

IN RE: PETITION FOR ADMIN. VARIANCE

E side Springmill Circle, 162 feet SE
c/l Windsor Mill Blvd
2nd Election District
4th Councilmanic District
(6606 Springmill Circle)

Hermanisha and Clyde F. Bamby, Jr.
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-227-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the legal owners of the subject property, Hermanisha Bamby and Clyde F. Bamby, Jr. The variance requests are from Sections 432A.C.1 and 432A.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a parking space setback of two feet from a property line in lieu of the required 10 feet, and to permit a parking and delivery area in the front yard in lieu of the side or rear yard, respectively, for a Class 1 Assisted Living Facility. The subject property and requested relief are more particularly described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

On November 28, 2007, the undersigned called for a formal hearing on this matter which concerns parking and delivery areas for a Class 1 Assisted Living Facility. The hearing was subsequently scheduled for Monday, January 7, 2008 at 11:00 AM in Room 106, of the County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.

Appearing in support of the requested relief was Petitioner Hermanisha Bamby and David Billingsley with Central Drafting & Design, Inc., the consultant who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

FROM RECEIVED FOR FILING
1-29-08
M

Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel containing approximately 5,840 square feet or 0.134 acre, more or less, and zoned D.R.5.5. The property is located on a circular portion of Spring Mill Circle, near Windsor Boulevard, in the Woodlawn area of Baltimore County. The lot is nearly twice as wide at Spring Mill Circle than at the rear of the property. It is improved with Petitioners' existing two-story single-family, semi-detached dwelling. As shown on the site plan, Petitioner's dwelling sits on the left side of the property. A concrete walk provides access from the front door to the concrete pad on the right front side of the property. This concrete pad is large enough for two cars to park.

As shown on the real property data search marked and accepted into evidence as Petitioner's Exhibit 2, the 1,230 square foot dwelling was constructed in 1982 and has been owned by Petitioners since 2005. Petitioners propose to operate a four bed assisted living facility within their home. In order to do so, Petitioners are in need of zoning relief to allow the required parking and delivery areas to be located in the front portion of the property. 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 8½ feet by 18 feet in dimension. Moreover, all parking for the facility must be located in the side or rear yard only and set back at least 10 feet from the property line. In this case, only two parking spaces are required and Petitioners propose to provide those spaces within the existing concrete parking pad (approximately 18 feet by 18 feet in dimension) in the front portion of the property and set back only two feet from the property line. Mr. Billingsley testified that it would be impractical to provide the required parking/delivery areas to the rear of the home. Requiring parking to the side or rear would necessitate extending the driveway further toward the rear of the property and would increase the percentage of impervious surfaces on the property. It would also be more disruptive to the adjacent neighbor at 6608 Spring Mill Circle. In

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short, it is Petitioner's desire to keep the property more in conformity with the existing neighborhood, so that leaving the parking configuration and the concrete pad as-is would be more compatible with neighboring homes, rather than making extensive alterations to add the required parking to the side or rear of the property.

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 not persuaded to grant the request. There was no evidence that the subject property is peculiar, unusual or unique. Moreover, I am concerned that the proposed use will not be in keeping with the residential 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.

~~ORDER REJECTED FOR FILING~~

~~1.29.08~~

~~PM~~

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioners, I find that the Petitioners' variance request should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 29th day of January, 2008 that an administrative variance from Sections 432.A.C.1 and 432.A.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a parking space setback of two feet from a property line in lieu of the required 10 feet and to permit a parking and delivery area in the front yard in lieu of the side or rear yard, respectively, for a Class 1 Assisted Living Facility is hereby DENIED.

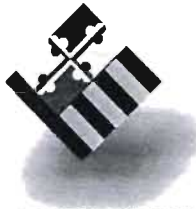
Any appeal of this decision must be made within thirty (30) days of the date of this Order.



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING
1-29-08
[Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

January 29, 2008

HERMANISHA AND CLYDE F. BAMBY, JR.
6606 SPRINGMILL CIRCLE
BALTIMORE MD 21207

Re: Petition for Administrative Variance
Case No. 08-227-A
Property: 6606 Springmill Circle

Dear Mr. and Mrs. Bamby.

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood MD 21040



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property located at 6606 SPRING MILL CIRCLE which is presently zoned D.R. 5.5

Deed Reference: 24780 / 592 Tax Account # 1800003817

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 AND 2 TO PERMIT A PARKING SPACE SETBACK OF 2 FEET FROM A PROPERTY LINE IN LIEU OF THE REQUIRED 10 FEET AND TO PERMIT A PARKING AND DELIVERY AREA IN THE FRONT YARD IN LIEU OF THE SIDE OR REAR YARD FOR A CL.1 ASSISTED LIVING FACILITY.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Administrative 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):

CLYDE F. BAMBY, JR.

