

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

N/Side of Idylwood Road, 175' W of *
Enola Road *
(1205 Idylwood Road) *

3rd Election District *
2nd Council District *

Barbara Bostic, et al *
Petitioners *

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 07-418-SPHA

* * * * *

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, Barbara Bostic, and her daughter, Kea Ellis, lessee of the homestead. The Petitioners seek relief from Sections 432A.C.1 and 432A.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit parking with setbacks of 0 feet in lieu of the minimum required 10 feet from the property line, and to permit parking and delivery areas in the side and front yards in lieu of the required side or rear yards only, and a special hearing to approve a Use Permit for an Assisted Living Facility I for a maximum of four (4) beds. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Barbara Bostic, property owner, her daughter, Kea Ellis, and son, Geoffrey Ellis. Both Ms. Conya Bailey, who lives down the street, and Ms. Jacqueline Jackson-Floyd, who lives behind the subject property, submitted letters indicating that the Petitioner is a wonderful neighbor (Petitioners' Exhibit 4). A number of residents from the surrounding community appeared in opposition to the request,

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Date 6-19-97
By [signature]

including Dr. Harold Hart, President of the Gwynnvale Community Civic Association, Inc. and representatives of the association, namely Emma Sembly-Brodie, Jestene A. Boone, Darlene Pinder, Christine Jefferson, and Lucy J. Miller, an adjacent property owner. In addition, this Zoning Commissioner received individual letters signed by the residents in the area expressing strong opposition to the requests, all of which were collectively marked as Protestants' Exhibit 1. Nkechi Hislop and Diana Itter, Community Planners with the Baltimore County Office of Planning, appeared and provided testimony in opposition to the petition.

It is to be noted that there was apparently some confusion on behalf of the Petitioners and Protestants concerning the nature and scope of the request. The assisted living facility legislation recently enacted under Council Bills 19-04 and 32-06 were written by and for the Office of Planning and the Department of Aging. These agencies are responsible for reviewing and approving the general layout and compatibility standards of any proposed assisted living facility and make recommendations to this Zoning Commissioner. Bill No. 19-04 composed site requirement changes, including a minimum required 10-foot setback from an adjoining property line. It is this required setback that is at issue before me, as an assisted living facility is permitted in the D.R.5.5 zoning classification by Use Permit which can be issued by representatives of the Department of Permits and Development Management pursuant to Council Bill 19-04. That section was amended to require that such facilities be:

- "(1) located in a structure which was built at least five (5) years before the date of the application;
- (2) was not enlarged by 25% or more of ground area within the five (5) years before the date of application; and
- (3) which accommodates fewer than eight (8) resident clients".

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Thus, if the requested variance relief was granted, a zoning Use Permit could be issued following receipt of comments from the Offices of Planning and Community Conservation for the proposed assisted living facility.

Testimony and evidence offered revealed that the subject property is a rectangularly-shaped parcel located on the north side of Idylwood Road, just west of Enola Road in the Gwynnvale community of Pikesville. The property contains a gross area of 6,762 square feet, more or less, zoned D.R.5.5 and improved with a 2-story split-level single-family dwelling featuring an in-ground pool in the rear yard. The Petitioners' family has owned the property for more than 40 years. The property owner, Barbara Bostic, a widow, has multiple health issues resulting in difficulty ambulating and has been advised to move into an environment that contains all facilities on one floor. See physician letters marked as Petitioners' Exhibits 3A-3C. The income to be realized from an assisted living facility would be used to offset the expense of Ms. Bostic's moving to such a facility. Ms. Ellis, having received a bachelor degree in nursing with 23 years of experience, would like to convert the existing house to a 4-bed assisted living facility, for the care of disabled veterans who require total care. The home has three (3) bedrooms (one large enough to accommodate two beds) on the second floor and bathrooms on the first and second floors, kitchen, dining room and living room on the first floor with no basement other than for storage. Ms. Ellis, who would operate the facility, with two (2) employee assistants, indicated that she would have four (4) assisted living facility patients with visiting hours planned from 10:00 AM to 6:00 PM on weekdays and 10:00 AM to 2:00 PM on weekends. She noted that the parking on the side and front would be adequate since there's room for five (5) vehicles and that no assisted living patient could drive a vehicle so that there would be no additional parking required. Finally, she indicated that the existing parking pad and

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By [signature]

drive isle on the west side of the home do not meet the set back requirements for assisted living facilities (Section 432A.C.1 and 2) and thus requires a variance. She discussed the similar existing uses in the Gwynnvale community (pointing to three group homes, a day care facility, and home for disabled children and young adults operated by the Associated Jewish Charities) and indicated that none of them had parking in the rear. She opined that there would be no adverse impact on the community. State law would permit five (5) beds for a home of this size and that the Petitioners could operate a three-bed facility without a variance. Ms. Ellis testified that it would be impractical to provide the required parking/delivery areas directly behind the home in view of the open space requirements, and existing 19' x 27' in-ground pool in the rear yard.¹ In further support of the request, Petitioners argued that the family has used the existing driveway for parking since 1967 without detriment to the safety or welfare of the community. Moreover, the only cars that would park in the driveway would be the house manager and nursing assistants. Pursuant to the requirements of Council Bill No. 19-04, the Petitioners have applied for a Use Permit for the proposed use; however, due to the narrow width of the property and the location of existing improvements thereon, the requested zoning relief is necessary.

On behalf of the Protestants, Dr. Hart testified that the community is strongly opposed to the requested use of the property and that at a recent meeting of the Gwynnvale Community Association, the membership voted unanimously against the proposal. He testified that the community is comprised of 106 homes, which are devoted primarily to private residential uses.

As for the three (3) existing group homes already in existence, he stated that these appeared

¹ As shown on the site plan, the calculation to determine the open space required is incorrect. It should read 0.10 times lot area (6,762 square feet) equal 677 square feet. Ms. Ellis' calculation of 369 square feet of open space provided is incorrect. The area between the pool and the rear lot line alone contains 1,020 square feet, which exceeds that required. Therefore, the open space requirement is not an issue in this case. The information contained in this footnote was confirmed by the Petitioners' land surveyor, David Billingsley.

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Date 6-14-07
By [signature]

without benefit of a public hearing and their existence has had adverse impacts on the neighborhood. The community concerns expressed by the neighbors in attendance were traffic/parking and that Gwynnvale was bearing more than its share of these types of facilities that tended to depreciate property values and discourage the improvement of residential properties.

Consideration of variance requests from the zoning regulations is governed by Section 307 of the B.C.Z.R. That Section has been construed by the Court of Special Appeals in *Cromwell v. Ward*, 102 Md. App. 691 (1995). Therein, the Court noted a two-part test to be applied in considering any variance. First, the Zoning Commissioner must find that the property is unique and unusual in a manner different from the nature of the surrounding properties and that such uniqueness drives the need for the variance. If this finding is not made, the process stops and the variance must be denied. However, if the first step results in a finding of uniqueness, then the second step of the process is taken. The second step is to determine whether an unreasonable hardship or practical difficulty resulting from the ordinance would be caused if strict adherence to the regulations were required. Moreover, the Court indicated that self-inflicted or self-created hardship is never considered proper grounds for a variance. A variance cannot be granted merely for the convenience of the property owner.

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

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Date 6-14-07
By [Signature]

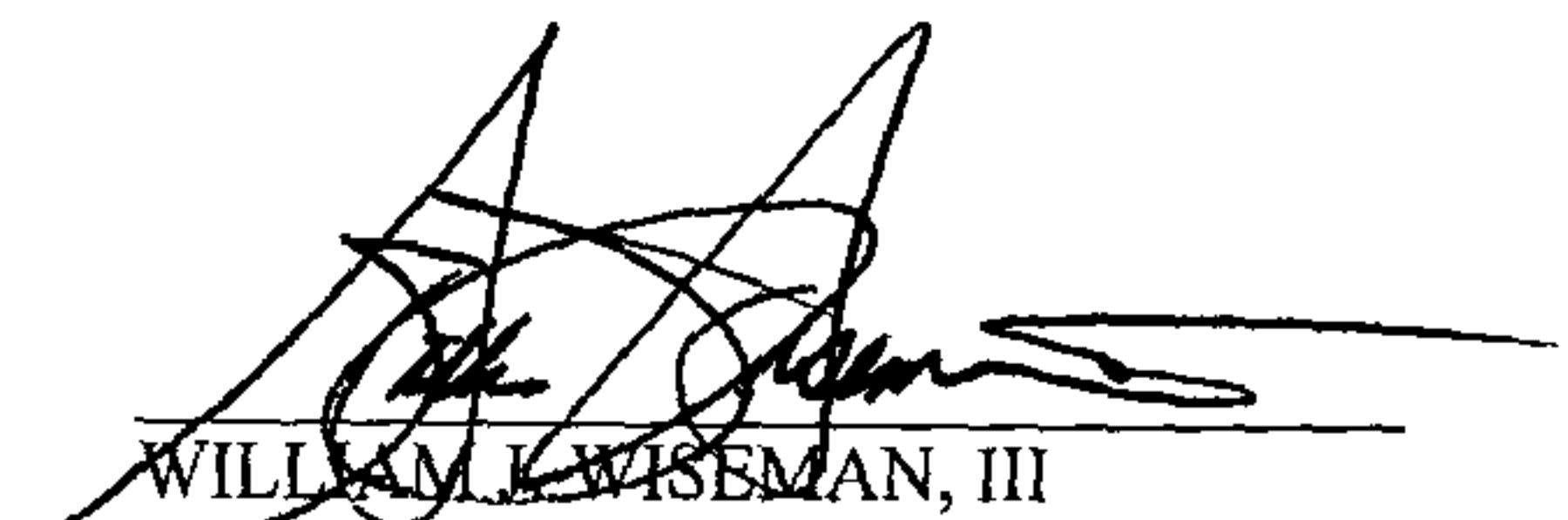
of Planning's opposition to the petitions both by way of Director Keller's Zoning Advisory Committee (ZAC) comment, dated April 10, 2007, and Ms. Diana Itter's corroborating testimony given at the hearing that an assisted living facility is not suitable for this site.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of June 2007 that the Petition for Variance seeking relief from Sections 432A.C.1 and 432A.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit parking with setbacks of 0 feet in lieu of the minimum required 10 feet from the property line, and to permit parking and delivery areas in the side and front yards in lieu of the required side or rear yards only, in accordance with Petitioners' Exhibit 1, be and is hereby DENIED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve a Use Permit for an Assisted Living Facility I for a maximum of four (4) beds, be and is hereby DENIED.

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


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING
Date 6-14-07
By WJW



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 14, 2007

Ms. Barbara Bostic
1205 Idylwood Road
Pikesville, MD 21208

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
N/Side of Idylwood Road, 175' W of Enola Road
(1205 Idylwood Road)
3rd Election District - 2nd Council District
Barbara Bostic, et al - Petitioners
Case No. 07-418-SPHA

Dear Ms. Bostic:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been denied, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Kea Ellis, 1205 Idylwood Road, Pikesville, Md. 21208
Geoffrey Ellis, 1330 Greenwood Road, Pikesville, Md. 21208
Emma Sembly-Brodie, 1316 Robin Road, Baltimore, Md. 21208
Jestene A. Boone, 513 Gwynnvale Road, Baltimore, Md. 21208
Darlene Pinder, 513 Gwynnvale Road, Baltimore, Md. 21208
Christine Jefferson, 1300 Idylwood Road, Pikesville, Md. 21208
Dr. Harold Hart, 1303 Idylwood Road, Pikesville, Md. 21208

Lucy J. Miller, 1203 Idylwood Road, Pikesville, Md. 21208
Ruth M. Hopewell, 1308 Robin Road, Pikesville, Md. 21208
Paul and Joy Umansky, 1219 Idylwood Road, Baltimore, Md. 21208
Yasmin M. Mello, 1203 Cobb Road, Pikesville, Md. 21208
John and Viola Lee, 1206 Cobb Road, Pikesville, Md. 21208
Ada Emanuel, 1210 Cobb Road, Pikesville, Md. 21208
Mr. and Mrs. Jerome D'Antoni, 1204 Cobb Road, Pikesville, Md. 21208
Willie Bush, 1207 Idylwood Road, Baltimore, Md. 21208
Dr. Harold Hart, President, Gwynnvale Community Civic Association, Inc.,
P.O. Box 32115, Pikesville, Md. 21282
Felicia Anthony, 1306 Idylwood Road, Baltimore, Md. 21208
Margaret L. Buster, 1323 Robin Road, Pikesville, Md. 21208
Bernestine F. Williams, 1308 Idylwood Road, Pikesville, Md. 21208
Bernard Horton, 1318 Idylwood Road, Baltimore, Md. 21208
Bernadine Sookhai, 1309 Idylwood Road, Pikesville, Md. 21208
Marcia Deoraj, 1307 Idylwood Road, Pikesville, Md. 21208
Joan B. Bryan, 1316 Idylwood Road, Pikesville, Md. 21208
Jacqueline Jackson-Floyd, 1201 Cobb Road, Pikesville, Md. 21208
Conya Bailey, 1324 Greenwood Road, Baltimore, Md. 21208
David Billingsley, Central Drafting & Design, Inc.,
601 Charwood Court, Edgewood, Md. 21040
Nkechi Hislop and Diana Itter, Community Planners, Office of Planning
People's Counsel; Case File



Petition for Variance

& Special Hearing
to the Zoning Commissioner of Baltimore County
for the property located at 1205 Idylwood Road
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) 432A.C.1 & 432A.C.2, BC2R, to permit parking with setbacks of 0 feet in lieu of the minimum required 10 feet from the property line, and to permit parking and delivery areas in the side and front yards in lieu of the required side or rear yards only, and a Special Hearing to approve a Use Permit for an ~~Assisted Living Facility~~ Assisted Living Facility for a maximum of 4 beds.

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 discussed at ~~public~~ hearing

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print KEA ELLIS
Signature Kea Ellis
Address 1205 Idylwood Rd Telephone No. (410) 484-8483
City Pikesville, MD State MD Zip Code 21208

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Name - Type or Print Barbara Bostic
Signature Barbara Bostic
Name - Type or Print _____
Signature _____
Address 1205 Idylwood Rd Telephone No. (410) 484-8483
City Pikesville, MD State MD Zip Code 21208

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

Case No. 07-418-SPHA

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 6-14-07

By ISW

Reviewed By JNP

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Date 3/16/07

ZONING DESCRIPTION:

**ZONING DESCRIPTION FOR 1205 IDYLWOOD ROAD
PIKESVILLE, MARYLAND 21208**

Beginning at a point on the North side of Idylwood Road which is 40 ' wide at the distance of 175' +/- West of the centerline of the nearest improved intersecting street Enola Road which is 50' wide. *Being Lot #7, Block C, Section # A2 in the subdivision of Gwynn-Vale as recorded in Baltimore County Plat Book #24, Folio#62, containing 6792 sq. ft. or 0.16 acres. Also known as 1205 Idylwood Road, and located in the 3rd Election District, 2 Council manic District.

07-418-SPHA

No. 24987

95-00400 R

5025

1875

5 PHA-1205 Idy Wood Road

YELLOW - CUSTOMER

07-418-JPHA (Postic)

SECRET

44-38861-1015

DATE

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4/18/2017

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2000-11-14

Index

DEFINITION

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Figure 1

Dept. of

23-0

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10-10-10

305

Baltimore County, Maryland

CASHIER'S VALIDATION

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: # 07-418-SPHA

1205 Idylwood Road

N/Side of Idylwood Road, 175 feet east of Enola Road

3rd Election District - 2nd Councilmanic District

Legal Owner(s): Barbara Bostic

Lessee: Kea Ellis

Special Hearing: to approve a Use Permit for an Assisted Living Facility I for a maximum of 4 beds. **Variance:** to permit parking with setbacks of 0 feet in lieu of the minimum required 10 feet from the property line, and to permit parking and delivery areas in the side and front yards in lieu of the required side or rear yards only.

