

IN RE: **PETITION FOR VARIANCE**
S/S Bonnie Brae Road, 595' E of c/line
Three Oaks Road
(4727 Bonnie Brae Road)

2nd Election District
2nd Council District

Robbin Maxwell
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* **Case No. 07-580-SPHA**
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Robbin Maxwell¹. The Petitioner seeks relief from Sections 432A.C.1 and 432A.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit Assisted Living Facility parking with a setback of 0 feet from the property lines in lieu of the minimum required 10 feet from the property lines, and to permit parking and delivery areas in the side and front yards in lieu of the required side or rear yards only. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Robbin Maxwell, property owner, and her husband, Kevin Kent. Numerous residents from the surrounding community appeared in opposition to the request, including Dr. Louise B. Smith, Past President of the Valleybrook Improvement Association, and Jeanette Feldman who has served on the zoning committee of the association for the past 40 years. The names of other

¹ It is to be noted that the Petition for Variance and the Maryland Department of Assessments and Taxation Real Property Data Sheet are both reflective of the name Robbin Maxwell; however, the owner signed the Petitioner's Sign-In Sheet as Robbin Maxwell-Kent.

ORDER RECEIVED FOR FILING
Date 9-13-07
By [Signature]

association members and representatives who appeared at the hearing, including Airuel Singletary who provided testimony, are found on the sign-in sheets circulated at the hearing and included in the case file.

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”.

Thus, if the requested variance relief is 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.²

² On August 6, 2007, a Zoning Advisory Committee (ZAC) comment was received from the Office of Planning recommending denial of Petitioner's request.

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Date 9-13-07
By [Signature]

Testimony and evidence offered revealed that the subject property is a rectangularly-shaped parcel located on the south side of Bonnie Brae Road, just east of Three Oaks Road in the Valleybrook community of Pikesville. The property contains a gross area of 11,068 square feet, more or less, zoned D.R.5.5 and improved with a 1-story brick and frame single-family dwelling featuring a patio, barbeque pit and storage shed in the rear yard. The Petitioner has owned the property and the 1,221 square foot home built in 1963 since November 2004. Ms. Maxwell is a registered nurse at the North West Hospital and would like to convert the existing house to a four-bed assisted living facility for senior citizens in need of assistance. Initially, she plans to receive one or two clients who need some assistance but not bed ridden or in need of total care. The Petitioner, her husband, and four children would set up their living quarters in the basement area which currently contains one bedroom but no bath or shower facilities. The three 1st floor bedrooms, kitchen, living room, dining room and two bathrooms would be used for the facility operation. She noted that the parking on the side and front would be adequate since there's room for two (2) vehicles on the existing concrete parking pad and room on Bonnie Brae Road in front of the house for deliveries and additional parking. She also points out that no assisted living patient would drive a vehicle so that there would be no additional parking required. Finally, she indicated that the existing parking pad on the west side of the home does not meet the set back requirements for assisted living facilities (Section 432A.C.1 and 2) and thus requires a variance. In this regard, a minimum of one parking space for each three beds in a proposed assisted living facility must be provided and each space must be a minimum 8'-1/2" x 18' in dimension. Moreover, all parking for the facility must be located in the side or rear yard only. Ms. Maxwell opined that there would be no adverse impact on the community. She testified that it would be impractical to provide the required parking/delivery areas directly behind the home and doubted

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Date 9-13-07
By (signature)

she would get approval from the community association to use the rear of the property for this purpose. In further support of the request, the Petitioner argued that she and her family have used the existing driveway for parking without detriment to the safety or welfare of the community. Moreover, the only cars that would park in the driveway would be hers or a nursing assistant. Pursuant to the requirements of Council Bill No. 19-04, the Petitioner will apply 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. Smith testified that the community is strongly opposed to the requested use of the property and that at a recent meeting of the Valleybrook Improvement Association, the membership voted unanimously against the proposal. She testified that the community is comprised of 100+ homes, which are devoted to private residential uses. The community concerns expressed by the neighbors in attendance was a feeling that a variance, if granted, would be the beginning of unsightly extensions to other residential dwellings. The development is strictly residential and the community leaders feel delivery trucks with a front yard delivery area would be unsightly and suggest commercialism. This would ultimately tend 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

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By [Signature]

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.

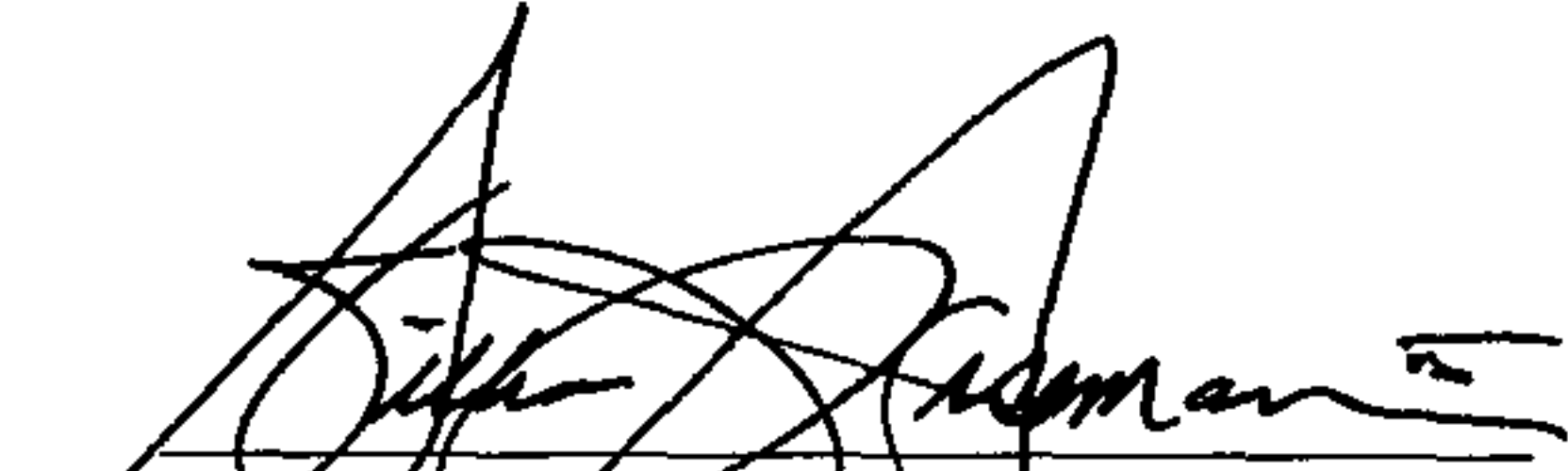
Based upon the testimony and evidence presented, I am persuaded to deny the request. There was no evidence that the subject property is peculiar, unusual or unique. Moreover, I am appreciative of the Protestants' concerns that the proposed use is not in keeping with the character of the surrounding community 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 of Planning's opposition to the petitions both by way of Director Keller's Zoning Advisory Committee (ZAC) comment, previously noted, and Ms. Nkechi Hislop's unwillingness to change the agencies decision following subsequent discussions with Ms. Maxwell following the hearing.

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 13th day of September 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.

ORDER RECEIVED FOR FILING
Date 9-13-07
By [Signature]

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 9-13-07
By OS



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4727 BONNIE BRAE RD.

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, BCZR, to permit Assisted Living

Facility parking with a setback of 0 feet from the property lines in lieu of the minimum required 10 feet from the property lines, and to permit parking/delivery area in the front yard in lieu of the required side or rear yard only.

