

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

S/S Lochearn Drive, 62' W of Carol Road *
(3629 Lochearn Drive) *
4th Election District *
3rd Council District *

John R. Dozier, Jr., et ux
Petitioners *

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No. 2009-0061-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 owners of the subject property, John R. Dozier, Jr., and his wife, Lea Maire Dozier. The Petitioners seek variance relief from Section 432A.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit parking and delivery areas in the front yard in lieu of the required side or rear yards only, and special hearing relief to approve a Use Permit for an Assisted Living Facility I (ALF) with a maximum of four (4) beds. 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.

Appearing at the requisite public hearing in support of the requests were the Petitioner, John Robert Dozier, Jr., along with his friend and colleague Sherman Braxton, who has experience in the operation of assisted living facilities. The Petitioner also submitted three (3) supportive letters from nearby neighbors, which were marked and accepted into evidence as Petitioners' Exhibits 2A-2C. A number of residents from the surrounding community appeared in opposition to the request, including Christine Cypress, a 31-year resident of the community and President of the Lochearn Improvement Association, Inc., and nearby property owners Martha LeBarre and Benjamin and Carole McCall.

RECEIVED FOR FILING

Date 10-23-08

By [Signature]

As a preliminary matter, it should be noted that there was apparently some confusion on behalf of the Petitioner and Protestants concerning the nature and scope of the request. The Petitioner is not proposing to construct any additional parking areas, but is asking for permission to operate an ALF with parking and delivery in the front of the subject property rather than the side or rear yards. The ALF legislation enacted under Council Bills 19-04 and 32-06 was written by and for the Office of Planning and the Department of Aging. These agencies are responsible for reviewing and approving the general layout and compatibility standards of any proposed ALF and making recommendations to the Zoning Commissioner. An ALF is permitted in the D.R.5.5 zone 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.

However, in this case, the Petitioner first requires a variance to permit parking and delivery in the front yard of the subject property. Only if a variance is obtained can a zoning Use Permit be issued for the proposed ALF.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel containing approximately 7,740 square feet of land zoned D.R.5.5. The property is located on Lochearn Drive near the intersection of Carol Road in the Lochearn community in Baltimore County. The property is improved with a 2-story single-family dwelling, which is described on a floor plan that was marked and accepted into evidence as Petitioners' Exhibit 3.

RECEIVED FOR FILING
Date 10-23-08
By [Signature]

The floor plan revealed that 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. There is a kitchen, sitting room and living room on the first floor and an office that would be converted to assist with patient care. The exterior of the home can be seen in a photograph, which was marked and accepted into evidence as the Protestants' Exhibit 3. The home is primarily constructed of frame siding, but also has an addition that is made out of brick.

Mr. Dozier, along with his wife and mother, has received certifications to own and operate an ALF in Baltimore County. Mr. Dozier indicated that he first became interested in starting an ALF after talking to his friend and colleague, Sherman Braxton, who has experience operating two (2) similar ALFs in Baltimore City. According to the Petitioner, Mr. Braxton has used his experience to guide the Doziers in their quest to open an ALF on the subject property. In this case, the Dozier family would operate the facility, which would house up to four (4) patients at a time. In order to make room for the patients, Mr. Dozier would move into a nearby apartment with his wife and two children, but would make sure that at least one of the certified members of the family was onsite at all times for patient care. Mr. Dozier eventually learned that he needed a variance before he could operate an ALF, due to the fact that the only available parking would be in the front of the existing home.

On behalf of the Protestants, Ms. Cypress, President of the Lochearn Improvement Association, Inc., testified that the surrounding community strongly opposed the use of the property as an ALF. Ms. Cypress submitted the minutes from the September 30, 2008 Board of Directors meeting for the Lochearn Improvement Association, which indicated that the Association voted unanimously against the proposal. The meeting minutes were marked and accepted into evidence as Protestants' Exhibit 1. Ms. Cypress also submitted a letter drafted on

RECEIVED FOR FILING
Date 10-23-08
By [Signature]

behalf of the Lochearn Improvement Association, Inc., which similarly indicated a strong opposition to the Petitioners proposal. The letter was marked and accepted into evidence as Protestants' Exhibit 2. Martha LeBarre and Benjamin and Carole McCall, nearby neighbors, all testified against the Petitioners proposal and expressed their concerns with the potential negative effects of permitting a commercial operation to exist in their currently close knit residential community.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments were received from the Office of Planning dated September 24, 2008, which indicate that the subject site is located in a Master Plan designated Community Conservation Area. The Office of Planning indicated that it reviewed the Petitioners request and site plan. After visiting the site, the Community Planner stated, "it does not appear that the requested use is appropriate for this location. The Office of Planning sees no hardship or practical difficulty and recommends the Petitioners request be denied".