Hearing: Tuesday, June 5, 2007 at 10:00 a.m. In Room 407, County Courts Building, 401 Bosley 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) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 5/755 May 22 136181

CERTIFICATE OF PUBLICATION

5/24/2007

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 5/22/2007.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 07-418-SPHA

Petitioner/Developer: BARBARA BOSTIC & KEA ELLIS

Date Of Hearing/Closing: 5/20/07

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

Attention:

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
at 1205 DYLWOOD ROAD

This sign(s) were posted on May 20, 2007

(Month, Day, Year)

Sincerely,

Martin Ogle 5/20/07
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

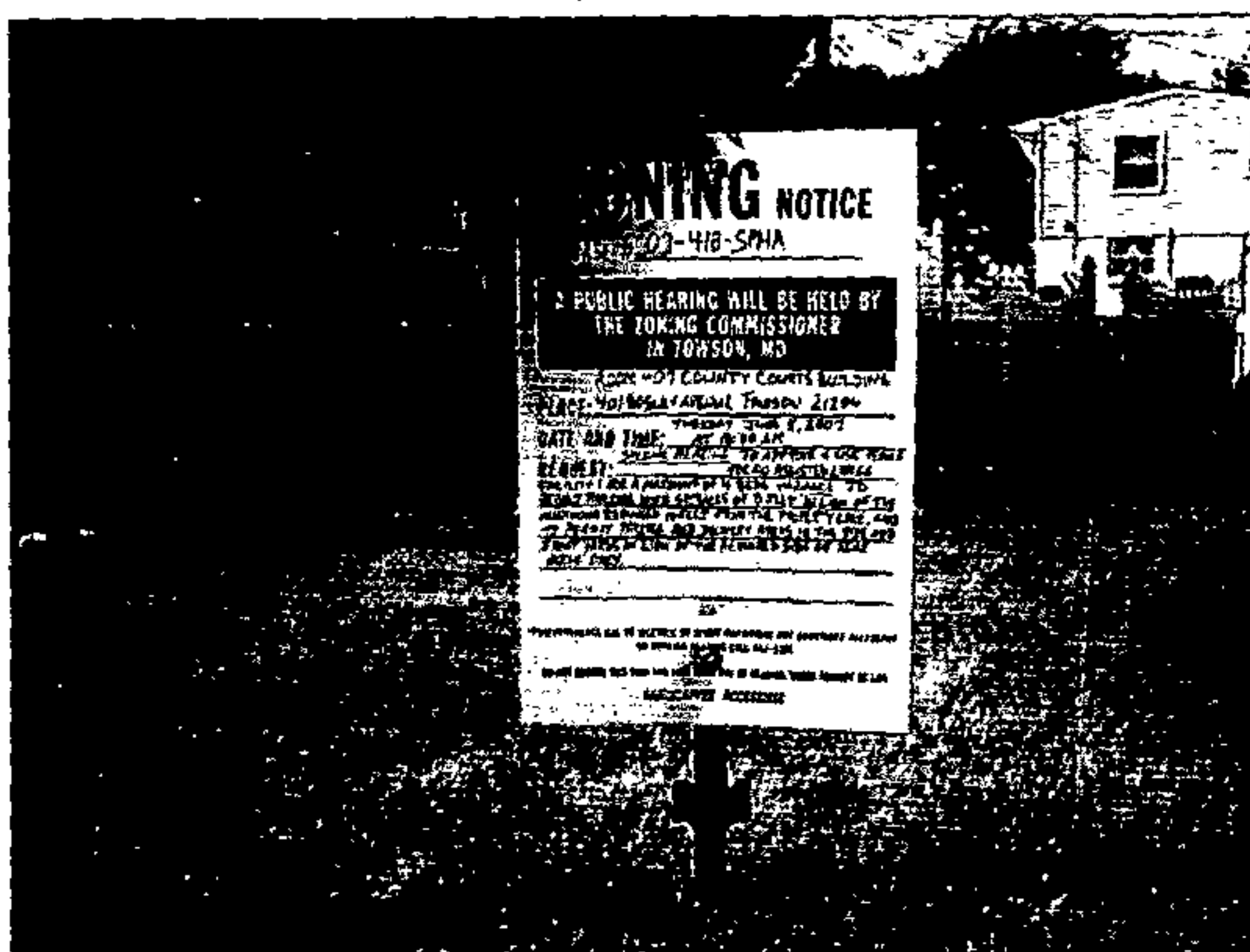
16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

im001085 (576x432x24b jpeg)



masterfile 5/20/07



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY KOTROCO, Director
Department of Permits and
Development Management

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: 07-418-SPHA

1205 Idylwood Road
N/side of Idylwood Road, 175 feet east of Enola Road
3rd Election District – 2nd Election District
Legal Owners: Barbara Bostic
Lessee: Kea Ellis

Special Hearing to approve a Use Permit for an Assisted Living Facility I for a maximum of 4 beds. Variance to permit parking with setbacks of 0 feet in lieu of the minimum required 10 feet from the property line, and to permit parking and delivery areas in the side and front yards in lieu of the required side or rear yards only.

Hearing: Tuesday, June 5, 2007 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Barbara Bostic, 1205 Idylwood Road, Pikesville 21208
Kea Ellis, 1205 Idylwood Road, Pikesville 21208

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 21, 2007.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 22, 2007 Issue - Jeffersonian

Please forward billing to:
Barbara Bostic
1205 Idylwood Road
Pikesville, MD 21208

410-484-8483

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: 07-418-SPHA

1205 Idylwood Road
N/side of Idylwood Road, 175 feet east of Enola Road
3rd Election District – 2nd Election District
Legal Owners: Barbara Bostic
Lessee: Kea Ellis

Special Hearing to approve a Use Permit for an Assisted Living Facility I for a maximum of 4 beds. Variance to permit parking with setbacks of 0 feet in lieu of the minimum required 10 feet from the property line, and to permit parking and delivery areas in the side and front yards in lieu of the required side or rear yards only.

Hearing: Tuesday, June 5, 2007 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley 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.

**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: 07-418-SPHA
Petitioner: BARBARA BOSTIC
Address or Location: 1205 Edylwood Road Pikesville MD. 21208

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barbara Bostic
Address: 1205 Edylwood Rd
Pikesville, MD. 21208
Telephone Number: (410) 484-8483

Revised 2/20/98 - SCJ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

May 30, 2007

Barbara Bostic
1205 Idylwood Road
Pikesville, MD 21208

Dear Ms. Bostic:

RE: Case Number: 07-418-SPHA, 1205 Idylwood Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 16, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Kea Ellis 1205 Idylwood Road Pikesville, MD 21208

Fire Department

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



Baltimore County

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

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

March 28, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 26, 2007

418
Item Number: 410 through 426

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File





Martin O'Malley, Governor
Anthony Brown, Lt. Governor

State Highway Administration
Driven to Excel

John D. Porcari, Secretary Designate
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: APRIL 2, 2007

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

RE: Baltimore County
Item No. 7-418-SPHA
1205 IDYLLWOOD ROAD
BOSTIC PROPERTY
SPECIAL HEARING
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-418-SPHA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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

BW 4/5

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 10, 2007

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

SUBJECT: 1205 Idlywood Road

INFORMATION:

Item Number: 7-418

Petitioner: Barbara Bostic

Zoning: DR 5.5

Requested Action: Variance and Special Hearing

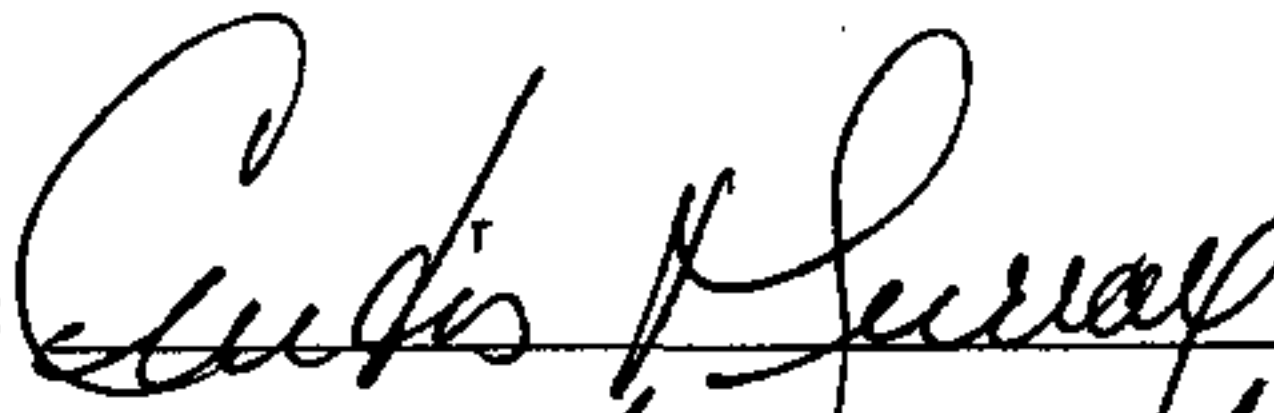
RECEIVED
APR 19 2007

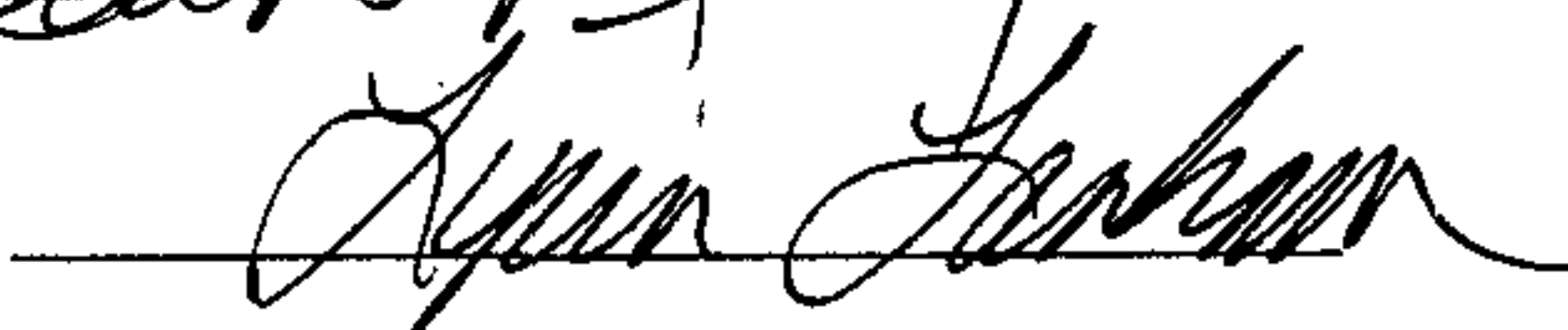
BY:.....

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The Office of Planning has determined that the subject site is improved to its maximum capability. In its existing condition the site is not suitable for an assisted living facility. This site was improved and intended to be used as a single-family residential use. The regulations call for parking and delivery areas to be located in the rear or side yard and landscaping to be provided to buffer the proposed use from adjacent properties. The petitioner has demonstrated they are unable to provide such. As a result, the Office of Planning recommends that the petitioner's request be denied. Approving an assisted living facility could have a negative impact on the community and adjacent properties.

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

Reviewed by: 

Division Chief: 
AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 29, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For April 2, 2007
Item Nos. 07-230, 410, 411, 413, 414, 415, 416,
417, 418, 419, 420, 423, 424, 425, and 426

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-03282007.doc

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
1205 Idylwood Road; N/S Idylwood
Road, 175' W Enola Road
3rd Election & 2nd Councilmanic Districts
Legal Owner(s): Barbara Bostic
Contract Purchaser(s): Kea Ellis
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 07-418-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.

RECEIVED

APR 04 2007

Per.....

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 4th day of April, 2007, a copy of the foregoing Entry of Appearance was mailed Barbara Bostic, 1205 Idylwood Road, Pikesville, MD 21208 and Kea Ellis, 1205 Idylwood Road, Pikesville, MD 21208, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Case No.: 07-418-SPHA 1205 IDYLWOOD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN SUBMITTED WITH PETITION	Gwynnvalz Community Civic Assoc LETTER OF OPPOSITION ALONG WITH 14 letters from nearby residents
No. 2	PHOTOGRAPHS OF SUBJECT PROPERTY AND OTHER DAY CARE PROVIDERS	
No. 3 A, B & C	DR MALINOW'S LETTER DR NAKAZAWA'S LETTER DR RICHARDSON'S LETTER RE: BARBARA BOSTIC'S HEALTH	
No. 4	LETTERS OF SUPPORT MRS FLOYD & MRS BAILEY	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Bill Wiseman

From: "Lucy J. Miller" <lucymiller@verizon.net>
To: "William J. Wiseman III" <wwiseman@co.ba.md.us>
Date: 06/10/07 11:20 PM

Commissioner Wiseman,

Re: Zoning Request for 1205 Idylwood Road, Barbara Bostic, resident. Hearing – June 5th, 10:00 a.m.

I have attached the letter that I received in early Spring 2002 from Barbara Bostic who resides at 1205 Idylwood Road. I replied to her letter, that falsely accused us of having guests park in front of her house. My male guest drove a bronze car and always parked either in front of my house or behind my car in my driveway. He visited me 1-2 days per week, for about 2-4 hours at a time. My daughter, Shawna was bed ridden and/or confined to the house from September 2001 until late April 2002. In September 2001, my daughter was hospitalized with infected kidney stones that would not pass, she was operated on and a bag and tubes were inserted to pass urine. She was not seeing anyone during this time, with the tubes from her kidney and the pain medicine, oxycontin, she was not in any condition to have male company. After getting the letter, I began to observe and noticed cars in front of her house from time to time, but they did not belong to my guests. In the 16 years that I have lived next door to Barbara, only 1-2 times per year have I had more than 2 or 3 cars at my house at a time. There has never been a need for my guests to park in front of her house or in front of anyone else's house.

The second issue in her letter addresses a cat that I owned (it has since died). I never observed the cat sitting on her porch, but to keep peace, I purchased a large "cat cage" that I placed on my patio and put the cat in it. Later, I observed that ground hogs were eating her plants at night – my bedroom window looks out on her plants.

Also, the other ladies and I who were present in the hearing room on June 5th felt threatened by Barbara's daughter's (Kia) remarks that she would ".... do anything for her mother.... and if their petition was not approved, she would become a landlord and rent out every room if she had to."

I am hopeful that residential zoning will not be changed. Barbara has always expressed to me that 1205 is her home. She was outraged when she learned that group homes had been established in the community. I, too am a single woman. My children are grown and out on their own. I am alone in my home 95% of the time when not at work and am fearful of the changes that will occur with a group home, including employees, visitors, strangers, my home security, getting in late at night, deliveries, the turnover of patients, parking, traffic and additional trash for pick-up (currently their trash for pick-up is placed about 3 to 4 feet from my driveway).

Thank you for your consideration of our concerns.



Lucy J. Miller

Shanna, I haven't been able to see you or your mother lately. There is a couple of problems that I dislike and they can be rendered.

1. I feel it is very inconsiderate for men to park in front of my home when you have a ~~drive~~ driveway and parking in front of your own

home. I would never do
this to any body - I am
a single woman also.

2. Your cat is out of hand
sitting on my front porch
has pissed on half of my
plant killing it.

Please from one neighbor
to another - take care of
these problems.

I did not confront
your mom about the car -
I came to you.