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

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

ROBBIN MAXWELL
Name - Type or Print

Robbin Maxwell
Signature

Robbin Maxwell
Name - Type or Print

Signature

4727 BONNIE BRAE RD. 410-701-7575
Address Telephone No.

BALTO. MD 21208-2048
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 07-580-A

ORDER RECEIVED FOR FILING AVAILABLE FOR HEARING

Date 9-13-07 By DT Date 6/22/07

By DW



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

September 13, 2007

Robbin Maxwell
4727 Bonnie Brae Road
Pikesville, Maryland 21208-2048

RE: PETITION FOR VARIANCE

S/S Bonnie Brae Road, 595' E of c/line of Three Oaks Road
(4727 Bonnie Brae Road)
2nd Election District - 2nd Council District
Robbin Maxwell - Petitioner
Case No. 07-580-SPHA

Dear Mrs. Maxwell:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", written over a circular stamp or seal.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

- c: Kevin Kent, 4727 Bonnie Brae Road, Pikesville, Md. 21208
Irene E. Oliver, 4717 Bonnie Brae Road, Pikesville, Md. 21208
Juanita Alexander, 8317 Lacewood Lane, Pikesville, Md. 21208
James L. Carl, 4716 Bonnie Brae Road, Pikesville, Md. 21208
Jeanette Feldman, 9050 Iron Horse Lane, Pikesville, Md. 21208
Doris and Wilbur Cooke, 4733 Bonnie Brae Road, Pikesville, Md. 21208
Aubery Phillips, 4723 Bonnie Brae Road, Pikesville, Md. 21208

Barbara Lee, 8223 Arrowhead Road, Pikesville, Md. 21208
Rosa P. White, 4725 Maryknoll Road, Pikesville, Md. 21208
Sylvia Duckett, 4634 Panacea Road, Pikesville, Md. 21208
Verna Tyler, 4719 Parmelee Road, Pikesville, Md. 21208
Carol Gensler, 4738 Belle Forte Road, Pikesville, Md. 21208
Marian Wylie, 4744 Bonnie Brae Road, Pikesville, Md. 21208
Elva Williams, 4776 Bonnie Brae Road, Pikesville, Md. 21208
Virginia B. Blount, 4702 Parmelee Road, Pikesville, Md. 21208
Blanett Wright, 4716 Parmelee Road, Pikesville, Md. 21208
Dr. Louise B. Smith & James H. Smith, 4730 Duncannon Road, Pikesville, Md. 21208
Genover Brooks, 4761 Bonnie Brae Road, Pikesville, Md. 21208
Iris Turner, 4775 Bonnie Brae Road, Pikesville, Md. 21208
Helen Augins, 4728 Bonnie Brae Road, Pikesville, Md. 21208
Dorothy Allen, 4719 Bonnie Brae Road, Pikesville, Md. 21208
Brenda J. & John Wade, 4737 Bonnie Brae Road, Pikesville, Md. 21208
Gayle Emerson, 8205 Autrim Lane, Pikesville, Md. 21208
Sandra & Charles Coger, 4718 Bonnie Brae Road, Pikesville, Md. 21208
Monica Johnson, 4728 Duncannon Road, Pikesville, Md. 21208
Airuel Singletary, 3931 Setonhurst Road, Pikesville, Md. 21208
Milton & Barbara Morning, 4725 Three Oaks Road, Pikesville, Md. 21208
William & Natalie Lane, 4720 Bonnie Brae Road, Pikesville, Md. 21208
People's Counsel; Office of Planning; File

Zoning Description for 4727 Bonnie Brae Road

Beginning at a point on the south side of Bonnie Brae Road which has an existing 50-foot right-of-way and located 595-feet east of centerline Of Three Oaks Road which has a 60-foot wide right-of-way.

Being the same property and recorded among land records of Baltimore County in Plat Book 26, Folio 123 being Lot #20, Block H, Section 3 and being in the subdivision known as "Belle Farm Estates" containing 11,068 square feet. Also known as 4727 Bonnie Brae Road and located in the 2nd Election District and 2nd Councilmanic District.

07-580-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

PAID RECEIPT

No. 00924

Date: 6/22/07

RECEIVED ACTUAL THE JUN
6/22/2007 6/22/2007 15:31:42
WALKIN JONES KEF
6/22/2007 6/22/2007
5, 528 ZONING VERIFICATION
UN0924
Receipt Tot \$65.00 PA
\$65.00 OK
Baltimore County, Maryland

Fund	Agcy	Orgn	Sub	Rev	Source	Sub	Rev	Rept	BS	Acct	Amount
001	0010			650							65.00
Total:											65.00

Rec From: ROBBIN MAXWELL

For: ITEM # 580 07-580-A
4727 BONNIE BRAE RD.
D. THOMPSON

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

RE: Case No. 07-580-A

Petitioner/Developer: ROBBIN

MAXWELL

Date of Hearing/Closing: 8-29-07

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:

4727 BONNIE BRAE RD

The sign(s) were posted on

8-13-07
(Month, Day, Year)

Sincerely,

Robert Black 8-14-07
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

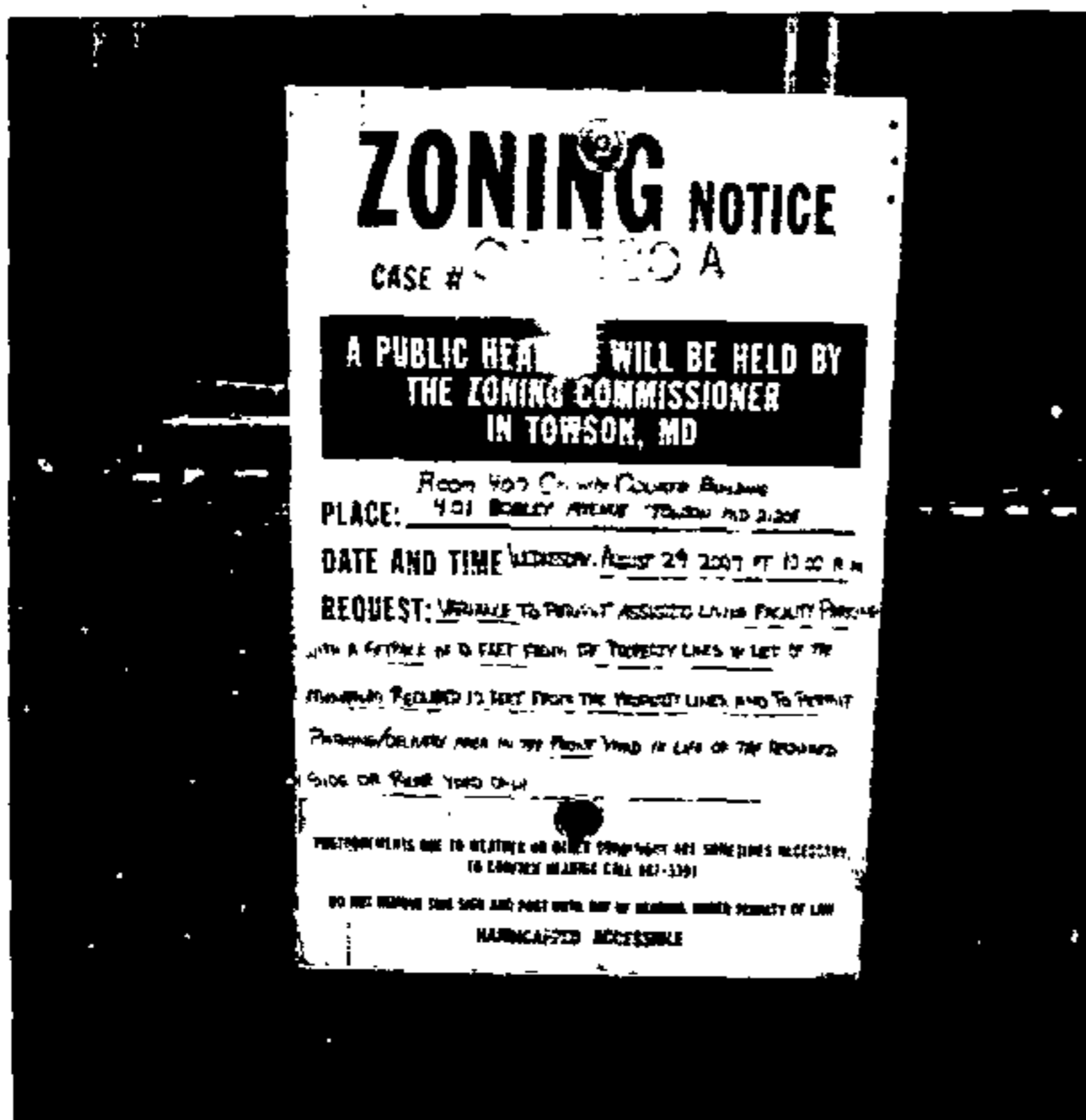
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: # 07-580-A

4727 Bonnie Brae Road
S/Side of Bonnie Brae Road, 595 feet east of centerline of Three Oaks Road
2nd Election District - 2nd Councilmanic District

Legal Owner(s): Robbin Maxwell

Variance: to permit Assisted Living Facility parking with a setback of 0 feet from the property lines in lieu of the minimum required 10 feet from the property lines, and to permit parking/delivery area in the front yard in lieu of the required side of rear yard only.