Name - Type or Print

Signature

HERMANISHA BAMBY

Name - Type or Print

Signature

6606 SPRING MILL CIRCLE (443) 567-1322

Address

Telephone No.

BALTO. MD.

21207

City

State

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.

Name

601 CHARWOOD CT. (410) 679-8719

Address

Telephone No.

EDGEWOOD

MD.

21040

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Case No. 08-287-A

Reviewed By BA

Date 11/15/07

REV 7/20/07

Estimated Posting Date 11/25/07

STAMP RECEIVED FOR FILED

1-29-08

107

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 6606 SPRING MILL CIRCLE
Address
BALTO. MO. 21207
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

SEE ATTACHED

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Clyde F. Bamby, JR
Signature
CLYDE F. BAMBY, JR
Name - Type or Print

Hermanisha Bamby
Signature
HERMANISHA BAMBY
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of November, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Clyde F Bamby Jr And Hermanisha Nephine Bamby
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Diane P. Marshall
Notary Public

My Commission Expires 8/08/08

REASON FOR VARIANCE REQUEST

6606 SPRING MILL CIRCLE

THE PROPOSED USE REQUIRES TWO PARKING SPACES TO BE PROVIDED. TWO SPACES PRESENTLY EXIST WHICH ARE COMPATIBLE WITH THOSE ON THE SURROUNDING PROPERTIES. THE REQUIREMENT TO PROVIDE PARKING SPACES IN THE SIDE OR REAR YARD, A MINIMUM OF 10 FEET FROM A PROPERTY LINE, WILL NECESSITATE THE CONSTRUCTION OF A NEW DRIVEWAY AND PARKING AREA WHICH WILL, IN EFFECT, HAVE AN ADVERSE IMPACT ON THE PRIVACY OF THE ADJACENT DWELLING LOCATED AT 6608 SPRING MILL CIRCLE.

ZONING DESCRIPTION

6606 SPRING MILL CIRCLE

Beginning for the same at a point on the east side of Spring Mill Circle (50 feet wide) distant 162 feet southeasterly from the south side of Windsor Mill Boulevard (70 feet wide), thence being all of Lot 50, Block O as shown on the plat entitled Deerfield recorded among the Baltimore County plat records in Plat Book 49 Folio 92.

Containing 5,840 square feet or 0.134 acre of land, more or less.

Being known as 6606 Spring Mill Circle. Located in the 2ND Election District, 4TH Councilmanic District of Baltimore County, Maryland.

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: #08-227-A

6606 Spring Mill Circle

E/side of Spring Mill Circle, 162 feet s/east of centerline of Windsor Mill Boulevard

2nd Election District - 4th Councilmanic District

Legal Owner(s): Clyde Bamby, Jr. & Hermanisha Neptune Bamby

Variance: to permit a parking space setback of 2 feet from a property line in lieu of the required 10 feet and to permit a parking delivery area in the front yard in lieu of the side or rear yard for a Class 1 Assisted Living Facility.

Hearing: Monday, January 7, 2008 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

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

12/219 Dec. 20

158541

CERTIFICATE OF PUBLICATION

12/20, 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 12/20, 2007.

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

J. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **37632**

Date: 11/15/07

PAID RECEIPT

BUSINESS DAY TIME PER
 11/5/2007 11/15/2007 09:11:09 2

REC'D DEPT MAIL JENK JEN
 >>RECEIPT # 547903 11/15/2007 (DEPT)

Dept: 5 520 (CONTRACT VERIFICATION)
 007632

Receipt for \$65.00
 \$65.00 11/15/07 CA
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	001			001				\$65.00

Total: \$65.00

Rec

From: May 1st

For:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

Item # 327

CERTIFICATE OF POSTING

RE: Case No: 08-227-A

Petitioner/Developer: CLYDE BAMBY

Date Of Hearing/Closing: 12/10/07

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 6606 SPRING MILL CIRCLE

This sign(s) were posted on November 25, 2007
(Month, Day, Year)

Sincerely,

Martin Ogle 11/25/07
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 08-227-A

TO PERMIT A PARKING SPACE SETBACK OF 2.5'
FROM THE SIDE YARD IN LIEU OF THE REQUIRED 10'
FT. AND TO PERMIT A PARKING SPACE AND
DELIVERY AREA IN THE FRONT YARD IN LIEU OF
THE REQUIRED REAR YARD

PUBLIC HEARING ?

