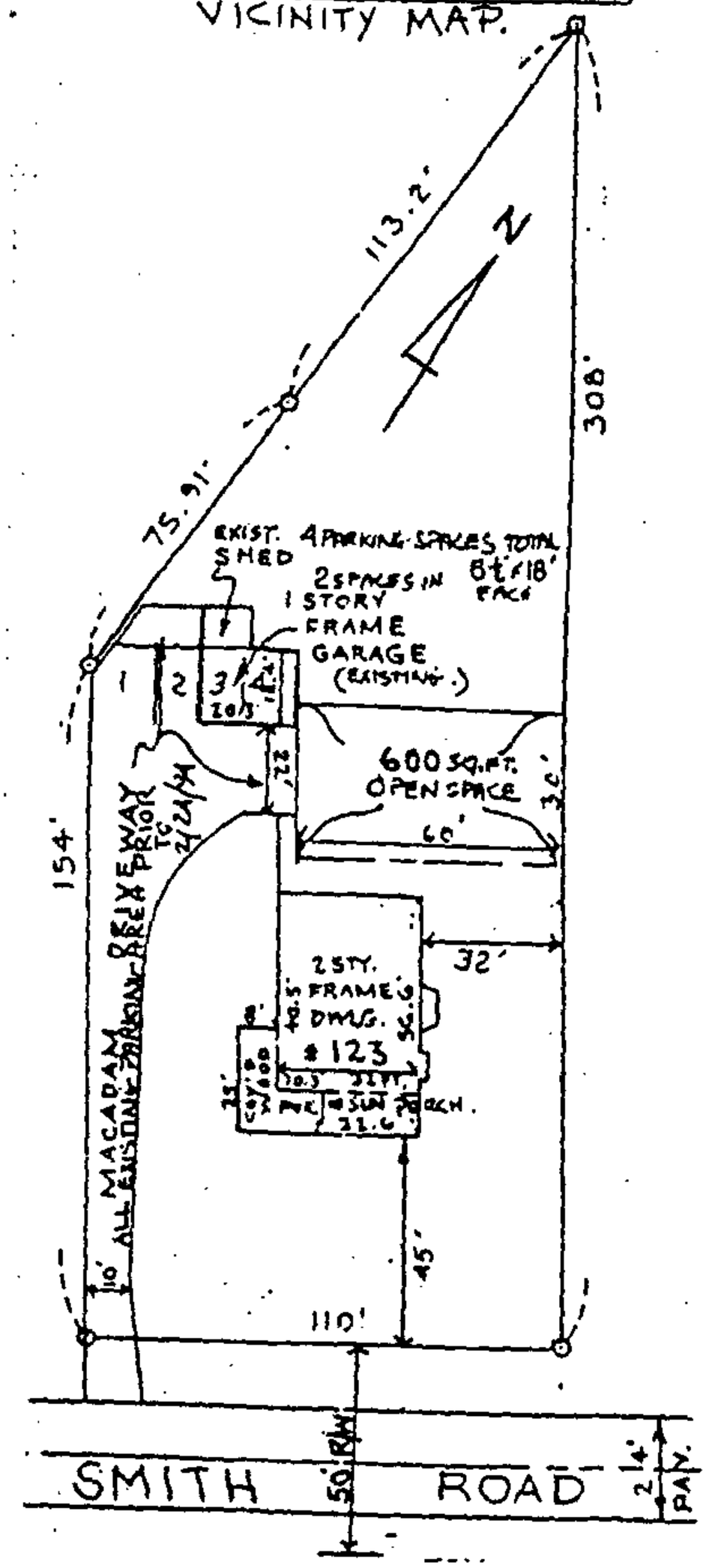
PRINTED NAME

ENGINEERS SCALE
1" = _____ FT.

REVISED 7/19/04



VICINITY MAP.



INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
Attention: ALF REVIEWER
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204
M.S. 3402

PDM ALF # _____

Permit No. (if required) B _____

FROM: **Timothy M. Kotroco**
Department of Permits & Development Management

RE: Assisted Living Facility I or II

This office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a building/use permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Print Name of Applicant _____ Address _____ Telephone Number _____

Lot Address_____ Election District____ Councilmanic District____ Square Feet of Lot _____

Lot Location: N E S W/side/corner of_____ (street), _____ feet from N E S W corner of _____ (street)

Land Owner:_____ Tax Account Number _____

Address: _____ *Telephone Number* ( ) _____

CHECKLIST OF MATERIALS-. (to be submitted by applicant for required ***compatibility*** and/or ***appearance*** review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!

	PROVIDED? *YES*	*NO*	*Accepted for filing by*____ *Date:* _____
1. This Recommendation Form (3 copies)	____	____	
2. Permit Application (If available)	____	____	
3. Site Plan: Property (3 copies): including lot size and square feet of buildings, parking and open space – 10% lot area	____	____	
Statement as to whether or not building has been enlarged by 25% or more in the last five (5) years	____	____	
4. Building Elevation Drawings (these may be waived if note 5.A. from the Zoning Use Permit Checklist can be stated on the plans)	____	____	
5. Photographs (please label all photos clearly) Adjoining Buildings, the Proposed Building, and Surrounding Neighborhood	____	____	

6. Current Zoning Classification: _____

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations:

Signed by: _____
for the Director, Office of Planning and Community Conservation

Date: _____

Revised 9/29/2004

public's tastes, trends and consumption of certain foods and its interest in leisure activities; to determine and evaluate population growth or decline in various areas as indicative of the probabilities in regard to future sales; the ability to determine the location of advantageous sites for outlets and the solution of traffic, zoning and construction problems, as well as making provision for construction financing; and, to deal more effectively with problems of labor-management relations, to name a few which come to mind.

Our predecessors stated the purpose of § 57 in *Read Drug and Chemical Co., supra,* as follows:

> "* * * to exact an additional license fee for the privilege of engaging in the 'chain store' business, by reason of the advantages such a method of conducting business has over the individual operator, thereby rendering more equal competition and also deriving additional revenue for the State. It is evident that the Legislature concluded that, as the number of stores or mercantile establishments in the chain increased there was a corresponding increase in the advantages secured."
> (165 Md. at 258, 166 A. at 746.)

The advantages obtained by Fair Lanes by the greater quality, expertise and experience of its management, as well as its ownership and supervision of Arundel and English, bring Fair Lanes within the language and purpose of § 57 and support the order of the Maryland Tax Court sustaining the ruling of the Comptroller in denying the refunds and holding that there was no denial of the equal protection of the laws under the Fourteenth Amendment.

Order of August 20, 1971, affirmed, the appellant to pay the costs.

ARUNDEL SUPPLY CORPORATION ET AL. v. CASON ET AL.

[No. 309, September Term, 1971.]

Decided April 12, 1972.

LACHES—*A Suit To Enforce Zoning Ordinances Requiring The Cessation Of An Illegal And Quite Profitable Business Enterprise Will Not Be Barred By Laches Where The Firm Is Unable To Show Any Disadvantage, Injury Or Prejudice Suffered Because Of The Delay In Bringing Suit.* pp. 375-377

ZONING—*"Gravel Pit" Defined—Where A Gravel Pit Is Permitted, It Is Anticipated That The Use Will Be For An Excavation From Which Gravel Will Be Removed And Not Particularly For Washing And Screening Of The Gravel.* p. 377

ZONING—*"Gravel Pit" — Accessory Use—Washing, Screening And Batching Of Materials Trucked In From Other Places Is Not A Use Accessory To The Excavation Of Gravel On The Property.* pp. 377-378

STATUTES—*Although Customs And Usage Are Admissible To Ascertain The Intention Of A Legislative Body When A Statute Is Vague Or Ambiguous, No Custom Can Nullify The Clear And Manifest Meaning Of The Statute.* pp. 378-379

ZONING—*A Use And Occupancy Permit Cannot Be Validated Under Provisions For Correcting Erroneous Permits Where The Use Itself Has Been Declared Illegal.* p. 379

INJUNCTIONS—DECREES — APPEAL — *A Matter May Be Remanded For Revision Of A Decree To Comply With The Requirements Of Maryland Rule BB78 a Without Upsetting The Effect Of The Decree.* pp. 379-380

R. L. H.

Motion for rehearing filed May 8, 1972; denied May 16, 1972.

Three appeals in one record from the Circuit Court for Prince George's County (POWERS, Ralph W., J.).

Suit by James P. Cason and other residents of Prince George's County, Maryland, against Arundel Supply Corporation, Arundel Concrete Co., Arundel Asphalt Products, Inc., Ben Woodward and Lorenzo F. Thompson seek-

ing to enjoin the continuation of gravel screening and washing operations. From a decree overruling defendants' demurrer and enjoining the operations complained of, defendants appeal.

Case remanded for a revision of the decree conformable with the views stated in the opinion. As revised the decree is affirmed. Costs to be paid by the appellants.

The cause was argued before HAMMOND, C. J., and BARNES, MCWILLIAMS, FINAN and SMITH, JJ.

James M. Greenan, with whom were *Charles M. Cockerill* and *L. David Ritter* on the brief, for appellants.

J. Willard Nalls, Jr., with whom were *Walter H. Maloney, Jr., Prince George's County Attorney* and *Jess J. Smith, Jr., Associate County Attorney*, on the brief, for appellees.

MCWILLIAMS, J., delivered the opinion of the Court.

The locale is that part of Prince George's County between Andrews Air Force Base and the southeastern boundary of the District of Columbia. Some of the appellees live in District Heights; some live in Capital Heights. Lying generally between those two communities is the 16 acre tract upon which Arundel began washing and screening gravel in 1947. Over the years, and at least as early as 1959, residents of the area complained about the noise, the dust, the mosquitoes, and the tract's unfenced and unguarded ponds, but their complaints fell upon deaf ears. In August 1970 the appellees, claiming to represent over 2,000 householders, filed their bill of complaint seeking an order enjoining the continuance of Arundel's operation. After many preliminary sorties the case came on for trial, on 18 March 1971, before the chancellor, Powers, J. (now C. J.). The decree enjoining Arundel

> "from the establishment or continuance of a sand and gravel washing and screening process, the establishment or continuance of the construction of hoppers, or the continuance of the use of hoppers except for the prompt removal of materials presently on the site; the hauling in of materials or the production of various grades of sand and gravel, and any step in the production, for sale, of concrete on the property leased or owned by the defendants described in the Bill of Complaint heretofore filed in this cause * * *"

was filed on 11 November. Arundel's appeal was filed promptly.

The 16 acre tract had been placed in the residential classification when the first zoning ordinance was enacted in 1928. It was continued in that classification by the 1930 and 1942 ordinances. The use of land as a "Gravel Pit" was permitted in residential zones by the 1928, 1930 and 1942 ordinances, each of which also permitted "[a]ccessory buildings and uses incident to any of the * * * [permitted] uses when located on the same lot and not involving the conduct of a retail business, except * * * [the sale of farm products]." [1] The 1942 ordinance contained a provision which permitted, in the "E" Industrial Zone, the use of premises "for any purpose whatsoever" except that a special ordinance was required for any use which, in the opinion of the Maryland-National Capital Park and Planning Commission, might become "noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise." [2]

Arundel began the mining of sand and gravel on the tract in November 1946 and, as has been said, it installed and operated a screening and washing plant soon thereafter. At first only the materials mined on the 16 acre tract were processed but after a year or two, when that supply was exhausted, Arundel began to fetch to the property materials mined at other locations. Batching

1. Section III A 29.
2. Section VII A 55.

equipment also was installed for use in the preparation, sale and distribution of ready-mixed concrete. Since then, and until November 1971, the washing and screening of sand and gravel and the batching of sand, gravel and cement, all transported to the property from other locations, continued without interruption.

In 1949 the 1942 ordinance was superseded by one more detailed and more comprehensive. Any use which, by reason of the emission of odor, dust, smoke, gas or noise would be noxious or offensive was prohibited in the R-R Zone by the new ordinance.[3] A use involving the extraction of sand, gravel or other natural material required a special exception.[4] Such a special exception, however, did not permit the "use of heavy machinery; washing, refining, or other processing * * *."[5] "Such operations * * * [were permissible] *only* in an I-2 (Heavy Industrial) Zone."[6]

Judge Powers, in his opinion, has provided us with a few observations on the sand and gravel business as it pertains to Prince George's County. He said:

> "The reason for permitting a gravel pit in a residential area originally is apparent because deposits of sand and gravel occur by an act of nature and unlike locating a store, an industrial plant or an apartment building, the removal of natural deposits can be carried on only where found.
>
> "Numerous deposits of sand and gravel occur in this County and the product of these deposits is in great demand for highway, bridge and building construction which has been a major local industry for many years. Such deposits are usually located on unimproved property which might require substantial grading prior to any development. It is apparent that

3. Section 13.1.
4. Section 13.11.
5. Section 28.334a.
6. Section 28.334a.

> the use of such valuable deposits is important to the economy and if properly accomplished, often results in the enhancement of the value of the land so utilized. Thus, it is frequent that permitting the removal helps many without hurting anyone. Abuses have resulted in more stringent control so that at present there must be no objectionable dust, smoke, noise or vibration, the land must be left suitable for development, grading and erosion are controlled and a time limit is established. No such controls existed in 1947 when Arundel's operation began.
>
> "On the other hand, the operation of a plant for the washing and processing of sand and gravel which is mined elsewhere does not depend on a particular location for its existence, and there seems little reason for permitting it to exist in a residential area. This is especially true when there is evidence that Arundel's operation in a residential area is unsightly, produces noises, and results in other activity, which is inconsistent with residential use, diminishes the value of property and generally works to the disadvantage of its neighbors."

It can hardly be doubted that Arundel's operations during 1948 and most of 1949 violated the provisions of the 1949 ordinance. But, argues Arundel, when the ordinance was enacted on 29 November 1949 its use of the property was a legal non-conforming use. It says, and of course it is true, that the 1942 ordinance permitted the operation of a gravel pit on the property. And, it continues, its washing and screening procedures were "accessory uses incident to" the permitted use. We shall discuss the several contentions advanced by Arundel in the order in which they have been presented in its brief.

I.

Arundel raised the defense of laches in its demurrer to the bill of complaint and it could have done so in the

trial on the merits. It does so here. It says that, during the 24 years of its uninterrupted washing, screening and batching operations, no one sought an injunction. While this seems to be true there is, of course, evidence of much dissatisfaction and many complaints during the past decade. Arundel cites many cases in support of its contention that the appellees' suit is barred by laches but analysis suggests to us that all of them are distinguishable from the case at bar. Basic to the defense of laches is the need to show some disadvantage or prejudice to the party asserting it. *Bradford v. Futrell*, 225 Md. 512, 525 (1961), and *Niner v. Hanson*, 217 Md. 298, 309 (1958). There must be either prejudice or circumstances making it inequitable to grant the relief sought.

We are not persuaded that Arundel has been injured or prejudiced or that it has suffered any disadvantage because this action was instituted in 1970 rather than in 1948. Had the neighbors moved against Arundel in 1948 laches as a defense would not, of course, have been available to Arundel and, as we shall see, it is quite likely the neighbors would have prevailed. During the succeeding years Arundel has enjoyed an illegal operation that has been profitable; stockpiles on the property, at the time of trial, had and perhaps still have a value in excess of $1,000,000. That it should now be required to cease and desist its illegal operation can hardly be said to be inequitable. Indeed moving its machinery and equipment to another location will probably be less a hardship now than it would have been in 1948.

The appellees argue here, as they argued below, that the zoning ordinance in effect when the bill of complaint was filed provides that "each and every day during which" a violation continues "shall be deemed a separate misdemeanor," [7] that the 1942 ordinance provided that "each day's violation is hereby declared to be a separate offense hereunder," [8] that the same or a similar provision will be found in all of the intervening ordinances, and

7. Prince George's County Zoning Ordinance § 31.614 (1970).
8. Section XII.

that the defense of laches is not available in these circumstances. Whether it is or is not Judge Powers did not say and since the expression of an opinion in this regard is not required of us we shall go no further than to hold that there has been no showing of prejudice. *Hall v. Barlow Corp.*, 255 Md. 28, 44 (1969).

II.

Arundel next challenges the validity of the 1942 ordinance, contending it is unreasonably vague. "Gravel Pit" is not defined, it says, and it points to the absence of any mention of a washing or screening plant. We see nothing vague or ambiguous in the term "Gravel Pit." Failure to define a word calls for the application of its ordinary meaning. *Williams v. Associated Professors of Loyola College*, 257 Md. 316, 328 (1970). In Black's Law Dictionary (Rev. 4th ed.) "gravel pit" is defined as "[a]n excavation from which gravel is removed." The Oxford English Dictionary defines "gravel-pit" as "an excavation from which gravel (or sand) is or has been obtained." If the absence of any mention of washing or screening in the 1942 ordinance signifies anything, we think it signifies a legislative intention to allow the extraction of sand and gravel simply because it happens to be there, but not to allow washing and screening. Such an intention seems to be supported by the prohibition, in the same ordinance, of

> "[a]ny kind of manufacture [in the "D" Commercial Zone] other than manufacture clearly incident to a retail business conducted on the premises, or any manufacture or treatment which would constitute a nuisance."
> § VI A (5) (m).

The plausibility of what we have said is enhanced by the fact that under the 1949 ordinance washing, screening and batching required a highly restrictive special exception.

But, says Arundel, the 1942 ordinance made washing

and screening an accessory use. We are not persuaded that this is so any more than we could be persuaded that a commercial bakery in an agricultural zone could be said to be a use accessory to the raising of wheat. Moreover the section authorizing accessory uses excludes anything involving the conduct of a "retail business" and, unless we are greatly mistaken, Arundel, between 1942 and 1949, sold at retail, from the property, large quantities of sand and gravel to the ultimate consumer. Whether the washing and screening of the sand and gravel extracted from the 16 acre tract in 1946 was an accessory use we shall not undertake to say. We do not think, however, that the washing, screening and batching of materials "trucked in" from other places was an accessory use and we so hold.

III.

Arundel produced Sam Bevard as a witness and offered to have him testify that Arundel, from 1946 to 1949, was doing only what everyone in the sand and gravel business was doing. Customs and usage are admissible, it argues, to ascertain the intention of the legislative body when the language of the ordinance is vague or ambiguous, citing *Frazier v. Warfield*, 13 Md. 279, 303 (1859). It is fundamental, however, that no custom, however long and widely followed, can nullify the clear and manifest meaning of the statute. *Comptroller v. American Cyanamid Co.*, 240 Md. 491, 506 (1965); *Bouse v. Hutzler*, 180 Md. 682, 687 (1942). Judge Powers, correctly we think, sustained the objection to Bevard's testimony. His comment, at the time, is interesting. He said:

> "I don't see how you could do that any more than you could show that there had been sixty gang killings in a certain area and therefore it showed that the area tolerated murder, and on a murder trial there was no reason why you should hold the man guilty of murder. That is an extreme example, but I am only using that to illustrate the point that a custom in the business may have been a violation and it may have been a tolerated violation, but that doesn't make it legal."

The 1942 ordinance, as we have said, is neither vague nor ambiguous.

IV.

In 1956 Arundel obtained from the Department of Building Inspection of the County Commissioners a "Use and Occupancy Permit" for the purpose of using on the 16 acre tract a "Gravel Washing & screening plant." Judge Powers's signing and filing of the decree connotes a finding that the issuance of the permit was erroneous. But Arundel insists it was error to grant the injunction without giving it an opportunity to "seek validation of its permit pursuant to Section 12.5 of the [1970] Zoning Ordinance." This seems to us to be utterly without merit. We do not see how the Commission (District Council) could validate a use the chancellor has declared to be illegal. Indeed to ask the question is to answer it. *Cf. Hagerstown v. Long Meadow Shopping Center*, 264 Md. 481 (1972).

V.

Arundel's final contention is that Judge Powers's decree does not comply with the requirements of Maryland Rule BB78 a which is as follows:

> "An order granting an injunction shall set forth the reasons for its issuance; shall be specific in terms; and shall describe in reasonable detail, and not by reference to the complaint or other document, the act sought to be required or commanded or restrained or forbidden."

This does indeed seem to have some merit but on remand Judge Powers can revise the decree so as to satisfy the

requirements of the rule and the reasonable requests of counsel.

Case remanded for a revision of the decree conformable with the views stated in the opinion.
As revised the decree is affirmed.
Costs to be paid by the appellants.

HOOKS ET AL. v. COMPTROLLER OF THE TREASURY OF THE STATE OF MARYLAND

[No. 299, September Term, 1971.]

Decided April 13, 1972.

TAXATION — *Class Actions For Refunds Or Appeals To The Maryland Tax Court Are Not Permitted—Maryland Rule 209 Is Not Applicable To The Comptroller Or The Tax Court Under Maryland Rule 5 i.* pp. 383-384

TAXATION — *The Exemption From The Retail Sales Tax Of Transportation Services In No Way Relates To The Rent Which A Driver Pays For The Taxicab Which He Leases, Code (1957, 1969 Repl. Vol.), Art. 81, Sec. 326 (n).* p. 384

TAXATION—*Rental Of Tangible Personal Property Is Considered To Be A Sale Under The Retail Sales Tax Act, Code (1957, 1969 Repl. Vol.), Art. 81, Sec. 324(d).* pp. 384-385

TAXATION—*Where The Purchase Of Gasoline Is A Part Of The Price A Driver Pays For Rental Of A Taxicab, Sales Of The Gasoline Are Subject To The Retail Sales Tax, Code (1957, 1969 Repl. Vol.), Art. 81, Sec. 324 (i).* pp. 385-388

TAXATION — CONSTITUTIONAL LAW — *That Lessee-Drivers Of Taxicabs Must Pay Sales Tax On Amounts Paid Under The Cab Lease Agreement While Owner-Drivers Pay No Sales Tax Is Not A Denial Of Equal Protection—U.S. Constitution, Fourteenth Amendment.* pp. 388-390

R. L. H.

Appeal from the Baltimore City Court (COLE, J.).

Appeal from the affirmance by the Maryland Tax Court of the denial by the Comptroller of the Treasury of a claim for refund of retail sales tax by Edward W. Hooks on behalf of himself and all other drivers for Checker Cab Association, Inc., who were similarly situated. From a judgment in favor of the Comptroller, the claimant appeals.

Judgment affirmed, costs to be paid by appellant Hooks.

The cause was argued before HAMMOND, C. J., and FINAN, SINGLEY, SMITH and DIGGES, JJ.

Archie D. Williams for appellants.

William J. Rubin, Assistant Attorney General, with whom was *Francis B. Burch, Attorney General,* on the brief, for appellee.

SINGLEY, J., delivered the opinion of the Court.

Edward W. Hooks, who leases a taxicab on a daily basis from Checker Cab Association (Checker), an association of about 86 owners, who own some 277 cabs, here seeks to recover the sales tax which was added to the rent which he and other drivers similarly situated paid. Under the rental agreement with Checker, Hooks and his colleagues paid a fixed but unspecified amount for the use of the taxicab for a 12-hour period, whether or not they operated the taxicab for the entire time, and in addition, agreed to purchase from Checker all of the gasoline consumed during the period, at a price in excess of the market price.

It seems to be conceded that Checker derived its income exclusively from the amount it charged for gaso-

THIS DEED, Made this 1ST day of February, in the year one thousand nine hundred and ninety-five, by and between THE INVERNESS PRESBYTERIAN CHURCH, a religious corporation of the State of Maryland, party of the first part; and THE SALEM BAPTIST CHURCH, INC, a body corporate of the State of Maryland, party of the second part.

WITNESSETH, That in consideration of Three Hundred Fifty Thousand Three Hundred Eighty Three 33/100ths Dollars ($350,383.33), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part does hereby grant and convey to the said party of the second part, its successors and assigns, in fee simple, all that lot of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:

BEING all that lot of ground situate in the Twelfth District of Baltimore County in the State of Maryland and known and designated as the "Church Lot" on the Plat of Inverness Annex #1, which Plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book CHK No. 13, folio 27.

BEING the same property which by Deed dated January 30, 1943 and recorded among the Land Records of Baltimore County, Maryland in Liber RJS No. 1276, folio 383, was granted and conveyed by I.J. Bolton Company unto The Inverness Presbyterian Church.

THE GRANTOR hereby certifies that this conveyance is not a part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of said Grantor.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described parcel of land and premises to the said party of the second part, its successors and assigns, in fee simple.

AND the said party of the first part hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

WITNESS the hand and seal of said Grantor.

DATE 2/13/95

ATTEST:

THE INVERNESS PRESBYTERIAN CHURCH

By: _____ (SEAL)

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
By _____ Date 2/13/95

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY MARYLAND
Per _____
Authorized Signature
Date 2/13/95 Sec. 33-139 A

STATE OF MARYLAND, County of Anne Arundel, to wit:

I HEREBY CERTIFY, That on this 1st day of February, 1995, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared EDWARD K. WAWRZYNIAK, of The Inverness Presbyterian Church, known to me (or satisfactorily proven) to be the person(s) whose *name(s) is/are* subscribed to the within instrument, and acknowledged the foregoing Deed to be his/her/their act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Patricia A. Gross (SEAL)
Notary Public

PATRICIA A. GROSS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires February 16, 1997

My Commission Expires:

This is to certify that the within instrument has been prepared under the supervision of the undersigned Maryland attorney.

Jerry S. Sopher, Esquire

AFTER RECORDING RETURN TO:
Continental Title Company, Inc.
913 South Charles Street
Baltimore, Maryland 21230
(410) 332-0820
C-10,523-94

Inverm.004

010940.184

State of Maryland Land Instrument Intake Sheet

County: Baltimore

Information provided is for the use of the Clerk's Office and State Department of Assessments and Taxation only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Type(s) of Instruments

Multiple instruments of the same transaction should be numbered to correspond with numbers in Block 8. Number documents in the order to be recorded.

(☐ Check if Additional Intake Form is Attached.)

1	Deed		Lease		Other
2	Deed of Trust		Contract		
	Mortgage		Land Installment Cont.		

Consideration and Fees

Consideration and Recordation Fees	Doc. 1	Doc. 2
Consideration, Including Assumed Indebtedness	$ 350,383.33	$ 115,000.00
Recording Charge	$ 20.00	$ 20.00
Surcharge	$ 5.00	$ 5.00
State Recordation Tax	$ 1,752.50	$ —
State Transfer Tax	$ 1,751.92	$ —
County Transfer Tax (if Applicable)	$ —	$ —
Other	$ —	$ —
Total Fees	$ 3,529.42	$ 20.00

Space Reserved for Circuit Court Clerk Recording Validation

IMP FD SURE $		5.00
RECORDING FEE		20.00
RECORDATION T		1,752.50
TR TAX STATE		1,751.92
TOTAL		3,529.42
Rec# BA86	Rcpt # 2450	
SM KJ	Blk # 796	
Feb 13, 1995	01:56 pm	

Exemptions (If Applicable) Cite or Explain Authority

Church to Church

Contact/Mail Information

Name: Jerry S. Sofer

Firm: Continental Title Company

Address: 913 S. Charles St

Baltimore MD 21230

Phone: (410) 752-0820

Send Recorded Instrument To (Check Applicable Box Below or Provide Appropriate Address)

☒ Person Filing Instrument to Provide Above ☐ Hold for Pick Up ☐ Address Provided on Instrument

Name:

Address:

Description of Property

Land Records requires submission of all applicable information. A maximum of 40 characters will be entered in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

Tax Map	Grid	Parcel	Map	Parcel No.	Var. LOG
12	12-01-035111	1206/385			☐ (5)

Lot (2a)	Block (2b)	Sect/AR (2c)	Plat Ref.	Sq.Ft./Acreage (4)

Location/Address of Property Being Conveyed (2)

42 Inverness Ave.

☐ Yes ☐ No Description/Amt. of Sq.Ft./Acreage Transferred:

20
1,751.92
1,752.50

If Partial Conveyance, List Improvements Conveyed:

Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
Inverness Presbyterian Church	The Salem Baptist Church
Doc. 3 - Owner(s) of Record, if Different from Grantor(s)	

Transferred To

Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
Salem Baptist Church	ADVANCE FEDERAL S+L

Other Names To Be Indexed

Doc. 1 - Additional Names to be Indexed (Optional)	

Special Instructions

Special Instructions (Use Reverse if any)

Conveyance Type (Check Box)

☒ Private Sale with Improvements (1) ☐ Private Sale Unimproved (2) ☐ Multiple Accounts/ Property (3) ☐ All Other (9)

Assessment Information

ONE CHECKED BOX AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

☐ Yes ☒ No Will the property being conveyed be the grantee's principal residence?

☐ Yes ☒ No Does transfer include personal property? If yes, identify:

☐ Yes ☒ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

New Owner's (Grantee) Mailing Address: Same GS 5

Department Use Only - Do Not Write Below This Line

☐ Full ☐ Partial ☐ Part. ☐ Trans. Process Verification

Land Preservation

Gen.		Map		Sub	Block
Zoning		Grid		Plat	Lot
Use		Parcel		Section	Occ. Cd.
Town Bill		Ex. St.		Ex. Cd.	

Associated Property No.:

Distribution: White - Clerk's Office \ Canary - SDAT \ Pink - Preparer

AOC-CC-200 (7/94)

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

Go Back
View Map
New Search

Account Identifier: **District -** 12 **Account Number -** 1209035111

Owner Information

Owner Name:	SALEM BAPTIST CHURCH INC	**Use:**	EXEMPT COMMERCIAL
		Principal Residence:	NO
Mailing Address:	49 INVERNESS AVE BALTIMORE MD 21222-4856	**Deed Reference:**	1) /10940/ 182 -184 2)

Location & Structure Information

Premises Address	Zoning	Legal Description
DEL RIO AVE	DR5.5	LT ES DEL RIO NE MAVISTA AV NE COR MAVISTA AVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
104	13	222						82	Plat Ref:

Special Tax Areas	**Town** **Ad Valorem** **Tax Class**	.314 acres

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1944	6,461 SF	14,204.00 SF	01

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2002	As Of 07/01/2003
Land:	52,500	57,500		
Improvements:	368,500	384,700		
Total:	421,000	442,200	421,000	428,066
Preferential Land:	0	0	0	0

Transfer Information

Seller:	INVERNESS PRESBYTERIAN CHURCH	**Date:**	02/13/1995	**Price:**	$350,383
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/10940/ 182	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2002	07/01/2003
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: COUNTY AND STATE
Exempt Class: CHURCHES, SYNAGOGUES, & PARSONAGES

Special Tax Recapture:

* NONE *

IN THE MATTER OF THE APPLICATION OF BETH TFILOH CONGREGATION OF BALTIMORE CITY, INC. – LEGAL OWNER (GLYNDON PROPERTY) FOR SPECIAL HEARING ON PROPERTY LOCATED ON THE NE/S CENTRAL AVENUE, 250' NW OF C/L HUNTING HORN CIRCLE AND FOR LIMITED EXEMPTION /DRC NO. 0625011 4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	* * * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 01-468-SPH and Case No. CBA-01-136

* * * * * * * * *

OPINION

This case comes to the Baltimore County Board of Appeals based on an appeal by the Petitioner from certain portions of the decision rendered by the Zoning Commissioner in Case No. 01-468-SPH involving a special hearing. The Beth Tfiloh Congregation of Baltimore City, Inc. ("Beth Tfiloh") is the sole Petitioner in that case. Also on appeal is a decision rendered by the Development Review Committee in which the Glyndon Community Association, Inc., Gary D. Applestein, John Morris, Nan Kaestner, and Sean O'Connell appealed that decision to this Board. That case has been number CBA-01-136.

Statement of Facts

The subject property has been the topic of previously approved plans, in Case No. 65-389-X, Case No. 94-27-SPH, and Case No. IV-455. The site encompasses 43.83 acres. It is presently split-zoned in D.R. 1, D.R. 2, R.C. 4 and R.C. 5 zones. In the special hearing, Case No. 65-389-X, the usage of the property was on a shared basis, used as a camp by the Petitioner, Beth Tfiloh, and also by the Maryland Diabetes Association, and the American Diabetes Association. The Petitioner's current plan requesting an amendment to the Plan calls for several changes to the configuration of the improvements on the property. The Plan is seeking an amendment which already reflects an existing synagogue within the D.R. 1 portion of the property. That facility is to be retained. A number of proposed improvements are being

suggested in the D.R. zoned area of the property. These include a lower school building, dining hall, and a gymnasium. Additionally, the requested Plan suggests relocation of the camp bunkhouses to the R.C. 4 zoned portion of the property, with the installation of athletic fields for recreation within the R.C. 4 zoned area of the property.