Hearing: Wednesday, August 29, 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.

IT 8/25 Aug. 14

145266

CERTIFICATE OF PUBLICATION

_____ 8/16/2007

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 8/14/2007.

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

S. Wilkinson Sr.

LEGAL ADVERTISING



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 12, 2007
TIMOTHY M. 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: 07-580-A

4727 Bonnie Brae Road


S/side of Bonnie Brae Road, 595 feet east of centerline of Three Oaks Road

2nd Election District – 2nd Councilmanic District

Legal Owners: Robbin Maxwell

Variance to permit Assisted Living Facility parking with a setback of 0 feet from the property lines in lieu of the minimum required 10 feet from the property lines, and to permit parking/delivery area in the front yard in lieu of the required side of rear yard only.

Hearing: Wednesday, August 29, 2007 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Robbin Maxwell, 4727 Bonnie Brae Road, Baltimore 21208-2048

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 14, 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, August 14, 2007 Issue - Jeffersonian

Please forward billing to:
Robbin Maxwell
4727 Bonnie Brae Road
Baltimore, MD 21208-2048

410-701-7575

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: 07-580-A

4727 Bonnie Brae Road

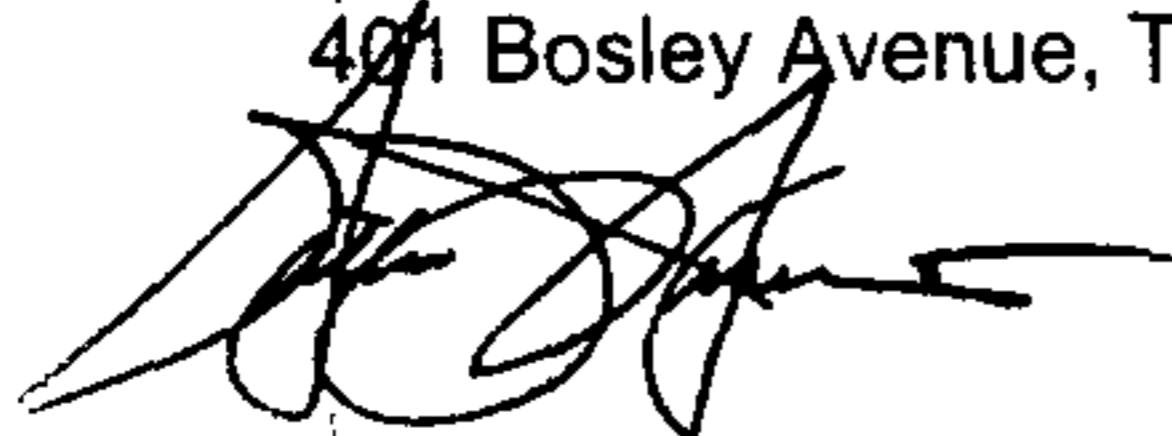
S/side of Bonnie Brae Road, 595 feet east of centerline of Three Oaks Road

2nd Election District – 2nd Councilmanic District

Legal Owners: Robbin Maxwell

Variance to permit Assisted Living Facility parking with a setback of 0 feet from the property lines in lieu of the minimum required 10 feet from the property lines, and to permit parking/delivery area in the front yard in lieu of the required side of rear yard only.

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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/neighborhood 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: 07-580-A

Petitioner: MAXWELL

Address or Location: 4727 BONNIE BRAE RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MS. ROBBIN MAXWELL

Address: 4727 BONNIE BRAE RD.

BALTO. MD 21208-2048

Telephone Number: 410-701-7575



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

August 22, 2007

Robbin Maxwell
4727 Bonnie Brae Road
Baltimore, MD 21208-2048

Dear Ms. Maxwell:

RE: Case Number: 07-580-A, 4727 Bonnie Brae Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 22, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

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

July 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 2, 2007

Item Number: 573 through 578 and 580 through 594

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

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





State Highway Administration

Maryland Department of Transportation

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

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

Date: JULY 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. 7-580-A
4727 BONNIE BRAE RD.
BELLE FARM ESTATES
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. 7-580-A.

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 5, 2007

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 9, 2007
Item Nos. 07-456, 574, 575, 576, 577,
578, 579, 580, 581, 582, 583, 584, 585,
586, 587, 588, 589, 590, 591, 592, and 594

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-07052007.doc

BW
8-29-07

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: 07/26/07

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

SUBJECT: 4727 Bonnie Brae Road

INFORMATION:

Item Number: 07-580

Petitioner: Robin Maxwell

Zoning: DR 5.5

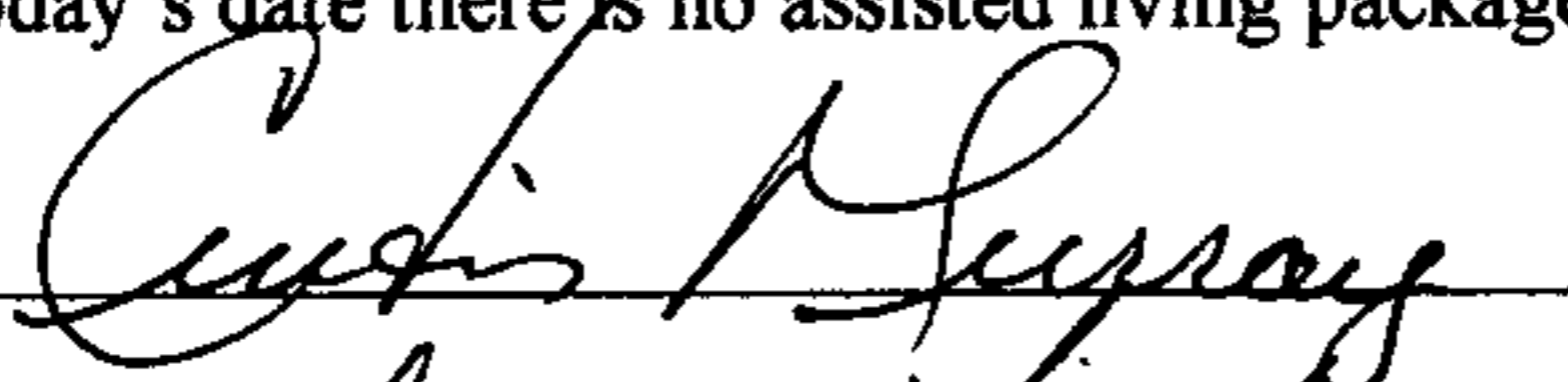
RECEIVED
AUG 06 2007

BY:.....