PURSUANT TO SECTION 16-107(b)(3), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON MONDAY, DECEMBER 10, 2007
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 19 JUNE BARFLEIGH RD.
CROFTON, MD 21114
TEL. 887-3391

THE BALTIMORE COUNTY ZONING OFFICE IS A DIVISION OF THE BALTIMORE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT. THE BALTIMORE COUNTY ZONING OFFICE IS NOT A SEPARATE AGENCY.

SELECTING TO BROADCAST SUCCESSFUL

Myatt
11/25/07

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 227 -A Address 6606 Spring Mill Circle

Contact Person: Bruno Rudzitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11/15/07 Posting Date: 11/25/07 Closing Date: 12/10/07

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 08- 227 -A Address 6606 Spring Mill Circle

Petitioner's Name Clyde Bamby Telephone 443-567-1322

Posting Date: 11/25/07 Closing Date: 12/10/07

Wording for Sign: To Permit a parking space setback of 2 ft. from the side yard in lieu of the required 10 ft. and to permit a parking space and delivery area in the front yard in lieu of the required side or rear yard.

WCR - Revised 6/25/04

**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: 08-227-A
Petitioner: CLYDE & HERMANISHA BAMBY
Address or Location: 6606 SPRING MILL CIRCLE

PLEASE FORWARD ADVERTISING BILL TO:

Name: HERMANISHA BAMBY
Address: 6606 SPRING MILL CIRCLE
BALTO MD 21207
Telephone Number: (443) 567-1322



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

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

December 3, 2007

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: 08-227-A

6606 Spring Mill Circle

E/side of Spring Mill Circle, 162 feet s/east of centerline of Windsor Mill Boulevard

2nd Election District – 4th Councilmanic District

Legal Owners: Clyde Bamby, Jr. & Hermanisha Neptune Bamby

Variance to permit a parking space setback of 2 feet from a property line in lieu of the required 10 feet and to permit a parking a delivery area in the front yard in lieu of the side or rear yard for a Class 1 Assisted Living Facility.

Hearing: Monday, January 7, 2008 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: David Billingsley, 601 Charwood Court, Edgewood 21040
Mr. & Mrs. Bamby, Jr., 6606 Spring Mill Circle, Baltimore 21207

**NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN
APPROVED POSTER ON THE PROPERTY BY SATURDAY, DECEMBER 22,
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.

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



TO: PATUXENT PUBLISHING COMPANY
Thursday, December 20, 2007 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple
Permits & Development Management
111 West Chesapeake Avenue
Towson, MD 21204

410-887-3353

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: 08-227-A

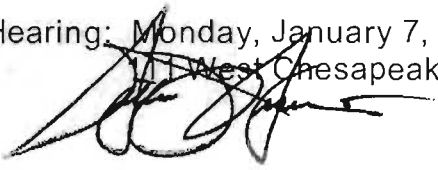
6606 Spring Mill Circle

E/side of Spring Mill Circle, 162 feet s/east of centerline of Windsor Mill Boulevard
2nd Election District – 4th Councilmanic District

Legal Owners: Clyde Bamby, Jr. & Hermanisha Neptune Bamby

Variance to permit a parking space setback of 2 feet from a property line in lieu of the required 10 feet and to permit a parking a delivery area in the front yard in lieu of the side or rear yard for a Class 1 Assisted Living Facility.

Hearing: Monday, January 7, 2008 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

*Dave, Please make a sign for this.
Needs to be posted*

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 20, 2007 Issue - Jeffersonian

Thank

Please forward billing to:

Deborah Kendall-Sipple
Permits & Development Management
111 West Chesapeake Avenue
Towson, MD 21204

410-887-3353

Posted 12/22

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: 08-227-A

6606 Spring Mill Circle

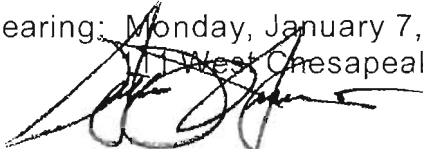
E/side of Spring Mill Circle, 162 feet s/east of centerline of Windsor Mill Boulevard

2nd Election District – 4th Councilmanic District

Legal Owners: Clyde Bamby, Jr. & Hermanisha Neptune Bamby

Variance to permit a parking space setback of 2 feet from a property line in lieu of the required 10 feet and to permit a parking and delivery area in the front yard in lieu of the side or rear yard for a Class 1 Assisted Living Facility.

Hearing: *and* Monday, January 7, 2008 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204


WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



ZONING NOTICE

NOTICE OF PUBLIC HEARING
ON A ZONING APPLICATION
FOR A ZONING MAP AMENDMENT
TO REZONE A PORTION OF THE
SOUTH 1/2 OF SECTION 16, TOWNSHIP 14N, RANGE 10E, N.D. TO
COMMERCIAL (C-1) ZONING.