This case was originally heard before the Zoning Commissioner for Baltimore County. The Zoning Commissioner subsequently approved the amendment of the approved plans by an "Opinion and Order" dated September 19, 2001 concerning the property use as a school and a synagogue. The approval was allowed on Beth Tfiloh's abandonment of a special exception for a camp. In the Order, the Zoning Commissioner approved the length of the lower school building, which, because of its length of 271 feet, necessitated a modification of residential standards as required under the Comprehensive Manual of Development Policies as to building length. The Zoning Commissioner also determined that the language of Beth Tfiloh's Petition did not properly request a waiver of certain public works, to which the Department of Public Works had already agreed. Because of the procedural deficiency in the Petition language, the Zoning Commissioner felt compelled to deny the request for a waiver.

Also present in his decision was a declination by the Zoning Commissioner to approve the athletic field and bunkhouses as "accessory" uses to the school and synagogue in the R.C. 4 zoned areas of the property. Under the formal "Notice of Appeal and Petition on Appeal" dated October 19, 2001, that is the only isolated matter which is being appealed to this Board by Beth Tfiloh.

In a separate matter, Case No. CBA-01-136 (the DRC appeal), the Protestants are appealing a recommendation rendered by the Development Review Committee (DRC) on June 25, 2001 formalized by letter dated June 29, 2001 under the signature of Arnold Jablon, the Director of the Department of Permits & Development Management, approving a requested

exemption on the Plan submitted to the Zoning Commissioner in Case No. 01-468-SPH. The limited exemption from the development review and approval process under BCC § 26-171(a)(2) was for a "lot of record." The Protestants appealed the approval of Mr. Jablon's letter to this Board.

Public Hearing on March 26, 2002

The Board heard the two cases on appeal in public session on March 26, 2002. Prior to the hearing, the Board had been supplied with a Memorandum filed by People's Counsel on February 8, 2002 and a Response by Beth Tfiloh to that Memorandum filed on March 1, 2002. Additionally, on March 15, 2002, another Memorandum was filed on behalf of the Glyndon Community Association and individual Protestants. The Board had the benefit of these various memoranda and responses prior to the public hearing date. In addition to their notes taken on the day of the hearing, the Board has had the benefit of a copy of the complete transcript supplied by Counsel for the Protestants.

At the offset of the hearing, Mr. Barhight acknowledged that Beth Tfiloh had the burden in the two cases pending, and that there would be a co-mingling of the fact issues in both cases to assist in the employment of the evidence to the Board. Mr. Barhight's opening statement consisted of a description of the property and current uses. The essential and only position on appeal from the special hearing was "whether that portion of the proposed athletic field situated in the R.C. 4 zoned portion of the property is a legal accessory use under the Baltimore County Zoning Regulations"; and, second, "whether the bunks which are situated and proposed to be situated, because we want to move a couple of them around, in the R.C. 4 zone portion of the property, are permitted accessory uses under the Baltimore County Zoning Regulations." [T 3/26/02, p 10]

The Protestants did not file an appeal relative to the Zoning Commissioner's Order. Mr. Carson stated that the principal issue was that you cannot have an accessory use in the R.C. 4 zone for either athletic fields or for camp use where the principal use was not permitted in the R.C. 4 zone. As to the (A)(2) exemption, it was to be the position of the Protestants that if a governmental agency (such as the DRC) approves a plat that contains an error, that approval is illegal and the exemption providing for same should be remanded back to the DRC for reconsideration in light of the Protestants' consensus that the accessory uses were not permitted.

Mr. Stephen Warfield was called as the first witness for the Petitioner. Petitioner's Exhibit 1 was Mr. Warfield's resume. He was accepted without objection as an expert witness in the field of civil engineering, land development and zoning. Mr. Warfield had prepared the Plan filed to accompany the Petition for Special Hearing (Petitioner's Exhibit 2). His testimony encompassed a description of the property and existing structures. [T 3/26/02, p 24-27] Petitioner's Exhibit 3 was admitted as a deed to the property. That deed reflects the site consisting of 44.07 +/- acres, with a public dedication of 2.07+/- acres and a net acreage of 42+/- acres. Only one lot exists on the property. Mr. Warfield stated that the property existed as a "lot of record." There has been no subdivision. The current Plan also calls for no subdivision. Mr. Warfield opined concerning his application to the DRC for a (A)(2) exemption to the subject Plan (Petitioner's Exhibit 4). The approval by Mr. Jablon as to the exemption was admitted as Petitioner's Exhibit 5.

On cross-examination to Mr. Carson's questioning, Mr. Warfield opined that prior to 1998 the property had been used as a diabetic camp by the Maryland Diabetes Association. The present structure on the R.C. 4 area consisted of bunkhouses and possibly one pavilion, used for summer camp purposes. The R.C. 4 area was principally a wooded area with a stream that branched out into two sections. A copy of the Deed Mr. Warfield reviewed and relied upon in

identifying the boundary of the property was reviewed and previously identified as Petitioner's Exhibit 3. Examining this exhibit, Mr. Warfield restated his opinion that the lot had not been subdivided. The only changes to the lot were the public right-of-ways and the public stormwater management area that had been delineated. Those factors in his opinion did not alter the status of the property as a lot of record. [T 3/26/02 p 28]

Mr. Barhight and Mr. Carson agreed to accept a copy of the DRC application form as Petitioner's Exhibit 4. The letter granting the exemption was admitted as Petitioner's Exhibit 5. Mr. Warfield acknowledged that there were no camps or any physical connection to any of the bunkhouses to the lower proposed school building, or the proposed dining hall for the gymnasium. He also acknowledged that the three prior zoning cases had resolved the granting of the special exception to use the property for a "camp use" within the R.C. 4 and D.R. 1 zones. The school existed as a matter of right. He also opined in his letter to the DRC that no mention had been made of the Beth Tfiloh intention to abandon this special exception. [T 3/26/02, p 35] He stated that the DRC was not advised that there was to be an abandonment of the special exception. The first time such knowledge became evident in a public forum was one month later during the Zoning Commissioner's hearing in July, that there was to be such an abandonment. [T 3/26/02, p 36]

On re-direct, Mr. Barhight focused on the bunks being situated in a wooded area, and the proposed athletic fields.

Mr. Timothy Madden was the next witness called by Mr. Barhight. Mr. Madden's C.V. was admitted as Petitioner's Exhibit 6. He was accepted as a land expert in planning and zoning in Baltimore County. Mr. Carson was concerned and expressed his concerns with the Board that the witness did not have sufficient credibility nor was it permissible to ask him what the ultimate question was in this case concerning the accessory issue. The Board agreed to hear Mr. Madden

and give whatever appropriate weight deemed appropriate by the Board members. Mr. Madden was familiar with the Beth Tfiloh Congregation and the Plan that had been requested by the Petitioner. He had visited the property on a number of occasions. He described the property. He agreed with the prior characterizations of Mr. Warfield. He was familiar with § 101 of the *Baltimore County Zoning Regulations* (BCZR), the R.C. zones and § 1A03.03.9, the use regulations in the R.C. zone. He was also familiar with the governing uses permitted as a matter of right, and the accessory uses in the R.C. zone as a matter of right. He opined that the BCZR prescribed uses or structures as a matter of right in the R.C. 4 zone (T 3/26/02, p 42). He also stated that a portion of the bunks and the majority of the athletic fields were in the R.C. 4 zone. He further opined that "(1) the property is all one lot of record; and (2) the bunks and majority of the proposed athletic fields are situated in R.C. 4 zone. They are situated on the same lot as the proposed lower school and synagogue." [p 43]

Mr. Carson raised an objection at that point. [T, 3/26/02, pp 43-46] The Board took the position that ultimately it was going to be the responsibility of the Board to determine the accessory use question. It was Mr. Madden's position that the athletic fields are customarily incidental to the school use and synagogue and on the same lot. [T, 3/26/02, p 47] In essence Mr. Madden opined that you would find athletic fields on the same lots as uses in this case; i.e., a synagogue and a lower school. [T. 3/26/02, p 48] The athletic fields were subordinate in area, extent and purpose to the principal uses of the school and the synagogue on this property. Mr. Madden indicated that they would not have any purpose unto themselves without the principal use being there and the relationship that was created by them.

On cross-examination, Mr. Madden acknowledged that the property had been rezoned R.C. 4 in the latter part of 2000 and that it had been rezoned at the request of some of the Protestants and in accordance with the Master Plan and the R.C. 4 provisions, when created.

It had previously been zoned R.C. 5. The front portion was also downzoned from D.R. 2 to D.R. 1 during the latter part of the year 2000. The proposed lower school, dining hall and gymnasium were also being proposed since Beth Tfiloh has made it known that it would be moving its lower school to the Glyndon campus. It was Mr. Madden's position that, while the athletic fields have not been used in any way that was accessory or incident to any buildings on the property in a formal sense as reflected in the Plan, "the use area is an area available for accessory use for the primary use on the site today....The church is a primary use, principal use in place...today on the site." [T, 3/26/02, p 54] "The principal synagogue of Beth Tfiloh was located in Pikesville with approximately 1,300 families as its congregation...This was a satellite facility for the congregation...with 80 to 90 persons meeting for Sabbath services." [T, 3/26/02, p 55] Mr. Madden acknowledged that, until 1998 or 1999, the bunkhouses had been used by the Maryland Diabetic Association. In the year 2000, Beth Tfiloh had approximately 30 to 35 campers attend a small summer camp, continuing also into 2001. It was Mr. Madden's position that the bunkhouses had been used as an accessory use to the camp facility that have been standing on the site, and that bunkhouses were accessory use to camp use. The Maryland Diabetic Association employed the principal use of the site as a diabetic camp. It was in the year 2000/2001 that Beth Tfiloh operated the camp in the summer months, with some religious programming extending beyond that time.

Mr. Donald Rascoe next testified as to the DRC recommendations. He is Development Manager within the Department of Permits & Development Management (DPDM), responsible for issues that relate to land development. He explained the functions of the DRC, and the procedures employed when exemptions are filed for under a (A)(2) exemption. The request for the exemption was on the June 25, 2001 agenda of the DRC as Item 1. The standard letter of approval was admitted as Petitioner's 5A dated June 29, 2001. The approval was granted based

on "the evidence that was presented to us at that time to support the request....No one objected to that interpretation." [T, 3/26/02, pp 61-62] Essentially, Mr. Rascoe testified that if a "single lot... one piece of property is being considered the development, then the applicant has met the requirement if it is a single lot for that use that is allowed. If zoning relief is required, we would certainly require or table our determination until the zoning relief was acquired or granted." [T, 3/26/02, p 62]

On cross-examination, Mr. Rascoe acknowledged that the DRC was aware of the previous zoning cases involving the granting of the special exception and that the owner had filed for a special hearing to upgrade the current special exception and a desire to proceed with a new DRC submittal. (Petitioner's Exhibit 4 and 5) Mr. Rascoe opined that the Plan submitted was only a site plan...and an exemption does not require a development plan under the terms of the code. The site plan would proceed directly to a building permit. Mr. Warfield's letter referenced a proposed two story, 46,500 sq. ft. lower school, gymnasium, dining hall, and camp buildings, reconfiguration and expansion of existing parking areas. It did not make any reference to ball fields as Mr. Rascoe opined that was not an issue before the DRC. [p 67] Mr. Rascoe also opined that the Petitioner never, to his knowledge, acknowledged that Beth Tfiloh intended to abandon the camp special exception request. Mr. Carson posed questions concerning public involvement relative to the issue and proposals made by Beth Tfiloh. Petitioner's Exhibit 7, a decision by the Baltimore County Board of Appeals, was entered into evidence over Mr. Carson's objections, relating to a decision that involved an "(A)(2) exemption for a plan involving a new enlarged synagogue in the R.C. 4 portion of the property in which the Board reversed a decision of the Director of Permits and Development Management and reflected that the (A)(2) exemption should have been granted. Mr. Barhight rested his case in chief.

Mr. Bernard Suffel was called as the first witness for the Protestants. He is the executive director of Beth Tfiloh Congregation. He stated that the congregation acquired the property consisting of 44 +/- acres in 1998, which was previously owned by the Maryland Diabetes Association and run as Camp Glyndon for diabetic children. The camp property was used by approximately 150 campers and ran for 2 or 3 summer weeks. The diabetic association continued to run the camp for about one year after Beth Tfiloh purchased the site. In 2000, Beth Tfiloh ran a small camp, in 2000/2001, with about 30 campers and open enrollment. Beth Tfiloh uses the site now for pre-school purposes on the site and a small synagogue used on the Sabbath with approximately 60 to 80 persons on the Sabbath. It is the intention of Beth Tfiloh to move its lower school onto the campus, grades pre-kindergarten, kindergarten, grades 1 to 5, from 350 to 370 students, 18-12 students per class. The congregation has not made any decisions to relocate its present synagogue with approximately 1,300 families to the Glyndon property. Mr. Suffel acknowledged that it was the intention of Beth Tfiloh to continue to operate the small camp.

Mr. Alfred W. Barry III also testified. He was accepted as an expert in planning and zoning. Protestant's Exhibit #1 was submitted. Mr. Barry was familiar with the BCZR; was familiar with Camp Glyndon as it existed up to 1998 through the present time. He had visited the property. Mr. Barry expressed his opinion concerning whether having a camp or other use in the R.C. 4 zone is a permitted accessory use under the zoning regulations. He opined that such an interpretation "sets a rather dramatic threshold change in the county, so that any need to add a number of uses could be expanded from a permitted use in one zone in another zone where that use was not permitted but would require a separate exception." [T, 3/26/02, pp 88-89] Mr. Barry stated that in his opinion "(this would) allow unbridled expansion of commercial or high density residential use, or an industrial use even, into adjoining properties simply by this type of

decision." [T 3/26/02, p 90] He also stated that "(it) would lead to much uncertainty as on the part of any property owners that live either adjacent to or nearby these other zoning classifications." [T 3/26/02, p 91] Mr. Barry was also questioned concerning the loop road specified on the plans in light of the Zoning Commissioner's ruling that the loop road could be maintained and utilized for all purposes incidental to the use of the subject property and would provide access to adjacent properties. Mr. Barry opined that driveways are not special uses in the sense that we were talking about the use of the athletic fields.

Application of the Law to the Facts

The subject property has been the topic of prior land use issues. In Case No. 65-389-X, a special exception was granted the Maryland Diabetes Association, Inc., to operate and maintain a summer camp for diabetic children on the property, to be known as Camp Glyndon. Subsequently in Case No. 94-27-SPHA, an amendment of the previously granted special exception was requested to allow an expansion of the multi-purpose building on the property. That request was granted subject to six conditions that sought to restrict future expansion of the buildings. Without comment relative to the action of the DRC and approval of the limited exemption under § 26-171(A)(2), Baltimore County Code, the Petitioner's special hearing was held before the Zoning Commissioner on July 18, 2001. At that time, the Petitioner dismissed the "amendments" which essentially resulted in an abandonment of the previously granted special exception. It was the position of the Petitioner that, with the downsizing of the previously D.R. 2 to D.R. 1 and the R.C. 5 portion of the property to R.C. 4 (done at the request of the Glyndon Community), that the current D.R. 1 zoning legally permitted the Petitioner to use the land for the proposed school and synagogue; further, that the Petitioner was allowed to operate and maintain, on the D.R. 1 and R. C. 4 sections of the property, accessory uses as reflected on Petitioner's Exhibits 4 and 5.

At the preliminary stage of the hearing, the Protestants sought to broaden the scope of the appeal. It was their argument that an Appellant cannot limit the scope of an appeal as was done quite specifically by the Petitioner in this case. The only issue appealed to this Board is referenced in Mr. Barhight's letter of October 19, 2001 (Petitioner's Exhibit 1). It is limited to the findings that "the existing camp buildings and proposed athletic fields are not accessory uses to the school or synagogue and therefore any activity associated therewith shall not be permitted on that portion of the property zoned R.C. 4." No other appeal of the Zoning Commissioner's Order is mentioned. Clearly the Protestants did not appeal any of the matters. The statutory procedure for filing an appeal has long since passed. Those conditions not appealed by any "aggrieved" party are indeed finalized and they are in fact law. It is obvious to the Board that the Zoning Commissioner's Order contained five very specific decisions. Three were favorable to the Petitioner. Two were adverse. The Petitioner, being aggrieved, could have appealed from those two adverse conditions, but he chose to appeal only one. The Protestants, likewise, could have appealed those portions of the Zoning Commissioner's Order which were favorable to the Petitioner on the basis of being "aggrieved." They chose not to do so. This Board hears such cases under the Baltimore County Charter, § 603, on a *de novo* basis. The County Council has legislated the authority of this Board under § 26-132 of the *Baltimore County Code*. It references "any person...aggrieved...by any decision or order of the zoning commissioner shall have the right to appeal therefore to the county board of appeal." The Board concurs with the Appellant that since the Protestants did not take an appeal of any matter, those aspects of the Zoning Commissioner's Order are, by law, final; only the issues raised by Beth Tfiloh are before this Board.

The essential question posed in this case is one of interpretation of the BCZR, more specifically, § 101 which defines accessory uses and structures and its application to the R.C. 4

zones under § BCZR 1A03.3.9. Beth Tfiloh desires to relocate bunkhouses from the D.R. 1 portion of the property to the R.C. 4 area; and also to construct athletic fields on the R.C. 4 portion. Section 101 defines an accessory use as follows:

> A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served....

BCZR 1A03.3.A.9 specifies that "accessory uses or structures" are permitted as a matter of right in the R.C. 4 zone.

There is no question but that Beth Tfiloh has every legal right to use that portion of its property that is zoned D.R. 1 for the proposed private school and religious purposes that are permitted by right in the D.R. 1 zone under the BCZR. However, the essential question, which is a legal interpretative one, is whether or not Beth Tfiloh, on the single lot of record, can have activities on the R.C. 4 zoned portion of this tract which are incidental or accessory to the permitted uses of right in the D.R. 1 portion of the tract. Beth Tfiloh alleges that BCZR 1A03.3.A.9, "that accessory uses or structures" are permitted as a matter of right in the R.C. 4 zone. Permitted accessory uses in the R.C. 4 zone include, but are not limited to, "swimming pools, tennis courts...or other accessory structures or uses," and "parking spaces." (Section 1A03.3.A.9(e) through (f)). Therefore, Beth Tfiloh argues that, when one refers to the definition of accessory uses, and the R.C. 4 zoning regulations that permit such uses by right without any further qualification, that settles the issue of camp bunkhouses and athletic fields that are permitted by right in the R.C. 4. Essentially, if the proposed uses suggested by Beth Tfiloh (bunkhouses and athletic fields) qualify as "accessory uses" under § 101, then the R.C. 4 zoning regulations permit those by right under § 1A03.3.A.9(e) through (f); and no other factors need be taken into consideration.

The Protestants and Office of People's Counsel take a different view. They have no disagreement that Beth Tfiloh has a right to construct and maintain athletic fields and facilities as an accessory use to its school located in the D.R. 1 zoned property. However, they contest the right of Beth Tfiloh to use the D.R. 1 property as a camp accessory to its school (even assuming that the camp could satisfy the definition of "accessory uses").

They argue that Article 1B of the BCZR deals with Density Residential Zones, which includes the D.R. 1 zone. Section 1B01.1.A specifies 19 uses permitted as of right. These include, in subpart (3), churches or other buildings for religious worship and in subpart (14), public and private schools. They point out that § 1B01.1.A specifically states those 19 "uses only are permitted as of right in D.R. zones...." Subpart (18) describes and permits "accessory uses and buildings other than those permitted by special exception." (Emphasis added.)

Consequently, the argument is presented by the Protestants that, by the express terms of the BCZR, a use permitted by special exception in the D.R. 1 zone may not be an accessory use (unless permitted by special exception).

Further, it is argued that § 1B01.1.C also establishes 28 uses that are permitted by special exception in D.R. zones; and those 28 uses are only "permitted by special exception in all D.R. zones." Subpart (l) describes camps, including day camps. Further, they present the argument that § 1A03.3 pertains to the R.C. 4 zone. Section 1A.03.3.A allows 10 uses as a matter of right. Although subpart (4) does permit public schools, neither private schools, churches, or other buildings for religious worship or camps are permitted as a matter of right in the R.C. 4 zone. Section 1A03.3.B enumerates 22 uses permitted by special exception. Section 1B01.C(1) only permits camps as a special exception, and since Beth Tfiloh has abandoned its previous special exception, it, therefore, may not use any portion of the D.R. 1 zoned property for a camp because the special exception, previously granted, has been abandoned. The Board has reviewed the

transcript provided and the briefs submitted by the various parties. There is obviously conflict on the legal interpretation of the BCZR. There is no question but that the Beth Tfiloh position, that it may use the R.C. 4 zoned property for accessory uses to a principal use or building in the D.R. 1 zone, is unique in its construction of the BCZR. A reading of § 101, and the application of that definition to the R.C. 4 zone under § 1A03.3.A.9 would seem, without further inquiry, to suggest that such uses are permitted by right under § 1A03.3.A.9 (e) through (f). The Board has no difficulty, after review of the transcript, in holding that the bunkhouses and athletic fields and facilities do qualify as "accessory uses" to the principal uses in the D.R. 1 property. Counsel for Beth Tfiloh is correct that, in some instances, the County Council has determined that in certain zones accessory uses are permitted (1) as long as the uses meet the definition of "accessory" under § 101; and (2) that they also meet the additional qualifications that they are "normally and customarily incidental to any permitted principal uses" in the zone.

Beth Tfiloh questions why the County Council decided to include specific language in the regulation of the zones limiting the accessory uses to those serving permitted principal uses only and omitted the same language from other zones such as the R.C. 2, R.C. 3, R.C. 4 and R.C. 5 zones, or the B.L., B.M. or M.R. zones. The Protestants argued, just as convincingly, that the BCZR, relative to the R.C. 4 zone, provides that the only use that can be made of land within that zone are the uses permitted as of right in § 1A03.3.A and those permitted by special exception in § 1A03.3.B. They further suggest that accessory uses or structures that are permitted as a matter of right in subpart (9) of § 1A03.3.A are obviously uses or structures which are accessory to one of the nine principal uses or uses or structures in the R.C. 4 zone. They allege that there is absolutely nothing in the BCZR that either suggests or states that an accessory use may be permitted which is accessory to a principal use or structure in a D.R. zone (Article 1B), in an elevator apartment (Article 2), or an office zone (Article 202 et seq) or any business zone (215 et seq) or any manufacturing zone (204 et seq).

It is obvious to the Board that the County Council clearly intended that the property should be protected in accordance with the strict requirements of the resource conservation zones. To that end, the legislative body of Baltimore County wisely dictated those principal uses that are permitted by right and by special exception [BCZR 102.1 – *Kowalski v. Lamar,* 25 Md.App. 493 (1973)] Section 1A03.3 pertains to the R.C. 4 zone. The BCZR relative to the R.C. 4 zone provides that the only uses that can be made of land with that zone are uses permitted as of right in § 1A03.3.A and those permitted as special exceptions in § 1A03.3.B. While subpart (4) does allow for public schools, neither private schools, churches, nor other buildings for religious worship or camps are permitted in the R.C. 4 zone as a matter of right. Section 1A03.3.B enumerates 22 uses that are allowed by special exception. Subpart (1) describes camps, and subpart (4) allows public schools. Additionally, Section 1A.00.5, which applies exclusively to resource conservation zones, states as follows:

> Application to tract divided by zone boundary. Whenever a single tract is divided by zone boundaries so that portions of such a tract lie within R.C. zones of different classifications, the total number of dwellings or density units permitted shall apply to each tract individually and for the purpose of these regulations, shall be treated as separate parcels.

It is obvious to this Board that, where a tract is divided into varying R.C. zones, each part must be regulated by its own requirement relative to the number of dwellings or units that are permitted. It is also obvious to this Board that, in considering the protection of the watershed areas, the County Council wisely intended to provide that any portion of property situated in an R.C. zone would be governed by the requirements of that R.C. zone as specified in the BCZR. This viewpoint is consistent with Maryland and out-of-state cases that had issues dealing with tracts that were split-zoned. [Reference *Alvani v. Dickson,* 365 Md. 95 (2001) and also cases referenced in Commissioner's Schmidt's opinion and order relative to *Moss v. Town of Winchester*, 311 NE.2 555 (1974), *Town of Kittery v. White, et al*, 435 A.2d 405 (ME 1981)]

This Board takes judicial notice of Commissioner Schmidt's rationale in rejection of Beth Tfiloh's theory concerning the proposed activities of Beth Tfiloh on the R.C. 4 zoned portion of the tract that are incidental or accessory to those permitted uses of right on the D.R. 1 zoned portion of the tract. If

one were to accept the theory proposed by Beth Tfiloh, it would follow that the entire structure of zoning law in Baltimore County would be in serious jeopardy to quote more specifically from Commissioner Schmidt's opinion, which is well reasoned and constructed:

> "To follow the Petitioner's conclusion, this case could lead to an observed result. One can imagine, for example, a property owner with a significantly sized parcel containing a small portion of commercial zoning adjacent to road frontage and noncommercial zoning to the rear. Following the Petitioner's accessory use argument, that property owner might establish automobile sales operation on the front side of the site, with the sales building in the commercial zone. The storage or parking of 1,000 vehicles in the rear, noncommercial zoned portion of the lot could be argued as permitted as accessory to the primary use on the commercial zone. I [Commissioner Schmidt] do not believe that the Council intended such a result. The essential purpose of zoning is to regulate and control land use. The uses proposed by Beth Tfiloh on the R.C. 4 zoned portion of the property are simply not allowed. When all is said and done, the applicant in this case seeks a result that undermines the essential theory of zoning.

This Board takes a similar view. For this Board to permit such an illogical construction would permit one owning significant acreage in an R.C. zone to expand his or her operation into that area from any other adjacent zone so long as the test for accessory use or structure set forth in § 101 was met. We agree with the comments made in Protestants' Brief that "this could permit, for example, the expansion of a commercial or manufacturing use into an R.C. zone, including those R.C. zones which are within the Critical Area." Merely to state the proposition is to refute it. Clearly the Board must hold that § 1A.00.5 specifically provides, where a tract is divided into different R.C. zones, that each part is to be regulated by its own requirements with respect to the number of dwellings or density units permitted. We agree that this section clearly provides the Board with the conclusion that it was the legislative intent of the County Council that any portion of property zoned in a resource conservation zone would be governed by the specific requirements of that R.C. zone as set forth in the BCZR as contrasted with being an accessory use amalgamated into an adjacent zone.

For the reasons so stated, the Board will concur with Commissioner Schmidt's decision on the issue of the scope of accessory uses for athletic fields and camp use, and, from the testimony and evidence presented at hearing, concludes that the existing camp buildings and proposed athletic fields are not accessory uses to the school and synagogue.

As to the DRC approval issue, the Board, in consideration of the testimony and evidence, concludes that the members of the DRC acted appropriately in approving the (A)(2) exemption. Clearly, the subject is, without dispute, a "Lot of Record" recorded among the land records of Baltimore County by deed in 1946 (Petitioner's Exhibit 3). There has been no change on the property, except for road dedications and stormwater management reservations. The plan submitted did not call for any further subdivision. The property existing as a "Lot of Record" again, clearly meets the requirement for such an exemption. The Plan that was submitted and reviewed by the DRC membership, along with the Petition for Special Hearing to amend previously approved zoning plans, illustrated from a geographic standpoint the conversion of the property from a predominantly recreation use (camp) to an educational (lower school) and religious (synagogue) use.

At the DRC hearing, no mention was made that Beth Tfiloh intended to abandon its special exception for a camp. The facts which the DRC had before it were sufficient to grant the exemption. If the use was permitted based on the facts presented to the DRC, the approval was in accordance with the law. The decision on the part of Beth Tfiloh to abandon its special exception for a camp at the latter Zoning Commissioner's hearing would have no impact on the decision already made by the DRC to grant the exemption.

The Board will therefore affirm the decision of the DRC in granting the exemption, and concludes that Beth Tfiloh has complied with the requirements for an (A)(2) limited exemption.

ORDER

THEREFORE, IT IS THIS 24th day of July, 2002 by the County Board of Appeals of Baltimore County

ORDERED that the existing camp buildings and proposed athletic fields are not accessory uses to the school and synagogue; that Petitioner may not develop the proposed athletic fields on the R.C. 4 zoned portion of the subject site, and likewise may not use the existing buildings in association with the school or synagogue; and, therefore, any activities

associated therewith shall not be permitted on that portion of the property zoned R.C. 4; and it is further

ORDERED that the decision of the DRC in Case No. 01-136 in which the requested limited exemption was approved is **AFFIRMED**; and it is further

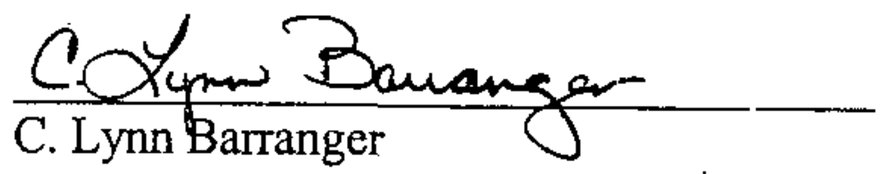
ORDERED that the limited exemption requested in under § 26-171(A)(2) of the *Baltimore County Code* be and the same is **APPROVED.**

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Charles L. Marks, Chairman

Lawrence S. Wescott



C. Lynn Barranger

06-259-SPHA

Bill Wiseman - Zoning Commission Question

From: <JROBIN33@aol.com>
To: <wwiseman@co.ba.md.us>
Date: 11/14/06 7:30 AM
Subject: Zoning Commission Question

Salem Baptist Church
49 Inverness Ave.
Baltimore, Maryland 21222
Home 443-325-0216
Church 410-282-1920
Cell 443-904-9992
JROBIN33@hotmail.com
RE: Request for lien release
November 14, 2006

Dear Mr. Barmach,

Our church is presently facing foreclosure. We paid Baltimore county $10,000.00 2 months ago for a code enforcement violation. Last year we paid $3,5000.00 for the same violation. We paid over $10,000.00 to lawyers and engineers so we good be in good standing with the county. We made a diligent effort to meet the counties new requirement for a use permit for assisted living. We filed and application hired an attorney and we were denied the permit. These turn of events has placed myself and the church in dire financial circumstances.

Last months we refinanced the church so we could pay the county $10,000.00 and move on. We were charged $15,000.00 by a finance company to obtain a $50,000.00 loan. I had the property on the market for sale for almost a year we have received no firm offers. Presently I am trying to make arrangements with auctioneers.

The problem is despite our last payment of $10,000.00 I was told that Baltimore county will not release our property and they are planning to issue another violation for the same issue (Assisted living Use Permit). I have become fully aware of the climate in which our church is located. I empathize and respect the persons in the community who do not want our church to have assisted living and the church in that location. I intend to always fully comply with their wishes.

We have since relocated our assisted facility to other locations outside Baltimore county. My wife and I started this facility 7 years ago and we have helped many people. I understand that property values are important to people. We have proper permits to relocate our facility to Howard county and Baltimore city.

This matter has put considerable strain on the church membership and my family personally. My wife and I filed bankruptcy and separated. We simply want accept the counties decision and move on. I am requesting that you kindly consider releasing our property immediately so we can put this matter behind us. We made every effort to obtain the use permit. We did not appeal the counties decision and complied with commissioner Wiseman's order to move the Assisted Living by May 18, 2006. Again I request that you release our property so Hopkins bank will not foreclose on our church Mr. Barmach.

Sincerely,

Jimmie Robinson III

Cc. William Wiseman
Jeffrey Barmach
Jim Smith
Dave Collins

Zoning Commission 410.887.3468

12/30/05

Case # 06-259. SPHA.

Salem Baptist Church, Inc. is operating under an expired license at this time per the State. They can verify this by calling 410.402.8217 Office of Health Care Quality.