Thanks
Barbara Dade

From: David Billingsley <dwb0209@yahoo.com>
To: BILL WISEMAN <wwiseman@baltimorecountymd.gov>
Date: 06/06/07 12:47:15 PM
Subject: 1205 IDYLWOOD ROAD CASE NO. 07-418-SPHA

BILL

AS WE DISCUSSED THIS MORNING, MS. ELLIS CALLED ME YESTERDAY TO REVIEW THE ZONING PLAT SHE PREPARED RELATIVE TO THE OPEN SPACE ISSUE. FIRST, THE CALCULATION TO DETERMINE THE OPEN SPACE REQUIRED IS INCORRECT ON THE PLAN. IT SHOULD READ 0.10 X LOT AREA (6,762 SF) = 677 SF. SECOND, HER CALCULATION OF 369 SF OF OPEN SPACE PROVIDED IS INCORRECT. THE AREA BETWEEN THE POOL AND THE REAR LOT LINE ALONE CONTAINS 1,020 SF WHICH EXCEEDS THAT REQUIRED. THEREFOR, THE OPEN SPACE REQUIREMENT SHOULD NOT BE AN ISSUE. PLEASE CALL IF YOU HAVE ANY QUESTIONS

DAVE BILLINGSLEY

TV dinner still cooling?
Check out "Tonight's Picks" on Yahoo! TV.
<http://tv.yahoo.com/>

CASE NAME	CASE NUMBER	DATE

PETITIONER'S SIGN-IN SHEET

[illegible]

CASE NAME Ellis/Bostic
CASE NUMBER 07-418
DATE 6/5/07

CITIZEN'S SIGN-IN SHEET

[illegible]

CASE NAME _____
CASE NUMBER _____
DATE _____

E-MAIL

[illegible]

Hiroshi Nakazawa, M.D., P.A.
Medical Acupuncture
700 Geipe Road, Suite 204
Catonsville, Maryland 21228
410-744-8585

June 1, 2007

Zoning Commissioner
111 West Chesapeake Ave.
Towson, MD 21204

RE: Barbara Bostic
Date Of Birth 10/8/35
1205 Idlewood Ave.
Baltimore, MD 21208

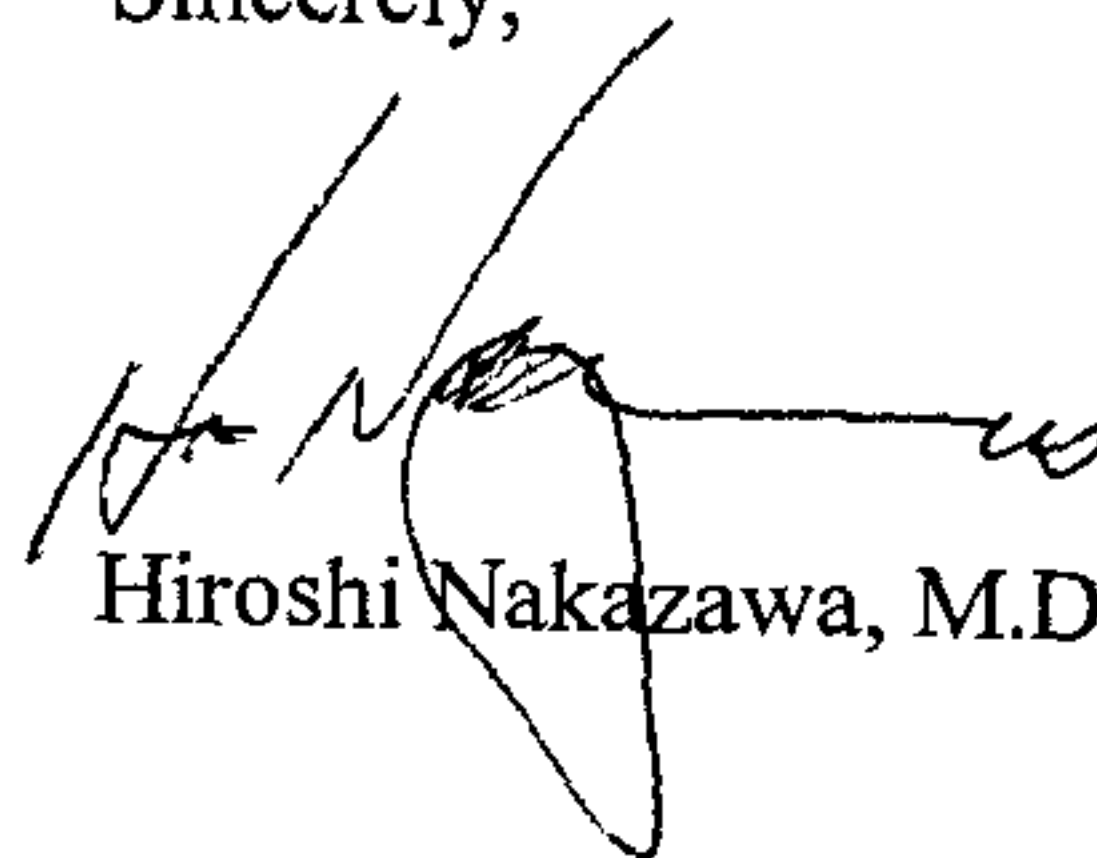
Dear Madam, Gentlemen:

I have been treating Mrs. Bostics severe pain on her back, lower back, and both knees. Due to osteoarthritis since 6-28-04.

She, needs a one-floor apartment as her as her constant 2 story house has been much troublesome with increased pain on knees and back.

I appreciate for you special consideration.

Sincerely,



Hiroshi Nakazawa, M.D., P.A.

PETITIONER'S

EXHIBIT NO.

3 A

DRS. MALINOW, OSTER, & MALINOW, P.A.
3635 OLD COURT ROAD, SUITE 610
PIKESVILLE, MARYLAND 21208
Phone: (410) 484-4000; Fax: (410) 484-3695
Internal Medicine

Stanford H. Malinow, M.D., F.A.C.P.

H. Gerald Oster, M.D.

Louis B. Malinow, M.D.

March 12, 2007

Re: Barbara Bostic

To Whom It May Concern:

Ms. Bostic suffers from unstable gait, with increasing difficulty with ambulating, especially climbing steps.

It would be to her medical advantage to have her facilities all on one floor.

Hopefully, you will be able to accommodate her.

Sincerely,



Stanford Malinow, M.D., F.A.C.P.

SM:ads:vs

*Partitions
3 B*

Dr. James A. Richardson
6836 S. Euclid Avenue
Chicago, IL 60649
(773) 339-4838

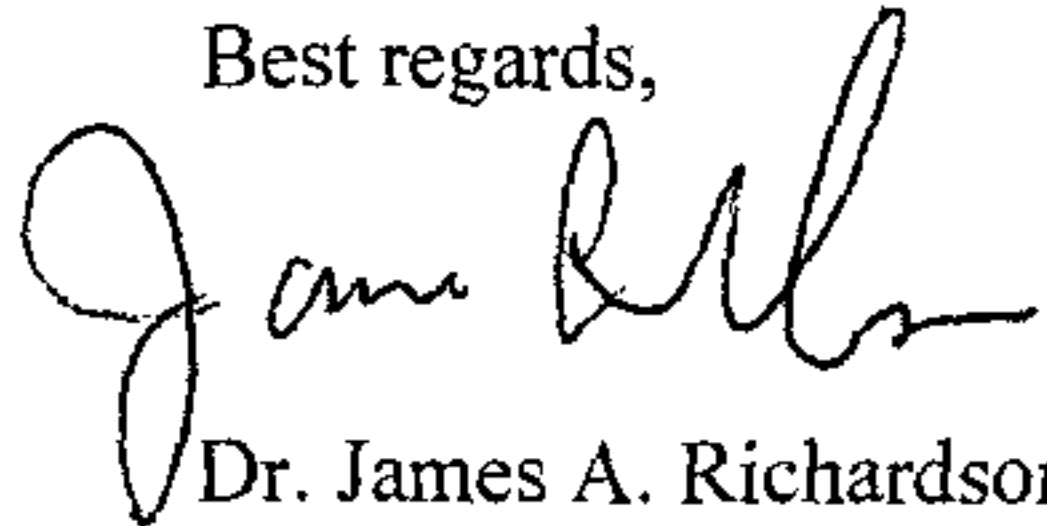
May 31, 2007

Dear Sir or Madam:

I am writing to you on behalf of my elderly aunt, Mrs. Barbara Bostic, who is in need of some immediate assistance. Mrs. Bostic is currently in need of a single level dwelling due to her medical condition that has significantly limited her mobility. She has fallen on several occasions attempting to navigate stairs, and based on my medical opinion, will not be able to live safely or independently in a multi-floor dwelling.

Kindly honor her request for a single level dwelling. Please feel free to contact me with any medical questions that you might have. Thank you very much for your assistance with this matter.

Best regards,



Dr. James A. Richardson

Petitioner
3C

CASE NUMBER: 07-418-SPHA

1205 Idylwood Road

Location: N/S of Idylwood Road, 175' E of Enola Road
3rd Election District, 2nd Council District
Legal Owner(s): Barbara Bostic; Lessee: Kea Ellis

SPECIAL HEARING: To approve a Use Permit for an Assisted Living Facility I for a maximum of 4 beds.

VARIANCE: To permit parking with setbacks of 0 feet in lieu of the minimum required 10 feet from the property line, and to permit parking and delivery areas in the side and front yards in lieu of the required side or rear yards only.

Hearing: Tuesday, June 5, 2007 at 10:00 AM, County Courts Building, 401 Bosley Avenue, Room 407, Towson 21204

OPPOSE FACILITY	FAVOR FACILITY
Paul and Joy Umansky	Jacqueline Jackson-Floyd
Yasmin M. Mello	CONYA BAILEY
John and Viola Lee	
Ada Emanuel	
Mr. And Mrs. Jerome D'Antoni	
Willie Bush	
Dr. Harold Hart, President, Gwynnvale Community Civic Association, Inc.	
Felicia Anthony	
Margaret L. Buster	
Bernestine F. Williams	
Bernard Horton	
Bernadine Sookhai	
Marcia Deoraj	
Jacqueline	

* See MDAT print-out - Does she own? rent? or reside?

As of 06/01/07

PETITIONER'S

EXHIBIT NO.

4

RECEIVED
MAY 31 2007

Dear Sir.

BY:

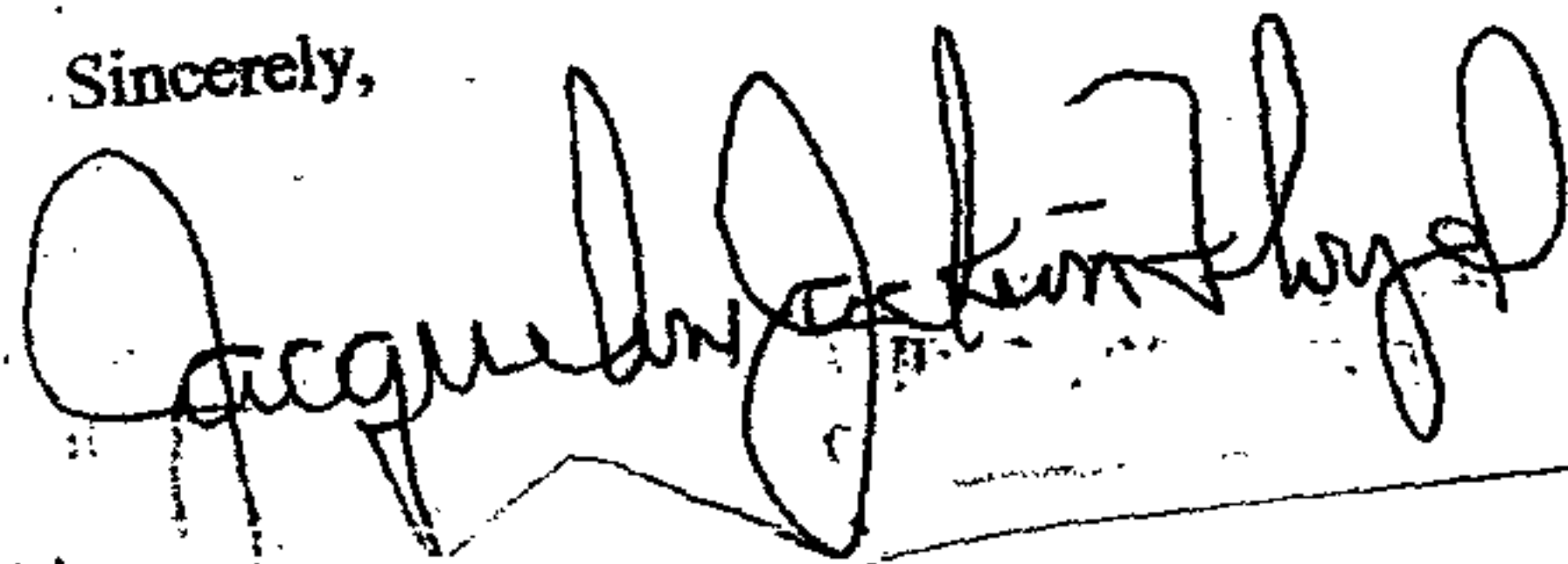
I live at 1201 Cobb Road in the Gwynvale Community. I moved to this community in November 2000. Mrs. Barbara Bostic welcomed me and my family with open arms and offered nothing but positive, encouraging words of wisdom that has made my stay in the community pleasant. I live in back of her.

I understand that she no longer is able to stay in her home on 1205 Idylwood Road due to health issues. Furthermore, has an interest in converting her residential home into an Assisted Living Facility for disabled total care veterans.

I see no problem with the prospect of it. Her home has always been among the best maintained in the neighborhood; so I cannot for the life of me foresee that this should change in that the woman has been a resident for forty years. Four bedridden people presents no hardship on anyone. Who can they hurt? Noise should be of no concern. The home is surrounded by a six foot fence. She has an extended parking pad that can hold up to four or five vehicles; so traffic shouldn't be a problem.

The community has two daycare centers in operation and three group homes. One group home at 1328 Greenwood Road has one adult and two children in it. The other at 1326 Greenwood Road is unoccupied. The third on Shamrock Lane acts as a home for the developmentally disabled adults. Again, each home has caused no negative impacts on the community. I cannot for the life of me understand the resistance on some of the residents in this community. The people can't hurt anyone.

Sincerely,



SEE MDAT
Print out

Does this women
own?
Rent?
or reside?



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007b)

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

Account Identifier: District - 03 Account Number - 0316045920

Owner Information

Owner Name: LEE-COLLICK VALESCIA D
 COLLICK JOSEPH E
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 1201 COBB RD
 BALTIMORE MD 21208-3602
Deed Reference: 1) /15497/ 415
 2)

Location & Structure Information

Premises Address 1201 COBB RD
Legal Description 1201 COBB RD
 GWYNNVALE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
78	7	497			2	A	19	2	1	
									Plat Ref:	24/ 62

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1958	1,750 SF	9,256.00 SF	04

Stories	Basement	Type	Exterior
2	NO	SPLIT LEVEL	

Value Information

	Base Value	Value As Of 01/01/2005	Phase-in Assessments As Of 07/01/2006	As Of 07/01/2007
Land	29,310	53,310		
Improvements:	77,030	99,390		
Total:	106,340	152,700	137,246	152,700
Preferential Land:	0	0	0	0

Transfer Information

Seller: LEE VALESCIA D	Date: 08/22/2001	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /15497/ 415	Deed2:
Seller: NASH KEVIN J,SR	Date: 05/17/2000	Price: \$106,900
Type: IMPROVED ARMS-LENGTH	Deed1: /14470/ 501	Deed2:
Seller: TYRANCE P H	Date: 02/22/1984	Price: \$59,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 6674/ 460	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2006	07/01/2007
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

Dear Sir,

My neighbor Barbara Bostic, who lives at 1205 Idylwood Road in Pikesville, MD. 21208 is to have a public hearing on June 5, 2007 before your Zoning Committee concerning the prospect of converting her residential home into an Assisted Living Home with a capacity of four disabled veterans.

I live at 1324 Greenwood Road; next door to the two group homes already in existence in the community: (1326 and 1328 Greenwood Rd.) 1326 is currently unoccupied and 1328 houses an adult woman and two school aged children. Neither have caused any problems to me. They keep the property maintained.

A flyer was placed in my mailbox from the Community President, Dr. Harold Hart informing the community residents to respond to the Zoning Commissioner via mail or to appear in person at the hearing with the intent to stop the development of the Assisted Living Home. From what I understand with conversing with Mrs. Bostic, is that she is doing this because of health reasons. The population that she is has interest in cannot inflict harm in anyway on this community.

Thank you,

Conya Bailey
410-415-5841 (Home)
443-929-9164 (Cell)

PETITIONER'S

EXHIBIT NO. 4

CASE NUMBER: 07-418-SPHA

1205 Idylwood Road

Location: N/S of Idylwood Road, 175' E of Enola Road
3rd Election District, 2nd Council District
Legal Owner(s): Barbara Bostic; Lessee: Kea Ellis

SPECIAL HEARING: To approve a Use Permit for an Assisted Living Facility I for a maximum of 4 beds.

VARIANCE: To permit parking with setbacks of 0 feet in lieu of the minimum required 10 feet from the property line, and to permit parking and delivery areas in the side and front yards in lieu of the required side or rear yards only.

Hearing: Tuesday, June 5, 2007 at 10:00 AM, County Courts Building, 401 Bosley Avenue, Room 407, Towson 21204

OPPOSE FACILITY	FAVOR FACILITY
Paul and Joy Umansky	Jacqueline Jackson-Floyd*
Yasmin M. Mello	
John and Viola Lee	
Ada Emanuel	
Mr. And Mrs. Jerome D'Antoni	
Willie Bush	
Dr. Harold Hart, President, Gwynnvale Community Civic Association, Inc.	
Felicia Anthony	
Margaret L. Buster	
Bernestine F. Williams	
Bernard Horton	
Bernadine Sookhai	
Marcia Deoraj	
Ruth M. Hopewell	

JOAN B. BRYAN

* See MDAT print-out - Does she own? rent? or reside?