THE PUBLIC HEARING WILL BE HELD AT THE
CITY OF SIOUX FALLS, SOUTH DAKOTA, ON
THURSDAY, DECEMBER 20, 2007, AT 7:00 P.M.
IN THE CITY CLERK'S OFFICE, 400 WEST 10TH STREET, SIOUX FALLS, SD 57104.
ANY PERSON DESIRING TO SPEAK AT THE HEARING
MUST FILE A WRITTEN NOTICE OF INTENTION TO
SPEAK WITH THE CITY CLERK ON OR BEFORE
DECEMBER 13, 2007.

FOR MORE INFORMATION, CONTACT THE CITY CLERK
AT (605) 336-1234 OR VISIT THE CITY WEBSITE
AT www.southdakotacity.org.

12.19.2007 13:06



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

January 2, 2008

Clyde F. Bamby, Jr.
Hermanisha Neptune Bamby
6606 Spring Mill Circle
Baltimore, MD 21207

Dear Mr. and Mrs. Bamby:

RE: Case Number: 08-227-A, 6606 Spring Mill Circle

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 15, 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
David Billingsley Central Drafting & Design, Inc. 601 Charwood Ct. Edgewood 21040



**Baltimore County
Fire Department**

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

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

December 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 26, 2007

Item Number: 217,218,219,220,222,224,225,226, 227, 228,229,232

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
410-887-4880 (C)443-829-2946
MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 28, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For December 3, 2007
Item Nos. 08-219, 220, 225, 226, 227, 228,
229, 230, 232, 233, and 234

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-11282007.doc



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

State Highway
Administration

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

Maryland Department of Transportation

Date: Nov. 26, 2007

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

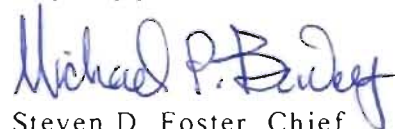
RE: Baltimore County
Item No. 8-227-A
6606 SPRINGMILL BIRCLE
NEPTUNE/BAMBY PROPERTY
ADMINISTRATIVE VARIANCE

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. 8-227-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 ¹
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

TB 1/7
11am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: January 10, 2008

SUBJECT: Zoning Item # 08-227-A
Address 6606 Springmill Circle
(Bamby Property)

RECEIVED
JAN 10 2008
BY:.....

Zoning Advisory Committee Meeting of November 26, 2007

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Jeff Livingston

Date: January 10, 2008

RE: PETITION FOR ADMINSTRATIVE VARIANCE
6606 Springmill Circle; E/S Springmill Circle, 162' SE c/line Windsor Mill Blvd
2nd Election & 4th Councilmanic Districts
Legal Owner(s): Hermanisha Neptune & Clyde F Bamby, Jr.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 08-227-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/ documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of November, 2007, a copy of the foregoing Entry of Appearance was mailed to, David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

RECEIVED

NOV 29 2007

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CENTRAL DRAFTING AND DESIGN, INC

601 CHARWOOD COURT
EDGEWOOD, MARYLAND 21040
PHONE (410)679-8719 FAX (410)679-1298

FACSIMILE TRANSMITTAL SHEET

TO:	CHRISTIAN	FROM:	David W. Billingsley
COMPANY:	ZONING REVIEW	DATE:	11/30/07
FAX NUMBER:	(410) 887-5708	TOTAL NO. OF PAGES INCLUDING COVER:	1
PHONE NUMBER:		REFERENCE:	6606 SPRING MILL CIRCLE
			08-227-A
☒ FOR YOUR INFORMATION		☐ FOR YOUR USE	☐ AS YOU REQUESTED

NOTES/COMMENTS:

AS DISCUSSED, PLEASE SCHEDULE
HEARING FOR JAN 7 @ 11:00 AM &
FORWARD NEW NOTICE

THANKS

DAVE BILLINGSLEY

Kristen Matthews - Case 08-227-A @ 6606 Springmill Circle (admin. variance)- Hearing Required

From: Patricia Zook
To: Matthews, Kristen
Date: 11/28/2007 4:48 PM
Subject: Case 08-227-A @ 6606 Springmill Circle (admin. variance)- Hearing Required
CC: Bostwick, Thomas; Counsel, People's

Hello Kristen -

This administrative variance case closes on December 10, 2007 and concerns parking and delivery areas for a Class 1 Assisted Living Facility. Therefore, Tom Bostwick determined that a hearing is required. The site needs to be reposted and advertised.

Thanks for your help.

Case No. 08-227-A
6606 Springmill Circle

4th Council District, 2nd Election District

Location: East side Springmill Circle, 162 feet southeast centerline Windsor Mill Boulevard.