Thank you
Mrs Hawman

410- 887- 3468

CASE NO: 06-259 Hearing Date was Dec. 30th

Mr. Wiseman:

There was a parking situation that occured on Saturday that I think you should be aware of. There was a funeral at the church (49 Inverness) on Saturday. This created a huge parking and driving situation.

One important fact that I forgot to mention was that the Inverness Ave. starting at Guy Way and thru to the traffic light at Wise Ave. IS ONLY A TWO LANE ROAD. ONE SIDE GOES IN ONE DIRECTION ANDONE SIDE GOES IN THE OTHER DIRECTION. A PIECE OF THIS TWO LANE ONLY ROAD IS ALSO ON A BEND.

During the funeral, the church's congregation parked on all sides of the street, therefore, creating a dangerous driving situation. Several of the parked cars were parked where they took up the entire driving lane. Therefore, drivers passing thru, which are a lot (coming in and out of west inverness community and coming to and from thel light at Wise Ave.), had to go into the other driving lane, driving in the wrong direction, to go around the parked cars. This is not a good thing. A neighbor had a lot of cars parked in front of her house and the neighbors had a horrible time getting out of their driveway because the parked cars took up the driving lane and were blocking the view.

****Only the churches congregation, etc. parks like that. The community, family and friends do not park like that and take up the entire driving lane forcing drivers to drive the wrong way in the other lane.

There were more than 50 cars parked in our small community for this funeral. My son and I counted the cars that the congregation returned to (and members were still coming out when we left).

There were also several congregation members walking to Patapsco School's parking lot. How horrible would it have been it there was also an event at the school at the same time. Remember when I told you that the parking in the are was bad enough when the school has events (which is quite often).

Remember, the congregation attending this church does not live in the surrounding commuity of the homeowners dealing with the parking situation.

I am sorry that this document is not a formal well organized document, but I am at work today and I just wanted you to have this information.

Thank you and have a great day.

Tammy Sennett
I represented the community at the hearing.

FAX: 410-887-3468
DATE: 1-11-06
TO: Commissioner Wiseman
OF: Baltimore County Zoning
FROM: Tammy Sennett
RE: Case No. 06-259 Hearing was held Dec. 30, 2005
NUMBER OF PAGES : Cover plus 1 pages = TOTAL

Commissioner Wiseman:

I know that the hearing has passed, but I understand the decision has not been made. Yesterday, we found out that one day before the hearing an article was run in the Jeffersonian. The author sent us the actual newspaper. (Living in Dundalk, the community does not read the Jeffersonian).

I have attached this article because there is vital information in this article that I would have brought to your attention during the hearing. Especially from the Office of Health Care Quality.

I know you are busy and it's not my intention to keep sending you information after the hearing, but in this case, this information could have a profound impact on your decision.

Thanks and have a great day.

11/01 2006 10:52 FAX 4104613232 LAWOFFISAELLIS 002/002

BUSINESS CONNECTIONS

Dundalk church seeking more assisted-living beds

BY LAUREN TAYLOR
DUNDALK

A small, church-run, assisted-living facility in Dundalk hopes to expand after two years of problems with county and state regulators.

Salem Baptist Church on Inverness Avenue has applied to the county zoning commissioner for approval of a seven-bed assisted-living facility with the continuation of the existing church and a possible variance for three additional parking spaces.

The hearing is scheduled for 10 a.m. Dec. 30 in the County Office Building, 111 W. Chesapeake Ave., in Room 106.

Church Pastor Jimmie Robinson did not return several calls for comment.

In 2003, according to county records, the county's Division of Code Inspections and Enforcement informed Salem Baptist that it needed to secure a change of occupancy from a church to an assisted-living facility after neighbors complained to County Councilman John Olszewski, who represents Dundalk.

Neighbors also complained that the building was being used as a school for grades six through 12, but code enforcers found no evidence of a school on July 22, 2003.

STAFF PHOTO BY MATT ROTH

Leaders of the Salem Baptist Church in Dundalk will seek zoning approval at a Dec. 30 hearing for their assisted living operation, which has also been cited by state health regulators.

That month, four people were living at the center and a fifth was in the hospital, although county records indicate that only three assisted-living beds are allowed under current zoning.

In a final order, the code enforcement hearing officer noted that the sanctuary was subdivided for assisted living, but no building permits had been obtained, and that the church had also started a school for boys.

The operation, meanwhile, also has a history of problems with state regulators, who have licensed the facility for four beds.

The Maryland Department of Health and Mental Hygiene's Office of Health Care Quality inspects assisted-living facilities when they first open to determine if they qualify for a license and also when complaints are filed.

Assisted-living facilities are supposed to be inspected each year, but the department doesn't have enough inspectors to do that, said Wendy Kronmiller, acting director of the Office of Health Care Quality.

The Office of Health Care Quality conducted four unannounced complaint investigations after an annual survey was done in July 2003.

Violations cited at the assisted-living facility included failure to post its license; a manager, Keena Robinson, the wife of Robinson, with no current CPR training; failure to do background checks or training when hiring staff; failure to obtain physicians' signatures on all medications, and maintenance issues including chipping paint, exposed drywall in the kitchen, exposed wires, outlets without covers, an uncleaned kitchen and a structurally weak outside ramp.

The facility was also often over capacity during the unannounced complaint investigations, with up to seven residents living there, three more than its license allows.

Most of the issues cited were minor, but one in particular was troubling, Kronmiller said.

A February 2005 inspection found that one resident was confined to his room because there was no wheelchair ramp to allow him to safely move between his room and the dining room and bathroom.

At minimum, facilities have to file a plan of correction for any problems found during inspections, but facilities can also be fined or shut down, Kronmiller said.

"You really have to make a decision between what is really a problem or just paperwork," she said.

The Office of Health Care Quality is interested in enhancing the regulations, such as requiring on-site nurses and employees on duty overnight, for the state's 2,000 assisted-living facilities.

"We have a lot of regulations on paperwork and furniture that could be relaxed," Kronmiller said.

A sign outside the church — located in the middle of a residential community at the intersection of Mavista, Inverness and Avalon avenues — said that Apex Center Assisted Living and Senior Services offers "professional management, home cooked meals, social and recreational activities, a wellness nurse and weekly cleaning and laundry."

E-mail Lauren Taylor at ltaylor@patuxent.com.

ACCOUNT NUMBER	NAME	DEPT	AMOUNT
001-006-3070	VENUS ARMSTEAD	2451778	$34.00
	MATTHEW PITARRA	2463071	$45.00
	JONATHAN A ADEJOH	2437574	$34.00
	ASHLEY BENNETT	2448403	$45.00
	VALERIE B WALKER	2441020	$55.00
	TAWNA ARROYO	1808572	$58.00
	TIFFANY NESBITT	2456824	$28.00
	SANCHEZ B DEJESUS	2502590	$18.00
			$317.00
001-006-3160	KATHLEEN LANDIS	REDLIGHT	$75.00
	KELLY M JONES	190990	$75.00
	PAUL WILSON	193358	$75.00
	ELLA M JONES	194038	$75.00
			$300.00
001-006-6770	KEN STAR INC	449072	$300.00
			$300.00
001-006-6150	SALEM BAPIST CHURCH		$325.00
	SALEM BAPIST CHURCH		$325.00
			$650.00
001-006-7122	JEANNETTE CAMPBELL	FILM	$4.50
			$4.50
001-006-3080	KEN STAR INC	BD CK	$35.00
			$35.00
001-006-1650	RESIDENTIAL TITLE	RECORDATION	$1,515.00

GENERAL JOURNAL VOUCHER
BALTIMORE COUNTY, MARYLAND

DOC ID: JV006JE12-054

JV DATE: 010506

ACCTG PRD: 0606

COMMENTS: BAD CHECKS

BUDGET FY: 06

EXPLANATION:

TO REVERSE MONIES FOR BAD CHECKS.

	ACCT TYPE	FUND	AGENCY	ORGN	SUB ORG	ACTV	OBJ/ REV SRC	SUB O/R	BS ACCT	REPT CATG	I/G FUND	BANK	DEBIT AMOUNT	CREDIT AMOUNT
01	31	001	006				3070						317.00	
02	31	001	006				3160						300.00	
03	31	001	006				6770						300.00	
04	31	001	006				6150						650.00	
05	31	001	006				7122						4.50	
06	31	001	006				3080						35.00	
07	31	001	006				1650						1,515.00	
08	31	001	006				2040						25.00	
09	31	001	006				7120	04					551.68	
10														
11	31	001	006				2600						265.00	
12	31	001	006				6980						60.00	
13	31	001	006				6030						40.00	
14	31	001	006				6770						75.00	
15	31	030	006				2630						200.00	
16	31	231	006				6180						1,074.80	
17	31	005	034	34CJ			9005						15.00	
18	01	001							1570					5,427.98
19	01	001							1000		005		15.00	
20	01	005							1000		001			15.00
21	01	001							1000		030		200.00	
22	01	030							1000		001			200.00
23	01	001							1000		231		1,074.80	
24	01	231							1000		001			1,074.80

DOCUMENT TOTAL: 6,717.78 | 6,717.78

RK			
PREPARED	VERIFIED	APPROVED	ENTERED

DOC ID: JE12-054

06-259-SPHA

Salem Baptist Church

49 Inverness Ave.

2-checks no good per D. Rascoe 1/20/06

SALEM BAPTIST CHURCH
PH. 410-282-1920
49 INVERNESS AVE., #22
BALTIMORE, MD 21222-4856

6679

NOT SUFFICIENT FUNDS 12-7-05

7-61/520 11

PAY TO THE ORDER OF Balto. County $ 325.00

three Hundred twenty/ 00 DOLLARS

NOT SUFFICIENT FUNDS 1/20

MERCANTILE-SAFE DEPOSIT & TRUST COMPANY
BALTIMORE, MARYLAND

FOR

Melissa Poole

MP

⑈00006679⑈ ⑆052000618⑆ 00060102 2 ⑈0000032500⑈

SALEM BAPTIST CHURCH
PH. 410-282-1920
49 INVERNESS AVE., #22
BALTIMORE, MD 21222-4856

6680

NOT SUFFICIENT FUNDS 12-7-05

7-61/520 11

PAY TO THE ORDER OF Balto. County $ 325.00

three Hundred twenty/ 00 DOLLARS

NOT SUFFICIENT FUNDS 1/20

MERCANTILE-SAFE DEPOSIT & TRUST COMPANY
BALTIMORE, MARYLAND

FOR

Melissa Poole

MP

⑈00006680⑈ ⑆052000618⑆ 00060102 3 ⑈0000032500⑈

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
* Nancy Kurant	33 Mavista Ave	Balto. MD 21222	
* Tammy Sennedt	65 Wise Ave.	Balto. Md. 21222	
STEVE KURANT	33 MAVISTA AVE	Balto. Md. 21222	
LINDA FINIFF	31 MAVISTA AVE.	BALTO. MD 21222	
GREGORY J. LILLY	59 WISE AVE	BALTO MD 21222	
Lauren Taylor	409 Washington Ave.	Towson, MD 21204	ltaylor@paturxent.com
DAVE Thomas			

PLEASE PRINT CLEARLY

CASE NAME Salem Baptist Ch.
CASE NUMBER 06-259-SPHA
DATE 12/30/05

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
DINO LA Fiandra	210 W. Penn #400	Towson MD 21117	
Jimmie Robinson III	2023 Ewald Ave	Dundalk MD 21222	
Tina Ingram	1917 Kelmore	Dundalk MD 21222	
KEENA ROBINSON	2023 EWALD AVE	DUNDALK MD 21222	
Cheryl Borman	49 Inverness Ave.	Dundalk, Md. 21222	
DIANE CAUDILL	49 INVERNESS AVE	Dundalk, MD 21222	
DAVID WILLIAMSON	49 INVERNESS AVE	Dundalk, MD 21222	
Dwight Little	Little & Assoc., Inc. 1055 Taylor Ave, Suite 307	Towson, MD 21286	

SALEM BAPTIST CHURCH INC.

Case No.: 06-259-SPHA

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	CIVIL CITATION No. 03-5524 1-A - 10/7/03 1-B - 12/1/03 1-C - 2/13/04 } ORDERS	PRIOR ZONING ORDER 3657-V
No. 2	Application for use Permit	PETITION IN OPPOSITION
No. 3	2/18/05 Letter for Compatibility Study	Salem Christian Academy Circular
No. 4	Compatibility Recommendation	DISTRICT COURT OF MD ORDER CASE NO 0804-SP03273-2005
No. 5	DIRECTOR - PDM denial of application after receiving DOP recommendation	Zoning Violation Correspondence
No. 6	SITE PLAN	Community Site plan
No. 7	Aerial Photograph 1954	Photographs A - area of Proposed parking B - 3rd Party area - note tree C - Private Walk D - SIDEWALK
No. 8	Aerial Photograph 1972	8-A 8-B 8-C } deterioration of Church
No. 9	ZONING USE PERMIT CHECK LIST	ISABELLE FLOODING
No. 10	10A - Assisted Living Programs licensed by MD HM 10B - Licensing Certification	TOPAGRAPHICAL MAP DENOTING FLOOD PLAN AREA
No. 11	CIRCULAR IN NEIGHBORHOOD	ZONING MAP with residences noted
No. 12		

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

In the Matter of

Jimmie Robinson III, Resident Agent
The Salem Baptist Church, Inc.

Respondent

Civil Citation No.03-5524

49 Inverness Avenue

FINDINGS OF FACT AND CONCLUSIONS OF LAW
AMENDED FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on October 7, 2003, for a hearing on a citation for violations under the Baltimore County Code for failure to obtain change of occupancy, failure to obtain permits for interior alterations and failure to have a site plan on residential property located at 49 Inverness Road.

On August 21, 2003, a code enforcement citation was issued pursuant to §1-7 (d), BCC. Grant Kidd, Code Enforcement Inspector, issued a code enforcement citation. The citation was legally served on the Respondent. The citation described the violations as follows:

Baltimore County Council Bill 78-01 §106.2.1, I.RR, §105.1, I.B.C., §1102, I.B.C., §113.1:

1. Secure change of occupancy from a church to an assisted living facility.
2. Secure permits for interior alteration for building, electrical and plumbing.
3. Site Plan must be submitted.

Further, the citation proposed a civil penalty of $5,800 to be assessed. A code enforcement hearing date was scheduled for October 7, 2003.

Jimmie Robinson, III, Respondent appeared and testified.

Grant Kidd, code enforcement inspector also testified.

The following community members appeared and testified:

Nancy Kurant	33 Mavista Avenue	Baltimore, MD 21222
Jason Bowers	69 Del Rio Road	Baltimore, MD 21222
Gregory Lilly	59 Wise Avenue	Baltimore, MD 21222

PETITIONER'S
EXHIBIT NO. 1B

Testimony and evidence shows that the former church structure has been altered by the Respondents by subdividing the sanctuary for the purpose of creating rooms to house assisted living customers. Construction was necessary to create these rooms and no building permits were obtained. The evidence also shows that no change of occupancy has been issued for the change from a church use to an assisted living use. Additionally, the Respondent has started a boys school. This also would require a change of occupancy permit under County regulations.

The International Building Code (I.B.C.) states the following:

Section 113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

Section 110.1 use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

The International Residential Code (I.R.C.) states the following:

Section R105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

The Baltimore County Council Bill (BCCB) states the following:

Section 106.2.1 Change in site plan. A lot shall not be changed, increased or diminished in area from that shown on the official plat site plan. Unless a revised plan showing such changes accompanied by the necessary affidavit of the owner or applicant shall have been filed and approved.

I find from the evidence that no change of occupancy permit has been applied for and issued. I find further that no building permit for the interior alterations has been applied for and issued, nor has a site plan been provided to the County. Pursuant to the correction notice and subsequent code enforcement citation issued, and hearing held, and for the reasons set forth above, it is found as a matter of law that code violations existed from July 23, 2003, and the violations are continuing.

IT IS ORDERED by the Code Enforcement Hearing Officer, this 1 day of December 2003, that a civil penalty is imposed in the amount of $3,000.

IT IS FURTHER ORDERED that the civil penalty in the amount of $3,000 shall be suspended on condition the Respondent:

1. Obtain a change of occupancy from a church use to an assisted living facility and a boys school on or before February 15, 2004.
2. Obtain building permits for the interior alterations, including building, electrical and plumbing permits on or before February 15, 2004.
3. Submit an approved site plan for the facility on or before March 1, 2004.

If the Respondent fails to correct the violations, then the civil penalty imposed shall be $3,000.

IT IS FURTHER ORDERED that the inspector inspect the property to determine whether the violations have been corrected.

Signed: Stanley J. Schapiro
Stanley J. Schapiro
Code Enforcement Hearing Officer

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

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

In the Matter of

Civil Citation No.03-5524

Jimmie Robinson III, Resident Agent
The Salem Baptist Church, Inc.

49 Inverness Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

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Further, the citation proposed a civil penalty of $5,800 to be assessed. A code enforcement hearing date was scheduled for October 7, 2003.

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Nancy Kurant	33 Mavista Avenue	Baltimore, MD 21222
Jason Bowers	69 Del Rio Road	Baltimore, MD 21222
Gregory Lilly	59 Wise Avenue	Baltimore, MD 21222

PETITIONER'S

EXHIBIT NO. 1A

Testimony and evidence shows that the former church structure has been altered by the Respondents by subdividing the sanctuary for the purpose of creating rooms to house assisted living customers. Construction was necessary to create these rooms and no building permits were obtained. The evidence also shows that no change of occupancy has been issued for the change from a church use to an assisted living use. Additionally, the Respondent has started a boys school. This also would require a change of occupancy permit under County regulations.

The International Building Code (I.B.C.) states the following:

Section 113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

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Section 106.2.1 Change in site plan. A lot shall not be changed, increased or diminished in area from that shown on the official plat site plan. Unless a revised plan showing such changes accompanied by the necessary affidavit of the owner or applicant shall have been filed and approved.

I find from the evidence that no change of occupancy permit has been applied for and issued. I find further that no building permit for the interior alterations has been applied for and issued, nor has a site plan been provided to the County.

Pursuant to the correction notice and subsequent code enforcement citation issued, and hearing held, and for the reasons set forth above, it is found as a matter of law that code violations existed from July 23, 2003, and the violations are continuing.

IT IS ORDERED by the Code Enforcement Hearing Officer, this 24 day of October 2003, that a civil penalty is imposed in the amount of $3,000.

IT IS FURTHER ORDERED that the civil penalty in the amount of $3,000 shall be suspended on condition the Respondent:

1. Obtain a change of occupancy from a church use to an assisted living facility and a boys school on or before December 1, 2003.
2. Obtain building permits for the interior alterations, including building, electrical and plumbing permits on or before November 21, 2003.
3. Submit an approved site plan for the facility on or before January 15, 2004.

If the Respondent fails to correct the violations, then the civil penalty imposed shall be $3,000.

IT IS FURTHER ORDERED that the inspector inspect the property to determine whether the violations have been corrected.

Signed: Stanley J. Schapiro
Stanley J. Schapiro
Code Enforcement Hearing Officer

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

SJS/jaf

WHITEFORD, TAYLOR & PRESTON
L.L.P.

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COLUMBIA, MARYLAND 21044-3528
TELEPHONE 410 884-0700
FAX 410 884-0719

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

DINO C. LA FIANDRA
DIRECT NUMBER
410 832-2084
DLaFiandra@wtplaw.com

OKAY TO EXTEND THE DATE OF FINALITY TO 1 MAY 2004
Stanley J. Schapiro 2/13/04

February 13, 2004

Via Hand Delivery
Hon. Stanley Schapiro
Baltimore County Department of Permits and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Code Enforcement Matter 03-5524
49 Inverness Avenue

Dear Mr. Schapiro:

I represent the Salem Baptist Church, Inc., the Respondent in the above-captioned matter. By Amended Order dated December 1, 2003, you imposed and suspended a $3000.00 fine, pending my client's application for and receipt of permits and site plan approval for an assisted living center. You had required that we obtain the permits by February 15, 2004 and site plan approval by March 1, 2004.

In recent days my client has realized that it cannot meet these deadlines. As stated, my client has retained my firm to assist in its efforts to comply with your order. My client has also retained the services Dwight Little, P.E., to assist in these efforts. Mr. Little and I are optimistic that we can resolve the issues in the shortest possible time.

In light of these efforts, I would respectfully request an extension of time in order to resolve the issues presented by the Amended Order. **Please extend the time for compliance with the Amended Order until May 1, 2004.** We need to apply for use, building, plumbing and electrical permits. We can surely file for most if not all of these permits within the next 30 days. As you know, once the applications are filed, timing is largely out of our client's hands and in the hands of the county. In light of this consideration, we feel that May 1, 2004 is an attainable deadline.

PETITIONER'S
EXHIBIT NO. 1C

Should you have any questions, please contact me.

Sincerely,

Dino C. La Fiandra

C: Mr. Grant Kidd

WHITEFORD, TAYLOR & PRESTON
L.L.P.

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1317 KING STREET
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FAX 703 836-6203

March 7, 2005

Mr. Timothy M. Kotroco, Director
Baltimore County Department of Permits and Development Management
111 W. Chesapeake Avenue, Room 105
Towson, Maryland 21204

Re: Salem Baptist Church, Application for Use Permit for Assisted Living Facility, Class I

Dear Mr. Kotroco:

Thank you for meeting with Salem Baptist Church (Rev. Jimmie Robinson) and I on February 23, 2005 regarding a use permit for an assisted living facility at the church. As you know, the Salem Baptist Church (the "Church") is located at 49 Inverness Avenue in Dundalk. In the past, there have been a few code enforcement issues regarding this Church. Nonetheless, this use permit application is part of an overall effort by the Church to ensure compliance with all relevant codes. I have enclosed a copy of the Code Enforcement Hearing Officer's order regarding these issues.

Also enclosed, please find the use permit application with all supporting materials for the assisted living facility on-site. I note the following:

1. The original church building dates back to the 1940s. There was an addition to the original building sometime in the 60s or 70s. Salem Baptist has been at this location for approximately 12 years. The congregation consists of about 40 people.

2. The Church offers 1 service per week (Sunday morning) and 1 bible study per week (Tuesday afternoons). The service is attended by about 40 people, while the bible study is attended by about 10 people.

3. The church use and structure are nonconforming under the BCZR. I note, however, that church use is permitted by right under the D.R. zoning regulations.

4. Given its non-conforming status, there is presently no off-street parking provided for the church. Instead, the parking load (approximately 10 vehicles for Sunday

PETITIONER'S
EXHIBIT NO. 2

morning service) is accommodated by on-street parking in the neighborhood, which has not been problematic. I note that parking was not an issue in the code enforcement proceedings.

5. The site measures 14200 square feet and is located in the DR 5.5 zone. Applying the density regulations of the small tract table of BCZR §1B02, the site will support 2.37 density units (14200 square feet / 6000 square feet per density unit = 2.37 density units). Assisted living beds are calculated at the rate of 0.25 density units per bed. The church is requesting a use permit for 7 beds. Accordingly, the 7 beds proposed will account for 1.75 density units. This will leave a surplus of 0.62 density units unused.

6. There are no exterior alterations, additions, modifications, etc., of any type proposed under this use permit, nor is the Church contemplating any such alterations at any time in the future.

7. My letter to Mr. Arnold "Pat" Keller regarding compatibility is enclosed. I note that no alterations of any type are proposed for this 1940's church building in this 1940's era neighborhood. Therefore, the compatibility of the church building within the neighborhood will remain unchanged.

8. An array of photographs showing the church property and the surrounding neighborhood is enclosed. Each photo is labeled on the back as to the view shown thereon.

9. In light of numbers 5, 6, and 7 above, we respectfully request that building elevation drawings be waived for this use permit application, in accordance with Item 4 of the Use Permit Recommendation Form.

10. The following items are enclosed:

    a. Interoffice Recommendation Form (3 copies)
    b. Site Plan (5 copies)
    c. Photographs (5 photos @ 1 copy of each)
    d. Client's check for $50 to cover the filing fee for this application.

Should you have any questions whatsoever, or if you need any information to resolve any issue which may arise, please contact me. Salem Baptist Church is anxious to receive its use permit. Thank you in advance for your prompt review of this application.

Sincerely,

Dino C. La Fiandra

Enclosures

C: Mr. Donald Rascoe

328586

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BALTIMORE, MARYLAND 21202-1626
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1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

February 28, 2005

Mr. Arnold "Pat" Keller, Director
Baltimore County Office of Planning
401 Bosley Avenue
Towson, Maryland 21204

Re: Application for Use Permit for Assisted Living Facility, Class I
49 Inverness Avenue, Baltimore, Maryland

Dear Mr. Keller:

This office represents Salem Baptist Church Inc. ("Salem"), the petitioner in the above-referenced matter. Salem would like to establish an Assisted Living Facility I ("ALF") with six (6) beds at 49 Inverness Avenue (the "Property"). Salem has presented its use permit application to the Director of Permits and Development Management pursuant to BCZR §432A. This letter is presented to the Director of Planning who is required to make compatibility recommendations to the Director of Permits and Development Management under Baltimore County Code, § 32-4-402.

The Property is presently improved with an existing church structure in an established residential neighborhood. Both the church and the surrounding neighborhood were likely developed sometime in the 1940s. The neighborhood consists of primarily 1940's style small houses on approximately one-quarter acre lots.

Salem does not propose any changes to the exterior of the church structure. The only proposed change under the use application is the addition of two off-street parking spaces consistent with BCZR § 432A. Because the use of the Property by Salem as an ALF will not affect the exterior of the existing church structure in any way, the compatibility of the structure with the neighborhood should not be affected.

Within the context of § 32-4-402, the proposed development achieves compatibility in the following ways:

(1) The arrangement and orientation of the proposed buildings and site improvements are patterned in a similar manner to those in the neighborhood. As Salem will be

PETITIONER'S
EXHIBIT NO. 3

using the existing structure "as is" for an ALF, there are no proposed buildings or site improvements. The compatibility of the existing structures relative to the neighborhood will remain unchanged.

(2) The building and parking layouts reinforce existing building and streetscape patterns and assure that the placement of buildings and parking lots have no adverse impact on the neighborhood. As required by BCZR § 432A, Salem proposes the addition of two parking spaces on the Property adjacent to Del Rio. The current parking layouts of the neighborhood consist of mostly on-street parking. Although the two new parking spaces will be off-street, as required, the shape of the property allows the spaces to be at least ten (10) feet away from the existing street. The compatibility of the existing structures relative to the neighborhood will remain unchanged.

(3) The proposed streets are connected with the existing neighborhood road network where ever possible and the proposed sidewalks are located to support the functional patterns of the neighborhood. As Salem will be using the existing structure "as is" for an ALF, there are no proposed streets or sidewalks. The compatibility of the existing structures relative to the neighborhood will remain unchanged.

(4) The open spaces of the proposed development reinforce the open space patterns of the neighborhood in form and siting and complement existing open space systems. The residential development in the neighborhood was developed prior to open space regulation and, therefore, the open space is decentralized on a lot by lot basis. The required front-, side-, and rear- yard areas of the residential lots in the neighborhood are used for recreational open space. Salem proposes to meet its open space requirement in a similar fashion, by providing usable and contiguous open space in the side and front yard of the existing structure, to meet the requirements of the BCZR § 432A.

(5) Locally significant features of the site such as distinctive buildings or vistas are incorporated into the site design. This site, measuring 14200 square feet and located in a high density suburban area of Dundalk, contains no vistas. The only building on the site is the 60-plus year old church building, the exterior of which will not be disturbed. The compatibility of the existing structures relative to the neighborhood will remain unchanged.

(6) The proposed landscape design complements the neighborhood's landscape patterns and reinforces its functional qualities. There is no new landscaping proposed. The compatibility of the existing landscaping relative to the neighborhood will remain unchanged.

(7) The exterior signs, site lighting and accessory structures support a uniform architectural theme and present a harmonious visual relationship with the

surrounding neighborhood. As Salem will be using the existing structure "as is" for an ALF, there will be no changes to signage or lighting on the property. The compatibility of the existing signage and lighting relative to the neighborhood will remain unchanged.

(8) The scale, proportion, massing and detailing of proposed buildings are in proportion to those existing in the neighborhood. As Salem will be using the existing structure "as is" for an ALF, there are no proposed buildings. The compatibility of the existing structures relative to the neighborhood will remain unchanged.

Because Salem's proposed use does not affect the physical structure of the existing building in anyway, the compatibility of the existing church structure will remain unchanged. I look forward to receiving a copy of your recommendation to the Director of Permits and Development Management.

Thank you for your assistance with the request. Should you have any questions or require further information, please contact me.

Sincerely,

Dino La Fiandra

Dino C. La Fiandra

Enclosure

1604164

3/23/05

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
Attention: ALF REVIEWER
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204
M.S. 3402

PDM ALF #

Post-it® Fax Note 7671	Date 3.9.05	# of pages ▸ 2
To DON RASCOE	From J. German	
Co./Dept. PDM	Co. Planning	
Phone # FAX x5708	Phone # x3495	
Fax #	Fax #	

FROM: Timothy M. Kotroco
Department of Permits & Development Management

RE: Assisted Living Facility I or II

This office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a building/use permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Salem Baptist Church, Inc., 49 Inverness Ave., Balto., MD 21222 — 410/282-1920
Print Name of Applicant — Address — Telephone Number

Lot Address 49 Inverness Ave. Election District 12 Councilmanic District 7 Square Feet of Lot 14204

Lot Location: N E S W/side corner of Inverness Ave. (street) @ feet from N E S W corner of Avalon Ave. (street)

Land Owner: Salem Baptist Church, Inc. Tax Account Number 12/1209035111

Address: 49 Inverness Avenue Telephone Number (410 282-1920

CHECKLIST OF MATERIALS-. (to be submitted by applicant for required *compatibility* and/or *appearance* review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!

	PROVIDED? YES	NO	Accepted for filing by ____ Date: ____
1. This Recommendation Form (3 copies)	___	___	
2. Permit Application (if available)	___	___	
3. Site Plan: Property (3 copies): including lot size and square feet of buildings, parking and open space - minimum 500 square		___	___
Statement as to whether or not building has been enlarged by 25% or more in the last five (5) years	___	___	
4. Building Elevation Drawings (these may be waived if note 5.A. from the Zoning Use Permit Checklist can be stated on the plans)	___	___	
5. Photographs (please label all photos clearly) Adjoining Buildings, the Proposed Building, and Surrounding Neighborhood	___	___	

6. Current Zoning Classification: _____

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☒ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations:

See attached memorandum

Signed by [signature]
for the Director, Office of Planning and Community Conservation

RECEIVED MAR 8 2005 OFFICE OF PLANNING

Date: 3/9/05

Revised 7/19/2004

PETITIONER'S EXHIBIT NO. 4

BALTIMORE COUNTY OFFICE OF PLANNING
INTEROFFICE MEMORANDUM

TO: MR. TIMOTHY KOTROCO

FROM: JENIFER GERMAN

SUBJECT: APP. FOR USE PERMIT FOR ASSISTED LIVING FACILITY AT 49 INVERNESS AVENUE

DATE: 03/09/05

CC: DINO LA FIANDRA

Section 32-4-402 of The Baltimore County Development Regulations requires the Director Of Planning to make compatibility recommendations to the Hearing Officer for development of an assisted living facility in the DR zone. The Applicant has provided a compatibility report dated February 28, 2005 which demonstrates how this project is designed to achieve the compatibility objectives of the CMDP. The Office of Planning has reviewed these submissions and recommends to the Hearing Officer that this Development meets the Compatibility Objectives of the CMDP and Baltimore County Development Regulations.

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
Attention: ALF REVIEWER
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204
M.S. 3402

PDM ALF # _____

Permit No. (if required) B _____

FROM: **Timothy M. Kotroco**
Department of Permits & Development Management

RE: Assisted Living Facility I or II

This office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a building/use permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

410/282-1920
Salem Baptist Church, Inc., 49 Inverness Ave., Balto., MD 21222
Print Name of Applicant — Address — Telephone Number

Lot Address 49 Inverness Ave. Election District 12 Councilmanic District 7 Square Feet of Lot 14204

Lot Location: N E S W/side/corner of Inverness Ave. (street), @ _____ feet from N E S W corner of Avalon Ave. (street)

Land Owner: Salem Baptist Church, Inc. Tax Account Number 12/1209035111

Address: 49 Inverness Avenue Telephone Number (410 282-1920

CHECKLIST OF MATERIALS-. (to be submitted by applicant for required *compatibility* and/or *appearance* review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!