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends denial of the petitioner's request due to the following reasons:

1. An assisted living facility should have the parking and delivery areas located in the side and rear yards only (BCZR 432A-C1 and with a setback of 10ft from the property line. The neighborhood is a well-maintained residential community and parking areas in the rear yard is not an existing pattern. The Office of Planning feels that allowing parking in the rear would negatively affect the adjacent properties and also set a negative precedent in the neighborhood.
2. The proposed use should have Class- A landscaping, which is classified as a 10ft wide strip of landscaping, as stated in the Landscaping Manual.
3. An Assisted Living Facility, type I, can have up to 4 beds, and the parking requirement is one off street parking space for every 3 beds per section 409.1 of the BCZR and the existing driveway cannot support two cars.
4. As of today's date there is no assisted living package for this project.

Prepared by: 

Division Chief: 
AFK/LL: CM

From: Nkechi Hislop
To: Wiseman, Bill
Date: 09/07/07 2:08:37 PM
Subject: Case # 07-580

Hi Bill, I was writing to inform you that I spoke with the property owner of 4727 Bonnie Brae Road. The hearing for this property was on August 29th and I am not sure what was discussed at the hearing. Ms. Maxwell came by and asked if she could extend her driveway to the end of her home to accommodate two parking spaces. However, after discussion with Diana Itter, we at the Office of Planning are not going to change our decision. I will inform Ms. Maxwell also of this decision.

Thank you and have a great weekend.

Nkechi

BW Case 07-580-A
8/29/07
10AM

8/30/07

William J. Wiseman, III
Zoning Commissioner

I spoke to someone in the zoning review office at 111 West Chesapeake Ave. I sat down with a woman who helped me with my plan and we suggested to wait to be approved for the variance before I pay for the application for the assistant living.

RECEIVED
AUG 30 2007

BY:.....

Thank you,
Robbin Maxwell



Account Identifier: District - 02 Account Number - 0216750470

Owner Information

Owner Name: MAXWELL ROBBIN Use: RESIDENTIAL
 Principal Residence: YES
 Mailing Address: 4727 BONNIE BRAE RD Deed Reference: 1) /20990/ 629
 BALTIMORE MD 21208-2048 2)

Location & Structure Information

Premises Address: 4727 BONNIE BRAE RD Legal Description: 4727 BONNIE BRAE RD
 BELLE FARM ESTATES

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
77	11	715			3	H	20	1	2	26/ 123

Special Tax Areas: Town Ad Valorem Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1963	1,221 SF	11,068.00 SF	04

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Phase-in Assessments		
		Value As Of	As Of	As Of
Land:	38,760	01/01/2007 93,510	07/01/2006	07/01/2007
Improvements:	74,880	167,840		
Total:	113,640	261,350	113,640	162,876
Preferential Land:	0	0	0	0

Transfer Information

Seller: JAMES JUNIUS W	Date: 11/16/2004	Price: \$179,000
Type: IMPROVED ARMS-LENGTH	Deed1: /20990/ 629	Deed2:
Seller: PRIEST WILLIAM F	Date: 03/19/1973	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 5343/ 917	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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 *

RE: PETITION FOR VARIANCE
4727 Bonnie Brae Road; S/S Bonnie Brae
Rd, 595' E c/line Three Oaks Road
2nd Election & 2nd Councilmanic Districts
Legal Owner(s): Robbin Maxwell
Petitioner(s)

* BEFORE THE BOARD
* OF APPEALS
* FOR
* BALTIMORE COUNTY
* 07-580-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of July, 2007, a copy of the foregoing Entry of Appearance was mailed to, Robbin Maxwell, 4727 Bonnie Brae Road, Baltimore, MD 21208, Petitioner(s).

RECEIVED

JUL 16 2007

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER
DATE

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
✓ Anne E. Chwin	4717 Bonnie Brae Rd	Pikesville, Md 21208	
✓ Juanita Alexander	8317 Lacewood Lane	Pikesville, Md.	
✓ James L. Carly, PAC	4716 Bonnie Brae Rd.	Pikesville, Md 21208	
✓ Carolee Feliciano	9050 IRON HORSE LN	Pikesville 21208	
✓ David & Wilbur Coole	4733 BONNIE BRAERD	Pikesville md 21208	
✓ Amber Phillips	4723 Bonnie Brae Rd	" 21208	
✓ BARBARA LEE	8223 Arrowhead Rd.	" " 21208	
✓ RASIA P. White	4725 Maryland Road	" " "	
✓ Sylvia Duckett	4634 Panacea Rd.	Pikesville, Md. 21208	
✓ Verna Tyler	4719 Parmelee Rd	" " "	
✓ Carol Gensler	4738 BELLE FURTE RD	Pikesville MD 21208	
✓ Marian Wyke	4744 Bonnie Brae Rd	Pikesville, MD 21208	
✓ Steve Williams	4776 Bonnie Brae Rd	Pikesville, Md 21208	
✓ Virginia B. Almont	4702 Parmelee Rd.	Pikesville, Md 21208	
✓ Blannett Wright	4716 Parmelee Rd	" " 21209-2028	
✓ Louise B. Smith	4730 Duncannon Rd	Pikesville, md 21208	
✓ James H. Smith	4730 Duncannon Rd	" " "	
✓ GENOVER BROOKS	4761 Bonnie Brae Rd	Pikesville MD 21208	
✓ IRIS TURNER	4775 Bonnie Brae Rd	" "	IRISTOCKH@msu.com
✓ Helen AUGINS	4728 Bonnie Brae Rd.	" " "	

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER
DATE

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
✓ Dorothy Allen	4719 Bonnie Brae Rd	Pikesville Md 21208	
✓ Brenda Wade	4737 Bonnie Brae Rd	Pikesville Md 21208	
✓ JOHN WARD	4737 BONNIE BRAE RD	" " "	
✓ GAYLE EMERSON	8205 AULIN LANE	" " "	
✓ Sandra Coyer	4718 Bonnie Brae Rd	" " "	
✓ Charles Cozart	4718 Bonnie Brae Rd	" " "	
✓ MARICA JOHNSON	4728 Duncannon Rd	" " "	
✓ Arwel Singsler	3931 Setonhurst Rd	" " "	
✓ Milton & Barbara Downing	4725 30aks Rd.	Pikesville Md. 21208	
✓ WILLIAM & NATALIE LANE	4720 BONNIE BRAE RD	" " "	



DR 3.5

2 ED

NW 7-G

077 G 2

2 CD

DR 5.5

DR 10.5

PR 041128
3740

PARKFIELD ROAD

OLD COURT

ALHANNAH



Case No.: 07-580-A 4727 BONNIE BRAE RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Petitioner/Developer	Protestant
No. 2		Letter of Opposition
No. 3	Site Plan	Photographs 4727 BONNIE BRAE RD
No. 4		
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