Legal Owner(s): Hermanisha Neptune and Clyde F. Bamby, Jr.

Date/Time: 11/23/2007 8:00 AM - 12/10/2007 4:30 PM - closing date

Description:

Administrative Variance to permit a parking space setback of 2 feet from a property line in lieu of the required 10 feet, and to permit a parking and delivery area in the front yard in lieu of the side or rear yard for a Class 1 Assisted Living Facility.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov

CASE NAME BOB STINE
CASE NUMBER 08-227-A
DATE 1/7/08

[illegible]



#227

Case No.:

05-227-A

Exhibit Sheet

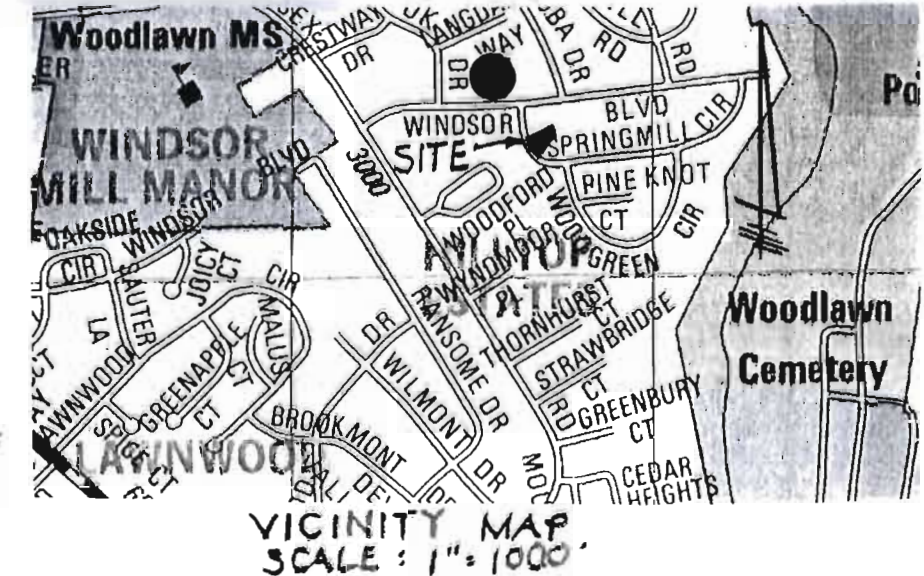
Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	SDAT Data Sheet	
No. 3	Title Deed	
No. 4	site plan and photos	
No. 5	Assisted Living Facilities requirements from zoning boards	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

OWNER / APPLICANT
 CLYDE F. BAMBY, JR. & HERMANISHA BAMBY
 6606 SPRING MILL CIRCLE
 BALTIMORE, MD. 21207
 PHONE (443) 567-1322
 DEED REF. L.24780 F.592
 PROP. NO. 1800003817

OPEN SPACE
 REQUIRED = $5840 \text{ SF} \times 10\% = 584 \text{ SF}$
 PROVIDED = 747 SF



NOTES

1. ZONING.....DR 5.5 (MAP 088A2)
2. LOT AREA.....5840 S.F. = 0.134 ACRE
3. EXISTING USE.....S.F.D.
 PROPOSED USE...S.F.D. AND ASSISTED LIVING FACILITY I
4. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN
5. TO THE PREPARER'S KNOWLEDGE, NO UNDERGROUND STORAGE TANKS, CRITICAL AREAS, 100 YEAR FLOODPLAINS, HISTORIC OR ARCHOLOGICAL SITES EXIST
6. PUBLIC WATER AND SEWER IS EXISTING.
7. PARKING REQUIRED....4 ALF BEDS AT 1 SP. / 3 BEDS = 2 SPACES
 PARKING PROVIDED.....2 SPACES

THIS BUILDING HAS NOT BEEN ORIGINALLY CONSTRUCTED TO ACCOMMODATE ELDERLY HOUSING OR AN ASSISTED LIVING FACILITY. THE BUILDING HAS NOT BEEN CONSTRUCTED IN THE PAST FIVE (5) YEARS. NO RECONSTRUCTION, RELOCATION, (EXTERIOR) CHANGES OR ADDITIONS (OF 25% OR MORE BASED ON THE GROUND FLOOR AREA AS OF FIVE (5) YEARS BEFORE THE DATE OF THIS APPLICATION) TO THE EXTERIOR OF THE BUILDING HAVE OCCURRED. NO ADDITIONS ARE PROPOSED TO EXCEED THIS LIMITS FOR FIVE (5) YEARS FROM THE DATE OF THIS APPLICATION.

SIGNS WILL COMPLY WITH SECTION 450 B.C.Z.R.