	PROVIDED? YES	NO	*Accepted for filing by* ____ *Date:* ____
1. This Recommendation Form (3 copies)	___	___	
2. Permit Application (if available)	___	___	
3. Site Plan: Property (3 copies): including lot size and square feet of buildings, parking and open space - minimum 500 square		___	___
Statement as to whether or not building has been enlarged by 25% or more in the last five (5) years	___	___	
4. Building Elevation Drawings (these may be waived if note 5.A. from the Zoning Use Permit Checklist can be stated on the plans)	___	___	
5. Photographs (please label all photos clearly) Adjoining Buildings, the Proposed Building, and Surrounding Neighborhood	___	___	

6. Current Zoning Classification: _____

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations:

Signed by: _____ Date:

_____
for the Director, Office of Planning and Community Conservation

Revised 7/19/2004

Department of Permits and 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 15, 2005

Mr. Dino C. LaFiandra
Whiteford, Taylor & Preston, LLP.
210 West Pennsylvania Avenue
Towson, Maryland 21204-4515

Re: Salem Baptist Church
Assisted Living Facility
49 Iverness Avenue
12th Election District

Dear Mr. LaFiandra,

This office is in receipt of your Assisted Living Facility I applications, letters, site plans, photos, Code Enforcement Order, and check. As stated in your letter, you are counting the zoning density twice. However, pursuant to Section 102.2, BCZR the density of two (2) uses (church and Assisted Living Facility I) must be calculated separately. As such, a Special Hearing is required. Additionally, as stated in your letter, the site is non-conforming. As such a Variance is required for the number of parking spaces. The submitted Zoning Use Permit Checklist for Assisted Living Facility I (1-7 beds) has not been completely followed. See "X" marks on the enclosed checklist for the revisions/additions required.

Enclosed are the petition forms as well as a self-explanatory sample procedural booklet. Please note that once the non-residential hearing site plans have been presented further issues may surface that may have to be resolved.

If you have any questions you may contact the zoning office at 410-887-3391.

Very truly yours,

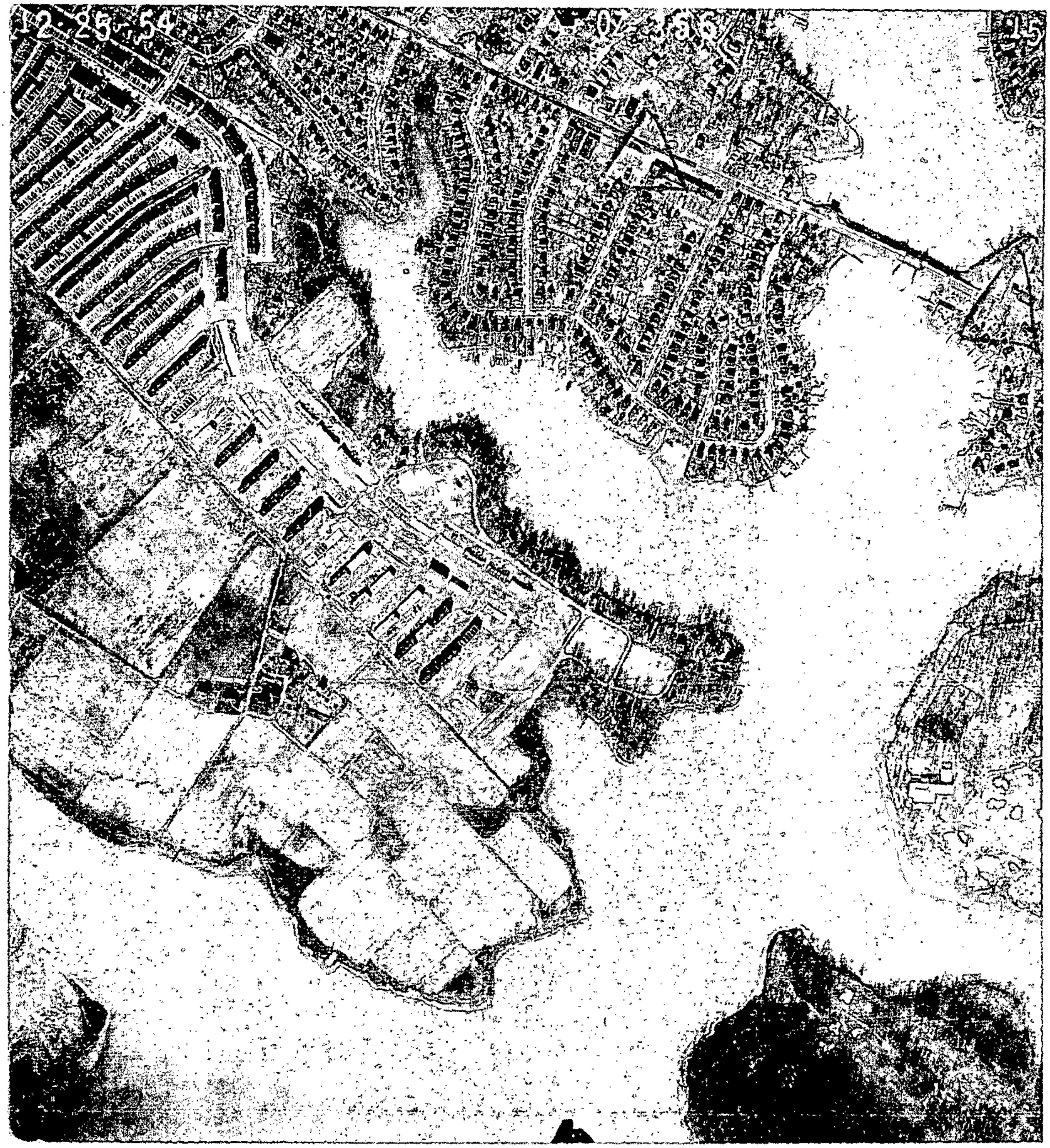
Timothy Kotroco

Timothy Kotroco
Director –PDM

JJS/TK/ clb

PETITIONER'S
EXHIBIT NO. 5

Printed on Recycled Paper

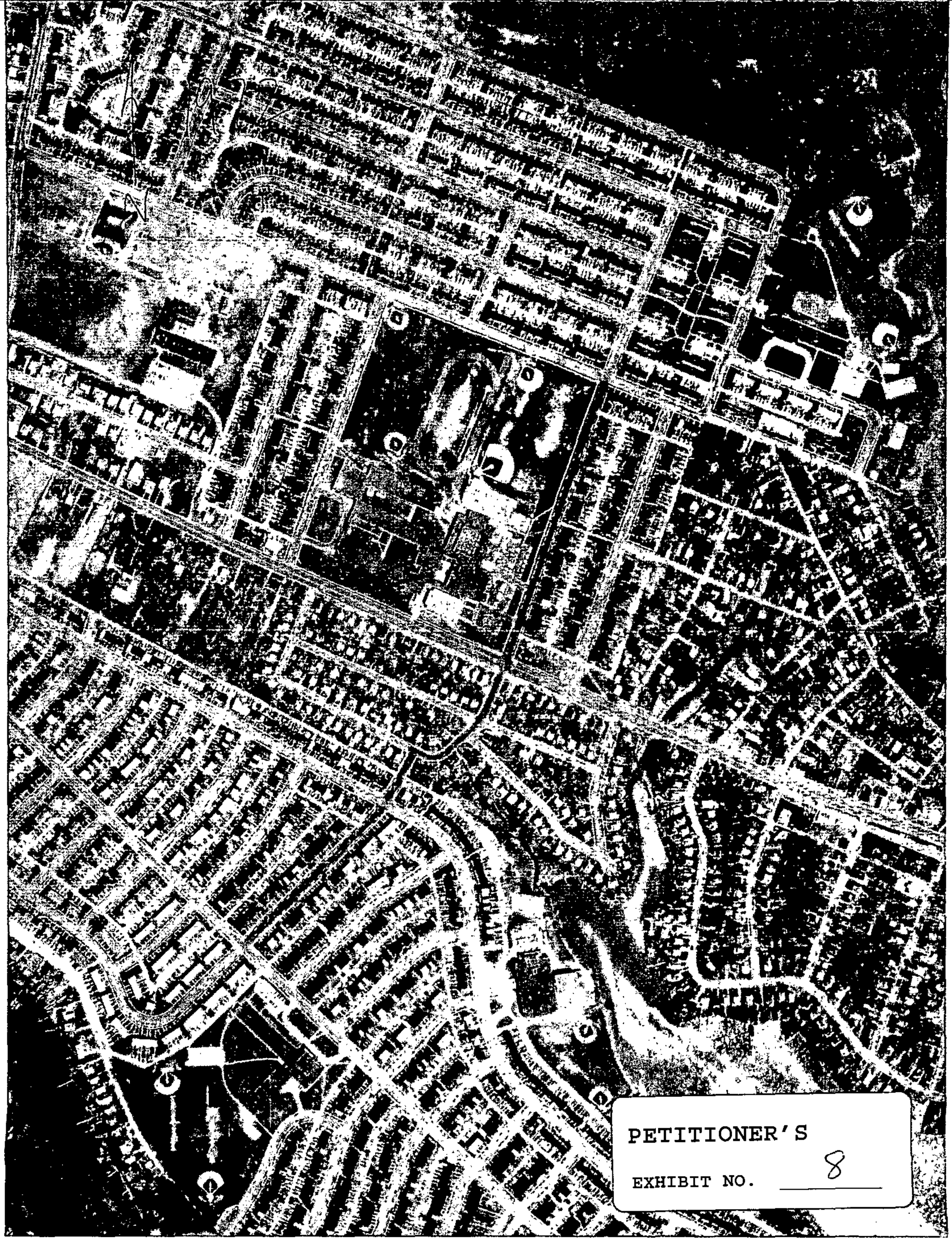


1954

N

PETITIONER'S

EXHIBIT NO. 7



PETITIONER'S

EXHIBIT NO. 8

ZONING USE PERMIT CHECKLIST

ASSISTED LIVING FACILITY I (1 – 7 beds) or II (8-15 beds)

Pursuant to Bill 19-04

The zoning regulations regarding assisted living facilities (ALF's) were changed by the County Council in Bill No. 19-04, effective 5/29/04. This checklist is intended to inform the public of these standards. One of several changes is the new requirement for small scale ALF's for 1-3 residents which were formerly exempted, that now have to file for a zoning use permit as was previously required only for 4-15 resident facilities. **However, if you can clearly document to this office that your facility was licensed and legally operating for care of a certain set number of persons prior to the above referenced bill date, an ALF use permit may be issued at the discretion of the Zoning Review Office for continuance of your use for the previously licensed number of persons without a full use permit review as stipulated in this checklist.** This is done by an individual property use review for each site for which such documentation is presented. Prior to applying for this Use Permit, contact the Baltimore County Department of Aging for related information. Fees and Plan/Checklist changes are subject to change without advance notice. Sealed plans may be required.

Filing Requirements

Three (3) use permit plans, per this checklist and sample plan sheet; one planning office compatibility/appearance review package (see Recommendation Form), and $50.00 are required for filing the application. Due to the necessity of a detailed review of the materials, you must contact 410-887-3391 for a filing appointment for this use permit.

Provide the following information on an (engineer) scaled drawing at a 1"=50' or larger scale.

1. Owner's name, and if the applicant is not the owner, the applicate's name, date, address, daytime telephone number, and the address of the property under this use permit review.
2. Title: Use permit plan for Assisted Living Facility (ALF I or II). Street vicinity map with site indicated, north arrow, scale of drawing (must be at an engineer's scale and legible), election district, property outline, and dimensions in feet, the square footage of the lot, and the current zoning of the property per the 1"=200' scale official zoning map.
3. Location on the property, use and the dimensioned footprint of the ground floor area and gross floor area (all floors) of each structure on the lot in square feet. Show and label a minimum of 10% of the lot as "open space". Show the method of calculation; Lot sq ft. x .10=_____ sq ft open space.
4. A. Number of beds to be approved with parking calculations indicating 1 parking space for each 3 beds (round-up all numbers). Note that all parking and maneuvering will be paved with a durable, dustless surface (such as asphalt or concrete) and will be permanently striped. Indicate the location and dimension of all parking and maneuvering areas. Each parking space must be 8-1/2 feet x 18 feet, which must be shown and dimensioned.

   B. Parking spaces must be shown to comply with the following: 10 feet from all lot lines other than an alley that does not abut the front or rear yard of a residentially used property. All parking and delivery areas in the side or rear yard only. A public hearing is required for noncompliance. Contact the zoning office for further information.
5. A. Note on the plan: "This building has not been originally constructed to accommodate elderly housing or an assisted living facility. No reconstruction, relocation, (exterior) changes or additions (of 25% or more based on the ground floor area as of 5 years before the date of this application) to the exterior of the building have occurred, no additions are proposed to exceed this limit.

   B. Where compliance with note 5.A. cannot be stated, the use permit application may not be accepted for filing or a public hearing may be required. The zoning office should be contacted for further information.
6. For more than four beds density/area calculations must be shown on plan based on the zones minimum lot area requirements for each density or dwelling unit used. See chart at bottom of this page.
7. Class II ALF's must be shown to be located on a prinicpal arterial street on the plan.
8. Note on the plan that any proposed signs will comply with Section 450 (BCZR) and all zoning sign policies or a zoning variance is required.
9. Include signatures, printed names (and dates) of these responsible for the accuracy of the information in this application.

Density	
1-4 beds	Not required
5-8 beds	2 density lots required
9-12 beds	3 density lots required
13-15 beds	4 density lots required

PETITIONER'S EXHIBIT NO. 9

SAMPLE FORM, ADD YOUR INFORMATION ACCORDING TO THIS FORMAT.

ZONING USE PERMIT
PLAN FOR A ASSISTED LIVING FACILITY I OR II

#123 SMITH ROAD
BALTIMORE COUNTY MD 20204
3RD ELECTION DISTRICT
OWNER: JOHN & LINDA SMITH
ADD. #321 BROOK LA. TOWSON MD 21044
DATE 2/24/94 (PLAN DATE)
PHONE: 410-325-1799
APPLICANT: IF NOT OWNER ADD ABOVE INFO.

LOT SIZE: 6,000 SQ. FT.
ZONING MAP N.W. 5F
ZONE DR 3.5

PARKING: 1 SPACE FOR EACH 3 BEDS = 2 PARKING SPACES REQUIRED.

EXISTING FLOOR AREAS SQ. FT.
1ST FLOOR AND SUN ROOM = 1987 SQ. FT.
2ND FLOOR = 1811 SQ. FT.
TOTAL 3,798 SQ. FT.
BASEMENT FOR STORAGE AND
MECHANICAL EQUIPMENT = 1811 SQ. FT.
EXISTING GARAGE = 374 SQ. FT.

OPEN SPACE: .10 x LOT AREA (6,000 SQ. FT.) = 600 SQ. FT.

FOR MORE THAN 4 BEDS SEE THE DENSITY CHART AT THE BOTTOM OF PAGE 1 OF THIS CHECKLIST. SHOW CALCULATIONS IN THIS AREA ON YOUR PLAN.

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 (STATE IF OWNERS OR APPLICANTS) ARE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION ON THIS PLAN.

SIGNATURE DATE

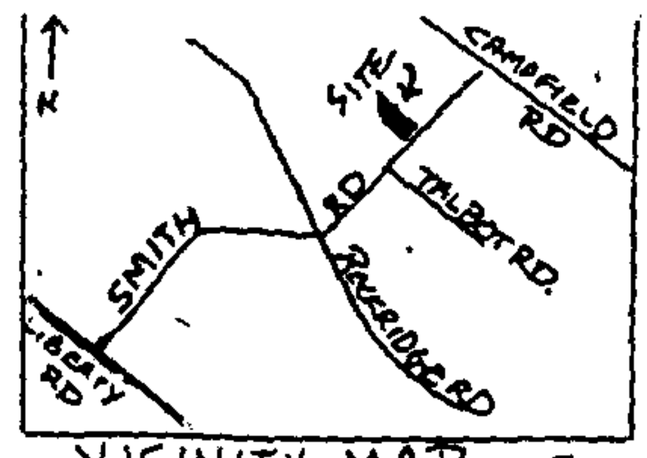
PRINTED NAME

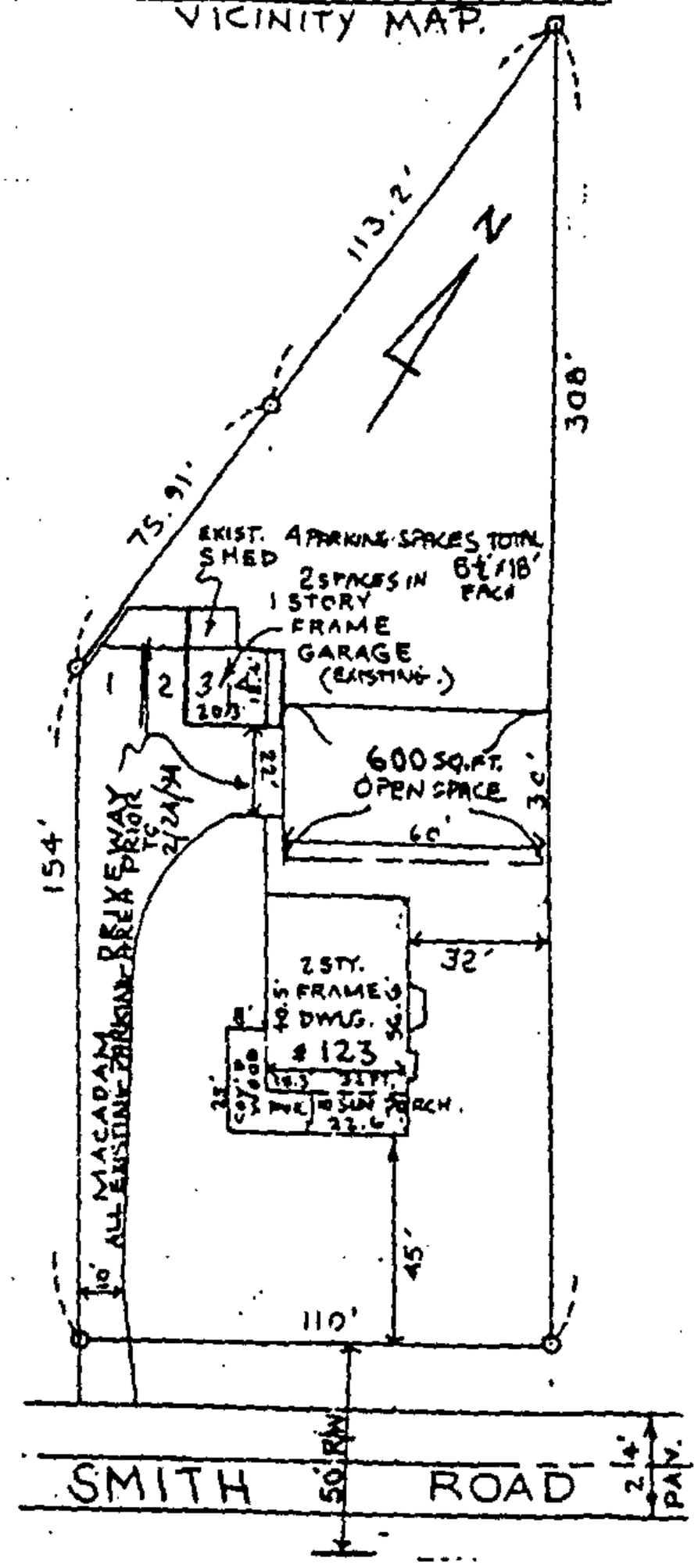
SIGNATURE DATE

PRINTED NAME

ENGINEERS SCALE
1" = _____FT.

REVISED 7/19/04





ASSISTED LIVING FACILITIES I, II, & III.

(BILL No. 19-04)

********SECTION 101. DEFINITIONS.

ASSISTED LIVING FACILITY: A BUILDING, OR SECTION OF A BUILING THAT PROVIDES HOUSING AND SUPPORTIVE SERVICES, SUPERVISION, PERSONALIZED ASSISTANCE, HEALTH-RELATED SERVICES, OR A COMBINATION THEREOF, TO MEET THE NEEDS OF INDIVIDUALS WHO ARE UNABLE TO PERFORM OR WHO NEED ASSISTANCE IN PERFORMING THE ACTIVITIES OF DAILY LIVING AND WHICH IS LICENSED AS AN ASSISTED LIVING PROGRAM AS DEFINED UNDER TITLE 19, SUBTITLE 18 OF THE HEALTH-GENERAL ARTICLE, ANNOTATED CODE OF MARYLAND. FOR THE PURPOSES OF THIS DEFINITION, IF A RESIDENT LIVES IN A ROOM OR APARTMENT PROVIDING COMPLETE KITCHEN FACILITIES INTENDED FOR THE DAILY PREPARATION OF MEALS BY OR FOR THAT RESIDENT, THE UNIT SHALL NOT BE CONSIDERED AN ASSISTED LIVING FACILITY. DENSITY FOR SUCH FACILITIES SHALL BE CALCULATED AT 0.25 FOR EACH BED.

********ASSISTED LIVING FACTILITY I: AN ASSISTED LIVING PROGRAM WHICH:

1) IS LOCATED IN A STRUCTURE WHICH WAS BUILT AT LEAST FIVE YEARS BEFORE THE DATE OF APPLICATION.
2) WAS NOT ENLARGED BY 25% OR MORE OF GROUND FLOOR AREA WITHIN THE FIVE YEARS BEFORE THE DATE OF APPLICATION.
3) WHICH ACCOMODATES FEWER THAN 8 RESIDENT CLIENTS.

********ASSISTED LIVING FACILITY II: AN ASSISTED LIVING PROGRAM WHICH:

1) IS LOCATED IN A STRUCTURE WHICH WAS BUILT AT LEAST FIVE YEARS BEFORE THE DATE OF APPLICATION.
2) WAS NOT ENLARGED BY 25% OR MORE OF GROUND FLOOR AREA WITHIN THE FIVE YEARS BEFORE THE DATE OF APPLICATION.
3) WHICH ACCOMODATES BETWEEN 8 AND 15 RESIDENT CLIENTS.

********ASSISTED LIVING FACILITY III: AN ASSISTED LIVING PROGRAM WHICH:

1) WILL ACCOMMODATE MORE THAN 15 RESIDENT CLIENTS.
2) WILL BE IN A STRUCTURE WHICH WAS BUILT OR ENLARGED BY MORE THAN 25% OF GROUND FLOOR AREA LESS THAN FIVE YEARS BEFORE THE DATE OF APPLICATION. OR
3) WILL BE IN A STRUCTURE WHICH WILL BE NEWLY CONSTRUCTED OR ENLARGED BY MORE THAN 25% OF GROUND FLOOR AREA FOR THE ASSISTED LIVING PROGRAM.

********SECTION 432A. ASSISTED LIVING FACILITY; HOUSING FOR THE ELDERLY.

A. AN ASSISTED LIVING FACILITY IS PERMITTED IN THE D.R., R.O., R.O.A., R.A.E., B.R., AND B.M. ZONES AS FOLLOWS:

1) AN ASSISTED LIVING FACILITY I IS PERMITTED BY USE PERMIT.
2) AN ASSISTED LIVING FACILITY II IS PERMIITED BY USE PERMIT IF IT HAS FRONTAGE ON A PRINCIPAL ARTERIAL STREET.
3) AN ASSISTED LIVING FACILITY III IS PERMITTED IN A D.R. 16, R.A.E., R.O., R.O.A., OR B.M., ZONE BY USE PERMIT. A FACILITY LOCATED IN A R.O. ZONE IS ALSO SUBJECT TO REVIEW BY THE DESIGN REVIEW PANEL FOR COMPATABILITY WITH SURROUNDING USES.
4) HOUSING FOR THE ELDERLY IS PERMITTED BY RIGHT IN R.A.E. ZONES

B. EXCEPT FOR THE SIGNS PERMITTED BY SECTION 450, NO OTHER SIGNS OR DISPLAYS OF ANY KIND VISIBLE FROM THE OUTSIDE ARE PERMITTED.

C. OFF-STREET PARKING SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 409 AND SUBJECT TO THE FOLLOWING CONDITIONS, BUT NO PARKING STRUCTURE IS PERMITTED EXCEPT FOR A RESIDENTIAL GARAGE AS DEFINED IN SECTION 101.

1) PARKING SHALL BE SET BACK AT LEAST 10 FEET FROM THE PROPERTY LINE, EXCEPT THAT IF THE PROPERTY LINE ABUTS AN ALLY. NO SETBACK IS REQUIRED IF THE ALLEY DOES NOT ABUT THE FRONT OR REAR YARD OF A RESIDENTIALLY USED PROPERTY.
2) PARKING AND DELIVERY AREAS SHALL BE LOCATED IN THE SIDE OR REAR ONLY.
3) AT LEAST 10% OF THE LOT SHALL BE USED TO PROVIDE USABLE CONTIGUOUS AND PRIVATE OPEN SPACE.

D. AN ASSISTED LIVING FACILITY IS SUBJECT TO A COMPATIBILITY FINDING PERSUANT TO SECTION 32-4-402 OF THE BALTIMORE COUNTY CODE.

E. AN ASSISTED LIVING FACILITY LOCATED IN A COUNTY HISTORIC DISTRICT IS ALSO SUBJECT TO REVIEW BY THE LANDMARKS PRESERVATION COMMISSION IN THE SAME MANNER AS OTHER BUILDINGS LOCATED IN A HISTORICAL DISTRICT.

Revised 9/29/04

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
Attention: ALF REVIEWER
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204
M.S. 3402

PDM ALF # _____

Permit No. (if required) B _____

FROM: **Timothy M. Kotroco**
Department of Permits & Development Management

RE: Assisted Living Facility I or II

This office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a building/use permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

_____
Print Name of Applicant Address Telephone Number

Lot Address_____ Election District____ Councilmanic District____ Square Feet of Lot _____

Lot Location: N E S W/side/corner of_____ (street), _____ feet from N E S W corner of _____ (street)

Land Owner:_____ Tax Account Number _____

Address: _____ Telephone Number ( ) _____

CHECKLIST OF MATERIALS-. (to be submitted by applicant for required ***compatibility*** and/or ***appearance*** review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!

	PROVIDED? YES	NO	*Accepted for filing by_____ Date: _____*
1. This Recommendation Form (3 copies)	___	___	
2. Permit Application (If available)	___	___	
3. Site Plan: Property (3 copies): including lot size and square feet of buildings, parking and open space – 10% lot area	___	___	
Statement as to whether or not building has been enlarged by 25% or more in the last five (5) years	___	___	
4. Building Elevation Drawings (these may be waived if note 5.A. from the Zoning Use Permit Checklist can be stated on the plans)	___	___	
5. Photographs (please label all photos clearly) Adjoining Buildings, the Proposed Building, and Surrounding Neighborhood	___	___	

6. Current Zoning Classification: _____

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations:

Signed by: _____ Date:

_____
for the Director, Office of Planning and Community Conservation

Revised 9/29/2004

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

LICENSING AND CERTIFICATION ADMINISTRATION
4201 PATTERSON AVENUE
BALTIMORE, MARYLAND 21215

Mr. Jimmie Robinson III
APEX CENTER I
49 Inverness Avenue
Dundalk, Maryland 21222

Type of Facility and Number of Beds
Registered Domiciliary Care Facility
Three (3) Beds

Permit No. 4667

Date Issued April 28, 1997

Expiration Date April 28, 1998

This permit has been granted to: MR. JIMMIE ROBINSON III

This permit is granted pursuant to The Health General Article, Title 19 Section 324.1 Annotated Code of Maryland, 1982 Edition, and subsequent supplements and is subject to any and all statutory provisions, including all applicable rules and regulations promulgated thereunder.

Director, Licensing and Certification Administration

(Not Transferable)

PETITIONER'S
EXHIBIT NO. 10B

MARYLAND
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
OFFICE OF HEALTH CARE QUALITY
SPRING GROVE CENTER
BLAND BRYANT BUILDING
55 WADE AVENUE
CATONSVILLE, MARYLAND 21228

License No. 03AL070 Registration No. 6322

Issued to: Ms. Keena Robinson
SALEM BAPTIST CHURCH
T/A APEX CENTER OF SALEM BAPTIST CHURCH
49 INVERNESS AVENUE
DUNDALK, MD 21222

Type of Facility or Community Program:	Number of Beds:	Level of Care:
Assisted Living	4	2

Date Issued: November 19, 2002 Expiration Date: November 18, 2003

Waivers:

Authority to operate in this State is granted to the above entity pursuant to The Health-General Article, Title 19 § 1801, et. seq., Annotated Code of Maryland, 1996 replacement volume, and subsequent supplements to any and all statutory provisions, including all applicable rules and regulations promulgated thereunder. This document is not transferable.

Director

Did you Know !

Salem Baptist Church } Behind our BACKS
49 Inverness Ave

Is openning a Residential (live in) School for troubled Boys from Baltimore City.

Did You Know !

Salem Baptist Church
Has started a Homeless Shelter! To they call it a senior center, ... which is what Baltimore County seniors are a resident of their church.

" Come and Protest the Above "

Please - SAVE our Neighborhood

come to their open house on Sunday July 20th at 7:30

Also

Public Hearing on Tues July 22, at 6:00

PETITIONER'S
EXHIBIT NO. 11

Dear Neighbors,

I would like to thank you for coming out Sunday. It was not what I hoped but it was a start. I have spoke to Johnny O about our plans in this community 3 years ago. I have again contacted Johnny and presented a plan. I will pray for the 2 ladies who called for the protest of our ministry by presenting false information on the attached flier(see back of page. I applaud you for how you mobalized on behalf of your community. Please continue to do so there are so many good things that can be done. I look forward to seeing you again on Tuesday.

God bless you all
Pastor Jimmie Robinson III.