Consideration of variance requests from the zoning regulations is governed by Section 307 of the B.C.Z.R. That Section was interpreted 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

RECEIVED FOR FILING
Date 10-23-08
By [signature]

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 could adversely affect the health, safety and general welfare of the neighborhood. The Petitioner should be commended for the professional manner in which he presented his case, and he appears to be a standup citizen who has dedicated his career to public service. However, the Zoning Commissioner is a creature of statute charged with carrying out the spirit and intent of the B.C.Z.R. For all of the previously mentioned reasons, I find that the proposed use is inappropriate for this site and thus, the requested relief shall be denied.

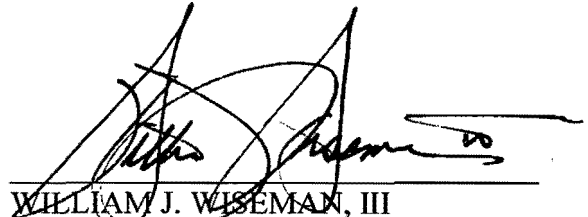
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of October 2008, that the Petition for Variance seeking relief from Section 432A.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit parking and delivery areas in the front yard in lieu of the required side or rear yards only, 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 (ALF) for a maximum of four (4) beds, be and is hereby DENIED.

RECEIVED FOR FILING
Date 10-23-08
By [Signature]

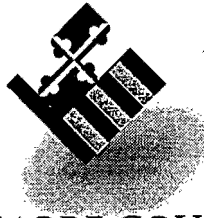
IT IS FURTHER ORDERED that any appeal of this decision must be entered within
thirty (30) days of the date hereof.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

RECEIVED FOR PLANS
Date 10-23-08
By 103



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

October 23, 2008

John R. Dozier, Jr.
Lea Dozier
3629 Lochearn Drive
Baltimore, Maryland 21207-6353

RE: PETITION FOR SPECIAL HEARING AND VARIANCE

S/S Lochearn Drive, 62' W of Carol Road
(3629 Lochearn Drive)
4th Election District - 3rd Council District
John Dozier, et ux – *Petitioners*
Case No. 2009-0061-SPHA

Dear Mr. and Mrs. Dozier:

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", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

- c: Sherman Braxton, 4305 Mary Ridge Drive, Baltimore, MD 21133
Christine Cypress, President, Lochearn Community Association, Inc., 3810 Lochearn Drive,
Baltimore, MD 21207
Martha LeBarre, 3724 Lochearn Drive, Baltimore, MD 21207
Benjamin & Carole McCall, 3601 Lochearn Drive, Baltimore, MD 21207
People's Counsel; Office of Planning; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3629 LOCKHART DRIVE
which is presently zoned DL 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A ZONING USE PERMIT FOR AN ASSISTED LIVING FACILITY I for a maximum of 34 beds (for an owner occupied and operated facility).

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

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

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

Contract Purchaser/Lessee:

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):

John Robert DOTTEL JR.

Name - Type or Print

Signature

Name - Type or Print

Signature

3629 LOCKHART DRIVE (410) 944-8876

Address

Baltimore

MD

Telephone No.

21207

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2009-0061-SHA

Reviewed By CM Date 8-29-08

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 10-23-08

By 190



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3629 Lochearn Drive
which is presently zoned R12 S.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.2, BC2R, to permit parking and delivery

areas 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)

front space is only available space for parking

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):

John Robert Dotz Jr.
Name - Type or Print

Signature

Lee Marie C. Dotz
Name - Type or Print

Signature

3629 LOCHEARN DRIVE (410) 944-8876
Address Telephone No.
Baltimore MD 21207
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

Case No. 2009-0001-SPHA

ESTIMATED LENGTH OF HEARING

RECEIVED FOR FILING

UNAVAILABLE FOR HEARING

Date 10-23 Reviewed By CM

Date 8-29-08

By [Signature]

Zoning Description for 3629 Lochearn Drive.