As of 06/05/07

PROTESTANT' S

EXHIBIT NO. 1

1308 Robin Road
Pikesville, Maryland 21208
May 31, 2007

Zoning Commissioner
Room 407 - County Courts Building
401 Bosley Avenue
Fowson, Maryland 21204

RECEIVED
JUN 05 2007

BY:.....

Dear Commissioner,

This letter is to document the fact that I, as a citizen and homeowner in the Gwynnvale community, am vehemently opposed to the addition of yet another group home in this community! Three group homes have already located themselves here, and in proportion to the size of the community residences, 106, we already have too many. As a result, I am opposed to approval of a permit for an assisted living facility at 1205 Idylwood Road, case no. 7-418-SPHA. Thank you for your consideration in this matter.

yours truly,
Ruth M. Hopewell

Paul Umansky
1219 Idylwood Road
Baltimore, Maryland 21208-3617
410-484-0931

BW 6/5
10 Am
407

Zoning Commission
Room 407
County Courts Building
401 Bosley Avenue
Towson, MD 21204

RECEIVED
MAY 10 2007

BY:.....

RE: Case No. 7-418-SPHA

May 8, 2007

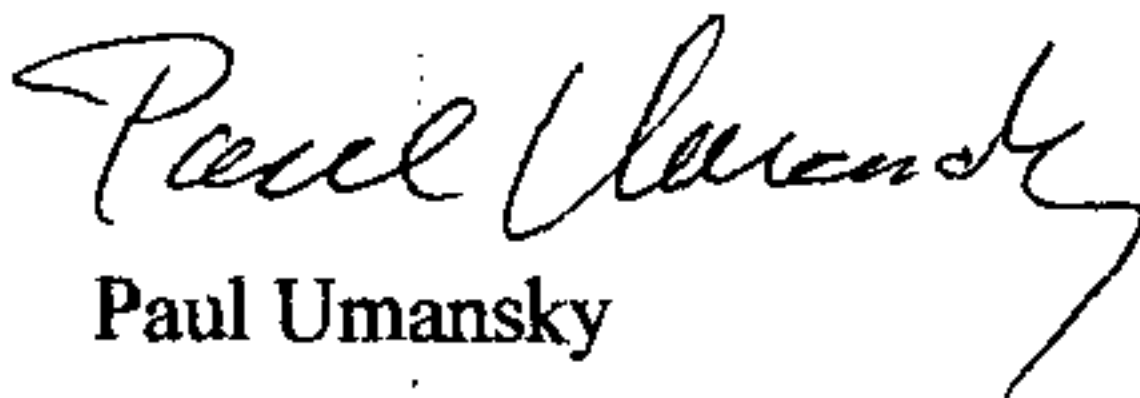
Gentlemen:

This letter is to indicate that Paul and Joy Umansky, at the above address, are adamantly opposed to granting the approval of a permit for an Assisted Living Facility at 1205 Idylwood Road, (Case No. 7-418-SPHA).

This small, closely-knit community has three group homes already—in a development of only 106 homes—and our living and property values will continue to feel the affect.

We urge you to deny the permit for this additional group home in our community.

Yours truly,


Paul Umansky


Joy Umansky

ABW 6/5
10 AM

Mrs. Yasmin Mello
1203 Cobb Road
Pikesville, Maryland
21208

May 17, 2007

Zoning Commissioner
Room 407
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RECEIVED
MAY 21 2007

BY:.....

RE: Case Number- 7-418-SPHA
1205 Idlywood Road

Dear Commissioner,

I'm writing in reference to the above case. I *oppose* the approval of a permit for an Assisted Living Facility at 1205 Idylwood Road.

Respectfully submitted,

Yasmin M. Mello

Yasmin M. Mello

Case Number 7-418-SPHA ✓
Zoning Commissioner
Room 407
County Courts Building
401 Bosley Avenue
Towson, MD 21204

BW
6/5

RECEIVED
MAY 25 2007

BY:

As a resident of the Gwynnvale community of Pikesville MD I am respectfully voicing my concerns and request that the petition/request for an assistant living group home be denied so that this community may continue to survive as a healthy, secure, comfortable, well established and prosperous development. Furthermore, it should be noted that the granting of an additional group home fails to demonstrate any benefits for the community or support the unique and character of the existing neighborhood.

This community, as I am certain that you are aware of consist of 106 homes primarily occupied by seasoned or better described as elder well established individuals who love to maintain the integrity, character, beauty and the historically community life style that has existed for a number of years.

I believe the community in whole has been gracious and allowing the above mention three group homes entrance however we do not wish to be overrun by group homes. We have been zoned residential and would like to continue in that vain and as stated above not overrun with group homes.

It is the profound conviction of this community that we have been gracious and welcoming when (3) group homes were allowed to exist within this community prior to this request. However, now granting of an additional group residency would become over burdensome, and creating a high density of group homes would contribute significantly to the disruption and possible destruction of the character, integrity, beauty and the historically community life that we the residents have grown accustomed to know. In addition, it is believed that further problems will surface such as the following:

1. a generated increase in traffic complexity thus resulting in the wear and tear on streets, the increase cost for street repair, and the increase in accident potential;
2. a disruption of every facet of our historically community life with a constant flow of non-residential and /or individuals having no measurable community interest thus being replaced with a void of peace and quiet, worry and the potential openness to crime and vulnerability of elderly individuals toward harm.
3. imposing an undue hardship on the community by over stocking with group homes;
4. a tendency to depreciate or demish private investments(homeownership/property value) or hinder or discourage the improvement of residential properties;

In making your determination we ask that all factors addressed be fully considered, as well as any sworn testimony that may be provided by those individuals who participate in the denial process.

Sincerely,

JOHN and VIOLA LEE

Viola Lee
John E. Lee

Zoning Commissioner
Baltimore, Md

RECEIVED
MAY 29 2007



Ms. Ada Emanuel
1210 Cobb Rd
Pikesville, MD 21208

BW
6/5
10 AM

May 25, 07

Dear Sir:

I am writing as a member of the Hagerman
community, Pikesville, concerning Case # 17-418-SQ/H/A special
Permit for Group Home, 1905 Loughwood Road. I strongly
oppose it! I have been a member of this community
for over 40 years, and we do not need to disturb it.
We are a peaceful community, upscale and well loved by
our neighbors, our children get along, no fighting,
we have virtually no crime or drugs. We support
each other in sickness and death, we love one another
and look out for the young and elderly like myself.
We do not want to see our property decreased in
value because of commercialism. We have no
room for group homes or even apartments. So
I beg you to please do not let this ordinance
pass! Our community is not equipped for anything
else. I am not able to attend the meeting of June 5,
but I strongly protest the permit for this property.
yours in Christ,
Ms. Ada Emanuel

*A. Ugent*

Maryland State Police
Recruitment & Selection Unit
Come Visit Our Past...and Join Our Future

Fax Number: (410) 653 - 4498
1201 Reisterstown Road
Pikesville, Maryland 21208-3899
Phone: (410) 653 - 4337

BW
6-5-07
10 AM

FAX TRANSMISSION SHEET

DATE: 5/29/07

TO:

Mr. William Wiseman - Zoning Commissioner

FAX NO:

410-887-3468

FROM:

Mr & Mrs Jerome D'Antoni - 410-486-8296

SUBJECT:

Opposition to Permit # 7418 SP+HA -June 5th HearingPlease provide the attached letter
in your Files Re: 7418 SP+HA

YOU SHOULD RECEIVE 2 PAGE(S) INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL PAGES OR IF TRANSMISSION IS NOT LEGIBLE, PLEASE CALL (410) 653 - 8365.

CONFIDENTIALITY NOTICE: If you have received this facsimile in error, please notify this office immediately by telephone and return the entire facsimile to the above address via the U.S. Postal Service. Thank You!

COMMENTS:

Feel Free to contact me at
410-486-8296 with any questions.Thank you, Mrs. Margaret D'Antoni

May 29, 2007

Baltimore County Zoning Commissioner
Baltimore County Court House, Rm 407
401 Bosley Avenue
Towson, MD 21204

Dear Zoning Commissioner:

Re: Opposition to Proposed Permit #7418SPHA - June 5th Zoning Hearing

We, the undersigned residents of Baltimore County, Maryland, **Mr. Jerome D'Antoni and Mrs. Margaret D'Antoni, do hereby oppose the proposed use of Permit # 7418SPHA.** The permit pertains to a group home application at 1205 Idylwood Road, Pikesville, MD 21208. We oppose the group home permit for the following reasons:

- Three (3) group homes already exist in our small neighborhood of 106 residences
- Traffic would be increased thereby jeopardizing the safety of children/adults
- Currently the property in question does not have sufficient space to accommodate commercial delivery vehicles
- The property in question has a swimming pool in the back yard and therefore could not safely accommodate additional pedestrian and delivery traffic
- Individual that has applied for the permit, Ms. Ellis, does not own the home at 1205 Idylwood Road

NOTE: We have lived in this neighborhood for more than 30 years and believe, for the reasons stated above, that this group home would have an adverse impact on our community.

We thank you for the opportunity to provide our comments and will be in attendance at the June 5th hearing.

Mr. & Mrs. Jerome D'Antoni

Mr. and Mrs. Jerome D'Antoni
1204 Cobb Road
Pikesville, MD 21208

BW
6/5

Willie Bush
1207 Idylwood Road
Baltimore, Maryland
May 25, 2007

To: Zoning Commissioner
Room 407
County Courts Building
401 Bosley Ave
Towson, MD 21204

RE: CASE NUMBER 7-418 SPHA
Use Permit for an Assisted Living Facility
1205 Idylwood Road 21208

RECEIVED
MAY 30 2007

BY:

Dear Sir(s),

I am writing you to inform you that I am AGAINST approval of the Permit for Assisted Living Facility referenced above. I think our neighborhood has enough of this type of facility already. I would much rather see our neighborhood remain an area of single-family homes. I feel that the kind of residence that is being requested would negatively impact our neighborhood and SHOULD NOT be allowed in our area. Thank you.

Sincerely



Willie Bush

4BW 6/5

GWYNNVALE COMMUNITY CIVIC ASSOCIATION, INC.

PO Box 32115
Pikesville, Maryland 21282

President-Dr. Harold Hart
Secretary-Felicia Anthony
Treasurer-James Stephens

May 27, 2007

RECEIVED
MAY 30 2007

BY:.....

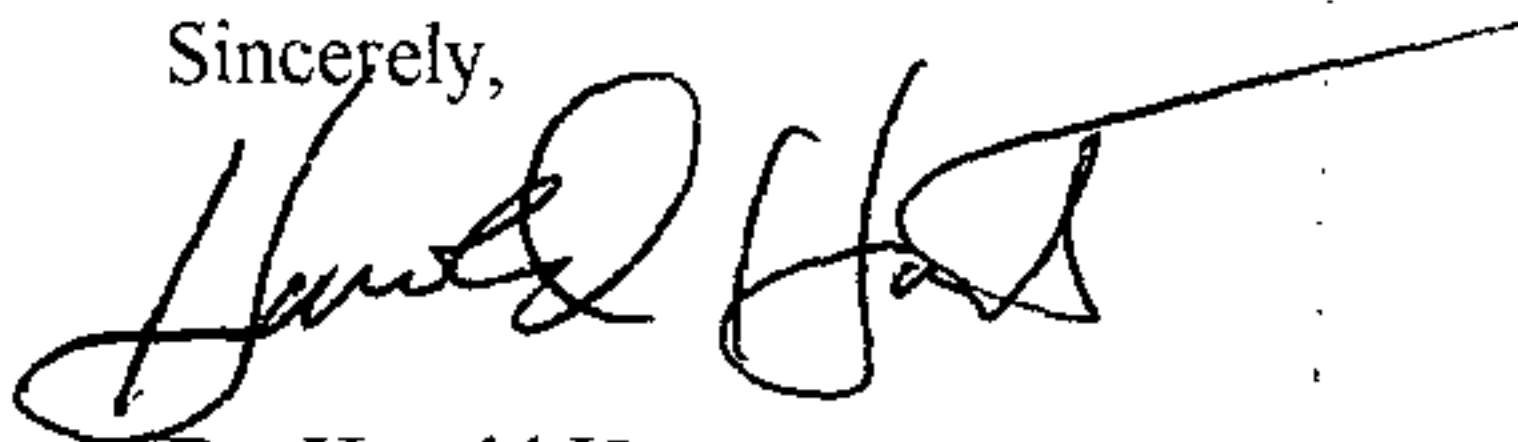
Dear: Zoning Commisioner

I am writing this letter to let the Zoning Commission know that on April 10, 2007 at 7:00 p.m. the Gwynnvale Community Association held a meeting at the Randallstown Library Conference Room. As president of the association I represent more than 100 families of this community. In this past April, 2007 meeting the issue of **Case Number: 7-418-SPHA** was discussed concerning the Special Hearing to approve a Use Permit for an Assistant Living Facility at 1205 Idylwood Road.

Upon entertaining discussion on the subject matter, it was revealed that there are presently three (3) such homes already existing in our community. A motion was made and by a majority passed with no vote in support of this permit variance, but to go on record with the Baltimore, County Zoning Commission opposed to granting this request.

It is the feeling within our community that we are bearing more than our share of these type facilities presently, and that consideration should be given to this fact. We hope that the Zoning Commissioner would honor the request of the majority of the citizens of this community.

Sincerely,



Dr. Harold Hart
President

BW 6/5

Felicia Anthony
1306 Idylwood Rd
Baltimore, MD 21208
May 29, 2007

Zoning Commissioner
County Courts Building, Room 407
401 Bosley Avenue
Towson, MD 21204

RECEIVED
MAY 30 2007

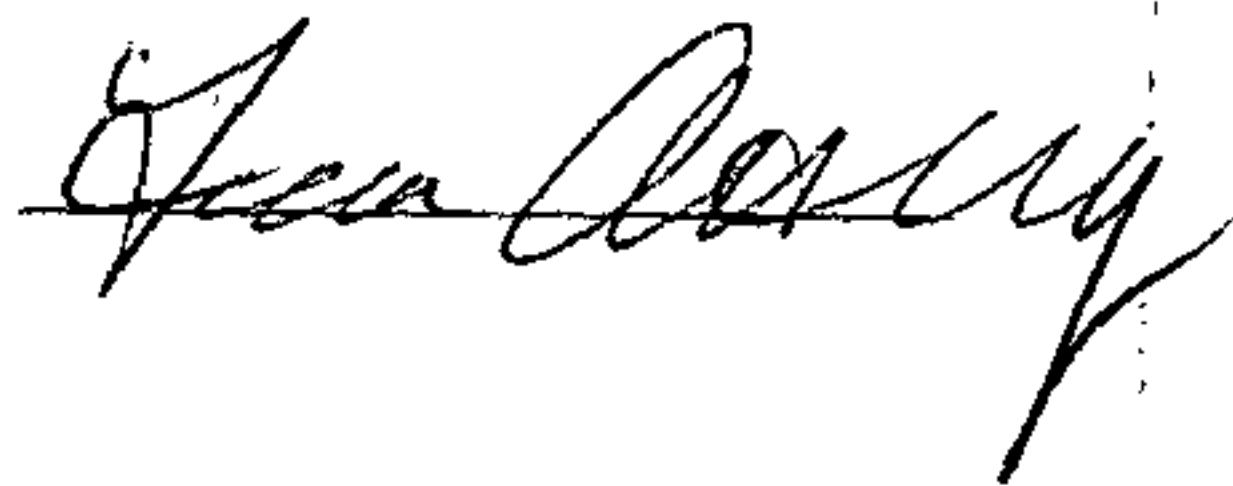
BY:.....

Dear Zoning Commissioner:

This letter is to inform your office of my **opposing** the approval of a Permit for an Assisted Living Facility at 1205 Idylwood Road., case number: 7:418-SPHA.

At this time I am also informing your office that I oppose any future projects to be approved by your office in my community.

Sincerely,



BW
6/5

Margaret L Buster
1323 Robin Rd
Pikeville MD
May 28, 2007

RECEIVED
JUN 01 2007

BY:.....

Zoning Commissioner
County Courts Building, Room 407
401 Bosley Avenue
Towson, MD 21204

Dear Zoning Commissioner:

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Sincerely,

Margaret L Buster

Bernestine F. Williams
1308 Idylwood Rd.
Pikesville Md. 21208
May 28, 2007

RECEIVED
JUN 01 2007

BY:

Zoning Commissioner
County Courts Building, Room 407
401 Bosley Avenue
Towson, MD 21204

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Sincerely,

Bernestine F. Williams

Mr. Bernard Horton

1318 Idylwood Rd

Baltimore, Md 21208

May 30, 2007

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County Courts Building, Room 407
401 Bosley Avenue
Towson, MD 21204

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Sincerely,



RECEIVED
JUN 01 2007

BY:.....