Maryland Department of Health and Mental Hygiene
Office of Health Care Quality

Assisted Living Programs
Licensed by OHCQ as of Wednesday, December 07, 2005

ALLEGANY COUNTY

Chateau of Cumberland
506 White Avenue
Cumberland, MD 21502
Phone: (301) 722-5535
Contact: Judy M Donahue
16 Beds

Countryhouse
15 Cumberland Street
Cumberland, MD 21502
Phone: (301) 777-8717
Contact: Sheila Lindner
22 Beds

Frostburg Village
1 Kaylor Circle
Frostburg, MD 21532
Phone: (301) 689-2425
Contact: Anita Blauch
33 Beds

Kensington Algonquin
One Baltimore Street
Cumberland, MD 21502
Phone: (301) 777-8800
Contact: Martha Shade
85 Beds
Medicaid Waiver

Marshall's Care Home
17515 Old Braddock Trail, S.E.
Oldtown, MD 21555
Phone: (301) 478-5817
Contact: Jeweral Marshall

New Hope I
12506 Sunshine Drive
Cumberland, MD 21502
Phone: (301) 759-2828
Contact: Linda Snoots
5 Beds
Medicaid Waiver

New Hope II
11609 Bierman Drive
Cumberland, MD 21502
Phone: (301) 759-2828
Contact: Thelma Van Meter
12 Beds
Medicaid Waiver

New Hope III
344 Mt. View Drive
Cumberland, MD 21502
Phone: (301) 759-3977
Contact: Linda L Snoots
5 Beds
Medicaid Waiver

Open Arms Personal Care Home
407 Bedford Street
Cumberland, MD 21502
Phone: (301) 722-4895
Contact: Janie L Brown
5 Beds
Medicaid Waiver

Potomac Haven
30 Potomac Street
Cumberland, MD 21502
Phone: (301) 724-5172
Contact: Mary M Poling
4 Beds

PETITIONER'S

EXHIBIT NO. 10 A

Richards Way

30 Rear Potomac Street
Cumberland, MD 21502
Phone: (301) 724-5172
Contact: Betty Haselbuger
6 Beds

Sincerely Yours Assisted Living
15900 Williams Road, S.E.
Cumberland, MD 21502
Phone: (301) 724-9131
Contact: Faye Raines
5 Beds
Medicaid Waiver

****

Boulevard

ALF

ANNE ARUNDEL COUNTY

A & E Homecare I
1234 Cathedral Drive
Glen Burnie, MD 21061
Phone: (410) 768-1215
Contact: Arwin Marcos
5 Beds
Medicaid Waiver

A & E Homecare II
1224 Cathedral Drive
Glen Burnie, MD 21061
Phone: (410) 768-1215
Contact: Evelyn C Almuete
5 Beds

Medicaid Waiver

Angel's Paradise
109 Norman Avenue
Glen Burnie, MD 21060
Phone: (410) 553-6853
Contact: Christine Freeland
5 Beds
Medicaid Waiver

Angel's Paradise
7808 Baltimore Annapolis

Glen Burnie, MD 21060
Phone: (410) 553-6853
Contact: Maisha Freeland
5 Beds
Medicaid Waiver

Annapolis Senior Residential

1701 Wells Street
Annapolis, MD 21401
Phone: (410) 267-7213
Contact: Melanie E Hamilton
3 Beds
Medicaid Waiver

Annapolitan Care Center, Inc.
84 N. Old Mill Bottom Road
Annapolis, MD 21401
Phone: (410) 757-7000
Contact: Myra Taliaferro, LPN

Arbor at Baywoods (The)
7103 Bay Front Drive
Annapolis, MD 21403
Phone: (410) 268-1727
Contact: Sharon Woods, RN #R138980
45 Beds

Assisted Living of Annapolis
477 Broadneck Road
Annapolis, MD 21401
Phone: (410) 757-5646
Contact: Loretta Polson
5 Beds
Medicaid Waiver

Atria Manresa
85 Manresa Road
Annapolis, MD 21401
Phone: (410) 349-9529
Contact: Margaret Kluesener
86 Beds

Autumn Meadows V
1262 Defense Highway
Gambrills, MD 21054
Phone: (301) 262-0123
Contact: Diana Walker
15 Beds
Medicaid Waiver

Autumn Meadows VI
1260 Defense Highway
Gambrills, MD 21054
Phone: (301) 262-0123
Contact: Hildy Duncan
8 Beds
Medicaid Waiver

BWF Place
8222 Stewarton Court
Severn, MD 21144
Phone: (410) 519-1192
Contact: Barbara A Finch
3 Beds

Casa De Amor
192 McQuay Road
Severna Park, MD 21146
Phone: (410) 544-2809
Contact: Sheri Sandoval
5 Beds

Country Home, Ltd.
4187 Solomons Island Road
Harwood, MD 20776
Phone: (410) 867-1127
Contact: Carolyn Pappamihiel
15 Beds
Medicaid Waiver

Covenant Care Assisted Living
532 Glen Court
Glen Burnie, MD 21060
Phone: (410) 360-8351
Contact: Joann J Harris
4 Beds

Cranberry Cottage I
14 Proctor Avenue
Glen Burnie, MD 21060
Phone: (410) 863-1132
Contact: Betty Haines
6 Beds
Medicaid Waiver

Cranberry Cottage II
12 Proctor Avenue
Glen Burnie, MD 21061
Phone: (410) 863-0688
Contact: Anne Billing
6 Beds
Medicaid Waiver

Cranberry Cottage III
54 Magothy Beach Road
Pasadena, MD 21122
Phone: (410) 360-1844
Contact: Anne Billing
8 Beds
Medicaid Waiver

Cranberry Cottage IV
486 Lincoln Drive
Glen Burnie, MD 21060
Phone: (410) 360-8908
Contact: Violet Hall
8 Beds
Medicaid Waiver

Cranberry Cottage V
394 Washington Avenue
Glen Burnie, MD 21060
Phone: (410) 360-1844
Contact: Anne M Billing
8 Beds
Medicaid Waiver

Cranberry Cottage VI
390 Washington Avenue
Glen Burnie, MD 21060
Phone: (410) 360-9036
Contact: Anne Billing
6 Beds
Medicaid Waiver

Eldercare Gardens at Linthicum
302 Chestnut Road
Linthicum, MD 21090
Phone: (410) 691-2226
Contact: Rosemarie Machiran
15 Beds
Medicaid Waiver

Fernbrook Manor
1190 Monie Road
Odenton, MD 21113
Phone: (410) 974-4710
Contact: Maggie Flannery
14 Beds
Medicaid Waiver

Ginger Cove
4000 River Crescent Drive
Annapolis, MD 21401
Phone: (410) 266-7300
Contact: Phyllis J Smith
6 Beds

Ginger Cove II
4000 River Crescent Drive
Annapolis, MD 21401
Phone: (410) 266-7300
Contact: Phyllis Smith
45 Beds

Harbor Gates, Inc.
735 Herald Harbor Road
Crownsville, MD 21032
Phone: (410) 923-0256
Contact: Diana M Karns
3 Beds

Heart Homes at Bay Ridge I
3023-A Arundel on the Bay Road
Annapolis, MD 21403
Phone: (410) 974-8208
Contact: James W Jeffcoat
16 Beds

Heart Homes at Bay Ridge II
3023-B Arundel on the Bay Road
Annapolis, MD 21403
Phone: (410) 974-8205
Contact: Heather Junta
16 Beds

Heart Homes at Linthicum I
806 Camp Meade Road
Linthicum, MD 21090
Phone: (410) 859-8900
Contact: Carol Phipps
16 Beds

Heart Homes at Linthicum II
804 Camp Meade Road
Linthicum, MD 21090
Phone: (410) 859-8900
Contact: Carol Phipps
16 Beds

Heart Homes at Pasadena
8016 Ritchie Highway
Pasadena, MD 21122
Phone: (410) 766-8899
Contact: Heather Junta
16 Beds

Heart Homes at Pasadena
8016 Ritchie Highway
Pasadena, MD 21122
Phone: (410) 766-8899
Contact: James Weyand
15 Beds

Heart Homes at Piney Orchard
8735 Piney Orchard Parkway
Odenton, MD 21113
Phone: (410) 695-0096
Contact: Carol Phipps
16 Beds

Heartlands at Severna Park
715 Benfield Road
Severna Park, MD 21146
Phone: (410) 729-1600
Contact: Lisa Plummer-Leppardi
95 Beds

Home Sweet Home 2
Park
138 Clarence Avenue
Severna Park, MD 21146
Phone: (410) 647-6676
Contact: Dr. Meta K Townsend
5 Beds
Medicaid Waiver

Home Sweet Home, Inc.
136 Clarence Avenue
Severna Park, MD 21146
Phone: (410) 647-6676
Contact: Meta K Townsend
5 Beds
Medicaid Waiver

Homeplace Groove Estates II

Glen Burnie, MD 21061
Phone: (410) 768-0775
Contact: Olabisi M Hotonu
5 Beds
Medicaid Waiver

Homeplace Grove I
101 Sandsbury Avenue
Glen Burnie, MD 21060
Phone: (410) 768-7759
Contact: Olabisi M Hotonu
5 Beds
Medicaid Waiver

House of Loving Care
302 Rose Avenue
Glen Burnie, MD 21061
Phone: (410) 766-3938
Contact: Vanessa Jones
3 Beds
Medicaid Waiver

Household Of Angels in Crofton
2163 Davidsonville Road
Gambrills, MD 20154
Phone: (410) 721-4190
Contact: Willid Amialal
15 Beds

Household Of Angels in Severna

118 Arundel Beach Houlevard
Severna, MD 21146
Phone: (410) 573-0017
Contact: Margaret Taneus
15 Beds

Jones Acres
1349 Jones Station Road
Arnold, MD 21012
Phone: (410) 974-4747
Contact: Claire Nolan
15 Beds
Medicaid Waiver

Kris Leigh Assisted Living
1032 Annapolis Road
Gambrills, MD 21054
Phone: (410) 672-3600
Contact: Richard Ainsworth
16 Beds
Medicaid Waiver

Kris-Leigh Assisted Living
1038 Annapolis Road
Gambrills, MD 21054
Phone: (410) 672-3090
Contact: Helen Ainsworth
16 Beds
Medicaid Waiver

Kris-Leigh Assisted Living
3913 Birdsville Road
Davidsonville, MD 21035
Phone: (410) 974-9428
Contact: Marlene Dennis
20 Beds
Medicaid Waiver

LaCasa LLC
Friendship
512 Mari Lane
Annapolis, MD 21401
Phone: (410) 266-6766
Contact: Janice O Nuseher
5 Beds

Locust Lodge I
184 Meadow Road
Pasadena, MD 21122
Phone: (410) 255-7160
Contact: Dolores E Novin
15 Beds
Medicaid Waiver

Locust Lodge II
182 Meadow Road
Pasadena, MD 21122
Phone: (410) 255-7160
Contact: Dolores E Novin
5 Beds
Medicaid Waiver

Love Nest Senior Residence
109-A 1st Avenue
Marley Park, MD 21061
Phone: (410) 766-0305
Contact: Tanya Vaswani
6 Beds
Medicaid Waiver

Marivic House
205 Catalta Avenue
Pasadena, MD 21122
Phone: (410) 544-1640
Contact: Victoria D Parent
5 Beds
Medicaid Waiver

Marivic House II
2705 Wren Way Road
Glen Burnie, MD 21061
Phone: (410) 544-1640
Contact: Victoria DeSuzmen
4 Beds

Morningside House At
7548 Old Telegraph Road
Hanover, MD 21076
Phone: (410) 863-0830
Contact: Karen Miller
103 Beds
Medicaid Waiver

Oak Lodge Senior Home
7755-B Outing Avenue
Pasadena, MD 21122
Phone: (410) 255-6070
Contact: Jagoda Janiro
6 Beds

Oak Lodge Senior Home I
7753 Outing Avenue
Pasadena, MD 21122
Phone: (410) 255-6070
Contact: Eugenia Janik
8 Beds
Medicaid Waiver

Oak Lodge Senior Home II
7755-A Outing Avenue
Pasadena, MD 21122
Phone: (410) 255-6070
Contact: Edmund Janik
15 Beds
Medicaid Waiver

Pasadena Home Care I
250 Kentucky Avenue
Pasadena, MD 21112
Phone: (410) 437-1693
Contact: David B Ye Xu
6 Beds
Medicaid Waiver

Pasadena Home Care II (The)
166 Mountain Road
Pasadena, MD 21122
Phone: (410) 439-4193
Contact: David B Ye Xu
15 Beds
Medicaid Waiver

Peartree House
8004 Shadow Oak Lane
Pasadena, MD 21122
Phone: (410) 437-5050
Contact: Marcia Bauer
15 Beds

Peartree House at Middlebury
8001 Middlebury Drive
Pasadena, MD 21122
Phone: (410) 437-5050
Contact: Linda Leimbach
15 Beds

PNJ Comfort Care Home
1314 Broadview Boulevard
Glen Burnie, MD 21061
Phone: (410) 761-5189
Contact: Janet L Williams
3 Beds

Quality Life Care
8123 Foxwell Road
Millersville, MD 21108
Phone: (410) 761-1439
Contact: Marielou A Loway
5 Beds
Medicaid Waiver

Regency ALF, LLC
730 MD Route 3 South
Gambrills, MD 21054
Phone: (410) 923-1200
Contact: Sherry Ainsworth
55 Beds

Respite Home on South Haven
2754 South Haven Road
Annapolis, MD 21401
Phone: (410) 224-5661
Contact: Maeve Ostrowski
10 Beds

Riva Terrace
3073 Riverview Road
Riva, MD 21140
Phone: (410) 956-6738
Contact: Rose Cabrales
5 Beds
Medicaid Waiver

Riva Terrace II
2707 Riva Road
Riva, MD 21401
Phone: (410) 266-8899
Contact: Andrea M Cabrales
5 Beds
Medicaid Waiver

Riva Terrace III
1680 N Winchester Road
Annapolis, MD 21401
Phone: (410) 349-8338
Contact: Rose Cabrales
6 Beds
Medicaid Waiver

Riva Terrace IV
1671 Pleasant Plains Road
Annapolis, MD 21401
Phone: (410) 271-6842
Contact: Rose Cabrales
4 Beds

Rose Garden Cottages, Inc.
8010 Catherine Avenue
Pasadena, MD 21122
Phone: (410) 439-3198
Contact: Marion E Matthews
5 Beds
Medicaid Waiver

Serenity Assisted Living, Inc.
36 Governor's Gate Lane
North Linthicum, MD 21090
Phone: (410) 636-6678
Contact: Susan Morea
5 Beds
Medicaid Waiver

Sheryl's Tender Care Elderly
1201 Topsail Court
Pasadena, MD 21122
Phone: (443) 527-9703
Contact: Merva Townsend
5 Beds

Skyway Manor I
1142 Skyway Drive
Annapolis, MD 21401
Phone: (410) 757-5883
Contact: Mary K Kitzmiller
4 Beds

Somerford Place - Annapolis Severna Pk
2111 Riva Road
Annapolis, MD 21401
Phone: (410) 224-7200
Contact: Melissa L Stewart
60 Beds
Medicaid Waiver

Specialized Elder Care
536 East Drive
Severna Park, MD 21146
Phone: (410) 315-9546
Contact: Cynthia A Quaster
4 Beds

St. Michael's Homes, LLC
8001 Helonias Court
Pasadena, MD 21122
Phone: (443) 850-6542
Contact: Bindun Savage
5 Beds

Sun Valley Care For Elderly II
211 Oak Lane
Glen Burnie, MD 21061
Phone: (410) 787-0710
Contact: Caesar D Manansala
4 Beds

Sun Valley Home Care For

318 Shannon Forest Court
Glen Burnie, MD 21060
Phone: (410) 787-0710
Contact: Liza Manansala
5 Beds
Medicaid Waiver

Sunrise of Annapolis
800 Bestgate Road
Annapolis, MD 21401
Phone: (410) 266-1400
Contact: Denise E Richards
106 Beds

Sunrise Senior Living at

41 West McKinsey Road
Severna Park, MD 21046
Phone: (410) 544-7200
Contact: Brian Robinson
100 Beds

Sunshine Assisted Living Services

216 Elizabeth Avenue
Baltimore, MD 21225
Program
Phone: (410) 789-5351
Contact: Adrienne Pinder
4 Beds
Medicaid Waiver

Walker's Group Assisted Living
404 Oakwood Station Road
Glen Burnie, MD 21061
Phone: (410) 707-2498
Contact: Tracey C Walker
5 Beds
Medicaid Waiver

White House On The Bay
43 Bay Drive
Annapolis, MD 21403
Phone: (410) 268-2594
Contact: Pat Olivia White
4 Beds
Medicaid Waiver

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BALTIMORE CITY

"ALPS": Assisted Living

4207 Seidel Avenue
Baltimore, MD 21206
Phone: (410) 485-6479
Contact: Marjorie L Prout
3 Beds

A & W Assisted Living
608 Wildwood Parkway
Baltimore, MD 21229
Phone: (410) 233-7098
Contact: Wilma Armorer
3 Beds
Medicaid Waiver

A Home With A Heart
2012 McKean Avenue
Baltimore, MD 21217
Phone: (410) 302-8179
Contact: Melvin Ellis
3 Beds

Medicaid Waiver

About Your Care, Inc.
801 Beaumont Avenue
Baltimore, MD 21212
Phone: (410) 435-1557
Contact: Lavera Gundy
6 Beds
Medicaid Waiver

Absolute Quality Care
4401 Old York Road
Baltimore, MD 21212
Phone: (410) 323-4098
Contact: Vellner J McNair
3 Beds
Medicaid Waiver

Acts of Love I
1229 Poplar Grove Street
Baltimore, MD 21216
Phone: (410) 947-2840
Contact: June Bryant

Adassa Assisted Living
5339 Cordelia Avenue
Baltimore, MD 21215
Phone: (410) 466-2962
Contact: Adassa Stewart
3 Beds
Medicaid Waiver

Agape Assisted Living Home
5706 Denwood Avenue
Baltimore, MD 21206
Phone: (410) 780-5219
Contact: Rosalind S Daniels-Jones
3 Beds
Medicaid Waiver

All About Caring
2424 East Chase Street
Baltimore, MD 21213
Phone: (410) 327-6023
Contact: Charlotte Richards
3 Beds

All About Love II
901 Woodbourne Avenue
Baltimore, MD 21212
Phone: (410) 323-7793
Contact: Rodney C Moore
4 Beds

All Together Network
643 Tunbridge Road
Baltimore, MD 21212
Phone: (410) 486-8650
Contact: Michelle C Miller
8 Beds

Almost Heaven
5917 Edna Avenue
Baltimore, MD 21214
Phone: (410) 426-5618
Contact: Sherreen Adams
5 Beds
Medicaid Waiver

Almost Home II
4813 Gwynn Oak Avenue
Baltimore, MD 21207
Phone: (410) 448-9499
Contact: Valerie A Turner
4 Beds
Medicaid Waiver

Almost Like Home
4202 Maine Avenue
Baltimore, MD 21207
Phone: (410) 367-5521
Contact: Denise Tillman
12 Beds
Medicaid Waiver

Anderson Assisted Living
2603 Kirk Avenue
Baltimore, MD 21218
Phone: (410) 665-6345
Contact: Pilson Hurley
3 Beds
Medicaid Waiver

Anderson Place (The)
1729 Cliftview Avenue
Baltimore, MD 21213
Phone: (410) 327-0191
Contact: Charlotte Morton
3 Beds
Medicaid Waiver

Andy's Assisted Living
621 North Potomac Street
Baltimore, MD 21205
Phone: (410) 342-2257
Contact: Gloria Cobb
3 Beds
Medicaid Waiver

Angel Care Home of Care
4719 Elison Avenue
Baltimore, MD 21206
Phone: (410) 679-1849
Contact: Angela Holmes
3 Beds

Angel's Cove Assisted Living
5404 Belair Road
Baltimore, MD 21206
Phone: (410) 483-5339
Contact: Innocent Egonu
11 Beds
Medicaid Waiver

Ann's Loving Care I
1536 Northgate Road
Baltimore, MD 21218
Phone: (410) 433-5460
Contact: Vernon Lee
5 Beds
Medicaid Waiver

Ann's Place
4101 Boarman Avenue
Baltimore, MD 21215
Phone: (410) 664-2633
Contact: Annie R Askins
3 Beds

Ashley Home II
2774 West North Avenue
Baltimore, MD 21216
Phone: (410) 523-9446
Contact: Jerome Chelley
3 Beds
Medicaid Waiver

Ashley Homes
Living
[illegible] Linnard Street
Baltimore, MD 21229
Phone: (410) [illegible]
Contact: Dorothy Brown
3 Beds
Medicaid Waiver

Aspirations
5241 Cedgate Road
Baltimore, MD 21206
Phone: (410) 325-7612
Contact: Joyce Brown
4 Beds

Aunt Shug's Assisted Living
4311 Belview Avenue
Baltimore, MD 21215
Phone: (410) 466-4517
Contact: Shelia Cason
4 Beds

Baker's Inn
112 North Highland Avenue
Baltimore, MD 21224
Phone: (410) 342-4949
Contact: Carolette Baker-James
3 Beds
Medicaid Waiver

Barbara's Place
4905 Nelson Avenue
Baltimore, MD 21215
Phone: (410) 542-6848
Contact: Barbara Canty
3 Beds
Medicaid Waiver

Belvedere (The)
1909 E. Belvedere Avenue
Baltimore, MD 21239
Phone: (443) 919-2429
Contact: Christina Flowers
3 Beds

Bertha's Long View Assisted

[illegible] Tramore Road
Baltimore, MD 21214
Phone: (410) [illegible]
Contact: Rufus Brooks
3 Beds

Beryl Manor Assisted Living
2643 Beryl Avenue
Baltimore, MD 21205
Phone: (410) 327-3042
Contact: Brenda J Jones
3 Beds
Medicaid Waiver

Best Care
3524 Hayward Avenue
Baltimore, MD 21215
Phone: (410) 542-4842
Contact: Sandra V Best
3 Beds
Medicaid Waiver

Betty's and Debbie's Family Place I
5411 Walther Avenue
Baltimore, MD 21214
Phone: (410) 254-5828
Contact: Betty Thomas
12 Beds
Medicaid Waiver

Betty's Place of Comfort
1017 Wedgewood Road
Baltimore, MD 21229
Phone: (410) 945-3773
Contact: Betty Brooks
3 Beds
Medicaid Waiver

Birchview Home
5132 Creast Haven Way
Perry Hall, MD 21128
Phone: (410) 254-5140
Contact: Brenda E Allen
3 Beds
Medicaid Waiver

Blessed House
618 Wicklow Road
Baltimore, MD 21229
Phone: (410) 233-7733
Contact: Brenda Sullivan
4 Beds

Bonding Bonds Together, Inc.
2765 The Alameda
Baltimore, MD 21218
Phone: (410) 889-0642
Contact: Floyd Fowlkes
3 Beds

Bryant House (The)
5512 Gwynn Oak Avenue
Baltimore, MD 21207
Phone: (410) 448-9562
Contact: Mary Bryant
2 Beds
Medicaid Waiver

Burris Home Care
1436 Gittings Avenue
Baltimore, MD 21239
Phone: (410) 433-1655
Contact: Shelise Morton-Burris
3 Beds
Medicaid Waiver

C & J Peaceful Assisted Living
631 Lucia Avenue
Baltimore, MD 21229
Phone: (410) 905-7977
Contact: James E Brookfield
4 Beds
Medicaid Waiver

C & J Peaceful Assisted Living
1011 Reverdy Road
Baltimore, MD 21212
Phone: (410) 905-7977
Contact: Carolyn Holmes
4 Beds
Medicaid Waiver

C & L Quality Care III
3901 Ridgecraft Court
Baltimore, MD 21206
Phone: (410) 532-7868
Contact: Edie Lane
3 Beds

C & L Quality Home
1001 Evesham Avenue
Baltimore, MD 21213
Phone: (410) 298-6375
Contact: Pamela Benane
3 Beds
Medicaid Waiver

C & M Family Company
5209 Catalpha Road
Baltimore, MD 21214
Phone: (410) 426-2375
Contact: Margaret Clark
2 Beds
Medicaid Waiver

Callahan's Special Care Facility L.L.C
[illegible] Merville Avenue
Baltimore, MD 21215
Phone: (410) 664-3900
Contact: Phyllis C Smith
3 Beds
Medicaid Waiver

Cannon's Place
4814 Frankford Avenue
Baltimore, MD 21206
Phone: (410) 488-5990
Contact: Teresa Cannon
3 Beds

[illegible] Program
4664 Derby Manor Road
Baltimore, MD [illegible]
Phone: (410) 466-6433
Contact: Amy H West
3 Beds

[illegible] Assisted Living Pregnancy
33 North [illegible] Street
Baltimore, MD 21231
Phone: (410) 558-8089
Contact: Jacquetta Wright
3 Beds
Medicaid Waiver

[illegible] Assisted Living
3606 Benson Avenue
Baltimore, MD [illegible]
Phone: (410) 545-6600
Contact: Barbara Pearce
60 Beds
Medicaid Waiver

Carrie Care Assisted Living
1539 Kennewick Road
Baltimore, MD 21218
Phone: (410) 889-1617
Contact: Carolyn Frazier
3 Beds
Medicaid Waiver

Catered Living of Pikesville
7218 Park Heights Avenue
Pikesville, MD 21208
Phone: (410) 578-8500
Contact: Bruce Raffel
70 Beds

Catherine's Haven [illegible]
4312 Sheldon Avenue
Baltimore, MD 21206
Phone: (410) 488-7652
Contact: Hilda C Williams
3 Beds

CD Assisted Living
4847 Reisterstown Road
Baltimore, MD [illegible]
Phone: (410) 578-1761
Contact: Carolyn Coleman
3 Beds
Medicaid Waiver

[illegible] Addiction and
4940 East [illegible]
Baltimore, MD 21224
Phone: (410) 550-5408
Contact: Vickie Walters
15 Beds

Chambers West
1612 North Ellamont Street
Baltimore, MD [illegible]
Phone: (410) 367-[illegible]
Contact: Clifton Chambers
3 Beds
Medicaid Waiver

Chancey's Loft
3803 Stokes Drive
Baltimore, MD 21229
Phone: (410) 624-0806
Contact: Shirley McCoy
3 Beds

Chelsea Manor
2309 Chelsea Terrace
Baltimore, MD 21216
Phone: (410) 664-4748
Contact: Barbara L Franklin-Grimes
15 Beds
Medicaid Waiver

Cherry Haven Assisted Living
3313 Walbrook Avenue
[illegible], MD 21216
Phone: (410) 233-9895
Contact: Inez H Cherry
4 Beds

Christ Home of Love and Hope II
2024 East 31st Street
[illegible], MD 21218
Phone: (410) 366-3688
Contact: Ella Torsh
9 Beds
Medicaid Waiver

Christian Family Assisted
5615 McClean Boulevard
[illegible], MD 21214
Phone: (410) 254-8881
Contact: [illegible]
4 Beds
Medicaid Waiver

Christian Home Care II
4500 Weitzel Avenue
[illegible], MD 21214
Phone: (410) 426-8298
Contact: Brenda Christian
2 Beds

Claverty Cottage
5126 Queensberry Avenue
Baltimore, MD 21215
Phone: (410) 542-5361
Contact: Mary Walters
3 Beds
Medicaid Waiver

Cook's Care Home
4402 Finney Avenue
Baltimore, MD 21215
Phone: (410) 664-0920
Contact: Betty L Cooke
3 Beds

Crest Haven, Inc.
4209 Liberty Heights Avenue
Baltimore, MD 21207
Phone: (410) 466-9157
Contact: Wilma M Hardaway
8 Beds
Medicaid Waiver

Crystal Homes
2915 West Coldspring Lane
Baltimore, MD 21215
Phone: (410) 466-2537
Contact: Lillian Turner
3 Beds

Curtis Hall Dental Living [illegible]
1803 Thornbury Road
[illegible], MD 21218
Phone: (410) 455-4407
Contact: [illegible]
33 Beds

Cruden Assisted Living
3700 Kimble Road
Baltimore, MD 21215
Phone: (410) 235-0837
Contact: Marlene [illegible]
3 Beds

Daisy Ann's Integrated Support
5801 Kavon Avenue
Baltimore, MD 21206
Phone: (410) 485-9282
Contact: Irwin Love, Sr.
3 Beds

Day-By-Day
4112 Fierman Avenue
Baltimore, MD [illegible]
Phone: (410) 485-7416
Contact: Mary E Lee
3 Beds
Medicaid Waiver

[illegible] Unified Housing, Inc.
1040 North Caroline Street
Baltimore, MD [illegible]
Phone: (410) 675-0738
Contact: Delores D Best
5 Beds
Medicaid Waiver

Delle's Manor
3505 Fairview Avenue
Baltimore, MD [illegible]
Phone: (410) 542-1118
Contact: Dorothea G Butler
3 Beds

Destiny Independ[illegible]
3911 Stokes Drive
[illegible], MD [illegible]
Phone: (410) 644-7881
Contact: [illegible]
3 Beds

[illegible] Place
4006 Kenwood Avenue
Baltimore, MD [illegible]
Phone: (410) 435-8622
Contact: Kim Jackson
3 Beds
Medicaid Waiver

Devine Woman
726 N. Hilton Street
Baltimore, MD 21229
Phone: (410) 298-4786
Contact: Evelyn Williams
3 Beds

Dixon Home (The)
409 North Lakewood Avenue
Baltimore, MD [illegible]
Phone: (410) 534-5732
Contact: Carolyn Dixon
3 Beds
Medicaid Waiver

DL Home Care I
329 East University Parkway
Baltimore, MD [illegible]
Phone: (410) 652-7191
Contact: Ola Hardy
3 Beds

DL Home Care III
3808 Dorchester Road
Baltimore, MD [illegible]
Phone: (410) 466-3733
Contact: Valerie Foffett
3 Beds

[illegible]
3511 Callaway Avenue
Baltimore, MD 21215
Phone: (410) 466-3023
Contact: [illegible]
3 Beds

[illegible] House
3912 Dorchester Road
Baltimore, MD [illegible]
Phone: (410) 542-4916
Contact: Linda Lawrence
7 Beds
Medicaid Waiver

E. Lloyd Home With A Heart
3227 Vickers Road
Baltimore, MD 21216
Phone: (410) 523-6089
Contact: Yolanda Morse
7 Beds
Medicaid Waiver

Easy Living Retirement Home
905 Kent Avenue
Catonsville, MD 21228
Phone: (443) 612-9905
Contact: Karen Jones
3 Beds

Ebenezer House
5008 Walther Avenue
Baltimore, MD 21214
Phone: (410) 889-4175
Contact: Carlene Yearwood
4 Beds
Medicaid Waiver

Eden's Assisted Living
3007 Louise Avenue
Baltimore, MD 21214
Phone: (410) 254-9537
Contact: Young H Park
3 Beds
Medicaid Waiver

Edna W. Cox Tranquil
838 Mount Holly Street
Baltimore, MD 21229
Phone: (410) 947-5755
Contact: Hazel Spells
3 Beds
Medicaid Waiver

Elaine's Home Care, Inc.
803 Chauncey Avenue
Baltimore, MD 21217
Phone: (410) 383-0703
Contact: Elaine C Nichols
5 Beds
Medicaid Waiver

Ella's In Home Care
3007 Belair Road
Baltimore, MD 21213
Phone: (410) 327-2516
Contact: Patricia Hooker
6 Beds
Medicaid Waiver

Ellis House
2931 Arunah Avenue
Baltimore, MD 21216
Phone: (410) 566-5274
Contact: Antionette Ellis
3 Beds

Elsinore Place
2607 Elsinore Avenue
Baltimore, MD 21216
Phone: (410) 578-0054
Contact: Carolyn Peoples
4 Beds

Elsrode Manor
4614 Elsrode Avenue
Baltimore, MD 21214
Phone: (410) 444-7155
Contact: Irene Bauman
4 Beds
Medicaid Waiver

Emerald Estates Assisted
3825 Greenspring Avenue
Baltimore, MD 21211
Phone: (410) 225-9337
Contact: Jeff Gruber, RN
120 Beds

Emergency Care 24/7
5702 Sefton Avenue
Baltimore, MD 21207
Phone: (410) 254-1500
Contact: Trudy D Booker
3 Beds

Emma's Place
Living
602 Cator Avenue
Baltimore, MD 21218
Phone: (410) 323-0044
Contact: Emma F Worrell
3 Beds

Erika & Eric Home of Care
3804 Sequoia Avenue
Baltimore, MD 21215
Phone: (410) 944-4211
Contact: Queen E Hardy
3 Beds

Esther's Place At Montebello
2831 Montebello Terrace
Baltimore, MD 21214
Phone: (410) 254-1010
Contact: Natasha Johnson
12 Beds
Medicaid Waiver

Esther's Place at Pinewood
2802 Pinewood Avenue
Baltimore, MD 21214
Phone: (410) 254-1010
Contact: Earthly Wright
16 Beds
Medicaid Waiver

Esther's Place At Strathmore
2901 E. Strathmore Avenue
Baltimore, MD 21214
Phone: (410) 254-9791
Contact: Denise Caldwell
13 Beds
Medicaid Waiver

Evening Star Family Place
3915 Greenmount Avenue
Baltimore, MD 21218
Phone: (410) 366-4076
Contact: Mr. Tracy W Mosellus, Jr.
4 Beds
Medicaid Waiver

Evergreen Valley Assisted

3009 Evergreen Avenue
Baltimore, MD 21214
Phone: (410) 444-6713
Contact: Suzanne Hannon
12 Beds
Medicaid Waiver

Ew Wey, We Care
4726 Elison Avenue
Baltimore, MD 21206
Phone: (410) 325-7256
Contact: Edwina Murray
3 Beds
Medicaid Waiver

Faith Assisted Living
3811 Beehler Avenue
Baltimore, MD 21215
Phone: (410) 664-3823
Contact: Wanda V Jackson
3 Beds

Family Care First
2902 W. Mosher Street
Baltimore, MD 21216
Phone: (410) 945-3400
Contact: Natasha Johnson
3 Beds
Medicaid Waiver