THE UNDERSIGNED (STATE IF OWNERS OR APPLICANTS) ARE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION ON THIS PLAN.

Clyde F. Bamby Jr. 11/3/07
 CLYDE F. BAMBY, JR. DATE
Hermanisha Bamby 11-3-07
 HERMANISHA BAMBY DATE

PLAN TO ACCOMPANY PETITION FOR ADMINISTRATIVE VARIANCE

6606 SPRING MILL CIRCLE
 LOT 50, BLOCK O DEERFIELD P.B. 49 F. 92
 ELECTION DISTRICT 2C4 BALTIMORE CO., MD.
 SCALE: 1 INCH = 20 FEET NOVEMBER 5, 2007

PETITIONER'S

EXHIBIT NO. 1



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 v06.3)

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

Account Identifier: District - 02 Account Number - 1800003817

Owner Information

Owner Name:	BAMBY CLYDE F, JR BAMBY HERMANISHA	Use:	RESIDENTIAL
Mailing Address:	6606 SPRING MILL CIR BALTIMORE MD 21207-5580	Principal Residence:	YES
		Deed Reference:	1) /24780/ 592 2)

Location & Structure Information

Premises Address
6606 SPRING MILL CIR

Legal Description

6606 SPRING MILL CIR
DEERFIELD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
88	8	119				O	50	1	Plat Ref: 49/ 92

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1982	1,230 SF	5,840.00 SF	04
Stories	Basement	Type	Exterior
2	NO	END UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2007	07/01/2007	07/01/2008
Land	23,500	42,000		
Improvements:	58,280	118,160		
Total:	81,780	160,160	107,906	134,032
Preferential Land:	0	0	0	0

Transfer Information

Seller: BAMBY CLYDE, JR	Date: 11/16/2006	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /24780/ 592	Deed2:
Seller: YARBOROUGH ANTOINETTE Y	Date: 06/23/2005	Price: \$135,000
Type: NOT ARMS-LENGTH	Deed1: /22097/ 671	Deed2:
Seller: SECRETARY OF HOU SING &	Date: 07/27/1992	Price: \$77,501
Type: IMPROVED ARMS-LENGTH	Deed1: / 9295/ 112	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

PETITIONER' S

EXHIBIT NO.

2

Genuine Title, LLC
 File No. 06-6193
 Tax ID # 02-1800003817

This Deed, made this 14th day of August, 2006, by and between Clyde Bamby Jr., party of the first part, Grantor; and Clyde F. Bamby Jr. and Hermanisha Bamby, parties of the second part, Grantees.

- Witnesseth -

That for and in consideration of the sum of No Dollars 00/100 (\$.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantor does grant and convey to the said Clyde F. Bamby Jr. and Hermanisha Bamby, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot Number 50, Block O, as shown on the Plat entitled, "Confirmatory Amended Plat Deerfield Addition", which Plat is recorded among the Plat Records of Baltimore County in Liber EHK, Jr. 49, folio 92.

**** For Informational Purposes Only ****

The improvements thereon being known as 6606 Spring Mill Circle, Baltimore, MD 21207

BEING the same property conveyed to Clyde Bamby, Jr. from Antoinette Boyer (known of record as Antoinette Y. Yarborough), by Deed dated June 6, 2005, and recorded on June 23, 2005, in Liber 0022097, Folio 671, among the Land Records of Baltimore County, Maryland.

Tax ID#: 02-1800003817

****Purpose of this deed is to add a wife pursuant to a marriage.**

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Clyde F. Bamby Jr. and Hermanisha Bamby, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple.

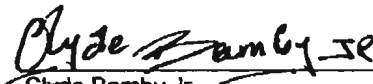
And the said party of the first part hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant specially the property hereby granted; and that he will execute such further assurances of the same as may be requisite.

PETITIONER'S

As Witness the hand and seal of said Grantor, the day and year first above written.

WITNESS:



 (Seal)
Clyde Bamby Jr.

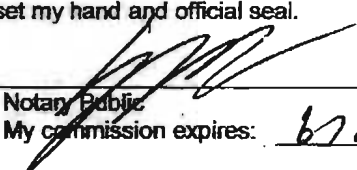
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I hereby certify that on this 14th day of August, 2006, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared, the Grantor herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

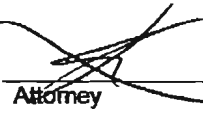
SCOTT C. HARRIS

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Scott C. Harris
Baltimore City
State of Maryland
My Commission Expires 6/7/09


Notary Public
My commission expires: 6/7/09

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.


Attorney

AFTER RECORDING, PLEASE RETURN TO:

Genuine Title, LLC
11155 Dolfield Blvd
Suite 100
Owings Mills, MD 21117

ASSISTED LIVING FACILITIES I, II, III.