Bernadine Sookhai
1309 Idylwood Rd
Pikesville MD 21208
May 30th, 2007

RECEIVED
JUN 01 2007

BY:

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County Courts Building, Room 407
401 Bosley Avenue
Towson, MD 21204

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Sincerely,

B. Sookhai

Sookhai

Marcia Deora
1307 Idylwood Rd
Pikesville MD 21208

RECEIVED
JUN 01 2007

BY:.....

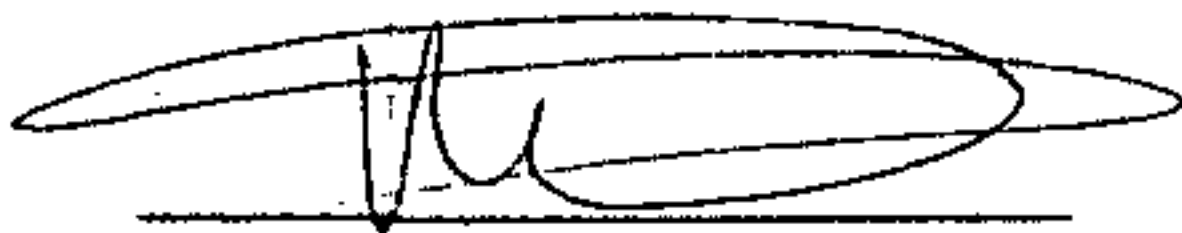
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County Courts Building, Room 407
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Sincerely,



BW
6-5-07

1316 Idylwood Road
Pikesville, MD 21208
June 4, 2007

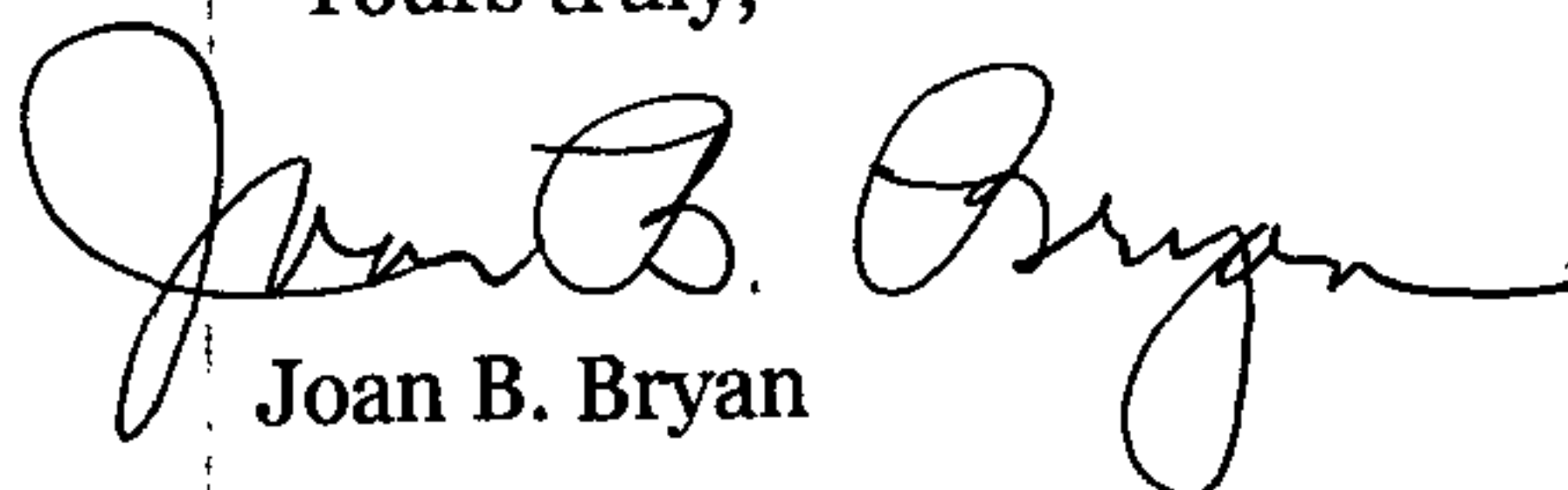
Zoning Commissioner
County Courts Building Room 407
401 Bosley Avenue
Towson, MD 21204

Re: Case Number 7-418-SPHA

I am strongly opposed to your approval of a Permit for an Assisted Living Facility at 1205 Idylwood Road.

The Gwynnvale community already has more than its fair share of these facilities. Enough is enough!

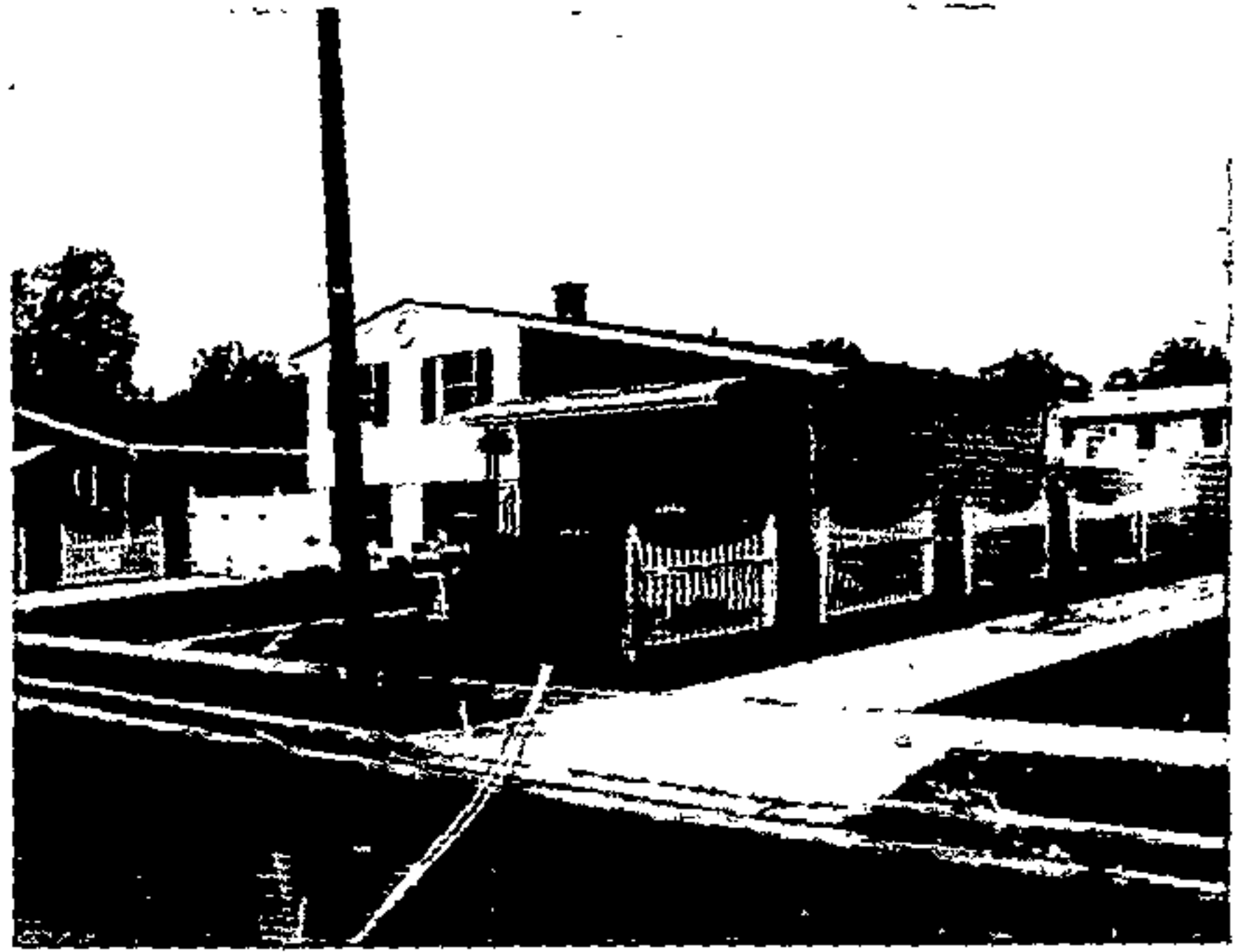
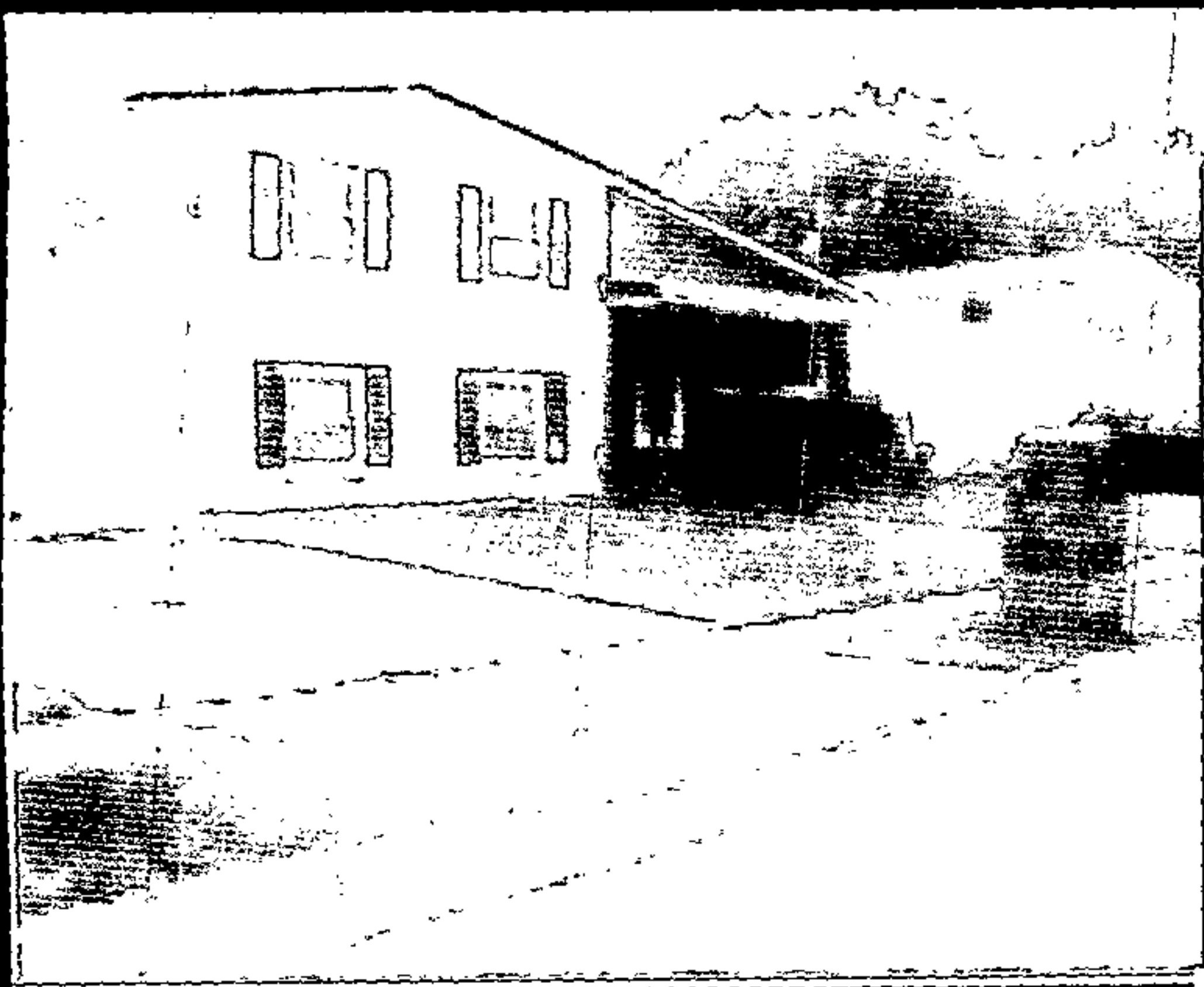
Yours truly,


Joan B. Bryan

RECEIVED
JUN 05 2007

BY:.....

FRONT VIEW OF
SUBJECT PROPERTY



Home is surrounded by 6' vinyl privacy
With 4' vinyl partition and arborvites at property line



REAR VIEW OF
SUBJECT PROPERTY



STREET SCENE

PETITIONER'S

EXHIBIT NO.

2

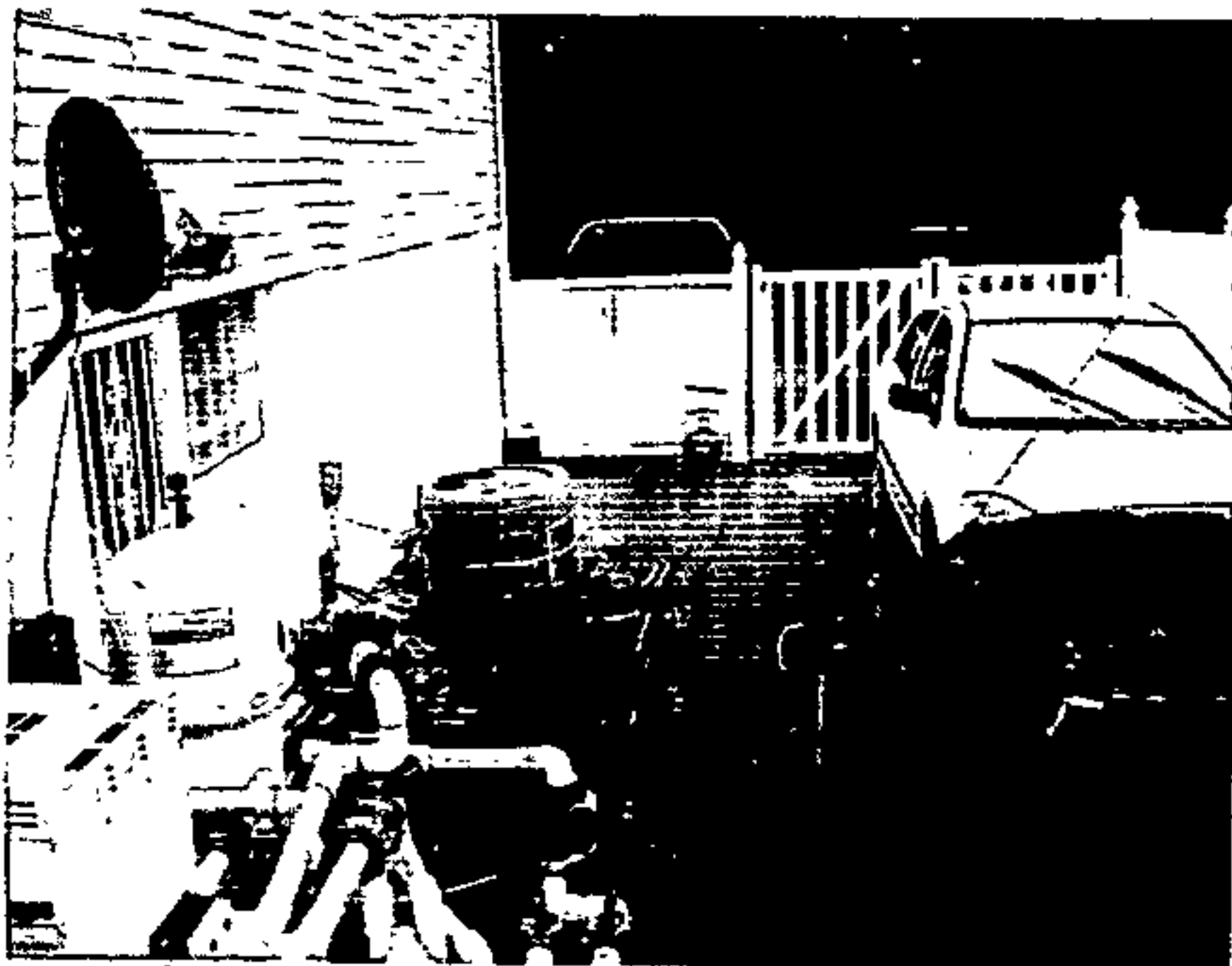
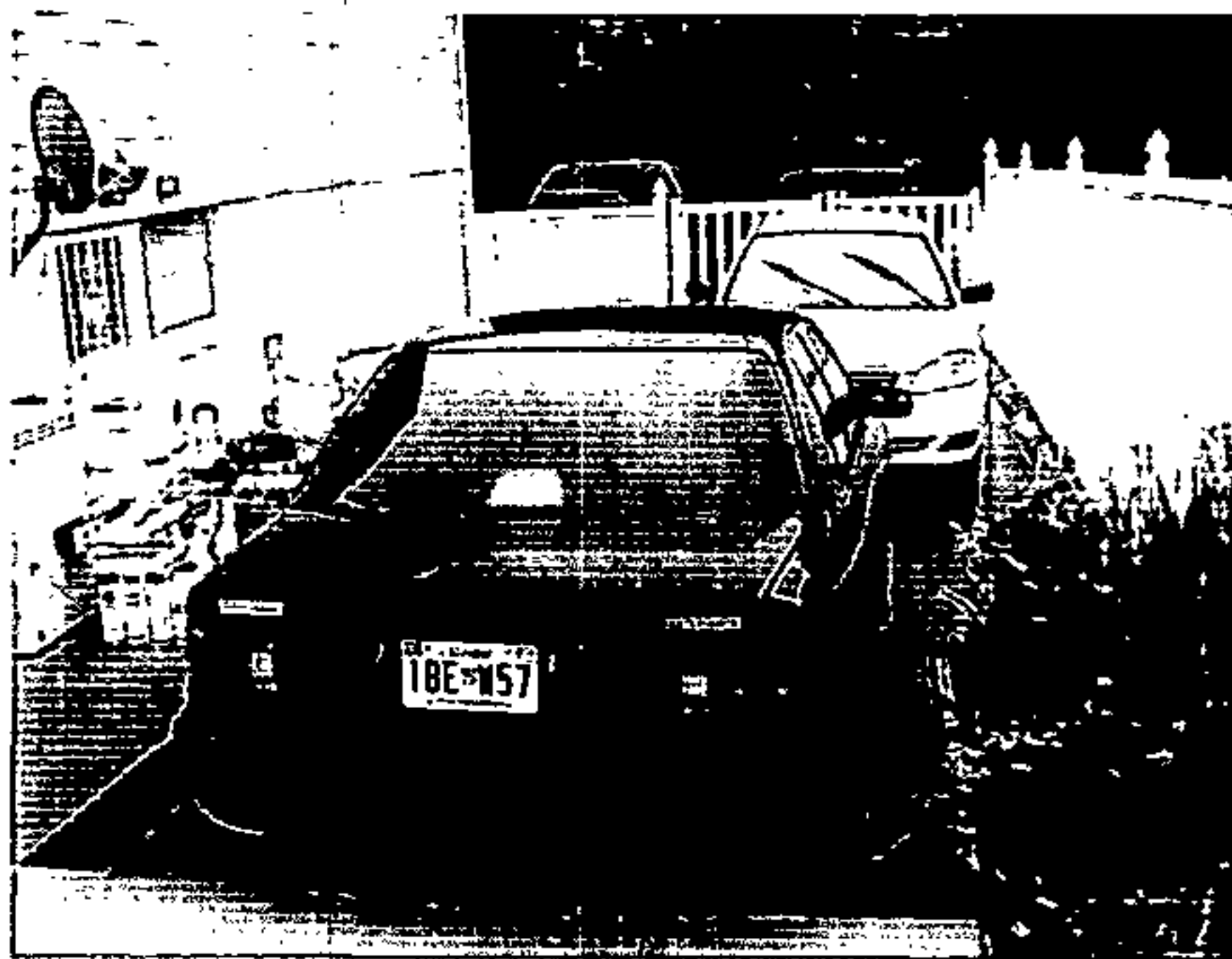
PARKING