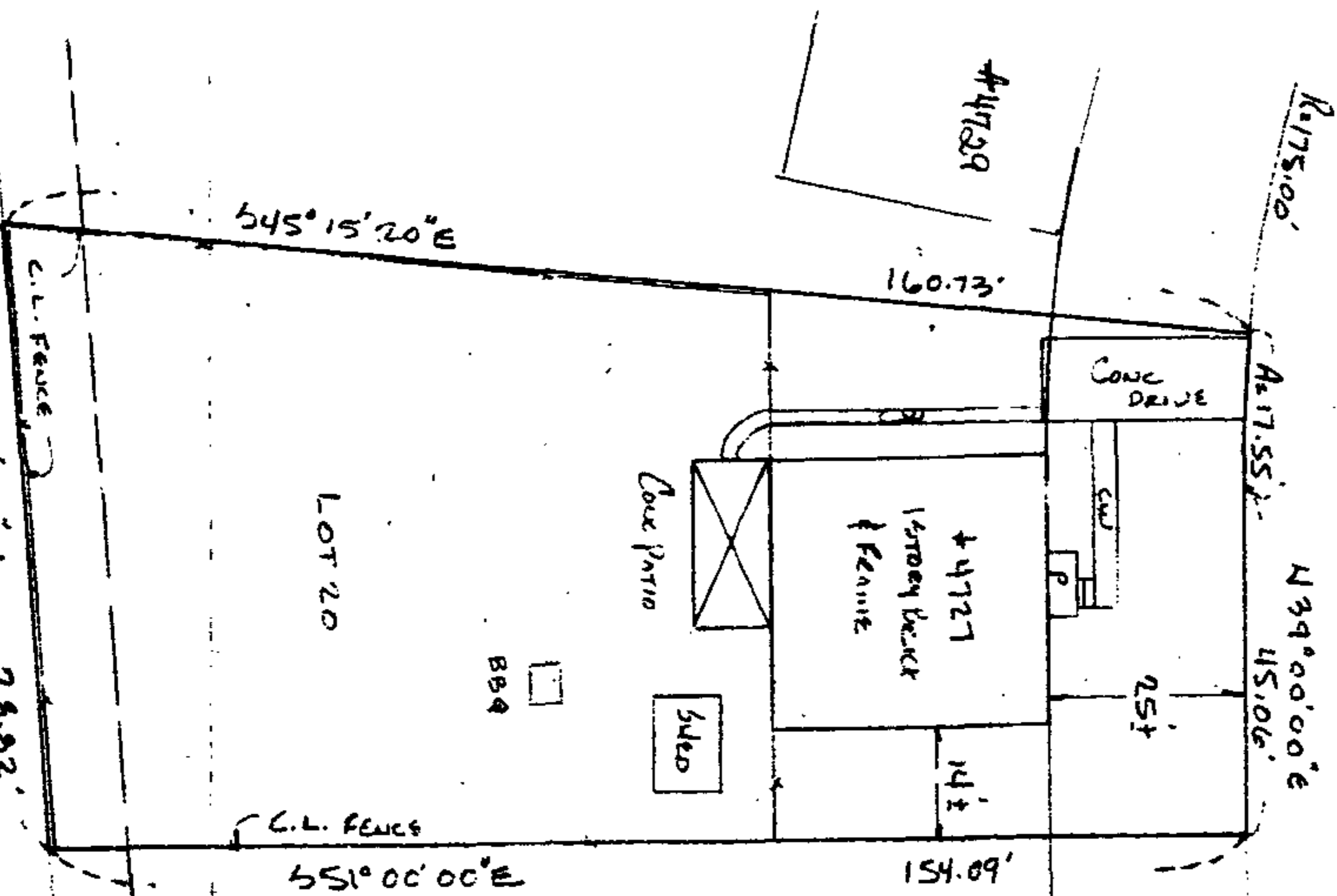
PROPERTY ADDRESS 4721 BONNIE BRAE RD.

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME BELLE FARM ESTATES

PLAT BOOK # 26 FOLIO # 123 LOT # 20 SECTION # 3

OWNER ROBBIN MAXWELL

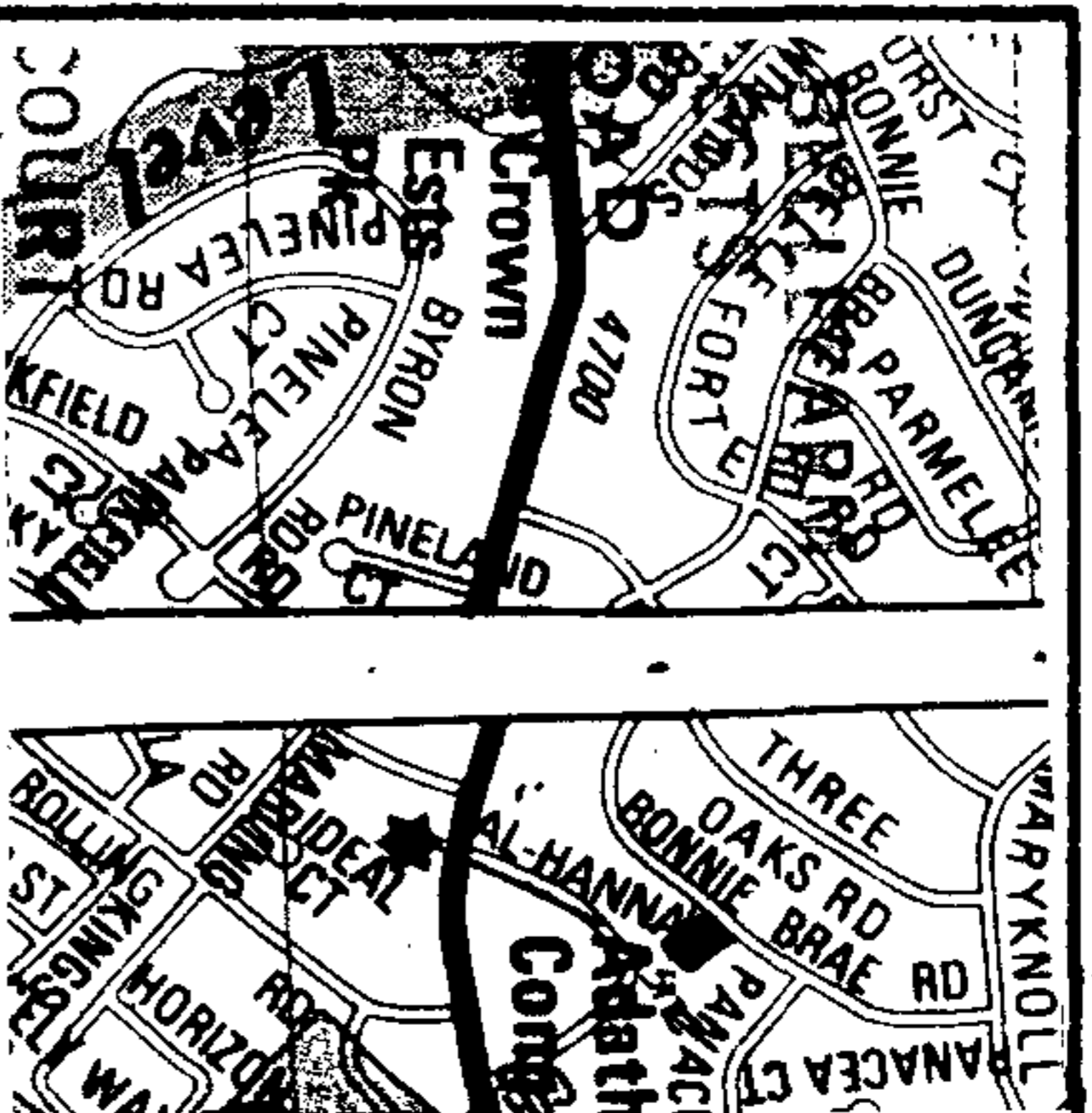


PETITIONER'S

EXHIBIT NO. 1

PREPARED BY

SCALE OF DRAWING: 1" = 30'



LOCATION INFORMATION

ELECTION DISTRICT 3

COUNCILMANIC DISTRICT 2

1" = 200' SCALE MAP # 077C2

ZONING D.R.5.5

LOT SIZE

ACREAGE SQUARE FEET

SEWER PUBLIC PRIVATE

WATER

CHESAPEAKE BAY CRITICAL AREA

100 YEAR FLOOD PLAIN

HISTORIC PROPERTY / BUILDING

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

D.T. 580 07-580-A

Case No.: 07-580-A 4727 BONNIE BRAE RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Petitioner/Developer	Protestant
No. 2		Letter of Opposition
No. 3	Site Plan	Photographs 4727 BONNIE BRAE RD
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Valleybrook Improvement Association

P.O. Box 5944
Pikesville, Maryland 21208

BW
8-29-07
10 AM

August 14, 2007

RECEIVED
AUG 17 2007

Commissioner Bill Wiseman
Dept. P.D.M.
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

BY:

Re: Case No. 7-580-A
4727 Bonnie Brae Road, Pikesville, MD

Dear Commissioner Wiseman:

The residents and members of the Valleybrook Community Association strongly object to the granting of a variance to 4727 Bonnie Brae Road, Pikesville, MD 21208, to permit assisted living facility parking as well as a delivery area in the front yard of this property.