(Bill Nos. 19-04 & 32-06)

*****SECTION 101. DEFINITIONS.

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

*****SECTION 432A. ASSISTED LIVING FACILITY; HOUSING FOR THE ELDERLY. AN ASSISTED LIVING FACILITY IS PERMITTED IN THE D.R., R.O., R.O.A., R.A.E., B.R., B.M. AND OR-2 ZONES AS FOLLOWS:

- 1) AN ASSISTED LIVING FACILITY I IS PERMITTED BY USE PERMIT.
- 2) AN ASSISTED LIVING FACILITY II IS PERMITTED BY USE PERMIT IF IT HAS FRONTAGE ON A PRINCIPAL ARTERIAL STREET.
- 3) AN ASSISTED LIVING FACILITY III IS PERMITTED IN A D.R. 16, R.A.E., R.O., R.O.A. or B.M., ZONE BY USE PERMIT. AN ASSISTED LIVING FACILITY III IS PERMITTED IN THE OR-2 ZONE BY SPECIAL EXCEPTION AND IS LIMITED BY THE USE, AREA, AND BULK REGULATIONS OF THE D.R. 10.5 ZONE. A FACILITY LOCATED IN A R.O. ZONE IS ALSO SUBJECT TO REVIEW BY THE DESIGN REVIEW PANEL FOR COMPATIBILITY WITH SURROUNDING USES.
- 4) HOUSING FOR THE ELDERLY IS PERMITTED BY RIGHT IN R.A.E. ZONES

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

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

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

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

PETITIONER'S

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

- 1) WILL ACCOMMODATE MORE THAN 15 RESIDENT CLIENTS.
- 2) WILL BE IN A STRUCTURE WHICH WAS BUILT OR ENLARGED IN THE FIVE YEARS BEFORE THE DATE OF APPLICATION. OR
- 3) WILL BE IN A STRUCTURE WHICH WILL BE NEWLY CONSTRUCTED OR ENLARGED BY MORE THAN 25% OF GROUND FLOOR AREA FOR THE ASSISTED LIVING PROGRAM.

EXHIBIT NO.

5

*****SITE & DESIGN STANDARDS:

- 1) EXCEPT FOR THE SIGNS PERMITTED BY SECTION 450, NO OTHER SIGNS OR DISPLAYS OF ANY KIND VISIBLE FROM THE OUTSIDE ARE PERMITTED.
- 2) OFF-STREET PARKING SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 409 AND SUBJECT TO THE FOLLOWING CONDITIONS, BUT NO PARKING STRUCTURE IS PERMITTED EXCEPT FOR A RESIDENTIAL GARAGE AS DEFINED IN SECTION 101.
 - PARKING SHALL BE SET BACK AT LEAST 10 FEET FROM THE PROPERTY LINE, EXCEPT THAT IF THE PROPERTY LINE ABUTS AN ALLEY, NO SETBACK IS REQUIRED IF THE ALLEY DOES NOT ABUT THE FRONT OR REAR YARD OF A RESIDENTIALLY USED PROPERTY.
 - PARKING AND DELIVERY AREAS SHALL BE LOCATED IN THE SIDE OR REAR ONLY.
 - AT LEAST 10% OF THE LOT SHALL BE USED TO PROVIDE USABLE CONTIGUOUS AND PRIVATE OPEN SPACE.
- 3) AN ASSISTED LIVING FACILITY IS SUBJECT TO A COMPATIBILITY FINDING PURSUANT TO SECTION 32-4-402 OF THE BALTIMORE COUNTY CODE.
- 4) AN ASSISTED LIVING FACILITY LOCATED IN A COUNTY HISTORIC DISTRICT IS ALSO SUBJECT TO REVIEW BY THE LANDMARKS PRESERVATION COMMISSION IN THE SAME MANNER AS OTHER BUILDINGS LOCATED IN A HISTORICAL DISTRICT.