Beginning at a point on the south side of Lochearn Drive which is 40 feet wide at the distance of 62.47 feet west of the centerline of the nearest improved intersecting street, Carol Road, which is 50 feet wide. Being Lot #24 and 10' of Lot #23, Block D, in the subdivision of Lochearn as recorded in Baltimore County Plat Book #W.P.C. No. 7, Folio #153, containing 7,740 square feet. Also known as 3629 Lochearn Drive and located in the 3rd Election District, 4th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **26510**

Date: **8-29-08**

PAID RECEIPT

BUSINESS ACTION TIME DESK
 8/29/2008 8:29/2008 15:29:31
 DESK: MCKIN MCKIN TWO
 RECEIPT # 440075 8/29/2008 MCKIN
 5-500 ZONING VERIFICATION
 NO: 028510
 Receipt for \$130.00
 \$130.00 131 \$130.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	0000	0000		6150				130.00

Total: **130.00**

Rec From: **J. Dorian**
 For: **3029 LOCHHEAD DR**
21207
S/Sec. HEADING / V/Finance
2009-2011

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**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: #2009-0061-SPHA
3629 Lochearn Drive
S/side of Lochearn Drive, 62
feet west of Carol Road
4th Election District
3rd Councilmanic District
Legal Owner(s): John R. & Lea
Maire Dozier

Special Hearing: for a zoning
use permit for an Assisted Liv-
ing Facility I for a maximum of
4 beds (for an owner occupied
and operated facility). **Var-**
lance: to permit parking and
delivery areas in front yard in
lieu of the required side or rear
yard only.

Hearing: Wednesday, Octo-
ber 15, 2008 at 10:00 a.m. In
Hearing Room 1, Jefferson
Building, 105 West Chesa-
peake Avenue, Towson
21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations:
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.
JT/9/740 Sept. 30 184998

CERTIFICATE OF PUBLICATION

10/21, 2008

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 9/30, 2008.

- ☒ 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: 2009-0061-SPHA

Petitioner/Developer: JOHN R
& LEA MAIRE DOZIER

Date Of Hearing/Closing: 10/15/08

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 3629 LOCHEARN DR

This sign(s) were posted on Sept 29, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 9/29/08
(Signature of sign Poster and Date)

Martin Ogle

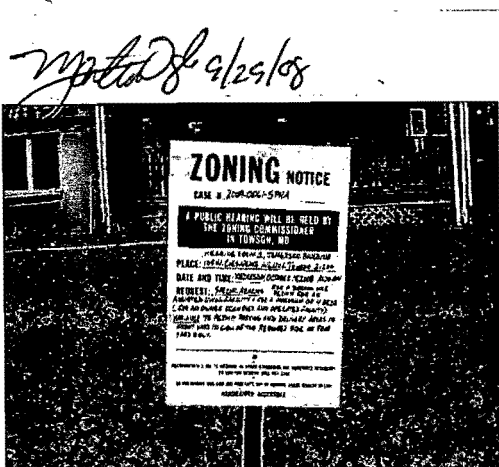
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



P9290005.JPG
09/29/2008

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 30, 2008 Issue - Jeffersonian

Please forward billing to:
John Dozier
3629 Lochearn Drive
Baltimore, MD 21207

410-944-8876

NOTICE OF ZONING HEARING

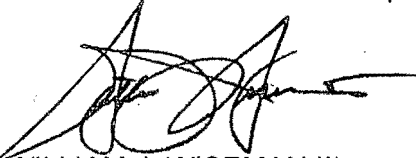
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0061-SPHA

3629 Lochearn Drive
S/side of Lochearn Drive, 62 feet west of Carol Road
4th Election District – 3rd Councilmanic District
Legal Owners: John R. & Lea Maire Dozier

Special Hearing for a zoning use permit for an Assisted Living Facility I for a maximum of 4 beds (for an owner occupied and operated facility). Variance to permit parking and delivery areas in front yard in lieu of the required side or rear yard only.