Basement Steps
#1 space

#2 space

Double vinyl gate

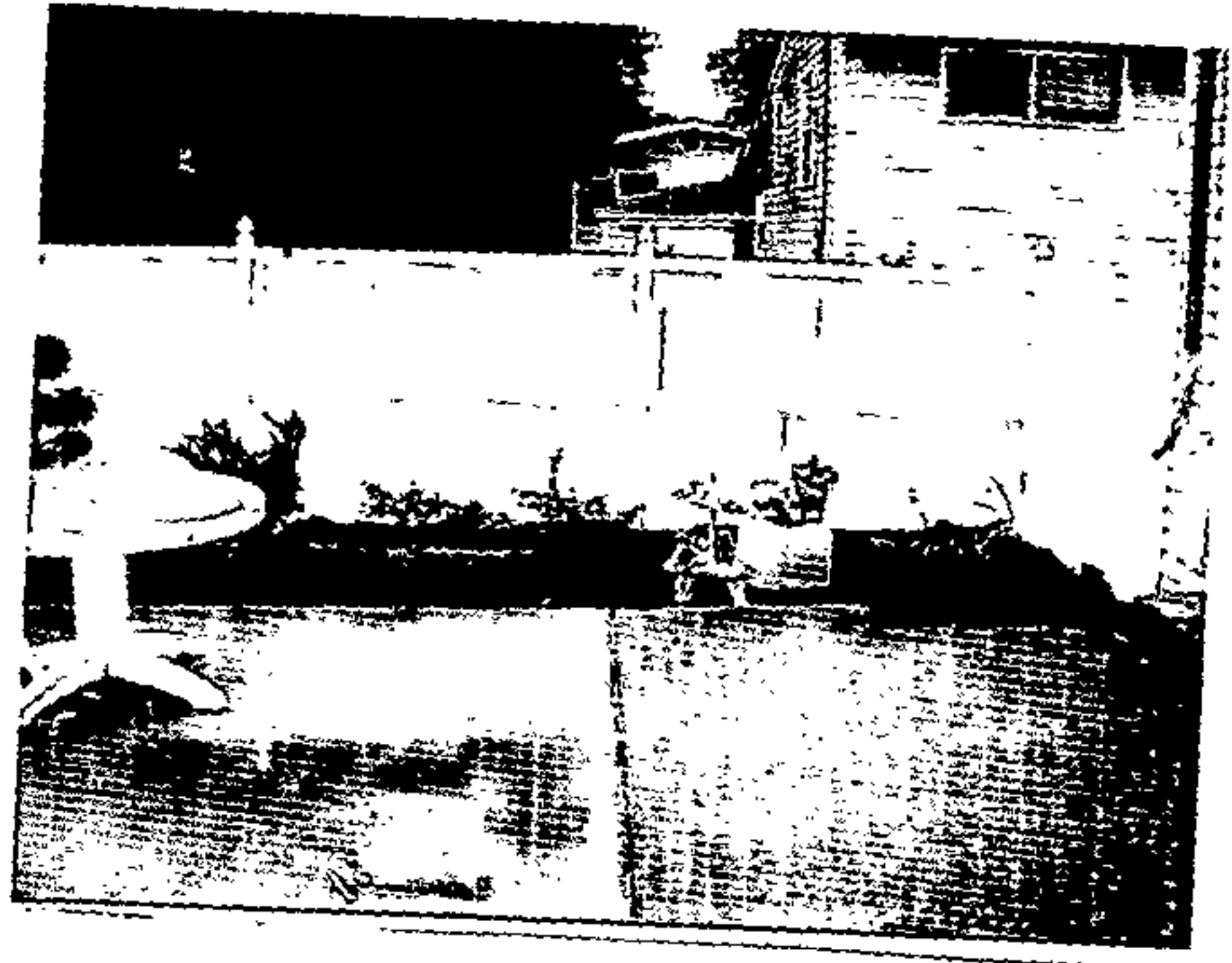
#3 | #4
Extended
Concrete
Driveway:
(4 spaces)



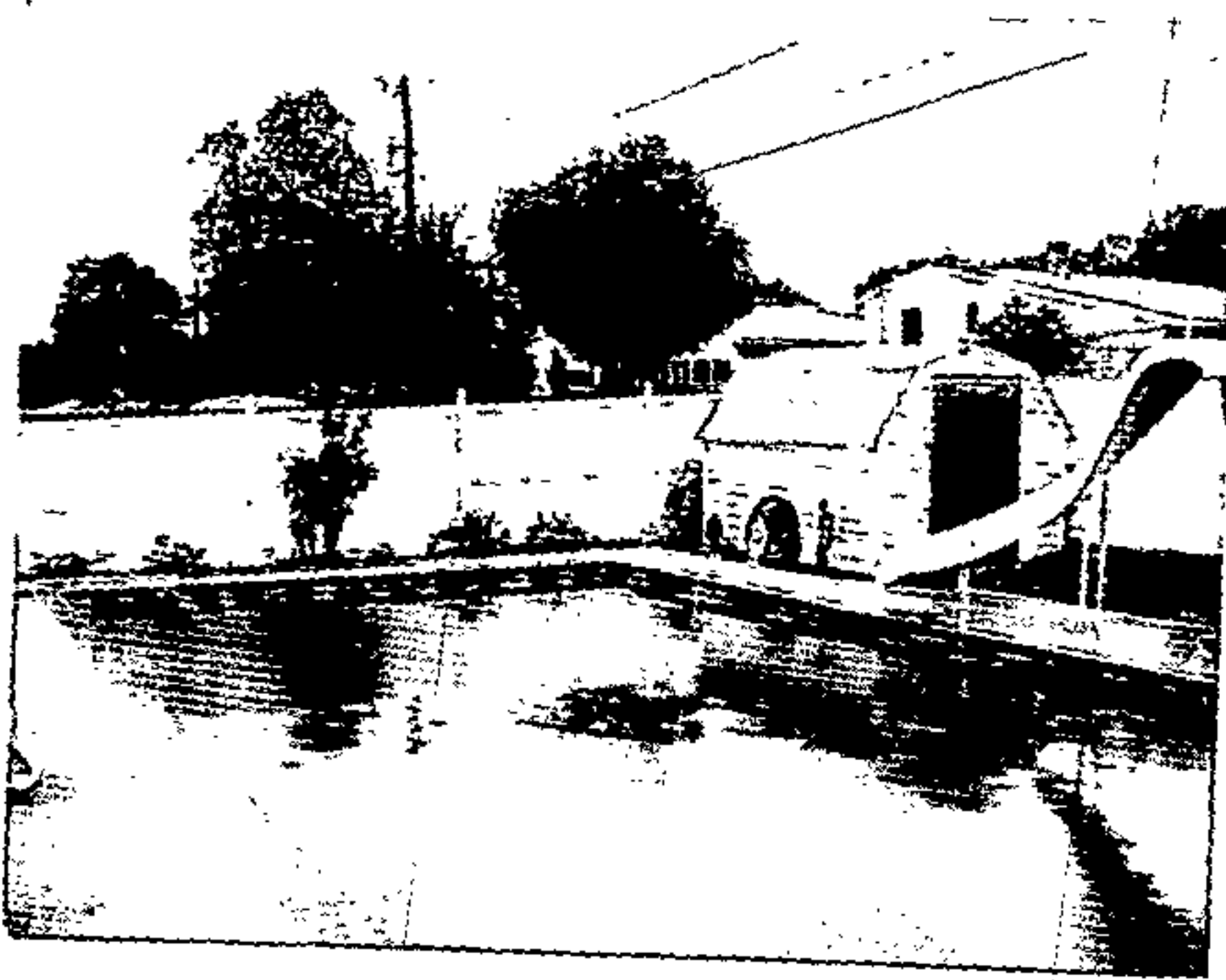
Parking and delivery area on side yard
Landscaping: 4' vinyl partition and 6' vinyl fence
Allows for 4-5 vehicles