We recognize the need for assisted living dwellings in communities and have no objection as long as it conforms to the appearance of the existing neighborhood.

The requested alterations will destroy the residential appearance of our neighborhood and may be the beginning of unsightly extensions to other residential dwellings. Our development is strictly residential and we feel that the delivery trucks and a front yard delivery area will be unsightly and suggest commercialism. In addition, the ranch style houses are small, built for single families (3 bedrooms) and a minimum of persons are allowed to reside there.

A set-back of zero feet from the property lines for parking would appear unsightly to the nice lawns our neighbors work so hard to maintain and this request is also unnecessary. We are strongly concerned that our property values would diminish with this variance, and this variance would be the beginning of other assisted living facility owners wanting to do the same.

PROTESTANT' S

EXHIBIT NO. 1

-2-

August 14, 2007

Commissioner Bill Wiseman

Dept. P.D.M.

We respectfully request that this variance be denied. Thank you.

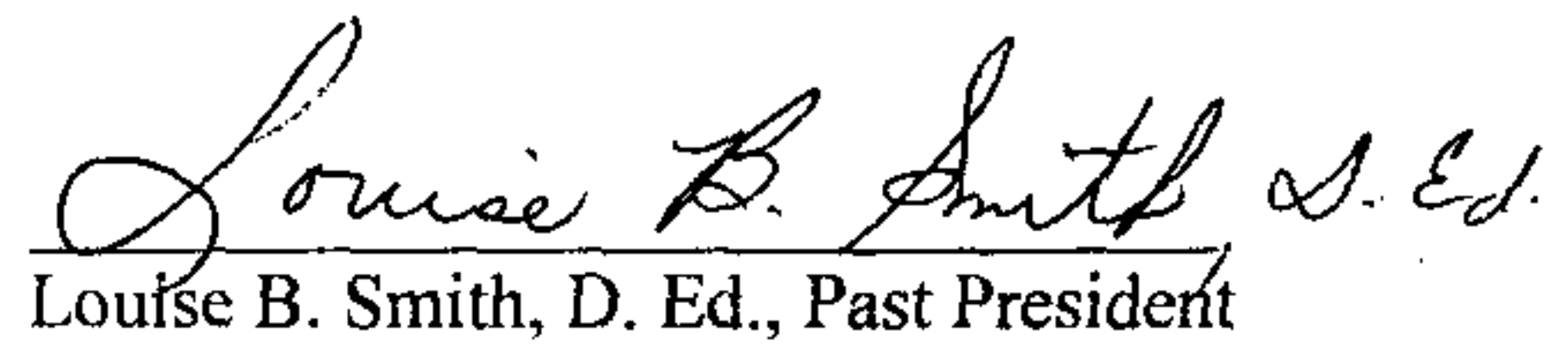
Sincerely,



Ed Taylor, President



Rose White, Vice President



Louise B. Smith, D. Ed., Past President

Valleybrook Improvement Association

P.O. Box 5944
Pikesville, Maryland 21208

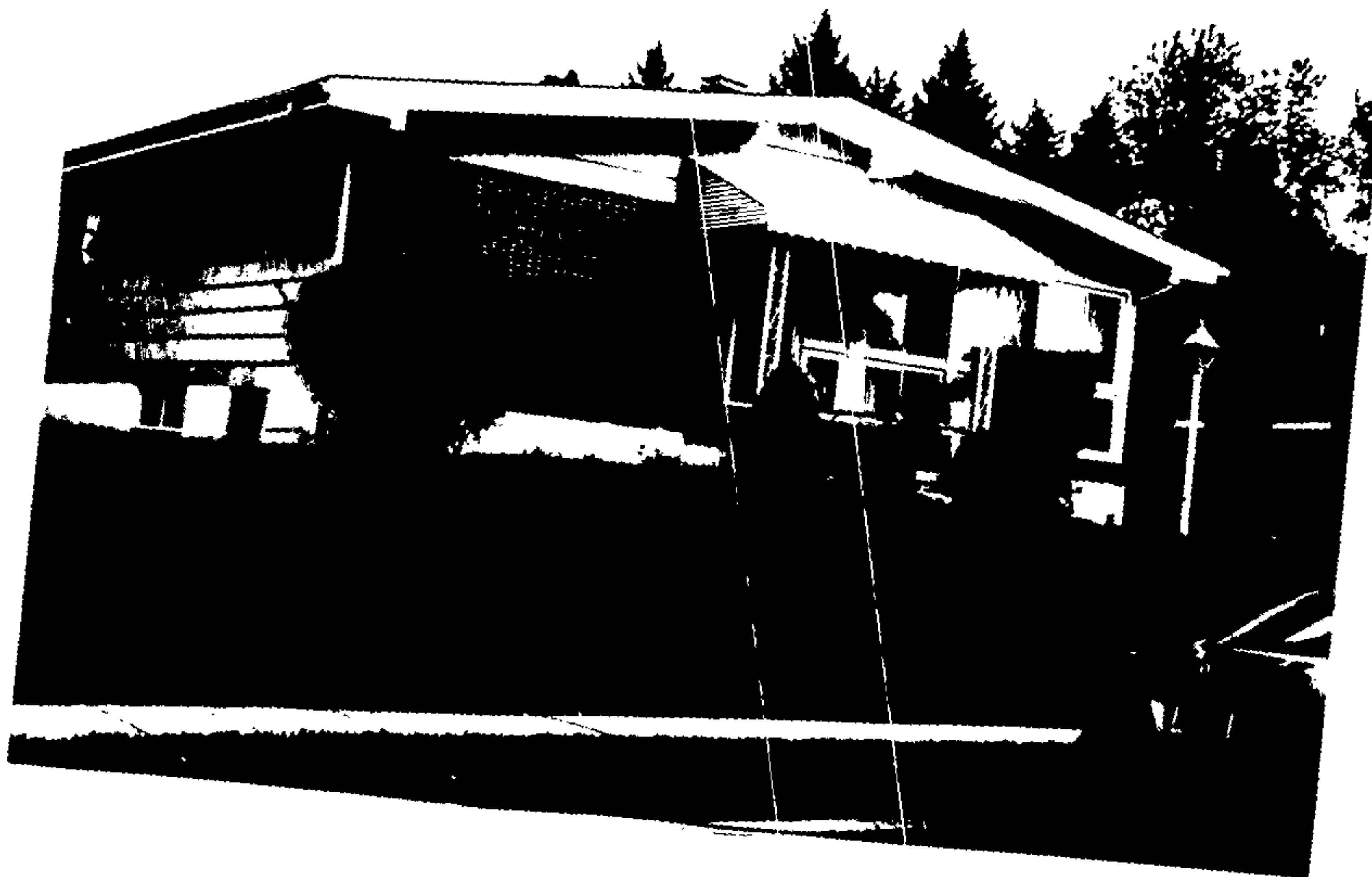
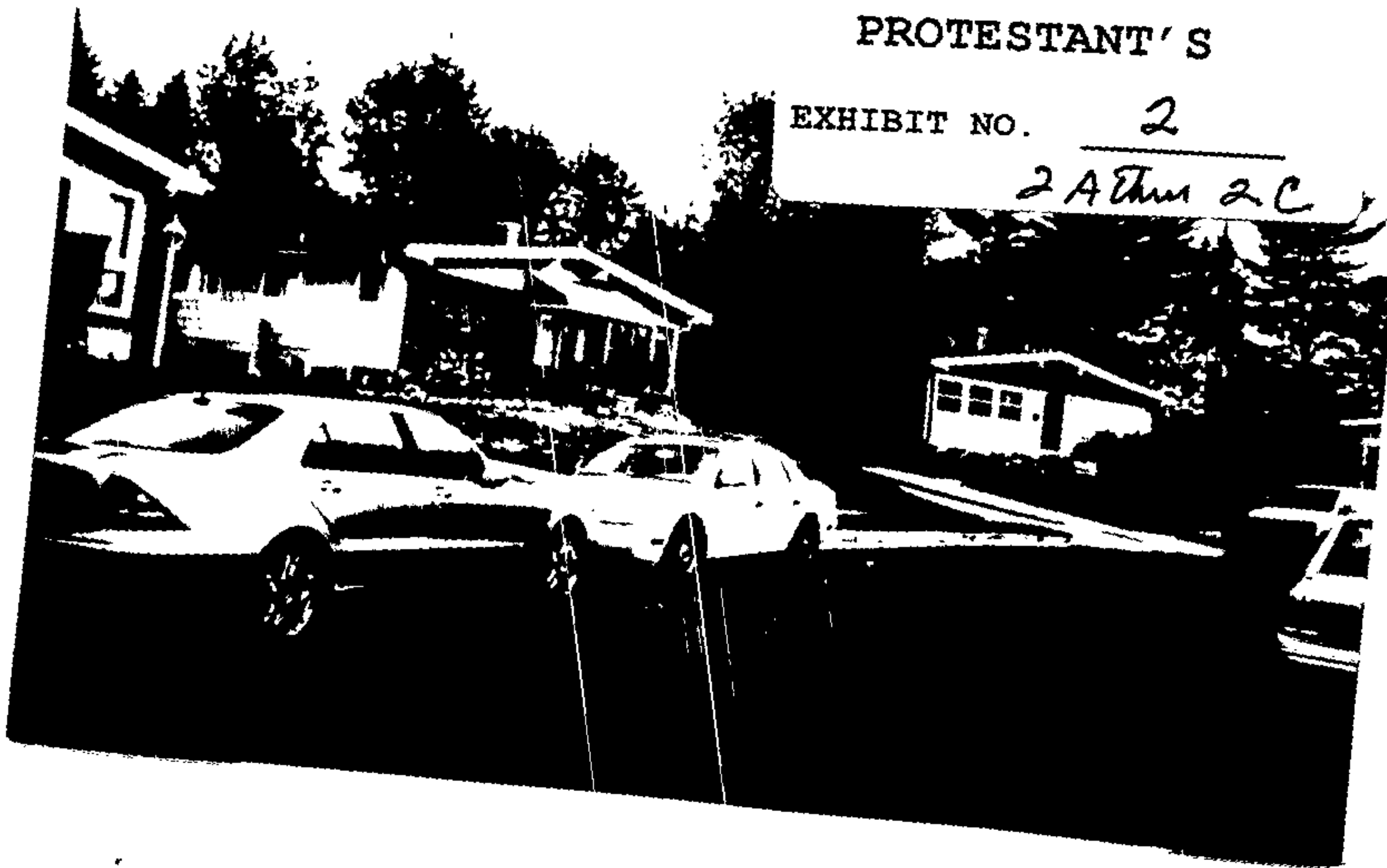