Hearing: Wednesday, October 15, 2008 at 10:00 a.m. in Hearing Room 1, Jefferson Building,
105 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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

September 15, 2008
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: 2009-0061-SPHA

3629 Lochearn Drive
S/side of Lochearn Drive, 62 feet west of Carol Road
4th Election District – 3rd Councilmanic District
Legal Owners: John R. & Lea Maire Dozier

Special Hearing for a zoning use permit for an Assisted Living Facility I for a maximum of 4 beds (for an owner occupied and operated facility). Variance to permit parking and delivery areas in front yard in lieu of the required side or rear yard only.

Hearing: Wednesday, October 15, 2008 at 10:00 a.m. in Hearing Room 1, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco.
Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Dozier, 3629 Lochearn Drive, Baltimore 21207

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 30, 2008**
- (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.

**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.

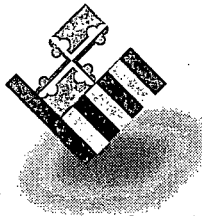
For Newspaper Advertising:

Item Number or Case Number: 2009-0061-SPMA
Petitioner: JOHN DOZIER
Address or Location: 3629 LOCHEARN DRIVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN DOZIER
Address: 3629 LOCHEARN DRIVE
BALTO MD 21207

Telephone Number: 410-944-8876



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
October 9, 2008

John & Lea Dorier
3629 Lochearn Dr.
Baltimore, MD 21207

Dear: John & Lea Dorier

RE: Case Number 2009-0061-SPHA, 3629 Lochearn Dr.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 29, 2008. 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.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BW 10/15
10AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 24, 2008

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

SUBJECT: 3629 Lochearn Drive

INFORMATION:

Item Number: 9-061

Petitioner: John R. Dozier, Jr.

Zoning: DR 5.5

Requested Action: Special Hearing and Variance

RECEIVED
OCT 02 2008

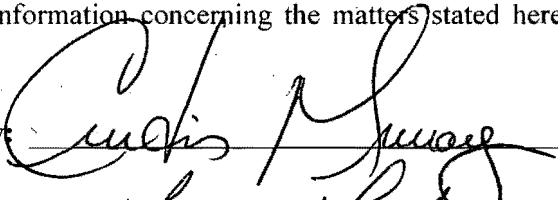
BY:

SUMMARY OF RECOMMENDATIONS:

The subject site is located in a Master Plan designated Community Conservation Area. The Office of Planning has reviewed the petitioner's request and site plan. After visiting the site, it does not appear that the requested use is appropriate for this location. The Office of Planning sees no hardship or practical difficulty and recommends the petitioner's request be denied.

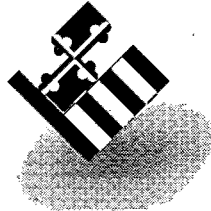
For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Reviewed by:



Division Chief:
AFK/LL: CM





BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

September 11, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 8, 2008

Item Number: 0058 **0061**

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

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

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: September 9, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For September 15, 2008
Item Nos. 09-0058, 0059, 0060, 0061, 0062, 0063, and 0064

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

DAK:CEN:lrk
cc: File

ZAC-09092008-NO COMMENTS



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

September 11, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 8, 2008

Item Number: 0058, **0061**

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

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

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



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

Maryland Department of Transportation

Date: 9/12/2008

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

RE: Baltimore County
Item No 2009-0061-SHA
3629 LOCHearn DRIVE
DORIER PROPERTY
VARIANCE
SPECIAL HEARING

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. 2009-0061-SHA

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,

A handwritten signature in dark ink, appearing to read "Steven D. Foster".

For: Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



BW 10/15
10AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: October 20, 2008
SUBJECT: Zoning Item # 09-061-SPHA
Address 3629 Lochearn Drive
(Dorier Property)

RECEIVED
OCT 20 2008
BY:.....

Zoning Advisory Committee Meeting of September 8, 2008

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: J. Livingston

Date: October 20, 2008

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
3629 LocHearn Drive; S/S Lochearn Drive,	*	ZONING COMMISSIONER
62' W of Carol Road		
4 th Election & 3 rd Councilmanic Districts	*	FOR
Legal Owner(s): John & Lea Dorier		
Petitioner(s)	*	BALTIMORE COUNTY
	*	09-061-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
SEP 09 2008

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of September, 2008, a copy of the foregoing Entry of Appearance was mailed to John & Lea Dorier, 3629 Lochearn Drive, Baltimore, MD 21207, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vwl.1)