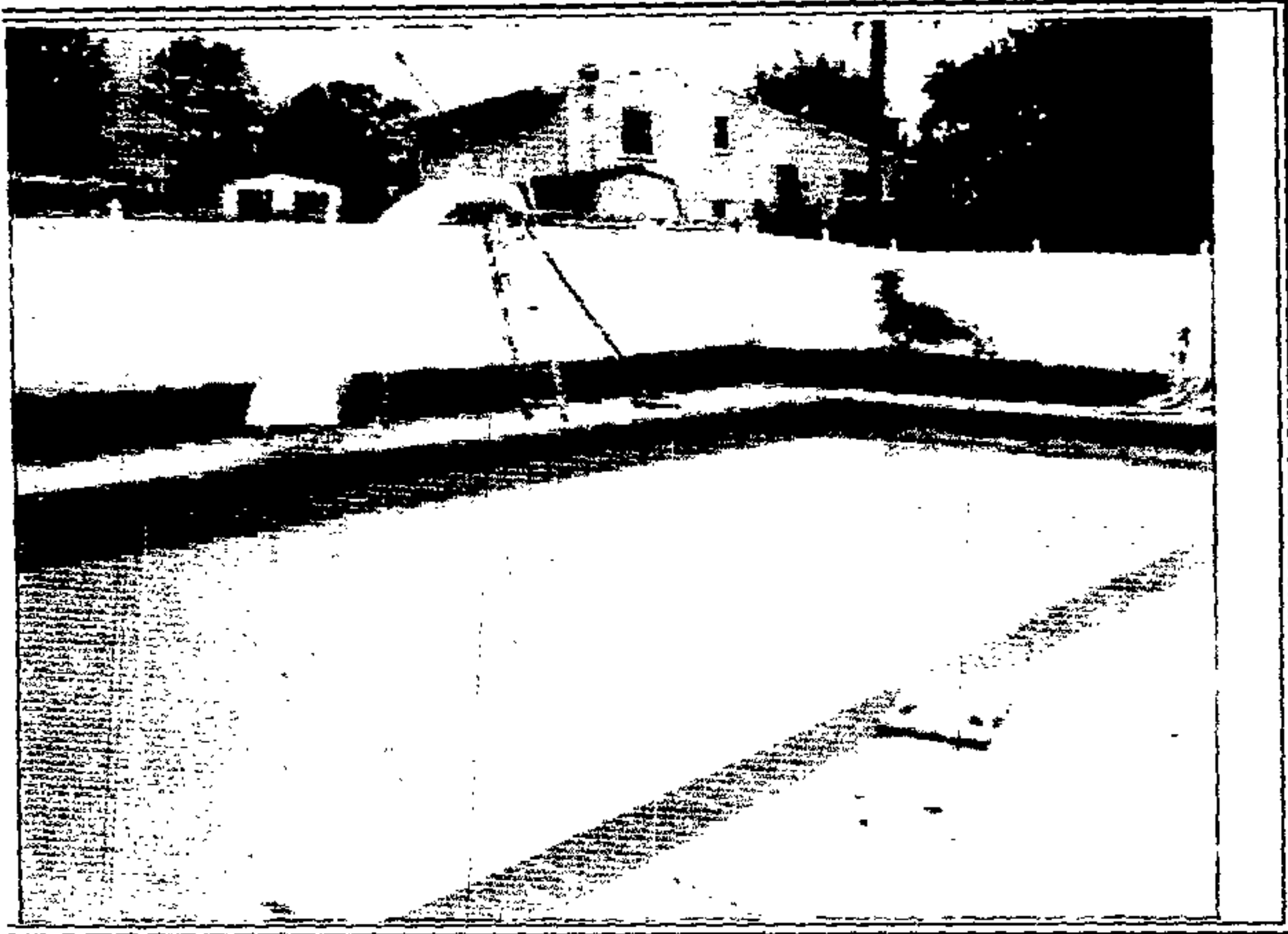
BACK YARD



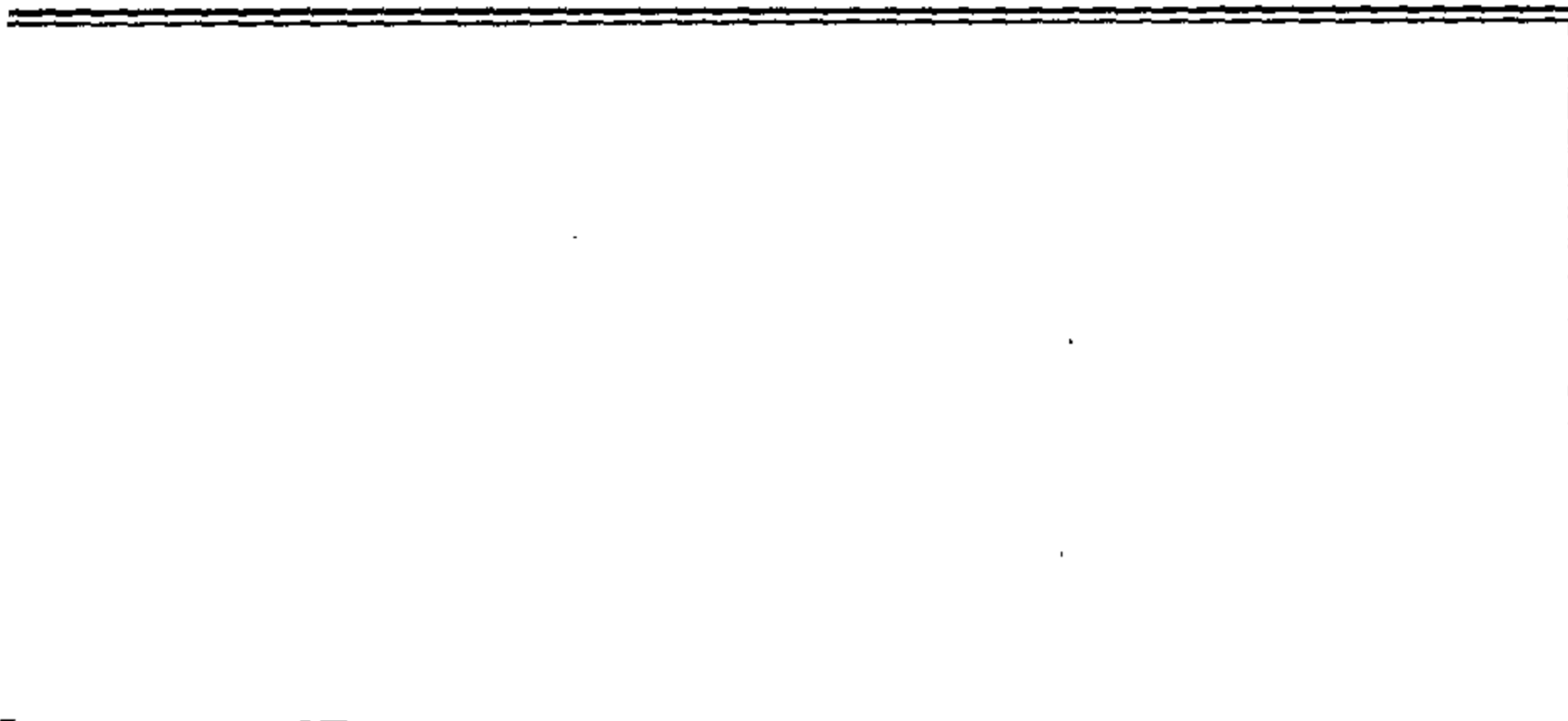
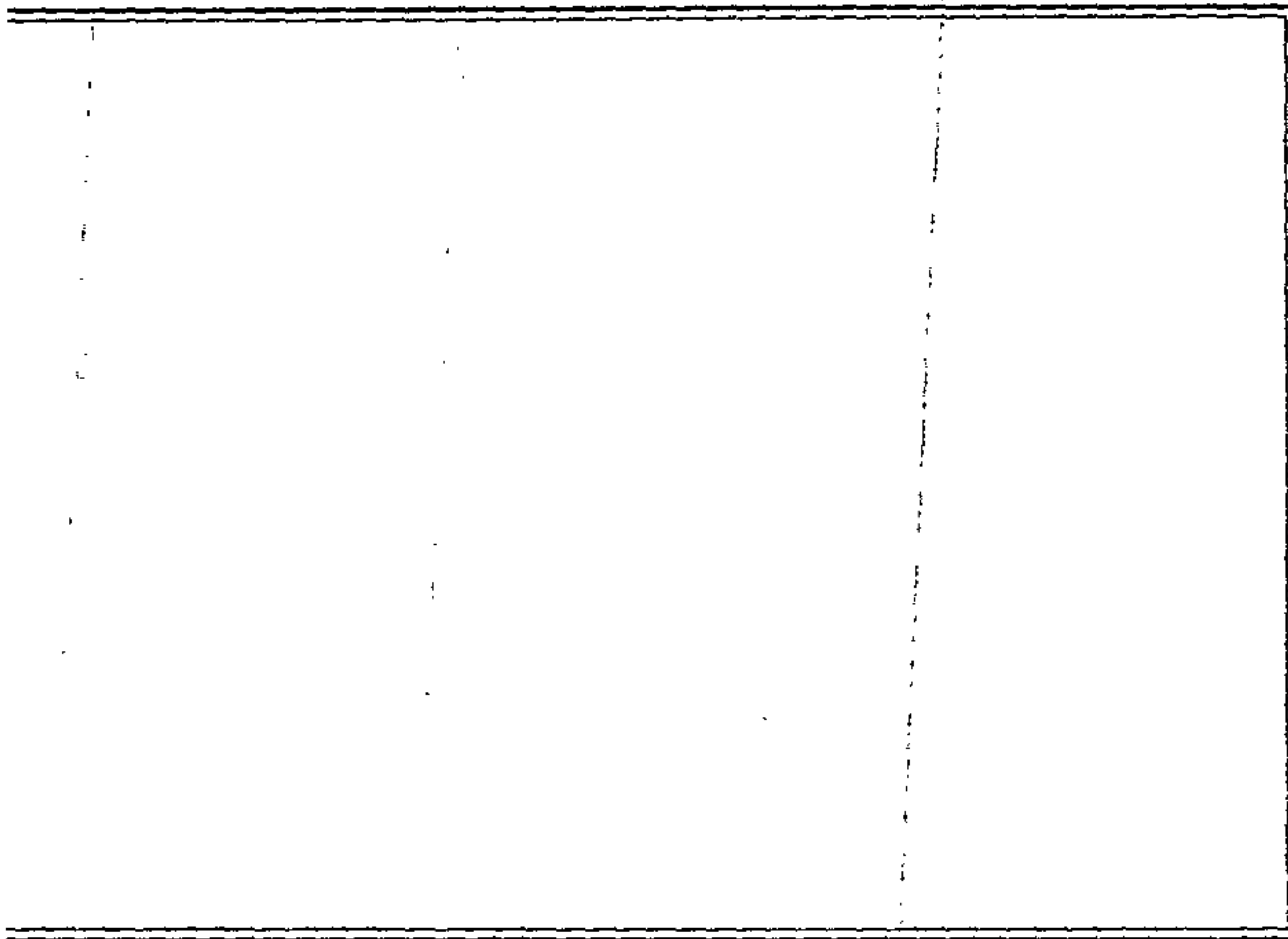
6' vinyl privacy fence



6' vinyl privacy fence
In ground pool for therapy



Inground pool, patio area and privacy
fencing.