PROTESTANT'S

EXHIBIT NO.

2

2 A thru 2 C



PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING

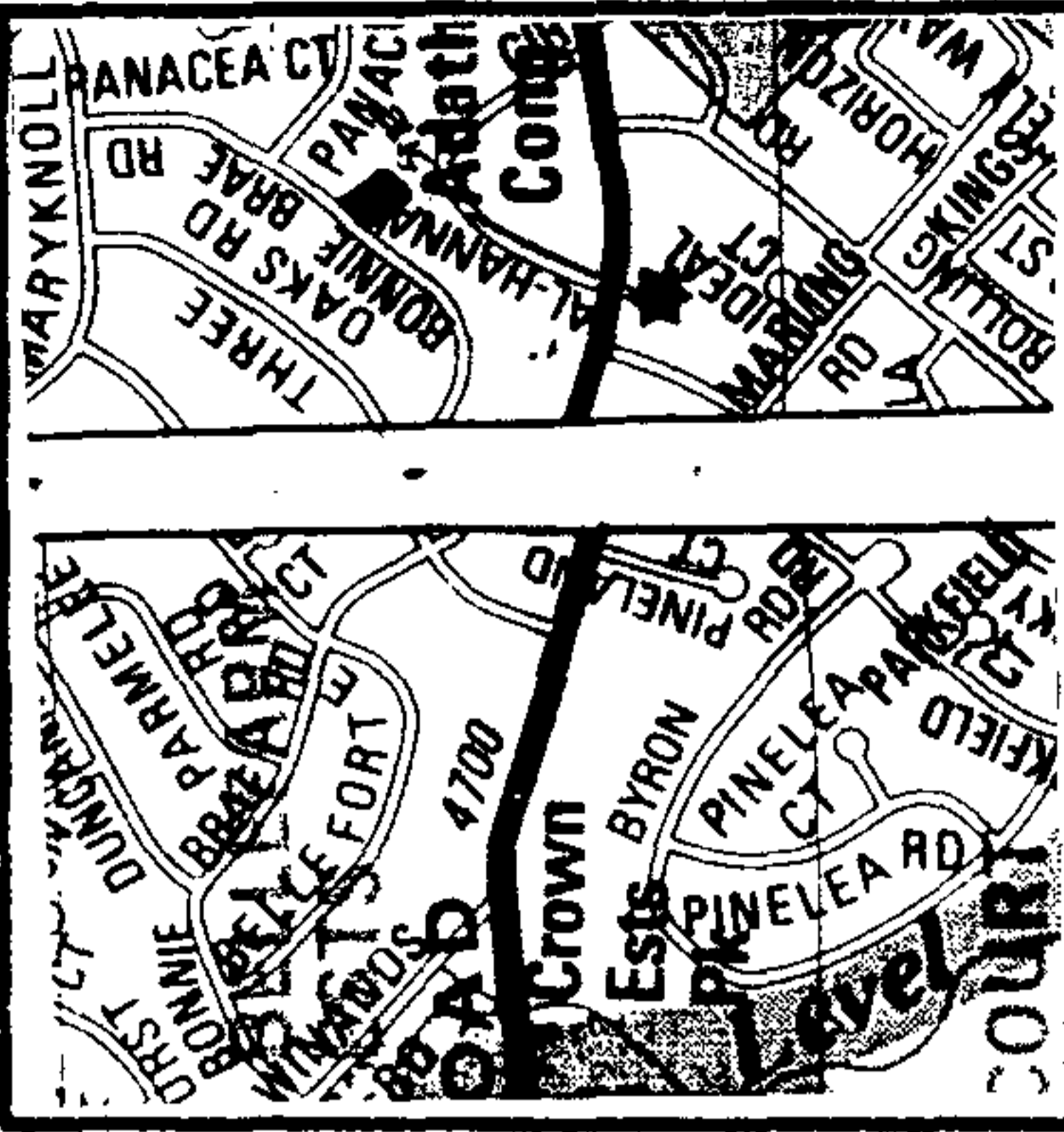
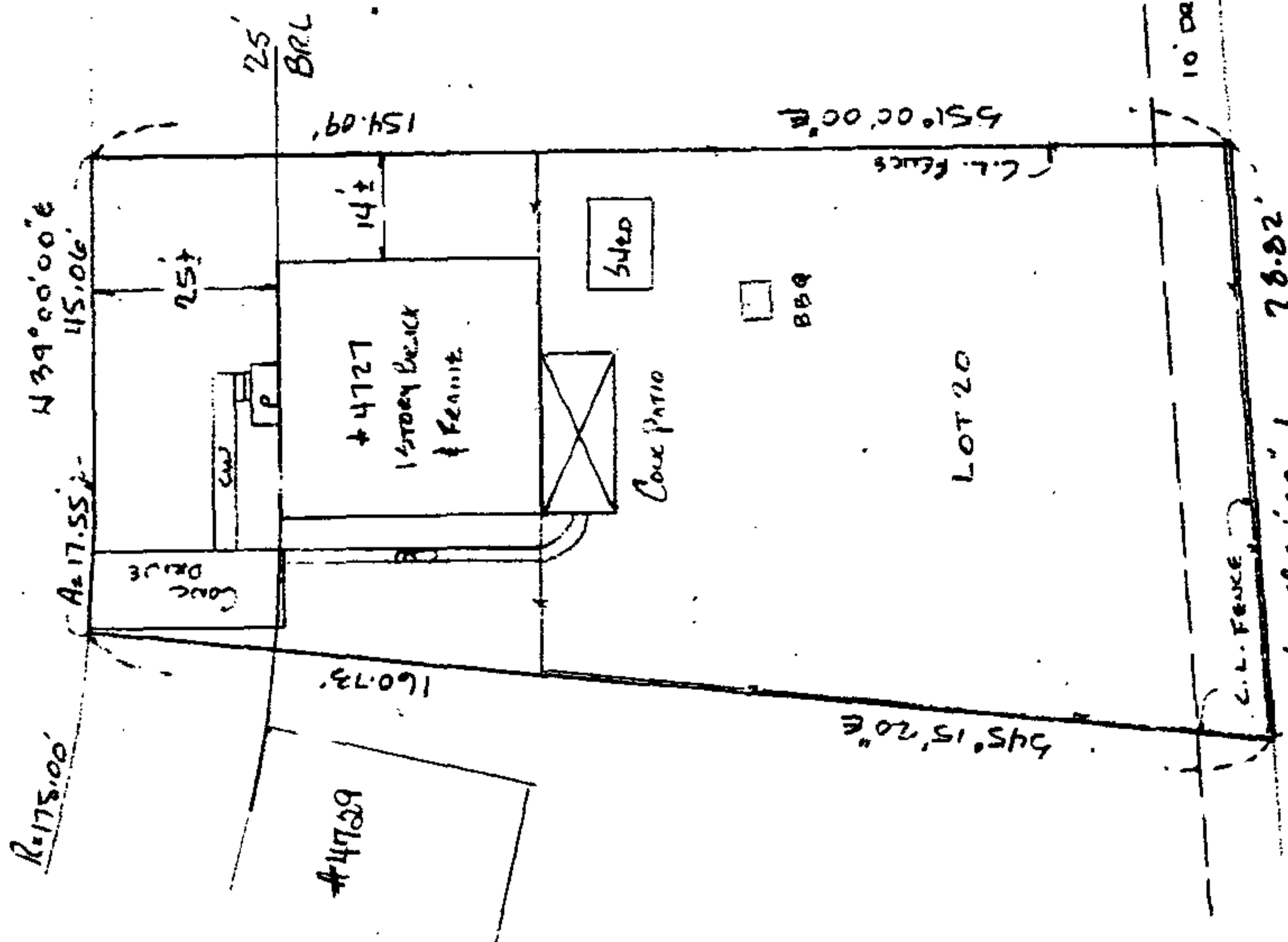
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 4727 BONNIE BRAE RD.