Farrell House
4811 Harford Road
Baltimore, MD 21214
Phone: (410) 426-7575
Contact: Althea Bade
4 Beds

Flowers Home
4805 Calumet Avenue
Baltimore, MD 21206
Phone: (410) 488-1556
Contact: Estelle A Flowers
3 Beds

Floyd's Assisted Living
838 N. Augusta Avenue
Baltimore, MD 21229
Phone: (443) 622-1112
Contact: Kelvin Floyd
3 Beds

Forever Young Home Services
1810 East Chase Street
Baltimore, MD 21213
Phone: (410) 948-3920
Contact: Juanita Scott
3 Beds

Foster Assisted Living, Inc.
3303 Ferndale Avenue
Baltimore, MD 21207
Phone: (410) 944-9039
Contact: Loraine L Foster
3 Beds
Medicaid Waiver

Foster Care City Home
4403 Kathland Avenue
Baltimore, MD 21207
Phone: (410) 448-2727
Contact: Audrey Monroe
4 Beds

Fray's 24 Hour Care
4212 Ford's Lane
Baltimore, MD 21215
Phone: (410) 358-5760
Contact: Lora Fray
3 Beds

From Genesis To Revelation
6600 Laurelton Avenue
Baltimore, MD 21214
Phone: (410) 444-6886
Contact: Mary Alice Richardson
3 Beds

Fruitful Love Christian Home
6222 Northwood Drive
Baltimore, MD 21212
Phone: (410) 323-9625
Contact: Henry Ford, II
3 Beds

Fruitful Love Christian Home II
6215 Northwood Drive
Baltimore, MD 21212
Phone: (410) 532-8518
Contact: Michelle T Ford
4 Beds

Gentle Home Health Care (The)
4124 West Forest Park Avenue
Baltimore, MD 21207
Phone: (410) 542-2359
Contact: Charles F Black, Sr.
3 Beds

Georgia P. Jetta Loving Care
720 East 35th Street
Baltimore, MD 21218
Phone: (410) 254-0780
Contact: Erika McCray
3 Beds

Gingerbread Manor I
2906 Rueckert Avenue
Baltimore, MD 21214
Phone: (410) 494-7006
Contact: Bruce Owens
12 Beds
Medicaid Waiver

Gingerbread Manor II
3216 Taylor Avenue
Baltimore, MD 21234
Phone: (410) 444-2345
Contact: Ricky Owens
15 Beds
Medicaid Waiver

Ginnie's Special Care Program
1728 East 28th Street
Baltimore, MD 21218
Phone: (410) 243-2932
Contact: Virginia Moore
2 Beds

Glad Haven
816 N. Fremont Avenue
Baltimore, MD 21217
Phone: (410) 225-3963
Contact: Gladys Stewart
4 Beds
Medicaid Waiver

Glord's House, Inc.
3707 Gwynn Oak Avenue
Baltimore, MD 21207
Phone: (410) 664-8812
Contact: Glord McGuire
3 Beds
Medicaid Waiver

GNP Services
3211 Piedmont Avenue
Baltimore, MD 21216
Phone: (410) 728-9976
Contact: Nannette D Patterson
4 Beds
Medicaid Waiver

God's Blessing
528 Tunbridge Road
Baltimore, MD 21212
Phone: (410) 532-1873
Contact: Judy E Pree
3 Beds
Medicaid Waiver

Golden Days
805 North Belnord Avenue
Baltimore, MD 21205
Phone: (410) 483-5615
Contact: Tia Skinner
3 Beds

Golden Days Assisted Living

3520 Northern Parkway
Baltimore, MD 21206
Phone: (410) 599-2588
Contact: Tanya Y Keene
5 Beds

Golden Manor
5505 Winton Avenue
Baltimore, MD 21207
Phone: (410) 448-3819
Contact: Jocelyn Chaney
3 Beds

Good Faith Assisted Living
4507 Frederick Avenue
Baltimore, MD 21229
Phone: (410) 664-8688
Contact: Ella Wright
5 Beds

Goodwin Manor Incorporated
3132 Harview Avenue
Baltimore, MD 21234
Phone: (410) 254-6453
Contact: Blossom Goodwin
5 Beds
Medicaid Waiver

Grace Lodge
825 Freeman Street
Baltimore, MD 21223
Phone: (410) 355-5674
Contact: Jason Hamyman
15 Beds
Medicaid Waiver

Graceful Living
5252 St Charles Avenue
Baltimore, MD 21215
Phone: (410) 466-8395
Contact: John Coleman
3 Beds

Grace-N-Mercy Assisted Living
801 Sheridan Avenue
Baltimore, MD 21212
Phone: (410) 435-9288
Contact: Beatrice Robinson
3 Beds

Habakkuk House
3833 Ferndale Avenue
Baltimore, MD 21207
Phone: (410) 367-6857
Contact: Wanda Richardson
4 Beds
Medicaid Waiver

Hallmark Manors, LLC
3605 Hillsdale Road
Baltimore, MD 21207
Phone: (410) 367-4625
Contact: Gussie Lovelle
5 Beds

Hands Of Love
3305 Northway Drive
Baltimore, MD 21207
Phone: (410) 444-9358
Contact: Queen Coleman
3 Beds

Hanson Home Care II
1727 East 31st Street
Baltimore, MD 21218
Phone: (410) 235-1895
Contact: Devon Hanson
3 Beds
Medicaid Waiver

Harrison's Home Care
2935 Edgecombe Circle North
Baltimore, MD 21215
Phone: (410) 597-8474
Contact: Freddie L Harrison
3 Beds
Medicaid Waiver

Hawkins Christian Care Home
802 Walnut Avenue
Baltimore, MD 21229
Phone: (410) 947-5003
Contact: Beatrice Hawkins
10 Beds
Medicaid Waiver

Heart To Heart
4202 Doris Avenue
Baltimore, MD 21225
Phone: (410) 916-5060
Contact: Towanda Henryi
3 Beds

Heavenly Glory
2111 Rupp Street
Baltimore, MD 21217
Phone: (410) 225-3504
Contact: Paulette Merrells
2 Beds

Heavenly Grace Assisted Living
1210 Gittings Avenue
Baltimore, MD 21213
Phone: (410) 435-7258
Contact: Brenda West
3 Beds
Medicaid Waiver

Hillcrest Manor
3602 Bayonne Avenue
Baltimore, MD 21215
Phone: (410) 428-7603
Contact: Marlene Hospedales
3 Beds

Hilton Hills Assisted Living
3200 N Hilton Street
Baltimore, MD 21216
Phone: (410) 542-2729
Contact: Frederick R Robinson
6 Beds

Home Away From Home
1915 Harlem Avenue
Baltimore, MD 21217
Phone: (410) 233-6881
Contact: Gloria Myers
3 Beds

Home of Faith
3511 Dudley Avenue
Baltimore, MD 21213
Phone: (410) 488-2239
Contact: Carolyn B Thorpe
3 Beds
Medicaid Waiver

Home of Tender Care
5315 Norwood Road
Baltimore, MD 21207
Phone: (410) 448-5685
Contact: Corrina Bailey
8 Beds

Home With A Heart II
2014 McKean Avenue
Baltimore, MD 21217
Phone: (410) 277-8983
Contact: Denise Ellis
3 Beds
Medicaid Waiver

Homecare Care Plus
1127 North Collington Avenue
Baltimore, MD 21205
Phone: (410) 675-9017
Contact: Angela T Barber
3 Beds
Medicaid Waiver

House of Love
1433 Gittings Avenue
Baltimore, MD 21213
Phone: (410) 655-1834
Contact: Cleshia Blue
3 Beds

House Of Love Homes
5900 Loch Raven Boulevard
Baltimore, MD 21239
Phone: (410) 433-2737
Contact: Tyra Anderson
7 Beds
Medicaid Waiver

House of Peace
3725 Belle Avenue
Baltimore, MD 21215
Phone: (410) 542-1797
Contact: Lawrence Jenkins
5 Beds
Medicaid Waiver

House of Victory Apostolic
3001 Belair Road
Baltimore, MD 21213
Phone: (410) 732-3105
Contact: Evangeline Hodder
3 Beds

Houses of Hope, Inc.
3227 Leeds Street
Baltimore, MD 21227
Phone: (410) 523-4210
Contact: Pamela Green
3 Beds

Hundley's Care Home
1835 Ramblewood Road
Baltimore, MD 21207
Phone: (410) 319-6074
Contact: Jean A Hundley
3 Beds

Ida and Nellie Assisted Living
4411 Old York Road
Baltimore, MD 21212
Phone: (410) 433-7075
Contact: Elizabeth Onyejiaks
3 Beds
Medicaid Waiver

Iris Community Services
3026 Garrison Avenue
Baltimore, MD 21215
Phone: (410) 664-5014
Contact: Iris Vennie
5 Beds
Medicaid Waiver

Jay Jay Assisted Living
813 North Belnord Avenue
Baltimore, MD 21205
Phone: (410) 732-5854
Contact: Joyce A. Whitaker
3 Beds

Jenny's Home Care
1336 Meridene Drive
Baltimore, MD 21239
Phone: (410) 532-7524
Contact: Jennifer Young
3 Beds
Medicaid Waiver

Joby's Hacienda
4013 Pinkney Road
Baltimore, MD 21215
Phone: (410) 585-0002
Contact: Joann Burnham
3 Beds
Medicaid Waiver

Johnson's Home
1623 North Gay Street
Baltimore, MD 21213
Phone: (410) 587-8947
Contact: Robert Johnson
Townsend
3 Beds

Jones-Williams Family Care, Inc
3716 Park Heights Avenue
Baltimore, MD 21215
Phone: (410) 523-1829
Contact: Gena Williams
8 Beds
Medicaid Waiver

Joy Assisted Living
5334 Gist Avenue
Baltimore, MD 21215
Phone: (410) 578-1323
Contact: Arlene Mason
2 Beds

Julia's Place
618 Linnard Street
Baltimore, MD 21223
Phone: (410) 233-2399
Contact: Julia M Harden
3 Beds
Medicaid Waiver

Julia's Assisted Living
1708 Cole Street
Baltimore, MD 21223
Phone: (410) 945-4683
Contact: Kathleen Black
3 Beds

Just Like Home
910 North Woodington Road
Baltimore, MD 21229
Phone: (410) 233-7066
Contact: Vennie Mitchell
3 Beds
Medicaid Waiver

Just Like Home
2402 North Calvert Street
Baltimore, MD 21218
Phone: (410) 662-0780
Contact: [illegible]

3 Beds
Medicaid Waiver

Just Like Home [illegible]
1716 Normal Avenue
Baltimore, MD 21213
Phone: (410) 732-3997
Contact: Cheyenne [illegible]
3 Beds

Just Like Home Residential, Inc.
4017 Lewiston Avenue
Baltimore, MD 21215
Phone: (410) 664-7791
Contact: Barbara Jaudon
3 Beds

Justin Assisted Living Facility
914 Saint Dunstans Road
Baltimore, MD 21212
Phone: (410) 804-7024
Contact: Mimi Lackey
6 Beds

Mimi's Assisted Living
4920 Gilray Drive
Baltimore, MD 21214
Phone: (410) 444-1510
Contact: Mimi Lackey
3 Beds
Medicaid Waiver

K.D.'s Assisted Living
4143 Fairfax Road
Baltimore, MD 21210
Phone: (410) 542-4521
Contact: Veronica Martin
3 Beds
Medicaid Waiver

Kemina's Home
3016 Ednadale Avenue
Baltimore, MD 21214
Phone: (410) 426-7097
Contact: Kemina Samie
3 Beds

Kemma's Assisted Living Facility
910 Bonapart Avenue
Baltimore, MD 21218
Phone: (410) 262-2469
Contact: Maria Santana
3 Beds

Kingdom House, Inc. (The)
4001 Carlisle Avenue
Baltimore, MD 21216
Phone: (443) 865-1203
Contact: Elaine Fordham
7 Beds

L & L Assisted Living
650 East 37th Street
Baltimore, MD 21210
Phone: (410) 435-5622
Contact: Elizabeth Johnson
3 Beds
Medicaid Waiver

LAB Tender Love Care, Inc.
4134 W. Forest Park Avenue
Baltimore, MD 21207
Phone: (410) 542-6725
Contact: Latanya A Bryant-Barnes
9 Beds
Medicaid Waiver

La'Son Place
3324 Brendon Avenue
Baltimore, MD 21207
Phone: (410) 655-9548
Contact: Marlene King
3 Beds

LaTonya's Assisted Living
5819 Cedonia Avenue
Baltimore, MD 21215
Phone: (410) 488-0117
Contact: Deborah J Locks-Pullum
4 Beds

Let Me Do It
524 East 39th Street
Baltimore, MD 21218
Phone: (410) 435-0120
Contact: Sharon E Murray
3 Beds

Lighthouse Assisted Living
2903 Westfield Avenue
Baltimore, MD 21214
Phone: (410) 265-1077
Contact: Shawnte Purnell
4 Beds

Linz Assisted Care
226 S. Mount Olivet Lane
Baltimore, MD 21229
Phone: (410) 566-9154
Contact: Penny Alston-Lindsey
3 Beds
Medicaid Waiver

Little Haven Paradise Home
5913 Fenwick Avenue
Baltimore, MD 21239
Phone: (410) 323-7529
Contact: Clemore Edwards
4 Beds

Love & Care Health Provider Care
1643 Pentwood Road
Baltimore, MD 21239
Phone: (410) 433-2718
Contact: Edith Robinson
4 Beds

Love Always, LLC
1012 Edmondson Avenue
Baltimore, MD 21223
Phone: (000) 000-0410
Contact: Anita Watson
3 Beds

Love Is Love
566 S. Beechfield Avenue
Baltimore, MD 21229
Phone: (410) 982-4402
Contact: Ivy Sweetwine
4 Beds
Medicaid Waiver

Love N Care
4644 Coleherne Road
Baltimore, MD 21229
Phone: (410) 947-8272
Contact: Shani Baker Spivey
3 Beds

Loving Care Home
3415 Cedardale Road
Baltimore, MD 21215
Phone: (410) 367-5394
Contact: Jewell Felton
3 Beds
Medicaid Waiver

Loving Hands I
2017 Ramblewood Road
Baltimore, MD 21239
Phone: (410) 788-0097
Contact: Kenny Williams
3 Beds

M & G's Total Tender Loving

1020 North Iris Avenue
Baltimore, MD 21205
Phone: (410) 342-8152
Contact: Willidean M Lehmer
3 Beds

Margaret M. Williams Home
6605 O'Donnell Street
Baltimore, MD 21224
Phone: (410) 633-0562
Contact: Margaret M Williams
3 Beds

Marie's Comfort & Care I
3820 Beehler Avenue
Baltimore, MD 21215
Phone: (410) 367-1554
Contact: Darlene Black
4 Beds
Medicaid Waiver

Marie's Comfort and Care II
3925 Maine Avenue
Baltimore, MD 21207
Phone: (410) 542-0827
Contact: Robert Black
6 Beds

Marie's Home
LLC
1215 Glenhaven Road
Baltimore, MD 21239
Phone: (410) 433-4602
Contact: Marie Jones
3 Beds
Medicaid Waiver

Mariea Manor
4405 Raspe Avenue
Baltimore, MD 21206
Phone: (410) 488-3135
Contact: Lee A Pettey
7 Beds
Medicaid Waiver

Marlene's House
2631 Roselawn Avenue
Baltimore, MD 21214
Phone: (410) 732-3314
Contact: Marlene D Jones
4 Beds
Medicaid Waiver

Mary's House
5708 Gist Avenue
Baltimore, MD 21215
Phone: (410) 664-5332
Contact: Mary Patterson
3 Beds

Mary's Place
5621 Wayne Avenue
Baltimore, MD 21207
Phone: (410) 448-4130
Contact: Mary Wilson
3 Beds
Medicaid Waiver

Maude's Loving Care Home
3618 St. Victor Street
Baltimore, MD 21225
Phone: (410) 355-9016
Contact: Erma Fookes
1 Bed

McGhann Scott Enterprises.

4287 Labyrinth Road
Baltimore, MD 21215
Phone: (410) 764-1484
Contact: Martha Galloway
4 Beds

McKnight Manor
3616 Frederick Avenue
Baltimore, MD 21229
Phone: (410) 566-3478
Contact: Letha Curtis
7 Beds

Millie's Personal Care
5479 Moores Run Drive
Baltimore, MD 21206
Phone: (410) 325-4840
Contact: Millie Jackson-Fields
3 Beds

Millinnium House
4812 Aberdeen Avenue
Baltimore, MD 21206
Phone: (410) 485-2283
Contact: Tunara Crowder
3 Beds

Ministers On The Move
3601 Belle Avenue
Baltimore, MD 21215
Phone: (410) 483-6615
Contact: Pernelle Cypress
1 Bed
Medicaid Waiver

Miracle @ Belle Place, Incorporated
4002 Belle Avenue, Apt. 1
Baltimore, MD 21215
Phone: (410) 601-0226
Contact: Demetra B Hunt
4 Beds
Medicaid Waiver

Mitchell Care
3410 Cardenas Avenue
Baltimore, MD 21213
Phone: (410) 488-0526
Contact: Tyrone Mitchell
3 Beds
Medicaid Waiver

MSC Family Care
4516 Garden Drive
Baltimore, MD 21215
Phone: (410) 466-3050
Contact: Mozelle Holley
4 Beds
Medicaid Waiver

My Desire Rehabilitation House
2311 Roslyn Avenue
Baltimore, MD 21216
Phone: (410) 362-8832
Contact: Gail Livingston
16 Beds
Medicaid Waiver

My House
4158 Crest Heights Road
Baltimore, MD 21215
Phone: (410) 484-3278
Contact: Fred C King
5 Beds
Medicaid Waiver

My Second Home
1542 Argyle Avenue
Baltimore, MD 21217
Phone: (410) 733-5113
Contact: Celena Single
3 Beds
Medicaid Waiver

My Second Home II
4519 Manorview Road
Baltimore, MD 21229
Phone: (410) 362-6409
Contact: Joyce M Williams
3 Beds

Myra's
2620 Greenmount Avenue
Baltimore, MD 21218
Phone: (410) 243-1418
Contact: Wanda Redd
3 Beds
Medicaid Waiver

Naomi's Place
5546 Gedonia Avenue
Baltimore, MD 21206
Phone: (410) 488-5710
Contact: Tia Durant
3 Beds
Medicaid Waiver

New Life
6015 Eastern Parkway
Baltimore, MD 21224
Phone: (410) 855-6476
Contact: Francisco D Carpenter
8 Beds
Medicaid Waiver

New Start Co, Inc.
3708 W. Rogers Avenue
Baltimore, MD 21215
Phone: (410) 922-9668
Contact: Patrick Richardson
11 Beds

New Vine Care Center
3702 Liberty Heights Avenue
Baltimore, MD 21215
Phone: (410) 542-0826
Contact: Vila M Neufville
4 Beds
Medicaid Waiver

Norma's House
502 North Linwood Avenue
Baltimore, MD 21205
Phone: (410) 675-9307
Contact: Norma Waller
4 Beds
Medicaid Waiver

Nottaway Place
3607 Garrison Boulevard
Baltimore, MD 21215
Phone: (410) 542-6263
Contact: Rev. David Lewis
3 Beds
Medicaid Waiver

One On One Family Care Home
708 North Glover Street
Baltimore, MD 21205
Phone: (410) 276-[illegible]
Contact: Konnetta Stokes Wingfield
3 Beds

One Who Cares
2033 Guilford Avenue
Baltimore, MD 21218
Phone: (410) 235 8999
Contact: Tanessa Richardson
3 Beds

Open Heart
[illegible] Harlem Avenue
Baltimore, MD 21207
Phone: (410) 426 [illegible]
Contact: Beulah Logan
3 Beds

Palace House of Care
2207 Woodland Avenue
Baltimore, MD 21216
Phone: (410) 945 2[illegible]
Contact: Phyllis Johnson
3 Beds
Medicaid Waiver

Palmer Home Care Facility, Inc.
3820 W. Coldspring Lane
Baltimore, MD 21215
Phone: (410) 542-8511
Contact: Mary F Palmer
7 Beds
Medicaid Waiver

Parker Palace
3012 Spaulding Avenue
Baltimore, MD 21215
Phone: (410) 664-1042
Contact: Renee Parker
3 Beds
Medicaid Waiver

Patricia's Assisted Living Care
6111 McKewin Avenue
Baltimore, MD 21218
Phone: (410) [illegible]
Contact: Patricia [illegible]
3 Beds
Medicaid Waiver

Patterson Park Home Care
715 North Patterson Park Avenue
Baltimore, MD 21205
Phone: (410) 342-9573
Contact: [illegible]
3 Beds

Place of Grace (A)
166 S. Morley Street
Baltimore, MD 21[illegible]
Phone: (410) 947-4151
Contact: Sheila Johnson
5 Beds
Medicaid Waiver

Peacehouse
5506 Ivanhoe Avenue
Baltimore, MD 21214
Phone: (443) 872-4878
Contact: Delores Curry
3 Beds

Peachtree Manor
3730 Ellerslie Avenue
Baltimore, MD 21218
Phone: (410) 235-3228
Contact: Sharon Alexander
3 Beds

People's Place For Caring (A)
309 Millington Avenue
Baltimore, MD 21223
Phone: (410) 233-0542
Contact: Pauline Peoples
3 Beds

Pepper's Place Assisted Living Home
5301 Belleville Avenue
Baltimore, MD 21207
Phone: (410) 448-7865
Contact: Pepper L Wilson
3 Beds

Pleasant Touch Assisted Living
4544 Moline Avenue
Baltimore, [illegible]
Phone: (410) 578-[illegible]
Contact: Carolyn Geiser
4 Beds
Medicaid Waiver

PLD Assisted Living
1318 N. Bentalou Street
Baltimore, [illegible]
Phone: (410) [illegible]
Contact: Mae Patterson
3 Beds

Pinewood Manor
3805 Pinewood Avenue
Baltimore, [illegible]
Phone: (410) 254-1210
Contact: Elliott Barnes Booker
5 Beds
Medicaid Waiver

Pinkett's Assisted Living
1723 Poplar Grove Street
Baltimore, MD 21216
Phone: (410) 235-5231
Contact: Leola Pinkett
3 Beds
Medicaid Waiver

Pipesh Family Care Home
3711 Hayward Avenue
Baltimore, MD 21215
Phone: (410) 664-1891
Contact: Georgia E Pipesh
9 Beds
Medicaid Waiver

Pleasant Care
5406 Crigmar Avenue
Baltimore, MD 21215
Phone: (410) 358-3474
Contact: Linda L Brown
3 Beds

Pleasant Home Incorporation
5508 Cadillac Avenue
Baltimore, [illegible]
Phone: [illegible]
Contact: Odessa D Dobbins, Ph.D.
3 Beds
Medicaid Waiver

Pleasant Living Assisted Living
4320 Pleasant View Avenue
Baltimore, [illegible]
Phone: (410) 325-[illegible]
Contact: Angela Chan
3 Beds
Medicaid Waiver

Polly's Paradise
1903 Crestview Road
Baltimore, [illegible]
Phone: (410) [illegible]
Contact: Hermenione McCargo

3 Beds
Medicaid Waiver

Precious Moments Home
901 Winston Avenue
Baltimore, MD 21212
Phone: (410) 433-0019
Contact: Roderick Holley
7 Beds
Medicaid Waiver

Precious Palms
2600 Keyworth Avenue
Baltimore, MD 21215
Phone: (410) 367-6588
Contact: Valerie Savage
3 Beds
Medicaid Waiver

Prepared
3207 Massachusetts Avenue
Baltimore, MD 21229
Phone: (410) 536-9109
Contact: Lisa Washington
3 Beds
Medicaid Waiver

Quality Living
1712 Gwynns Falls Parkway
Baltimore, MD 21217
Phone: (410) 655-8435
Contact: Tracey Johnson
2 Beds

R & R Assisted Living
7411 W. Rogers Avenue
Baltimore, MD [illegible]
Phone: (410) [illegible]
Contact: Ryan Vasquez
5 Beds
Medicaid Waiver

Rena's Place
3601 Springdale Avenue
Baltimore, MD 21215
Phone: (410) 367-[illegible]
Contact: Rena C Simms
3 Beds

Renewed Ease-A Christian
712 Cator Avenue
Baltimore, MD 21218
Phone: (410) 435-0083
Contact: Julie Winkler
3 Beds

Right at Home
2911 Mt. Holly Street
Baltimore, MD 21216
Phone: (410) 466-5055
Contact: Jermaine Miller
3 Beds

Rise and Shine
521 Mt. Holly Street
Baltimore, MD 21229
Phone: (410) 362-2157
Contact: Andrea Crawford
3 Beds

Rita's Home Care
1556 Sheffield Road
Baltimore, MD 21216
Phone: (410) 243-0513
Contact: Rita E. [illegible]
2 Beds

Roberta's Place
1877 North Bond Street
Baltimore, MD [illegible]
Phone: (410) [illegible]
Contact: Roberta McCargo
2 Beds

Roland Park Place
830 West 40th Street
Baltimore, MD [illegible]
Phone: (410) [illegible]
Contact: Katie Miller LCSW-C
41 Beds

Roseborough's Home Care
3219 Leeds Street
Baltimore, MD 21229
Phone: (410) 362-9246
Contact: Lula Roseborough
3 Beds

Rosemarie Manor II, Inc.
3300 Alto Road
Baltimore, MD 21216
Phone: (410) 997-0218
Contact: Ava Greene
12 Beds
Medicaid Waiver

Rosemarie Manor, Inc. - Ashburton
3800 Belle Avenue
Baltimore, MD 21216
Phone: (410) 664-7800
Contact: Ronald Greene, Jr.
16 Beds
Medicaid Waiver

Roxanne's Place
408 Poplar Grove Street
Baltimore, MD 21229
Phone: (410) 362-0688
Contact: Roxanne Jenny
3 Beds
Medicaid Waiver

Ruby's Home
1800 E. Belvedere Avenue
Baltimore, MD 21239
Phone: (410) 426-4789
Contact: Ruby Whaley
3 Beds
Medicaid Waiver

Ruth's Comfort & Care II
3643 Hinley Avenue
Baltimore, MD 21213
Phone: (410) 563-7471
Contact: Reno Pratt
3 Beds
Medicaid Waiver

Ruth's Comfort & Care III
5804 Woodcrest Avenue
Baltimore, MD 21215
Phone: (410) 601-0218
Contact: Cheryl Pratt
4 Beds
Medicaid Waiver

Ruth's Comfort & Care IV
5808 Menville Avenue
Baltimore, MD 21215
Phone: (410) 466-6887
Contact: Cheryl Pratt
4 Beds

Ryan's Assisted Living Home
5711 Belle Vista Avenue
Baltimore, MD 21206
Phone: (410) 319-7070
Contact: Kenyatta Alexander
3 Beds
Medicaid Waiver

Safe Haven
1907 Hillenwood Road
Baltimore, MD 21239
Phone: (410) 444-5080
Contact: Shawnette Black
3 Beds

Safe Haven
3406 Fairview Avenue
Baltimore, MD 21216
Phone: (410) 496-0970
Contact: Christine Dyer Perry
7 Beds
Medicaid Waiver

Saint Joseph's Community
16 South Patterson Park Avenue
Baltimore, MD 21231
Phone: (410) 276-7676
Contact: Sister Wanda Lintner
30 Beds
Medicaid Waiver

Sarah's Place
5100 Hillburn Avenue
Baltimore, MD 21206
Phone: (410) 426-5849
Contact: Joan A Saunders
3 Beds
Medicaid Waiver

Sara's Christian Home
1516 Pentwood Road
Baltimore, MD 21239
Phone: (410) 433-8323
Contact: Sara R Bright
3 Beds
Medicaid Waiver

Scotlands (The)
4859 Melbourne Road
Baltimore, MD 21229
Phone: (410) 646-1221
Contact: Mary Carmichael
4 Beds
Medicaid Waiver

Scott's Rest Home Assisted Living
4009 Liberty Heights Avenue
Baltimore, MD 21207
Phone: (410) 466-7119
Contact: Pam Mangum
3 Beds

Sefton Home Care
6807 Sefton Avenue
Baltimore, MD 21214
Phone: (410) 426-4869
Contact: Mary McDonald
8 Beds
Medicaid Waiver

Self's Place
2614 Greenmount Avenue
Baltimore, MD 21218
Phone: (410) 366-7781
Contact: Selina J Johnson
3 Beds
Medicaid Waiver

Sem's Haven
4401 Manorview Road
Baltimore, MD 21229
Phone: (410) 262-2302
Contact: Sheila E Mitchell
3 Beds
Medicaid Waiver

Senior Hospitality
7015 Park Heights Avenue
Baltimore, MD 21215
Phone: (410) 358-1317
Contact: Steven Grossman
14 Beds
Medicaid Waiver

Serenity Care
4627 Marble Hall Road
Baltimore, MD 21239
Phone: (410) 435-3550
Contact: Isaac E Hard
9 Beds
Medicaid Waiver

Serenity Manor
1810 Hilow Heath
Baltimore, MD 21217
Phone: (410) 728-3737
Contact: Camille C Mentore
26 Beds
Medicaid Waiver

Sheikman Home Care
5514 Wayne Avenue
Baltimore, MD 21207
Phone: (410) 448-4884
Contact: Crystal Brown
5 Beds
Medicaid Waiver

Shelton Personal Care
3920 Mulliner Avenue
Baltimore, MD 21215
Phone: (410) 542-6545
Contact: Inez Shelton
3 Beds

Shepherd House
3136 Harford Road
Baltimore, MD 21218
Phone: (410) 235-0916
Contact: Sarah Jackson
5 Beds

Silver Season's
4025 The Alameda
Baltimore, MD 21218
Phone: (443) 956-1039
Contact: Dana M Butler
3 Beds
Medicaid Waiver

Specialized Home Care
501 East 41st Street
Baltimore, MD 21218
Phone: (410) 532-1991
Contact: [illegible]
10 Beds
Medicaid Waiver

St. Charles Place, Inc.
Elderly
[illegible] Charles Avenue
Baltimore, MD 21215
Phone: (410) [illegible]
Contact: [illegible]
8 Beds

Sterling (The)
3610 Lanyanth Road
[illegible], MD 21213
Phone: (410) 318-6999
Contact: [illegible]
11 Beds

[illegible]
[illegible] Heights Avenue
[illegible]
Phone: (410) [illegible]
Contact: [illegible] RN
8 Beds

Stewart's Home Care
3406 W. Rogers Avenue
Baltimore, MD 21215
Phone: (410) 664-4401
Contact: Dolores Stewart
3 Beds
Medicaid Waiver

Stump's Home
2301 Oswego Avenue
Baltimore, MD 21215
Phone: (410) 664-2622
Contact: Janice Beans
5 Beds
Medicaid Waiver

Sunshine's Place
3321 Lake Avenue
Baltimore, MD 21213
Phone: (410) 889-4491
Contact: Sharon Burns
3 Beds

Superior Home Care For The Elderly
[illegible] Milford Avenue, 1st Fl.
Baltimore, MD 21207
Phone: (410) [illegible]
Contact: [illegible]
5 Beds
Medicaid Waiver

Supreme Place, [illegible]
[illegible] Iroquois Avenue
Baltimore, MD 21213
Phone: (410) 578-1819
Contact: [illegible]
4 Beds

[illegible] and Care, Inc.
[illegible] Clifton Avenue
Baltimore, [illegible]
Phone: (410) [illegible]
Contact: Sharon Franklin-Holt
8 Beds
Medicaid Waiver

Tabb House
227 S. Wolfe Street
Baltimore, MD 21231
Phone: (410) 534-7300
Contact: Joseph Tabb
5 Beds

Taylor Made Assisted Living Center
6206 Pilgrim Road
Baltimore, MD 21214
Phone: (410) 426-1993
Contact: Tamara R Taylor-Nortleet
4 Beds
Medicaid Waiver

Tender Care
1701 North Pentalow Street
Baltimore, MD 21216
Phone: (410) 467-5478
Contact: Corrine Bailey
3 Beds
Medicaid Waiver