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

Account Identifier: District - 03 Account Number - 0308066000

Owner Information

Owner Name:	DOZIER JOHN R, JR DOZIER LEA-MAIRE C	Use:	RESIDENTIAL
Mailing Address:	3629 LOCHEARN DR BALTIMORE MD 21207-6353	Principal Residence:	YES
		Deed Reference:	1) /20225/ 682 2)

Location & Structure Information

Premises Address	Legal Description
3629 LOCHEARN DR	LT 24 PT 23 3629 LOCHEARN DR LOCHEARN

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
88	3	394				D	24	2	Plat Ref: 7/ 153

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1942	1,260 SF	7,680.00 SF	04
Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	FRAME

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2008	07/01/2009
Land	40,540	76,290		
Improvements:	85,420	130,030		
Total:	125,960	206,320	152,746	179,532
Preferential Land:	0	0	0	0

Transfer Information

Seller: HOHMAN EMMA M	Date: 06/14/2004	Price: \$149,900
Type: NOT ARMS-LENGTH	Deed1: /20225/ 682	Deed2:
Seller: JARBOE AUBREY J	Date: 09/23/1941	Price: \$0
Type: UNKNOWN	Deed1: / 1186/ 219	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

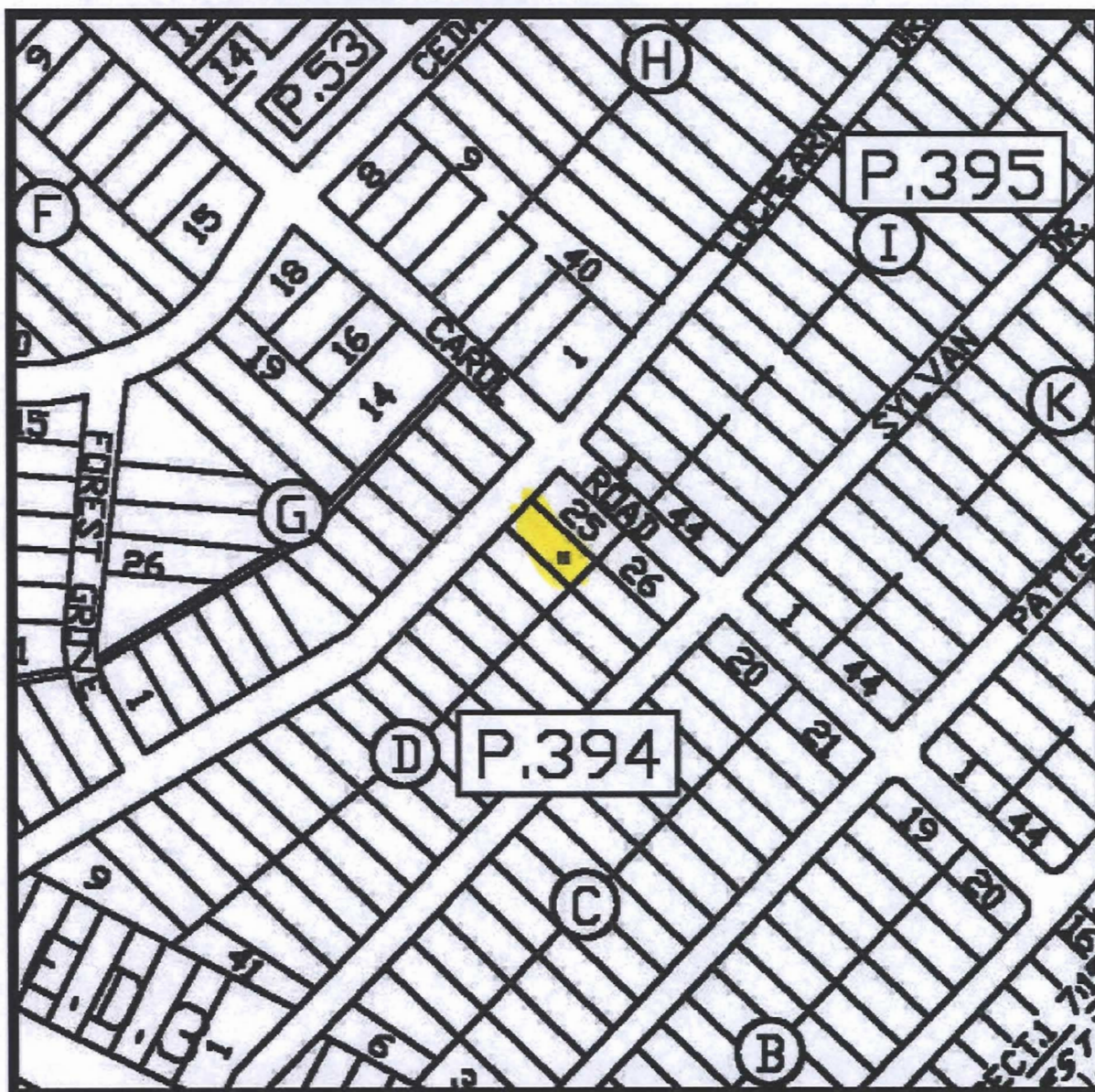
Special Tax Recapture:
 * NONE *



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

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

District - 03 Account Number - 0308066000



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

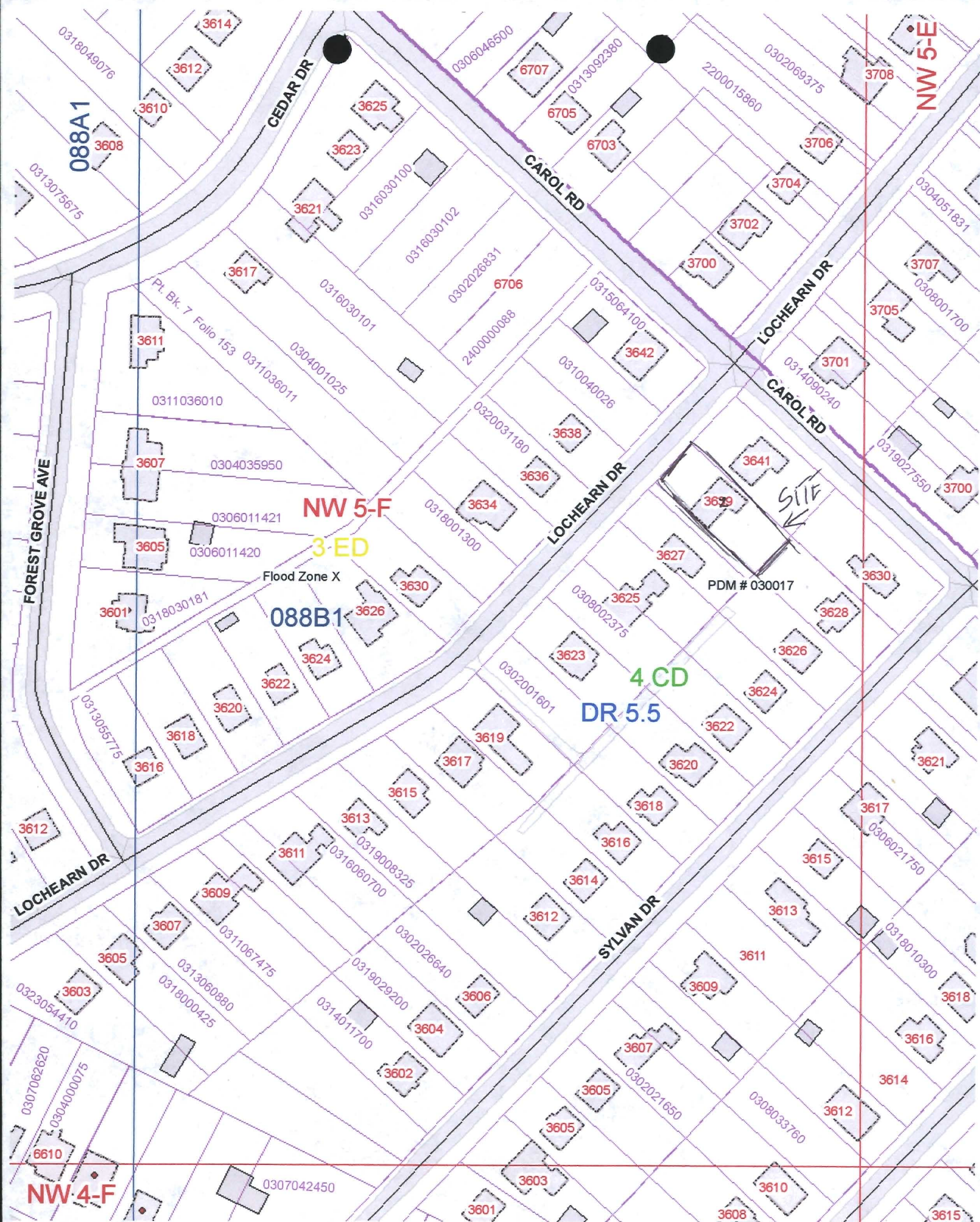


CASE NAME Dozier
CASE NUMBER 2009-0061-SPHA
DATE 10-15-08

[illegible]