SUBDIVISION NAME DELLE FARM ESTATES

PLAT BOOK # 212 FOLIO # 122 LOT # 20 SECTION # 3

OWNER ROBBIN MAXWELL



LOCATION INFORMATION

ELECTION DISTRICT 3
 COUNCILMANIC DISTRICT 2
 1" = 200' SCALE MAP # 07702
 ZONING D.R.5.5

	ACREAGE		SQUARE FEET	
	PUBLIC	PRIVATE	YES	NO
SEWER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
WATER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CHESAPEAKE BAY CRITICAL AREA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
100 YEAR FLOOD PLAIN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HISTORIC PROPERTY / BUILDING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
 REVIEWED BY _____ ITEM # _____ CASE # _____

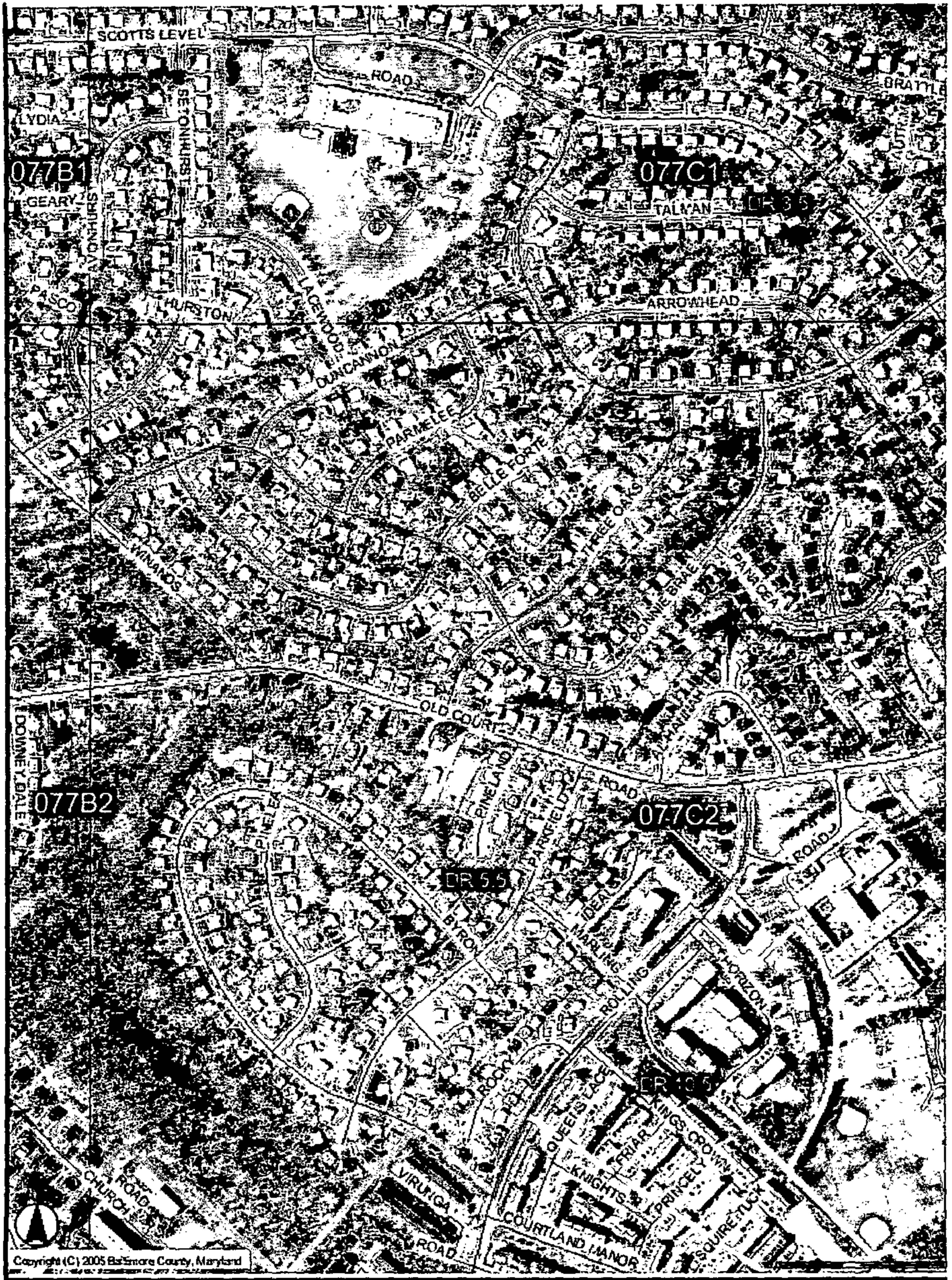
SCALE OF DRAWING: 1" = 30'

PREPARED BY _____

D.T. | 580 | 07-580-A



10' DRAIN. UTIL. EASMT



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