5

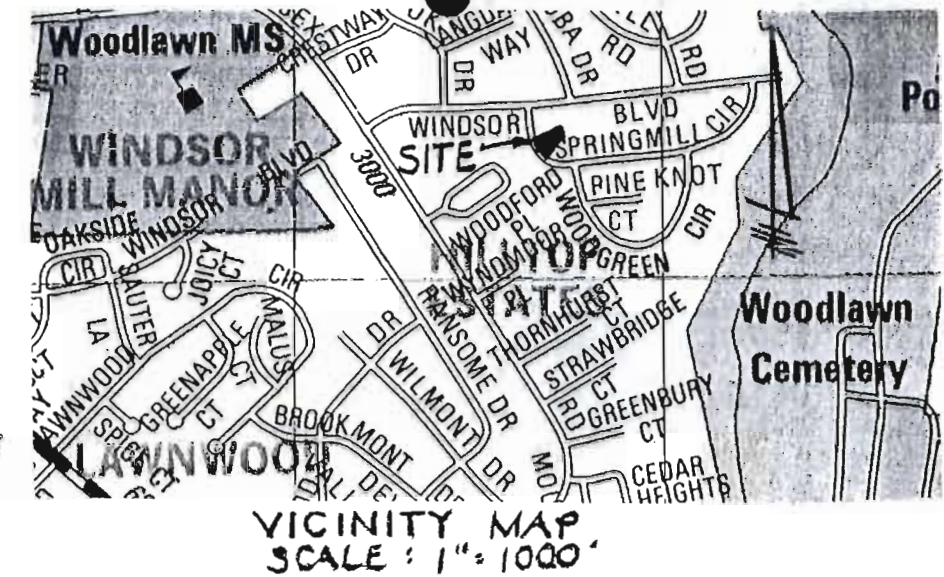
Revised 8/10/06

**Section 432A, Assisted-Living Facility; Housing for the Elderly [Bill Nos. 19-2004
EN(1) ; 32-2006]**

- A. An assisted-living facility is permitted in the D.R., R.O., R.O.A., R.A.E., B.R., B.M. and OR-2 Zones as follows:
1. An assisted-living facility I is permitted by use permit.
 2. An assisted-living facility II is permitted by use permit if it has frontage on a principal arterial street.
 3. An assisted-living facility III is permitted in a D.R.16, R.A.E., R.O., R.O.A. or B.M. Zone by use permit. An assisted-living facility III is permitted in the OR-2 Zone by special exception and is limited by the use, area and bulk regulations of the D.R. 10.5 Zone. A facility located in an R.O. Zone is also subject to review by the design review panel for compatibility with surrounding uses.
 4. Housing for the elderly is permitted by right in R.A.E. Zones.
- B. Except for the signs permitted by Section 450, no other signs or displays of any kind visible from the outside are permitted.
- C. Off-street parking shall be provided in accordance with Section 409 and subject to the following conditions, but no parking structure is permitted except for a residential garage as defined in Section 101.
1. Parking shall be set back at least 10 feet from the property line, except that if the property line abuts an alley, no setback is required if the alley does not abut the front or rear yard of a residentially used property.
 2. Parking and delivery areas shall be located in the side or rear only.
 3. At least 10% of the lot shall be used to provide useable, contiguous and private open space.
- D. An assisted-living facility is subject to a compatibility finding pursuant to Section 32-4-402 of the Baltimore County Code.
- E. An assisted-living facility located in a County historic district is also subject to review by the Landmarks Preservation Commission in the same manner as other buildings located in a historic district.

OWNER / APPLICANT
 CLYDE F. BAMBY, JR. & HERMANISHA BAMBY
 6606 SPRING MILL CIRCLE
 BALTIMORE, MD. 21207
 PHONE (443) 567-1322
 DEED REF. L.24780 F.592
 PROP. NO. 1800003817

OPEN SPACE
 REQUIRED = $5840 \text{ SF} \times 10\% = 584 \text{ SF}$
 PROVIDED = 747 SF



NOTES

1. ZONING.....DR 5.5 (MAP 088A2)
2. LOT AREA.....5840 S.F. = 0.134 ACRE
3. EXISTING USE.....S.F.D.
 PROPOSED USE...S.F.D. AND ASSISTED LIVING FACILITY I
4. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN
5. TO THE PREPARER'S KNOWLEDGE, NO UNDERGROUND STORAGE TANKS, CRITICAL AREAS, 100 YEAR FLOODPLAINS, HISTORIC OR ARCHOLOGICAL SITES EXIST
6. PUBLIC WATER AND SEWER IS EXISTING.
7. PARKING REQUIRED.....4 ALF BEDS AT 1 SP. / 3 BEDS = 2 SPACES
 PARKING PROVIDED.....2 SPACES

BUILDING AREA
 BASEMENT 621 S.F.
 FIRST FLOOR 621 S.F.
 SECOND FLOOR 621 S.F.
 TOTAL 1,863 S.F.

PETITIONER'S

EXHIBIT NO. 4

PHOTOS

PLAN TO ACCOMPANY PETITION
 FOR ADMINISTRATIVE VARIANCE
 6606 SPRING MILL CIRCLE

LOT 50, BLOCK O DEERFIELD P.B. 49 F. 92
 ELECTION DISTRICT 2C4 BALTIMORE CO., MD.
 SCALE: 1 INCH = 20 FEET NOVEMBER 5, 2007



A



B



B
C



D