Tender Care Kaggie
3001 Garrison Boulevard
Baltimore, MD 21216
Phone: (410) 367-4980
Contact: Minnie Hamilton
9 Beds
Medicaid Waiver

Tender Love Care
4000 Denmore Avenue
Baltimore, MD 21215
Phone: (410) 542-2672
Contact: Betty Powell
2 Beds

Thornton Home
3810 Ferndale Avenue
Baltimore, MD 21207
Phone: (410) 455-2518
Contact: Denise P. Green
3 Beds
Medicaid Waiver

Tina's Adult Care
2927 Norfolk Avenue
Baltimore, MD 21215
Phone: (410) 466-5712
Contact: Kristine Tillman
4 Beds
Medicaid Waiver

Touch Of Class (A)
3404 Powhatan Avenue
Baltimore, MD 21216
Phone: (410) 542-5507
Contact: Mary Payton
3 Beds

Touch Of Class II (A)
3501 Powhatan Avenue
Baltimore, MD 21216
Phone: (410) 664-2904
Contact: Mary Garner
3 Beds

Touch Of Class III (A)
4300 Belvian Avenue
Baltimore, MD 21215
Phone: (410) 664-2904
Contact: Helen Duncan
3 Beds

Touch Of Love
3843 Reisterstown Road
Baltimore, MD 21215
Phone: (410) 523-7257
Contact: Verona Douglas
2 Beds
Medicaid Waiver

Trice Home
1701 Thomas Avenue
Baltimore, MD 21217
Phone: (410) 225-7271
Contact: John M Warner
3 Beds

Tucker's Precious Care Home
4323 Shammck Avenue
Baltimore, MD 21206
Phone: (410) 325-4640
Contact: Joan E Tucker
2 Beds
Medicaid Waiver

Upshire, Inc.
1642 North Bentalou Street
Baltimore, MD 21216
Phone: (410) 599-4487
Contact: Charles Moore
3 Beds
Medicaid Waiver

Valencia's Senior Care Home
1431 Gittings Avenue
[illegible], MD 21239
Phone: (410) 433-6267
Contact: Valencia [illegible]
3 Beds

Vernell's Place
6939 Heldcrest Road
Hamilton, MD 21215
Phone: (410) 764-2215
Contact: Vernell [illegible]
3 Beds

Veronica's Care
1215 Filing Street
Baltimore, MD 21217
Phone: (410) 669-4334
Contact: Veronica [illegible]
3 Beds

Vinder's Place, Inc.
[illegible] N. Boulton Street
Baltimore, MD 21216
Phone: (410) [illegible]
Contact: Ann R Cadogan
4 Beds
Medicaid Waiver

Vision of Glory
2235 Brookfield Avenue
Baltimore, MD 21217
Phone: (410) 523-8698
Contact: Toni R Brown
3 Beds
Medicaid Waiver

W.A.D.S. Institute
220 East North Avenue
Baltimore, MD 21202
Phone: (410) 783-7991
Contact: [illegible]
3 Beds
Medicaid Waiver

Walton House of Grace
148 N. Monastery Avenue
Baltimore, MD 21229
Phone: (410) 455-8491
Contact: [illegible]
9 Beds
Medicaid Waiver

Washington's Nest
3000 Hewitt Road
Hamilton, MD 21214
Phone: (410) 254-5948
Contact: [illegible]
3 Beds
Medicaid Waiver

Watson House
1807 East Helvetia Avenue
Baltimore, MD 21239
Phone: (410) 319-8142
Contact: [illegible]
9 Beds

We Care
6513 Alta Avenue
Baltimore, MD [illegible]
Phone: (410) [illegible]
Contact: Charnell Williams
2 Beds

Weinberg Park Assisted Living
5833 Park Heights Avenue
Baltimore, MD 21215
Phone: (410) 466-0100
Contact: Kathi Griffin
40 Beds
Medicaid Waiver

Well Trust Assisted Living
159 North Elwood Street
Baltimore, MD 21224
Phone: (410) 912-1038
Contact: Stella Okeke
3 Beds
Medicaid Waiver

Wellington House
3223 Monticello Road
Baltimore, MD 21216
Phone: (410) 922-3921
Contact: Betty A. Dudley
3 Beds

Wesley Home Inc. (The) Center
22[illegible] West Rogers Avenue
Baltimore, MD 21209
Phone: (410) 664-4108
Contact: Anita Green
151 Beds

Wilson Haven Living #3
[illegible] Lake Smith Street
Baltimore, MD 21218
Phone: (410) 889-4[illegible]
Contact: Alberta Wilson
3 Beds
Medicaid Waiver

Wings Of Love Assisted Living II
4106 Newbern Avenue
Baltimore, MD 21215
Phone: (410) 358-1011
Contact: Prophecia T Harewood
3 Beds

Wisdom and Understanding
3224 Woodring Avenue
Baltimore, MD 21234
Phone: (410) 426-2162
Contact: Angela Bule
4 Beds

Women Alive Community Living
533 Bloom Street
Baltimore, MD 21217
Phone: (410) 523-7060
Contact: Chikina Prowell
4 Beds

Woodbine Manor, Inc.
3410 Woodbine Avenue
Baltimore, MD 21207
Phone: (410) 448-1506
Contact: George L. Miller, M.D.
8 Beds
Medicaid Waiver

Workforce and Technology
2501 Argonne Drive
Baltimore, MD 21218
Phone: (410) [illegible]
Contact: [illegible]
14 Beds

Yoshabell House Sec[illegible]
[illegible] Belvedere Avenue
Baltimore, MD 21212
Phone: (410) [illegible]
Contact: [illegible]
8 Beds
Medicaid Waiver

BALTIMORE COUNTY
Housing

1812 Landrake Road, LLC
1812 Landrake Road
Towson, MD 21204
Phone: (410) 828-1290
Contact: Dr. Wendie Williams
15 Beds
Medicaid Waiver

Housing

64 Reisterstown Road, LLC
64 Main Street
Reisterstown, MD 21136
Phone: (410) 526-2146
Contact: Kim Rice
15 Beds
Medicaid Waiver

Church

Agape Love Assisted Living
6011 Hamilton Avenue
Baltimore, MD 21206
Phone: (410) 485-1150
Contact: Ionette Brown
4 Beds
Medicaid Waiver

Anderson Assisted Living I
7615 Liberty Road
Baltimore, MD 21244
Phone: (410) 655-[illegible]
Contact: Frances Hunter
3 Beds
Medicaid Waiver

Angela & Bingham Assisted Living
1810 Charles Street
Baltimore, MD 21217
Phone: (410) 202-[illegible]
Contact: Betty A Bingham
3 Beds
Medicaid Waiver

Anne's Loving Care II
[illegible] Pique Circle
Baltimore, MD 21209

Anointed Living Of Tyrell's

3425 Chapman Road
Randallstown, MD 21133
Phone: (410) 602-1770
Contact: Donolly Tyrell
3 Beds

Anointed Living of Tyrell's

3925 Nemo Road
Randallstown, MD 21133
Phone: (410) 602-1770
Contact: Sylvia Carter
6 Beds

Agape Center of Salem Baptist

49 Inverness Avenue
Dundalk, MD 21222
Phone: (410) 282-1920
Contact: Keena L Robinson
4 Beds
Medicaid Waiver

Anne Arundel MedicalCare Health

[illegible] Reisterstown Road
Pikesville, MD 21208
Phone: (410) 415-[illegible]
Contact: Maren Foster
50 Beds

Anne Arundel Of Towson

8707 Belona Avenue
Baltimore, MD 21204
Phone: (410) 847-9410
Contact: Carol McClown
60 Beds

Aspline Beloved Home Care

5907 Ripple Road
Baltimore, MD 21206
Phone: (410) 655-7084
Contact: Annie D Aspline

Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

August 14, 2003

Salem Baptist Church
49 Inverness Avenue
Baltimore, MD 21222

03-5524

Dear Pastor Robinson III:

Re: Case #03-5524

Thank you for your correspondence of August 13, 2003 regarding Inspector Grant Kidd. It is always refreshing to receive a positive comment about one of our county employees.

The purpose of this communication is to address some concerns you have with respect to change of occupancy and interior alteration to your church. An inspection was made on July 23, 2003 by Inspector Grant Kidd, at which time a correction notice was issued. The content of which referred to securing a change of occupancy permit and an interior alteration permit for work done in the church sanctuary area. Section 105.1 of the *International Building Code* references that a permit is required for interior renovations or change of occupancy of a structure. Section 110.1 of the International Building Code specifically states that no change in the existing occupancy shall be made without issuance of a certificate of use and occupancy. Site Plan Requirements are also addressed in Section 106.2 of The International Building Code.

It is our expressed hope that you will comply with the correction notice issued. Chronologically, all building codes adopted by Baltimore County since 1956 concur with your issued correction notice. Failure to comply with this notice will result in the issuance of a civil citation with the potential of a monetary fine. As I have stated previously, our concern is for your cooperation in this matter.

If you have any questions, please feel free to contact me at 410-887-3953 between the hours of 7:70 a.m. and 3:30 p.m., Monday through Friday

Respectfully,

John M. Altmeyer, Supervisor
Code Inspections and Enforcement

JMA/jaf
cc: James T. Smith, County Executive
Timothy M. Kotroco, Director

Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

Baltimore County Violation Code Enforcement Notice

July 17, 2003

Salem Baptist Church
Care of Pastor Robinson
49 Inverness Avenue
Baltimore MD 21222-4856

Jimmy Robinson, Jr
703 N Avondale Road
Baltimore MD 21222

REFERENCE NO: 03-5826
49 Inverness Avenue

Dear Pastor Robinson:

Baltimore County Government has received several complaints from the community regarding the land use at 49 Inverness Avenue, Dundalk, MD 21222. Resulting from our investigation, it has come to our attention that you are operating a 5 bed, level 2 Assisted Living Facility at the Salem Baptist Church.

The Baltimore Count Zoning Regulations (BCZR) requires a Use and Occupancy Permit for an Assisted Living Facility with 4 or more beds. Additionally, there may be other zoning issues concerning a dual use i.e. a Church and an Assisted Living Facility, which could complicate the issuance of the Use Permit. These cannot be evaluated until a Use Permit application review (which includes a review of a duel use site plan) has occurred.

Under COMAR, some facilities are exempted from the BCZR. Our Zoning Regulations and Zoning Policy Manual does not include the section (Title 19 Section 1801et seq) under which you are currently operating. Please provide Baltimore County

P/u 8/20/03

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on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

with a copy of this section of code and a letter from a qualified representative of the Department of Heath and Mental Hygiene that states whether and how you are exempted from the BCZR.

Failure to apply for a Use and Occupancy Permit from the Zoning Office or to provide the required exempting information by [redacted] will result in the issuance of a civil citation with the potential of monetary fines.

If you should have any questions, please feel free to call me at 877-5681.

Sincerely,

ORIGINAL SIGNED BY
LEONARD J. WASILEWSKI

Inspector Wasilewki
Code Inspections and
Enforcement Officer

LW:rmg

Printed with Soybean Ink

Case #3657-V

RE: PETITION FOR VARIANCES TO ZONING REGULATIONS - Southeast corner of Avalon and Inverness Aves., 12th District - Inverness Presbyterian Church, Petitioner

Upon hearing on petition for variances to the Zoning Regulations for Baltimore County, and it appearing that said Regulations would result in practical difficulty and unnecessary hardship upon the petitioner and variances to said Regulations would grant relief without substantial injury to the public health, safety and the general welfare of the community, the petition, should be granted, therefore:

It is this 14 day of November, 1955, ORDERED by the Deputy Zoning Commissioner of Baltimore County, that the following variances, be and the same are hereby granted, to wit:

1. To permit a side yard setback from Avalon Avenue of four (4') feet instead of the required twenty (20') feet.

2. To permit a sideyard setback from Del Rio Avenue of five (5') feet instead of the required twenty (20') feet.

3. To permit a rear yard setback of seven (7') feet instead of the required thirty (30') feet, and

4. To permit thirteen less parking spaces than required under section 409.2.

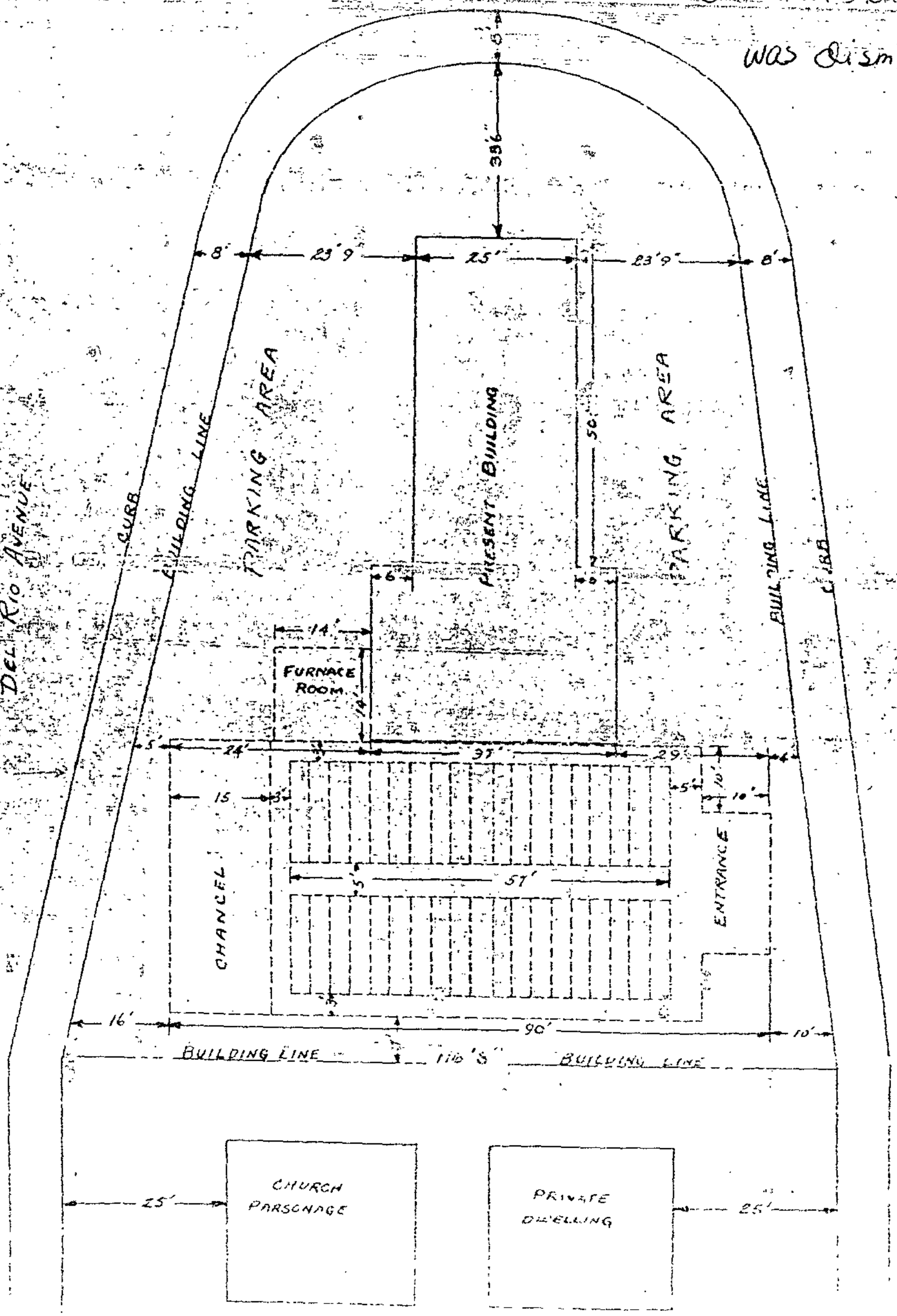
Deputy Zoning Commissioner
of Baltimore County

PROTESTANT'S

EXHIBIT NO. 1

INVERNESS AVENUE Case #3657-V

was dismissed



PROTESTANT'S

EXHIBIT NO. 2

CASE NO.: 06-259-SPHA (49 Inverness Avenue)

THE SURROUNDING COMMUNITY **OPPOSES** THE LIVING ASSISTED FACILITY AND THE OPERATION OF A SCHOOL, AND **OPPOSES** THE REQUESTED VARIANCE FOR PARKING SPACES.

Vanessa Shelton	85 Wise Ave.
Eric Leach	85 Wise Ave.
Marian Malkus	~~85 Wise Ave~~
Teresa Sirc	90 Avalon Ave
Joseph Sirc	90 Avalon Ave.
Linda Finiff	31 Marister Ave.
[illegible] Finiff	31 Marister Ave.
Tammy Bennett	65 Wise Ave.
Elliot J. Bennett	65 Wise Ave
Derek Bennett	65 Wise Ave.
Franco Geno	80 Avalon Ave
Robin Geno	80 Avalon Ave
Melissa Crow	82 Avalon Ave
Daniel J. Hughes	82 AVALON AVE.
Jennifer Schroeder	92 Avalon Ave
Mark Schroeder	92 Avalon Ave
Jennifer Schroeder	92 Avalon Ave
Kurt G. Hoff	94 AVALON AVENUE
Doug Smith	96 AVALON AVE
Christin Smith	96 Avalon Ave
~~[illegible]~~	~~98 AVALON AVE~~
BARRY GROSSCUP	93 AVALON AVE

CASE NO.: 06-259-SPHA (49 Inverness Avenue)

THE SURROUNDING COMMUNITY **OPPOSES** THE LIVING ASSISTED FACILITY AND THE OPERATION OF A SCHOOL, AND **OPPOSES** THE REQUESTED VARIANCE FOR PARKING SPACES.

Laura Adams	93 Avalon Ave
Mike McClain	93 Avalon Ave
Brian Wood	89 Avalon Ave
Maria Wood	89 Avalon Ave
Margaret Ausey	58 Mavista Ave
Loretta Pelnick	62 Mavista Ave.
Elva & George Rogers	51 Mavista Ave
Edward J. Rapski	1 Mavista Ave
Mary A Rapski	1 Mavista Ave
Kim Rapski	3 Mavista Ave
Alan Rapski	3 Mavista Ave
Victory Houck	7 MAVISTA AVE
DAVID HOUCK	7 MAVISTA AVE
Ann Blubaugh	9 Mavista Ave
G.D. Smith	57 Del Rio Rd
MACY Smith	57 DEL Rio Rd
Lorie Hoggenbolz	61 Del Rio Rd
Shirley Wild	58 Del Rio Rd
Randy Wild	58 Del Rio Rd
Angela Horne	55 Del Rio Rd
XAVIAR BISIN	24 WINONA AVENUE

CASE NO.: 06-259-SPHA (49 Inverness Avenue)

THE SURROUNDING COMMUNITY **OPPOSES** THE LIVING ASSISTED FACILITY AND THE OPERATION OF A SCHOOL, AND **OPPOSES** THE REQUESTED VARIANCE FOR PARKING SPACES.

Kristy Rangelo	19 Mavista Ave
[illegible]	19 Mavista Ave
[illegible]	54 Mavista Ave
[illegible]	56 Mavista Ave
[illegible]	56 Mavista Ave
[illegible]	27 Mavista Ave
Donna Muno	29 Mavista Ave
Steve Turant	33 Mavista Ave
Nancy Turant	33 Mavista Ave
Elaine Kinkel	39 Mavista Ave
[illegible] Kinkel	39 Mavista Ave.
Mildred Medley	68 Mavista Ave.
Lauren L Eff	41 Mavista Ave
Denise M Ely	41 Mavista Ave.
Daniel L Mimmack	70 Mavista Ave
Connie K Mimmack	70 Mavista Ave
Diane D. Horner	45 Mavista Ave
Mary L Rockey	72 Mavista Ave
Charles B. Rockey	72 Mavista Ave
Cristina Merrill	25 Mavista Avenue
Todd Merrill	25 Mavista Avenue
Carla Jarrell	25 Mavista Avenue
Noah W Jarrell Jr	25 Mavista Avenue

CASE NO.: 06-259-SPHA (49 Inverness Avenue)

THE SURROUNDING COMMUNITY **OPPOSES** THE LIVING ASSISTED FACILITY AND THE OPERATION OF A SCHOOL, AND **OPPOSES** THE REQUESTED VARIANCE FOR PARKING SPACES.

Marie Brooks	65 Del Rio Rd
Margaret Pratt	63 Del Rio Rd.
Steven L. Pratt Sr.	63 Del Rio Rd.
Steven L. Pratt Jr.	63 Del Rio Rd
Christine Pratt	63 Del Rio Rd.
Tino Bisi	63 Del Rio Rd.
Sylvia List	Guy Way
John List	Guy Way
Robert List Sr	Guy Way
Robert List Jr.	Guy Way
Angie Annese	53 Del Rio Rd
Brian Alby	53 Del Rio Rd
Lenny Digby	53 Del Rio Rd
Eric Heinrich	53 Del Rio Rd
Nancy Boell	74 MAVISTA AVE
Claude Boell	74 MAVISTA Avenue
Jeff Boell	74 Mavista Avenue
Pam Pfeifer	5 Mavista Ave
Charles Pfeifer	5 Mavista Ave
David C Kearney	21 MAVISTA Ave
Marcella H Kearney	21 Mavista Ave

CASE NO.: 06-259-SPHA (49 Inverness Avenue)

THE SURROUNDING COMMUNITY **OPPOSES** THE LIVING ASSISTED FACILITY AND THE OPERATION OF A SCHOOL, AND **OPPOSES** THE REQUESTED VARIANCE FOR PARKING SPACES.

Ed Baker	17 Mavista Ave
Donna A. Baker	17 MAVISTA AVE.
Mildred Enders	45 Wise Av.
Gregory Golding	47 wise ave
PHESTON GOLDING	47 WISE AVE
JOHN + DEBORAH VICKERY	55 WISE AVE.
Gregg Lilly	59 Wise ave
Betty Lilly	59 Wise Ave
Violet E. Stricklin	57 Wise Ave
Mathy (Michelle Flory)	93 WISE ave
Frances Pietrogallo	83 Wise ave
Tammy Lamkin	98 Avalon Ave
Edward Lee Moore	74 Avalon Ave.
Anna M. Beckman	67 Avalon Ave
Jon D. White	68 AVALON AVE
Letty J. White	68 AVALON AVE.
Bea Robinette	65 avalon ave
Brenda Stratemeyer	66 Avalon Ave

SALEM CHRISTIAN ACADEMY

STATE REGISTERED SCHOOL #09-03-9165

FREE TRANSPORTATION

SMALL CLASS SIZES

AFFORDABLE TUITION($250.00 NON-REFUNDABLE)

YEAR -AROUND SCHOOLING(AUGUST-JUNE)

SATURDAY ACADEMY(ONE SATURDAY A MONTH)

ABEKA CURRICULUM

PARTNERSHIP WITH LOYOLA HIGH

ORGANIZED SPORTS AND ACTIVITIES

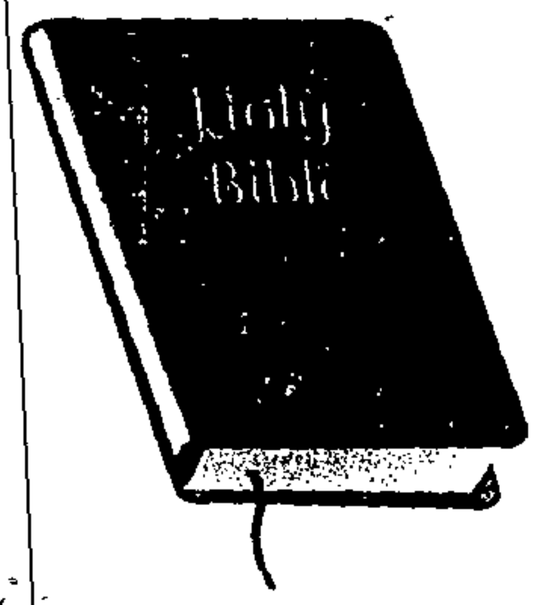
QUALITY AND EXPERIENCED STAFF (ON HAND)

NOW ACCEPTING APPLICATIONS FOR AUGUST

ENROLL YOUR CHILD TODAY: CALL MS.TIFFANY AT 443-253-4145 OR MR. KIRK AT 443-310-7022 OR APPLY AT 49 INVERNESS AVE. DUNDALK, MARYLAND 21222 (410) 282-1920. SCHOOL STARTS AUGUST 9TH, 2004.