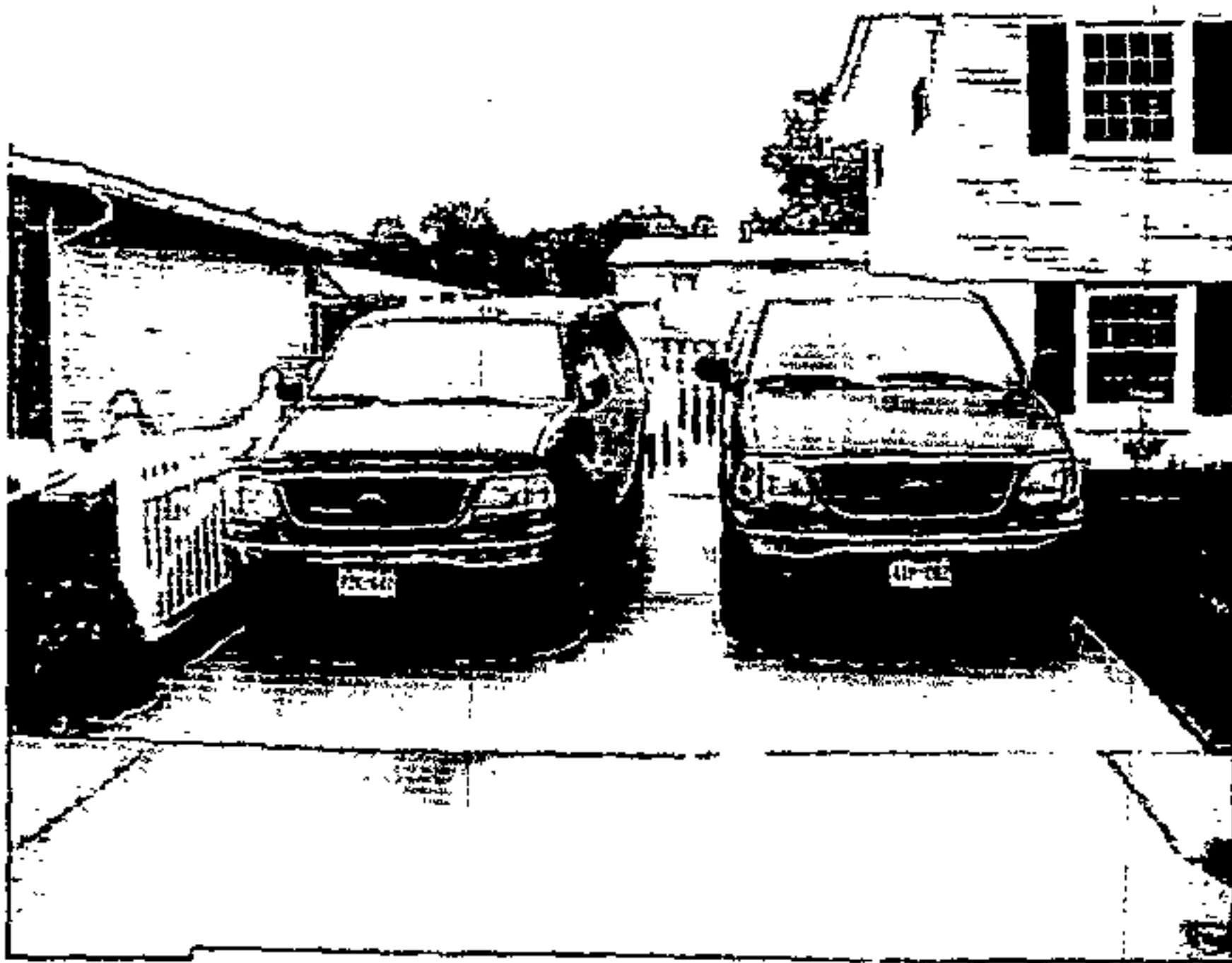


IMMEDIATE HOMES

1207 Idylwood Road,



1203 Idylwood Road



Parking is at 0' setback
Landscaping 4' vinyl fence

with arbovites and 6' privacy fence



Landscaping 4' vinyl fence with arbovites
and 6' privacy fence

DAY CARE BUSINESSES



501 Shamrock Lane
Parking on side and street

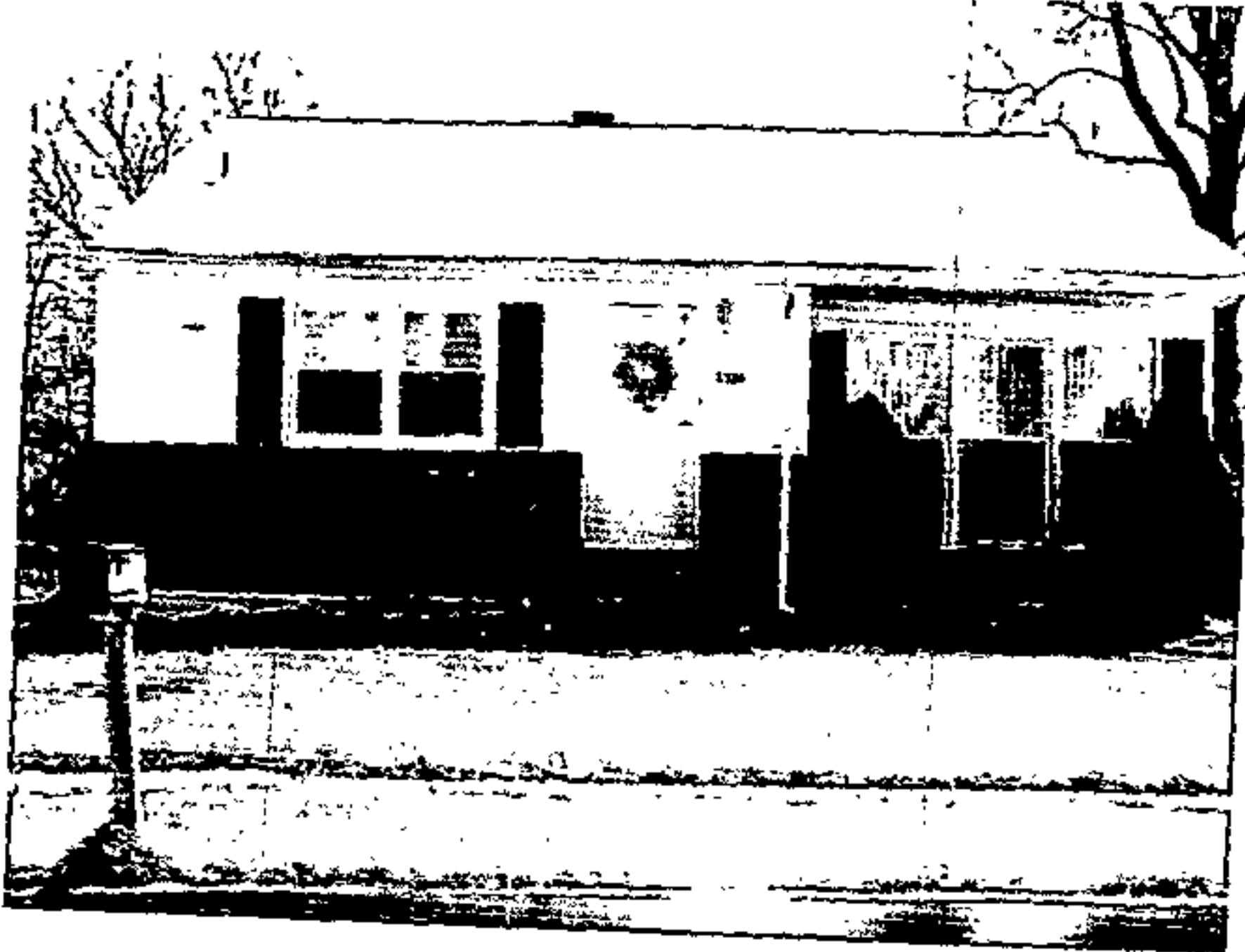


1211 Idylwood Road
Parking on side and street



GROUP HOMES

1326 GREENWOOD ROAD



Place for Children Inc



502 SHAMROCK LANE

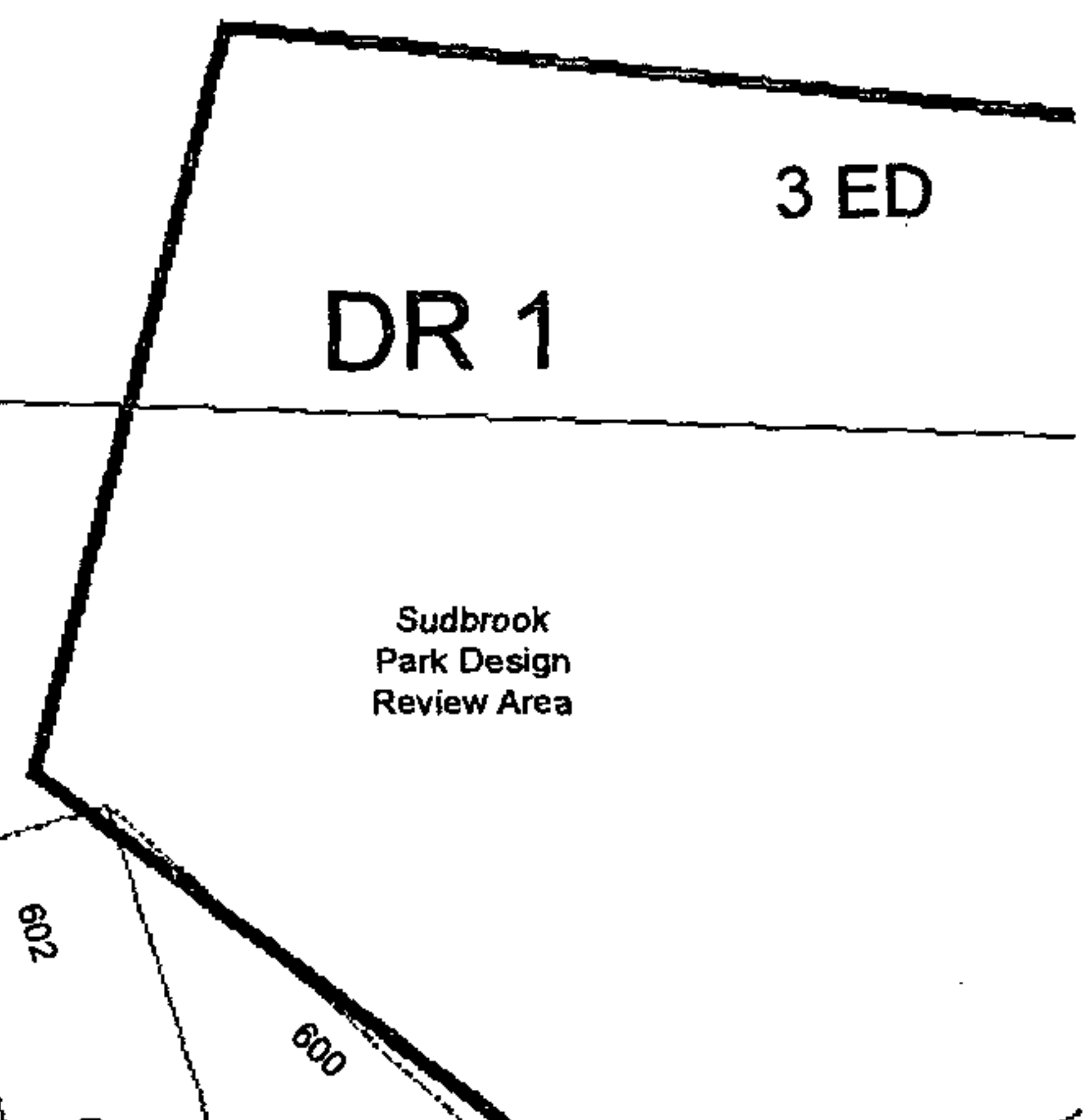
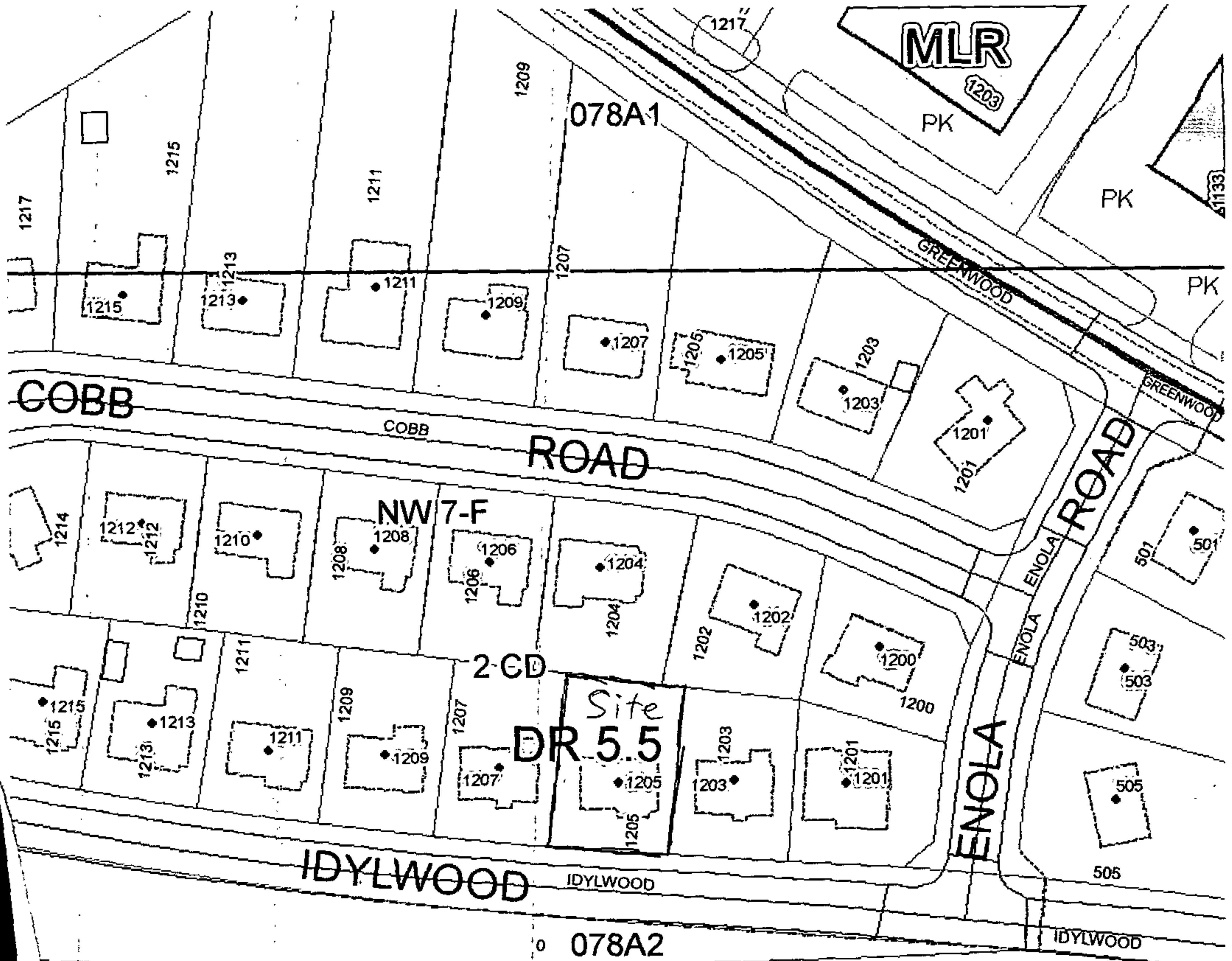
Associated Jewish Charities

1328 GREENWOOD ROAD



Place for Children Inc.

Parking on front and side only
Side parking can only accommodate
2 cars



07-418-SPNA

Case No.: 07-418-SPHA 1205 IDYLWOOD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN SUBMITTED WITH Petition	Gwynvale Community Civic Assoc Letter of Opposition ALONG WITH 14 letters from nearby residents
No. 2	PHOTOGRAPHS OF SUBJECT PROPERTY AND OTHER DAY CARE PROVIDERS	
No. 3 A, B, C	DR MALINOW'S LETTER DR NAKAZAWA'S LETTER DR RICHARDSON'S LETTER RE: BARBARA BOSTIC'S HEALTH	
No. 4	LETTERS OF SUPPORT MIS FLOYD & MIS BAILEY	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☒ SPECIAL HEARING ZONING USE PERMIT PLAN FOR A ASSISTED LIVING FACILITY 1 (maximum of 4 beds)

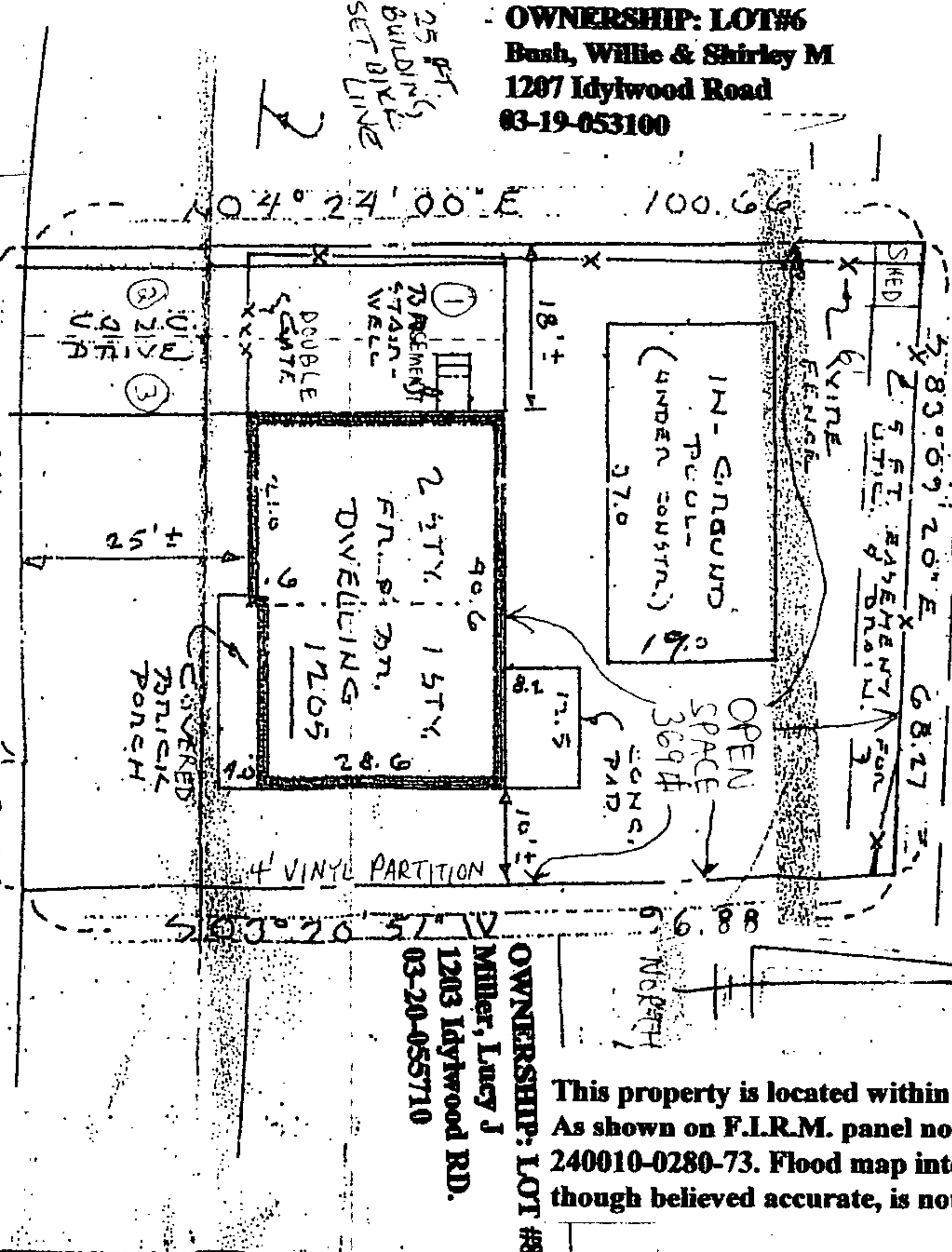
PROPERTY ADDRESS 1205 Idylwood Road SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Summer Woods

PLAT BOOK # 24 FOLIO # 42 LOT # 2 SECTION # A2 BLOCK C

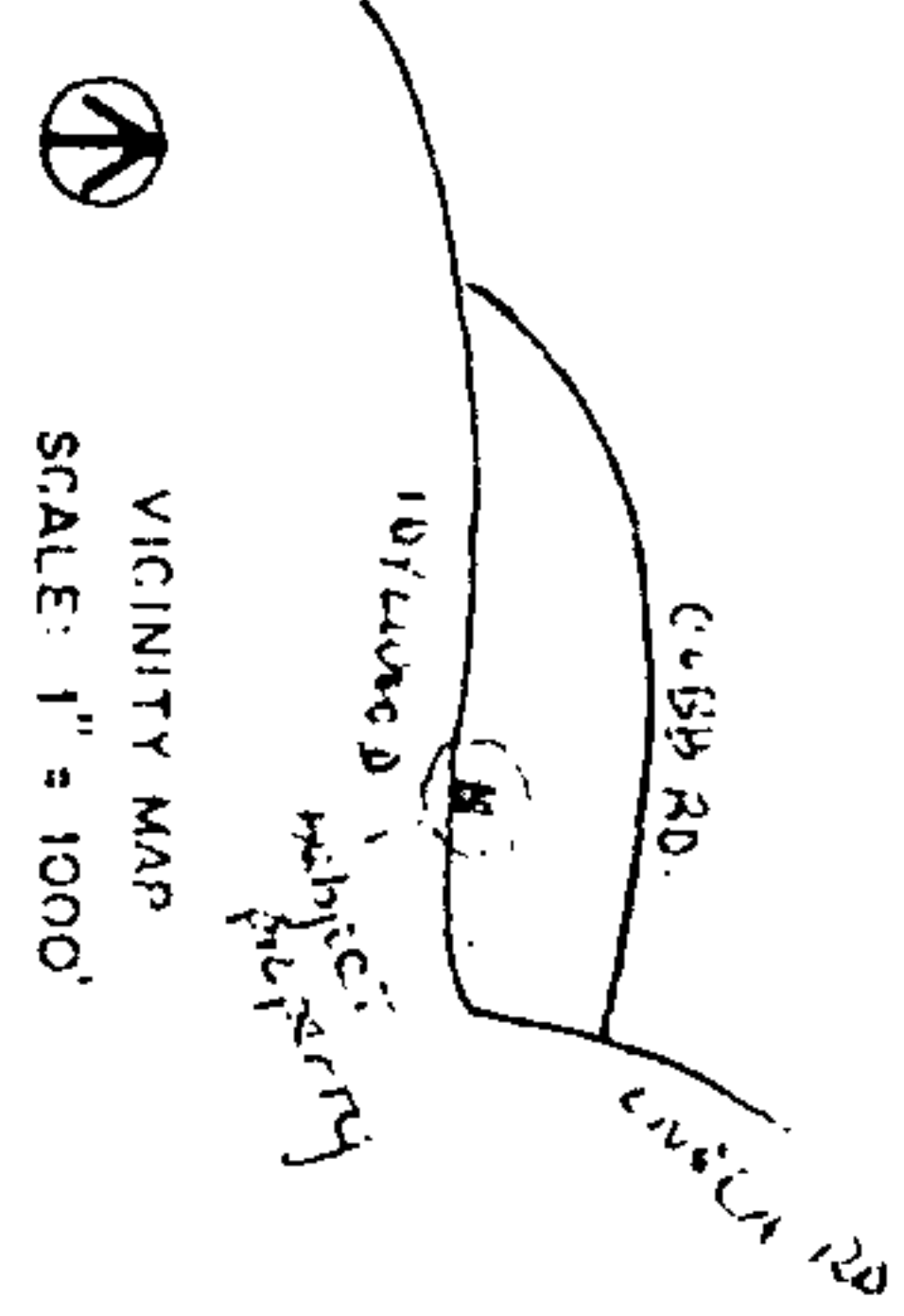
OWNER BARBARA BOSTIC

OWNERSHIP: LOT#6
Bush, Willie & Shirley M
1207 Idylwood Road
83-19-053100



This property is located within Zone C
As shown on F.L.R.M. panel no:
240010-0280-73. Flood map interpretation,
though believed accurate, is not guaranteed

OWNERSHIP: LOT #8
Miller, Lucy J
1203 Idylwood Rd.
83-20-055710



LOCATION INFORMATION

ELECTION DISTRICT 312

COUNCILMANIC DISTRICT 2

1" = 200' SCALE MAP # 08A2

ZONING DR S.S.

LOT SIZE 0.16 ACRES 6,762 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ YES ☐ NO

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/ BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY CASE #

REVIEWED BY ITEM #

07-418-SPH4

1205 IDYLWOOD ROAD
BALTIMORE COUNTY MD 21208
3rd ELECTION DISTRICT
OWNER: BARBARA BOSTIC
ADD: 1205 IDYLWOOD ROAD PIKESVILLE, MD. 21208
DATE: 3/10/77
PHONE: 410-484-8483
APPLICANT: KEA ELLIS
ADD: 120 SUMMER WOODS WAY OWINGS MILLS, MD. 21117

LOT SIZE: 6762 SQ. FT.
ZONING MAP: N.W. 7F
MAP: 078A2
ZONE DE: 5.5

EXISTING FLOOR AREAS SQ. FT.
1st FLOOR - 1228 SQ. FT.
2nd FLOOR - 1228 SQ. FT.
TOTAL - 2440 SQ. FT.

BASEMENT FOR STORAGE AND MECHANICAL EQUIPMENT - 630 SQ. FT.

OPEN SPACE - 10 X LOT AREA (692 SQ. FT.) - 369 SQ. FT.

This building has not been originally constructed to accommodate elderly housing or an Assisted Living Facility. No construction, relocation, exterior changes or additions of 25% or more in ground floor area as it has existed 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 480 B.C.Z.R.

The undersigned (Kea Ellis and Barbara Bostic) are responsible for the accuracy of the information on this plan.

SIGNATURE: Barbara Bostic DATE: 3/16/77

PRINTED NAME: Barbara Bostic

SIGNATURE: Kea Ellis DATE: 3/16/77

PRINTED NAME: Kea Ellis

ENGINEERS SCALE

1" = 50 FT.

PETITIONER'S

EXHIBIT NO. 1