PROTESTANT'S

EXHIBIT NO. 3



49 Inverness

PROTESTANT'S

EXHIBIT NO. 7A

12-27-05

49 Inverness

PROTESTANT'S
EXHIBIT NO. 7B

12-27-05

49 Inverness

PROTESTANT'S
EXHIBIT NO. 7C

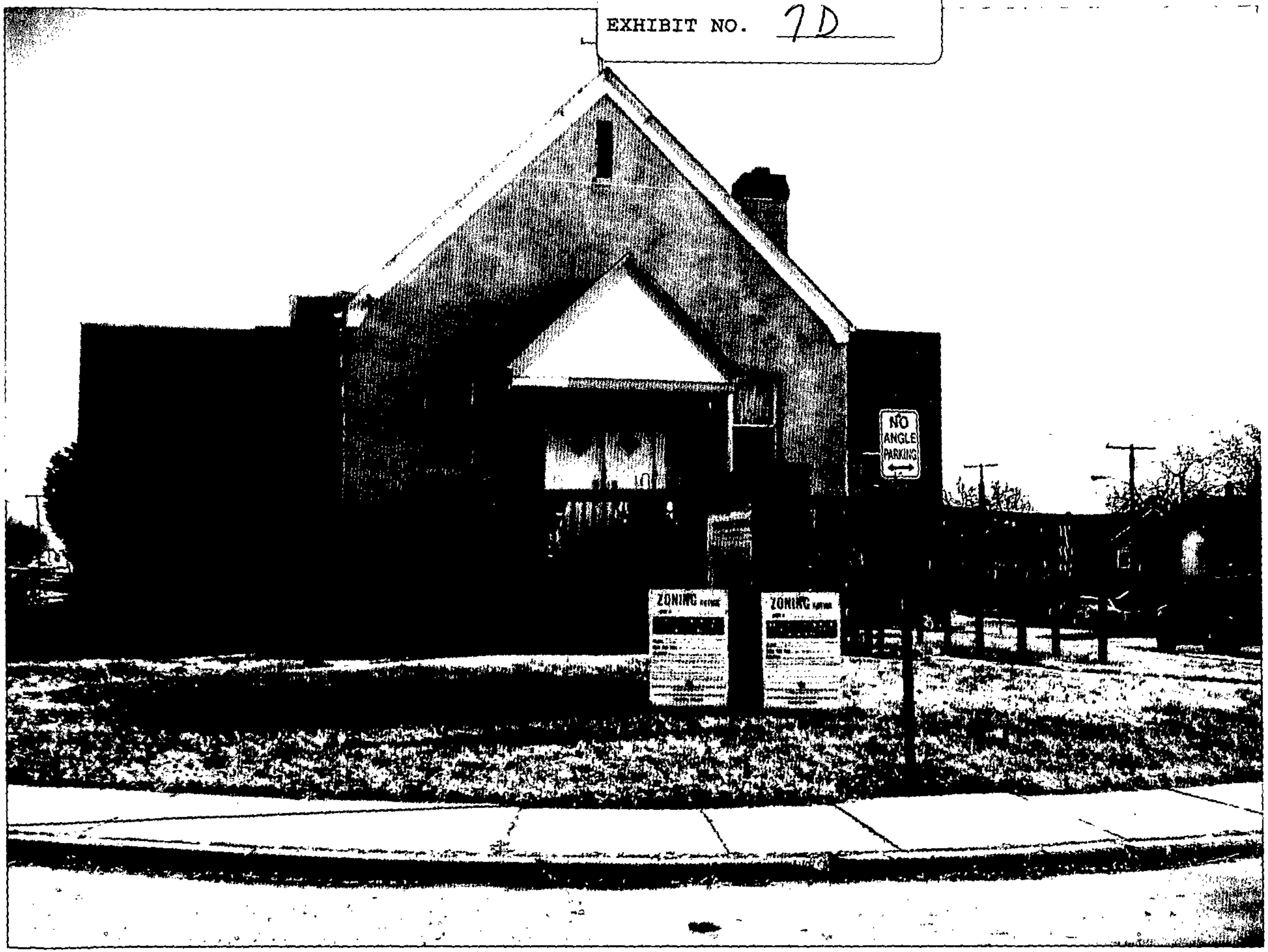
12-27-05

49 Inverness

PROTESTANT'S

EXHIBIT NO. 7D

2-27-85



49 Inverness

PROTESTANT'S

EXHIBIT NO. 8A

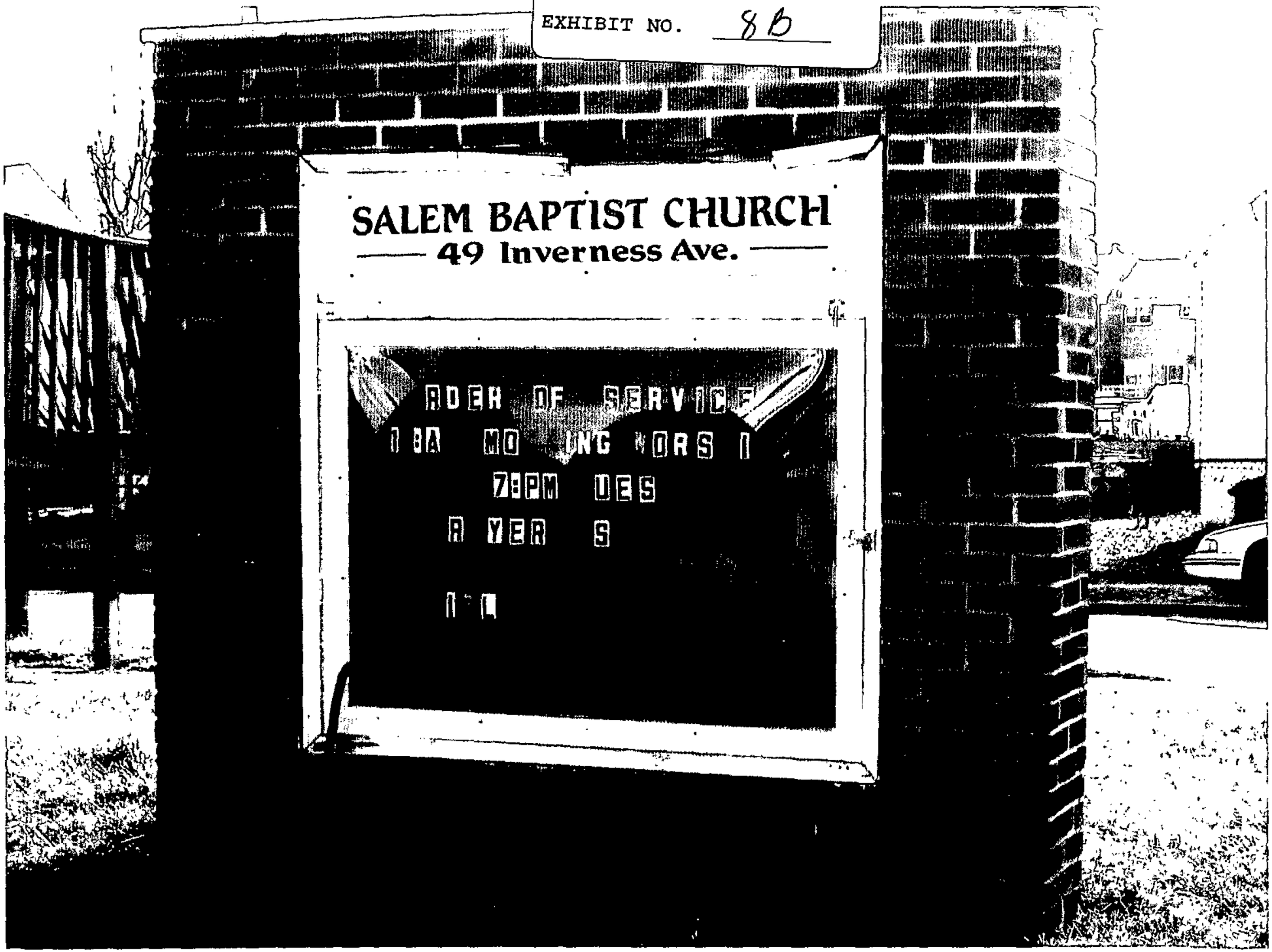
12-27-05

49 Inverness

PROTESTANT'S

EXHIBIT NO. 8B

12-27-05

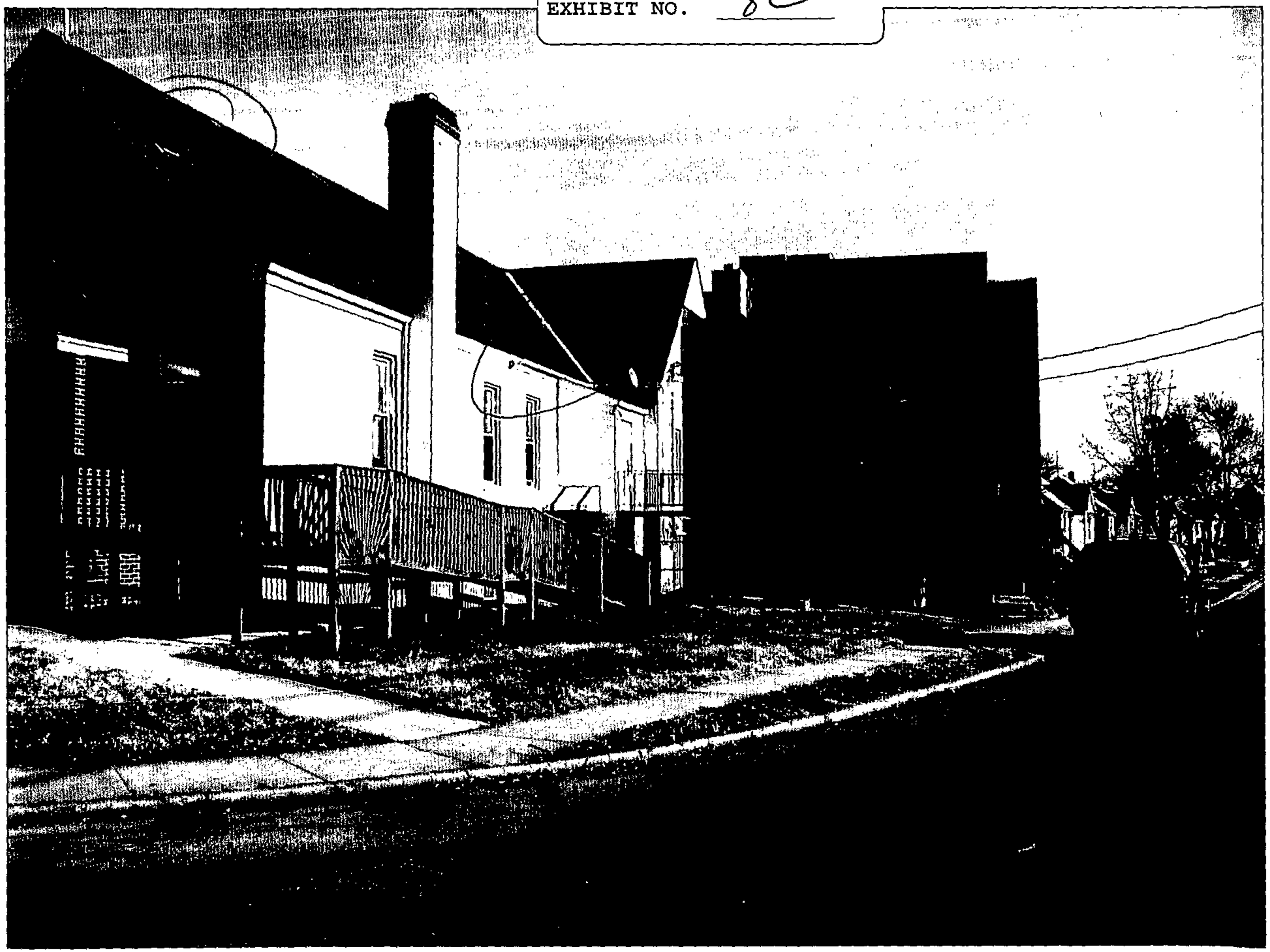


49 Inverness

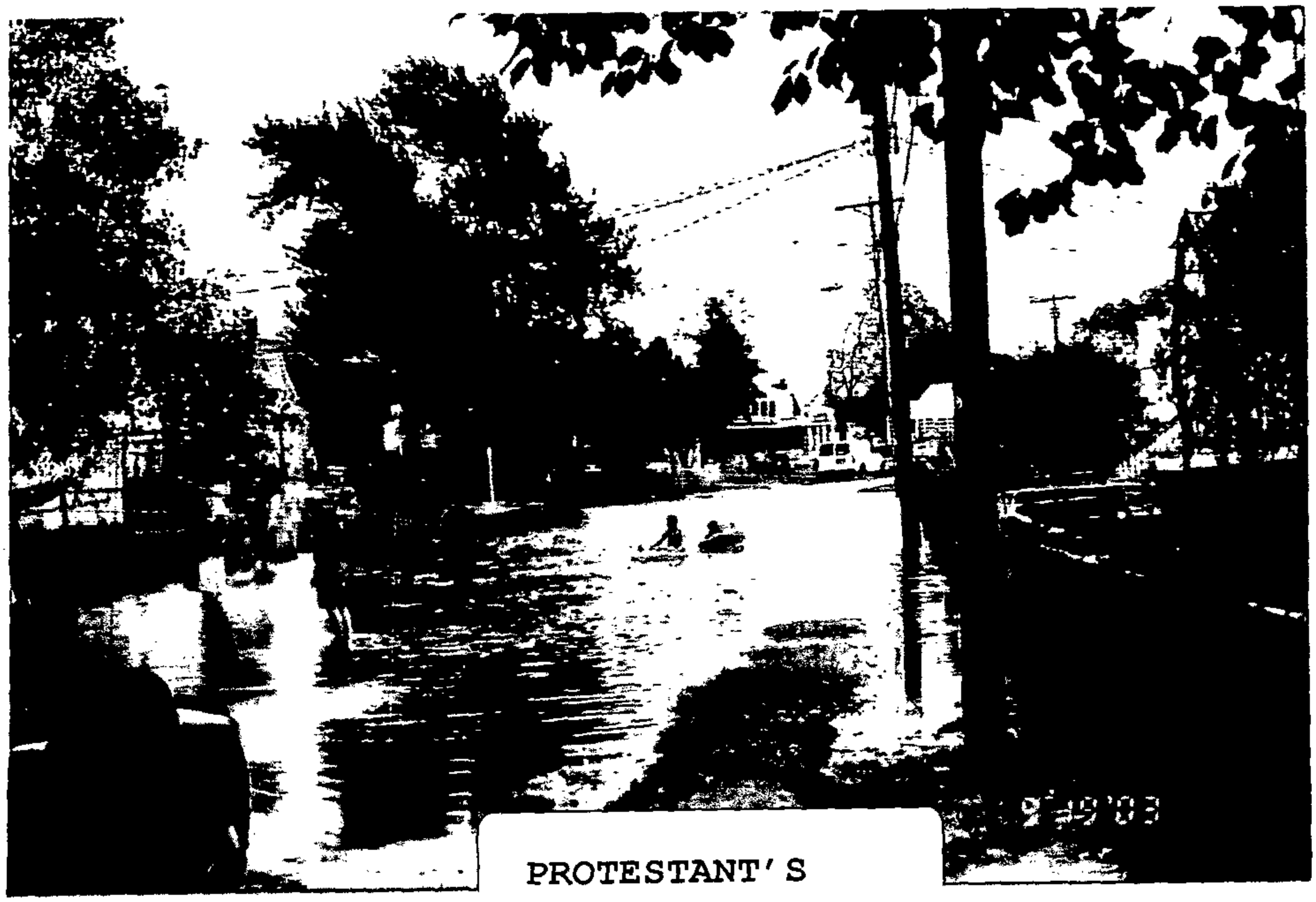
PROTESTANT'S

EXHIBIT NO. 8c

12-27-05



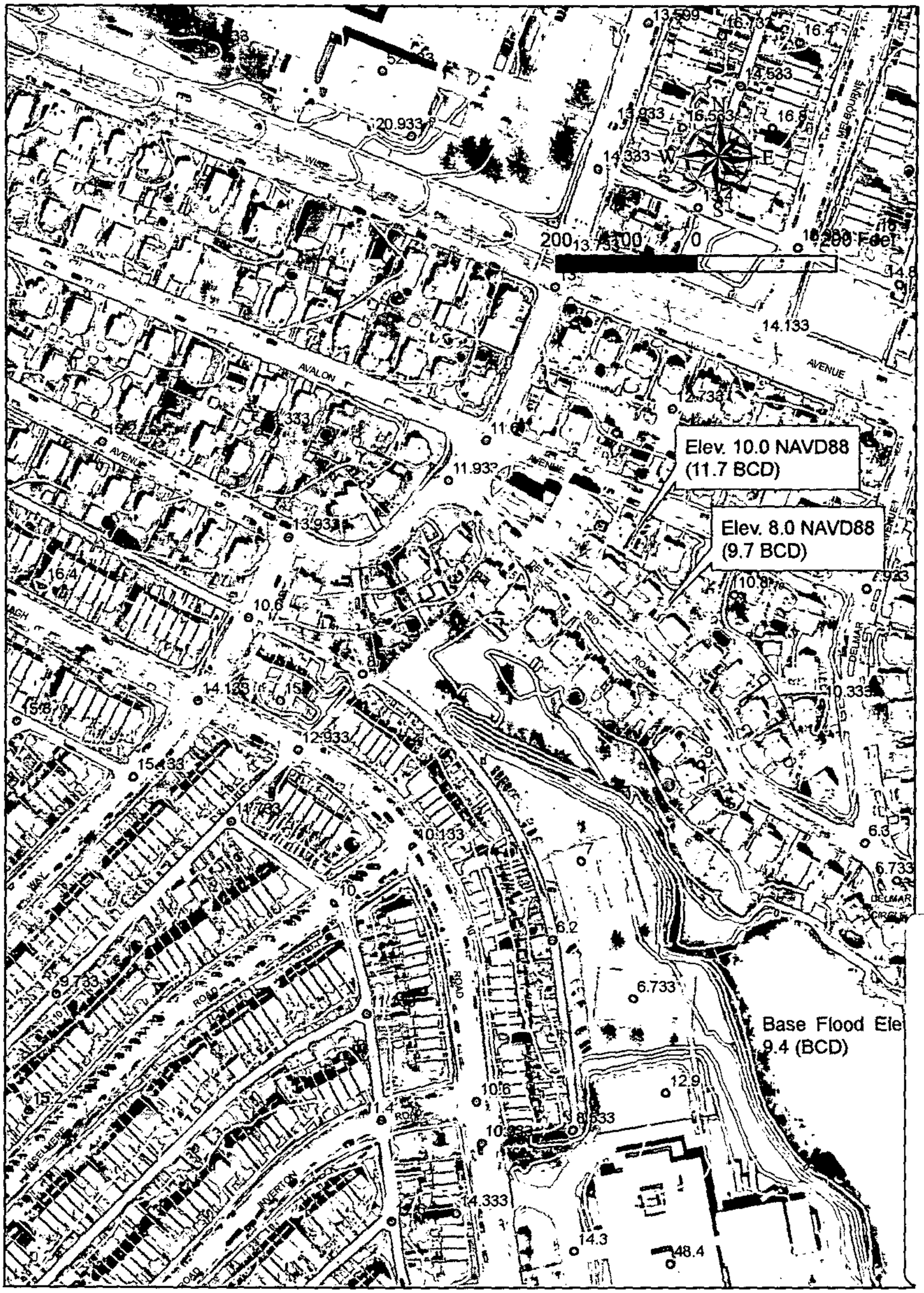
Looking south on Canal toward church property



Looking south toward Sept. 2003

PROTESTANT'S

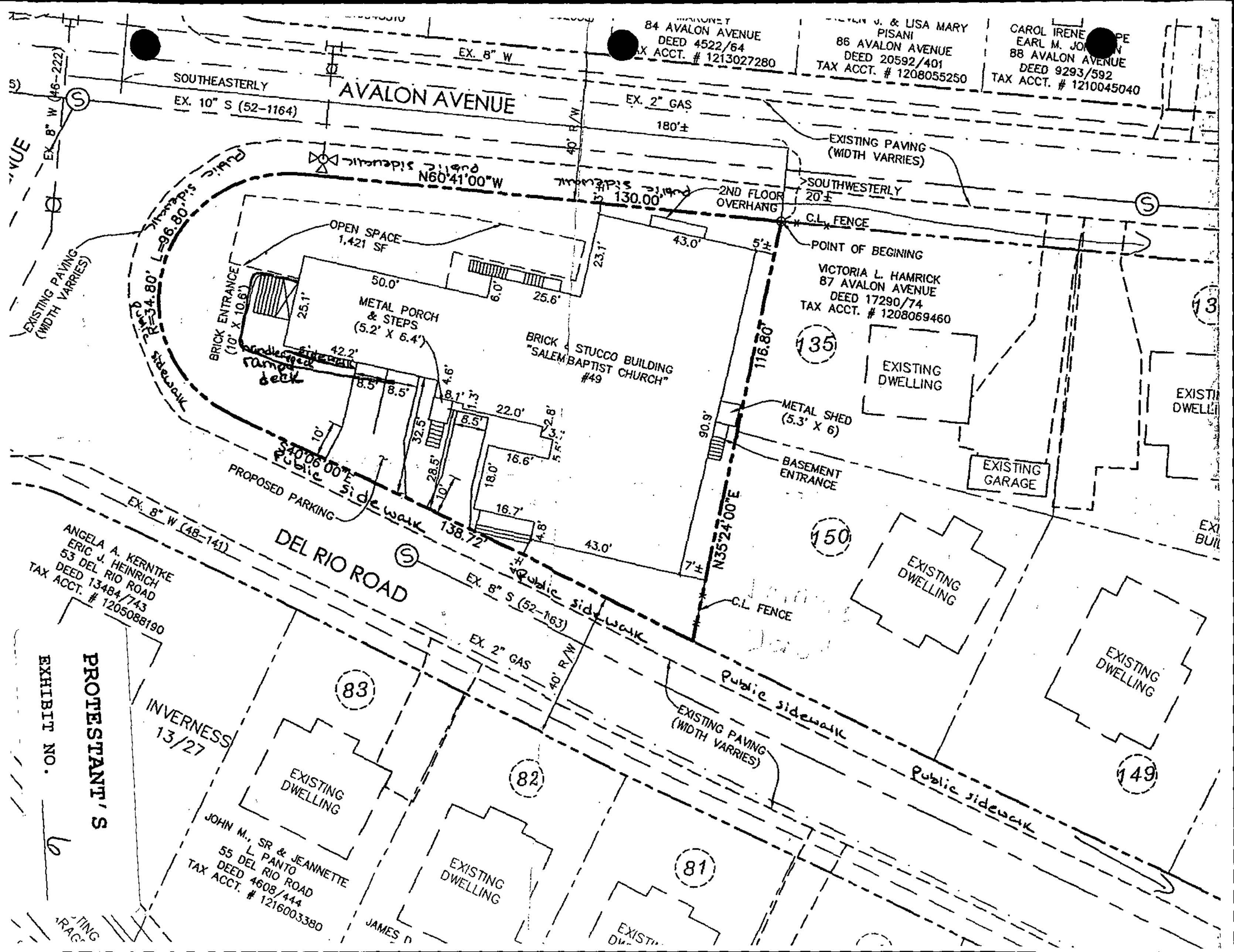
EXHIBIT NO. 9



Topographic Map
Vicinity of Inverness, Mavista & Guy Way

PROTESTANT'S
EXHIBIT NO. 1

DLT
12/30/05


AVALON AVENUE
SOUTHEASTERLY
EX. 10" S (52-1164)
EX. 8" W (46-222)
EX. 8" W
EX. 2" GAS
180'±
40' R/W
84 AVALON AVENUE
DEED 4522/64
TAX ACCT. # 1213027280
86 AVALON AVENUE
DEED 20592/401
TAX ACCT. # 1208055250
88 AVALON AVENUE
DEED 9293/592
TAX ACCT. # 1210045040
EXISTING PAVING
(WIDTH VARRIES)
SOUTHWESTERLY
20'±
C.L. FENCE
POINT OF BEGINING
N60°41'00"W
130.00'
2ND FLOOR
OVERHANG
43.0'
5'±
23.1'
OPEN SPACE
1,421 SF
50.0'
6.0'
25.6'
25.1'
METAL PORCH
& STEPS
(5.2' X 6.4')
BRICK ENTRANCE
(10' X 10.6')
42.2'
8.5'
8.5'
4.6'
8.1'
22.0'
2.8'
3.1'
8.5'
16.6'
32.5'
28.5'
18.0'
10'
10'
16.7'
4.8'
43.0'
7'±
BRICK & STUCCO BUILDING
"SALEM BAPTIST CHURCH"
#49
VICTORIA L. HAMRICK
87 AVALON AVENUE
DEED 17290/74
TAX ACCT. # 1208069460
135
EXISTING
DWELLING
116.80'
90.9'
METAL SHED
(5.3' X 6)
BASEMENT
ENTRANCE
EXISTING
GARAGE
N35°24'00"E
150
EXISTING
DWELLING
C.L. FENCE
EXISTING PAVING
(WIDTH VARRIES)
R=34.80' L=96.80'
Public sidewalk
S40°06'00"E
138.72'
PROPOSED PARKING
EX. 8" W (48-141)
DEL RIO ROAD
EX. 8" S (52-163)
EX. 2" GAS
40' R/W
ANGELA A. KERNTKE
ERIC J. HEINRICH
53 DEL RIO ROAD
DEED 13484/743
TAX ACCT. # 1205088190
INVERNESS
13/27
83
EXISTING
DWELLING
82
EXISTING
DWELLING
81
149
JOHN M., SR & JEANNETTE
L. PANTO
55 DEL RIO ROAD
DEED 4608/444
TAX ACCT. # 1216003380
PROTESTANT'S
EXHIBIT NO. 6

Salem Baptist Church

Home: 410-282 -1920
cell: 410-443-540-5462
Email- Jrobin33@hotmail.com

August 13, 2003

RE: Citation 03-5524 and 03-5278

Dear Mr. Kidd,

Listed below are the responses to citations listed above.

Citation 03-5524

1. A change of occupancy is not needed sense we only have 3 residents.
2. We are not doing and nor do we plan to do and interior alterations.
3. Until we seek a change of occupancy permit no site plan is needed.

Citation 03-5278

1. Footing inspection complete 8/12/03
2. Non- compliant ramp(temporary access) has been taken down.

legal authorities regarding the filing erroneous citations. I understand your responsibility to the people of the county of Baltimore. Our church is determined to offer a high quality Assisted Living. We have obtain Legal council and the help of a national organization to aggressively pursue those individuals and officials who continue to " slander" our organization with erroneous complaints and citations. If you have further questions please feel free to call me.

Sincerely,

Pastor Jimmie Robinson III

CC. Baltimore county executive

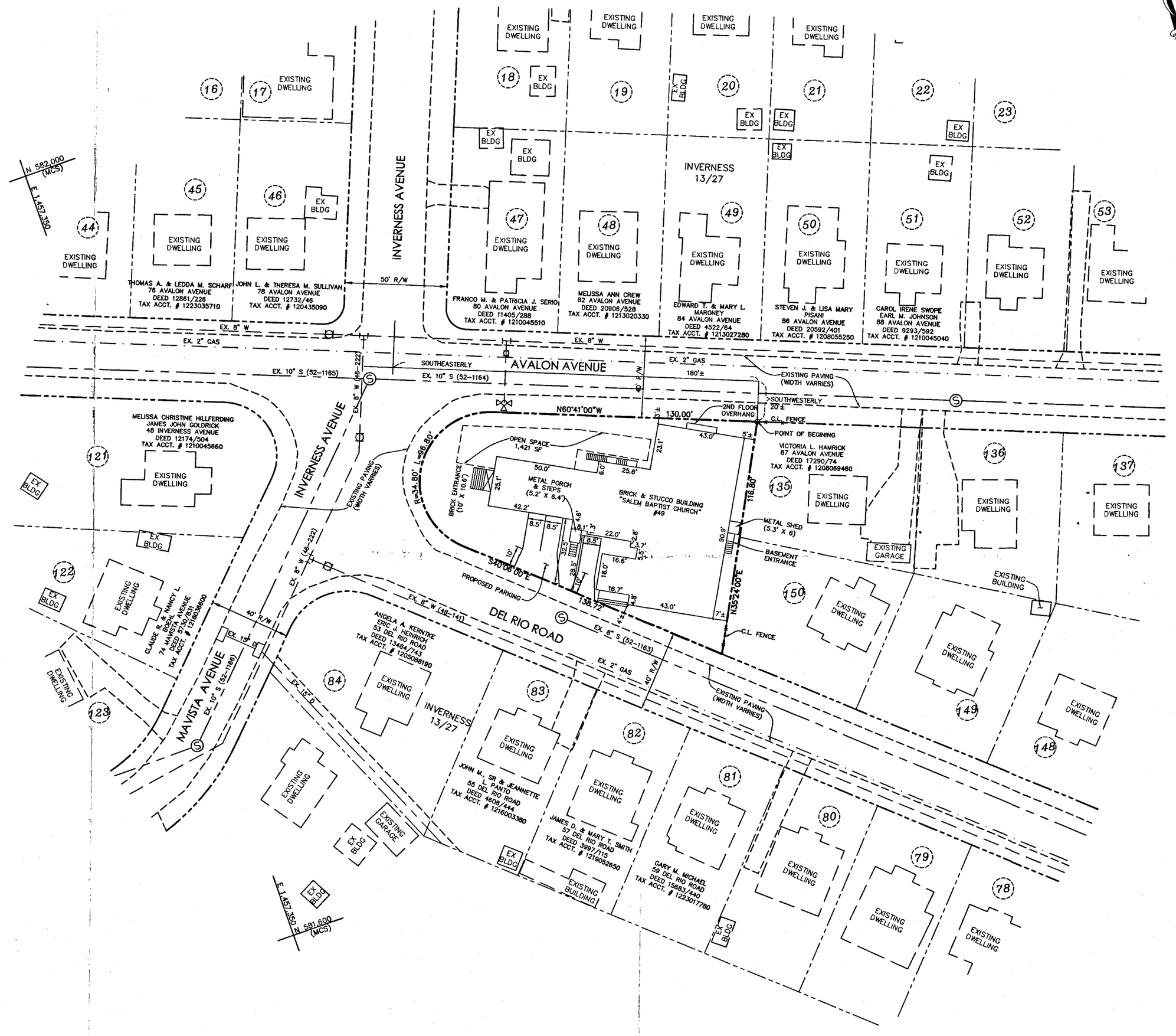
Attorney John Garza

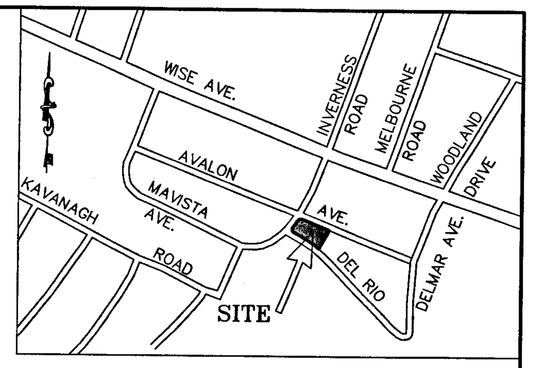
PROTESTANT'S

EXHIBIT NO. 5

ZONE	LOT SIZE	DENSITY REQUIREMENTS	DENSITY UNITS (d.u.) PERMITTED	DENSITY UNITS PROPOSED
D.R. 5.5	14,204 SF.	6,000 SF. / DENSITY UNIT (SMALL TRACT TABLE BCZR §1B02.3.C.C)	14,204 SF. / 6,000 = 2.37 d.u. PERMITTED. PURSUANT TO THE USE PERMIT CHECKLIST, WITH 2 d.u., UP TO 8 ASSISTED LIVING BEDS ARE PERMITTED.	1 ASSISTED LIVING BED = 0.25 d.u. (BCZR § 101) 7 ASSISTED LIVING BEDS ARE PROPOSED AT 0.25 d.u. / BED= 1.75 d.u. PROPOSED

LOT SIZE	OPEN SPACE REQUIRED	OPEN SPACE PROVIDED
14,204 SF.	10% OF 14,204 SF.= 1,421 SF.	1,421 SF.





VICINITY MAP
1"=500'

GENERAL NOTES

1. OWNERSHIP/PROPERTY LOCATION
   SALEM BAPTIST CHURCH INC.
   49 INVERNESS AVE
   BALTIMORE, MD 21222-4856
   PHONE: 410-282-1920
   DATE: 09/07/2005 (PLAN DATE)
   DEED REF: 10940/182

2. SITE DATA:
   PLAT: 13/27 LOT 150
   TOTAL SITE AREA: 14,204 SF (0.326 AC±)
   ELECTION DISTRICT: 12TH
   COUNCILMANIC DISTRICT: 7TH
   ZONING: DR 5.5 (MAP # 104a2)
   EXISTING USE: RELIGIOUS FACILITY
   PROPOSED USE: RELIGIOUS FACILITY/ ASSISTED LIVING FACILITY - 7 BEDS

   EXISTING BUILDING FOOTPRINT ON LOT: 6,461 SF
   TOTAL FLOOR AREA: 14,608 SF (IN 2 STORIES)

3. PARKING:
   RELIGIOUS FACILITY: NON-CONFORMING
   ASSISTED LIVING: 1 P.S. / 3 BEDS= 3 P.S. (PROVIDED)

   ALL PARKING AND MANEUVERING AREAS WILL BE PAVED WITH A DURABLE, DUSTLESS SURFACE AND WILL BE PERMANENTLY STRIPPED

4. THERE HAVE NOT BEEN EXTERIOR ENLARGEMENTS TO THIS BUILDING IN THE PAST 5 YEARS.

5. THIS PROPERTY IS NOT LOCATED IN A 100-YEAR FLOOD PLAIN.

6. THIS SITE HAS NO KNOWN PRIOR ZONING HISTORY, other than Case No. 3657-V (order dated 11/14/53).

NOTES:

ALL PROPOSED SIGNS WILL COMPLY WITH BCZR § 450 AND ALL ZONING SIGN POLICIES.

THIS BUILDING HAS NOT BEEN ORIGINALLY CONSTRUCTED TO ACCOMMODATE ELDERLY HOUSING OR AN ASSISTED LIVING FACILITY. NO RECONSTRUCTION, RELOCATION, (EXTERIOR) CHANGES OR ADDITIONS (OF 25% OR MORE IN GROUND FLOOR AREA AS OF 5 YEARS BEFORE THE DATE OF THIS APPLICATION) TO THE EXTERIOR OF THE BUILDING OCCURRED, AND NO ADDITIONS ARE PROPOSED.

STATE OF MARYLAND
G. DWIGHT LITTLE
No. 4809
REGISTERED
PROFESSIONAL ENGINEER

LITTLE & ASSOCIATES, INC.
ENGINEERS~~LAND PLANNERS~~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

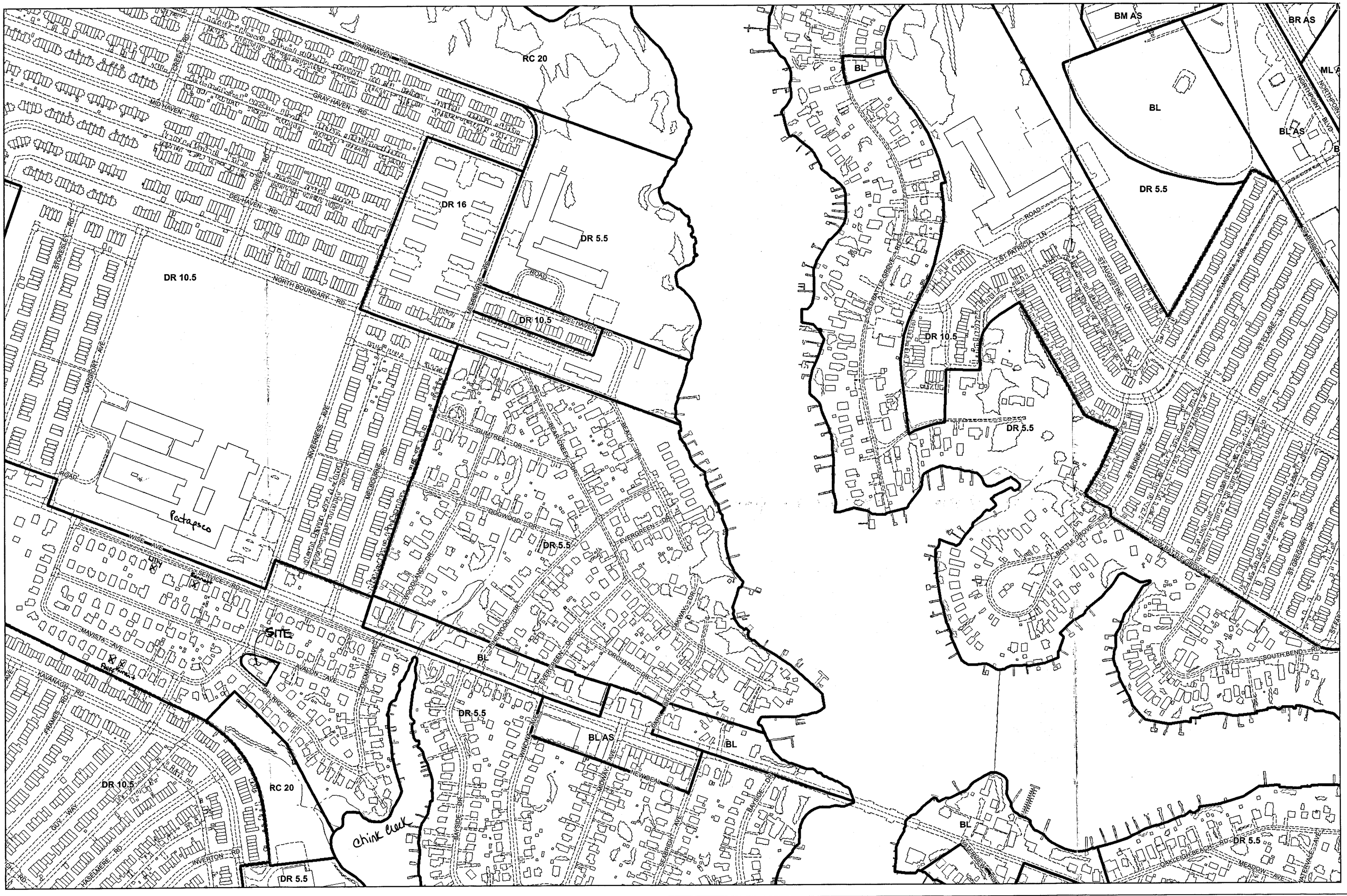
PLAN TO ACCOMPANY SPECIAL HEARING ASSISTED LIVING FACILITY CLASS I (ALF I) #49 INVERNESS AVENUE

DISTRICT 12C7
SCALE: 1"=30'

BALTIMORE COUNTY, MD
OCTOBER 1, 2005

PETITIONER'S EXHIBIT NO. 6

Y:\SALEM BAPTIST CHURCH (14607)\dwg\SITE PLAN TO ACCOMPANY SPECIAL HEARING.dwg, 11/2/2005 10:54:30 AM, Designated 500=HIPEL2 (C77700).pc3, Arch D - 24 x 36 in. (landscape), 1:30



Plan Sheet: *104A2*

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

Zoning — Streams — Vegetation
Buildings — Roads — Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

103B1	103C1	104A1	104B1	104C1
103B2	103C2	104A2	104B2	104C2
103B3	103C3	104A3	104B3	104C3

Scale

1" = 200'

0 100 200 400 Feet

1

Data Sources:
Planametric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

PROTESTANT'S
EXHIBIT NO. 10