CASE NAME Dorier
CASE NUMBER 2009-0061-SP-1A
DATE 10-15-08

[illegible]



00601

Case No.: 2009-0061-SPHA 3629 Lochearn Dr.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site PLAN	Lochearn Improvement Assoc — Opposition —
No. 2	Letters of Support Adjacent Neighbors	Written Testimony Christine of Cypress
No. 3	Floor Plan 1st Floor 2nd Floor	PHOTOGRAPH - Subject home
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

LOCHEARN IMPROVEMENT ASSOCIATION

Board of Directors Meeting
September 30, 2008

In attendance:

Earl Lowe
Herman Johnson
Jamie Galloway
Anna McLaughlin
Judy Faecher
Anthony Harold

Harland Williams
Christine Cypress
Mary Johnson
Donita Hood
Cheryl Boston

The meeting was called to order at 7:10. The minutes of the last meeting were read and approved.

The hearing results concerning the property at 3815 Lochearn Drive are that the exception to build of the small lot was granted but that whatever is built there must conform to the existing housing style. The lot is currently for sale.

The garage on Cedar Drive and Forest Grove which is suspected of being an auto repair shop was discussed. It was suggested that we contact the Community Outreach Office of the police department for guidance or intervention.

The church being built on the former Seton property is asking for access onto Patterson Avenue. The City Council has approved this. We will work with the other associations on Patterson to try to stop this.

The owners of the property at 3629 Lochearn Drive are asking for a zoning variance to have an owner-occupied and owner-run assisted living facility and to be able to use the front yard for parking. A motion to oppose these proposed changes was adopted unanimously. We will attend the October 15th hearing and argue that the area is a residential neighborhood and should remain so.

The delivery date for the next newsletter will be the week-end of October 24th. It will include information concerning Halloween trick or treating, the announcement of the semi-annual meeting of November 19th, and a copy of the Baltimore County Domestic Noise Violation Code.

The meeting was adjourned at 8:30.

Judy Faecher
Secretary

PROTESTANT' S
EXHIBIT NO. 1

Lochearn Improvement Association, Inc.

*3810 Lochearn Drive
Baltimore, Maryland 21207
410-298-0518*

CASE NUMBER 2009-0061—SPHA

3629 Lochearn Drive

Location: South side of Lochearn Drive; 62 feet West of Carol Road

4th Election District, 3rd Councilmanic District

Legal Owner: John Robert & Lea-Marie Dozier Jr.

Let me tell you about the community of Lochearn. It's a quite community. A community of old homes and new homes, well kept lawns and tree lined streets. Its a community where our children play and ride their bikes alone narrow streets without too much worry from their parents. It's the community where I have lived for the past thirty one years. It's the community where I have been president of the Lochearn Improvement Association, Inc. for the past eight years.

Lochearn is a residential community.

The Lochearn Improvement Association, Inc. is requesting that the Variance to permit parking and delivery areas in front yard in lieu of the required side or rear yard only be denied. We are also asking that a zoning permit for as assisted living facility 1 for a maximum of four beds (for and owner occupied and operated facility) be denied.

The Lochearn Improvement Association, Inc. was established in 1955. Our mission station:

The Association shall be non-political and non sectarian, having for its objectives (a) the development, improvement and well-being of the community of Lochearn; (b) the encouragement of good fellowship and a feeling of neighborhood identity; (c) the promotion of the health, safety and general welfare of the community.

We feel granting the requested variance and permit would disrupt our neighborhood and would open the door for others who would view Lochearn as community for financial gain (both legal and criminal) not residential living. A community where commercial trucks and vans, along our narrow streets, would affect the safety of our children and our elderly.

We are asking Baltimore County to help us conserve and preserve the community of Lochearn.



Christine Cypress, President, Lochearn Improvement Association, Inc.

PROTESTANT' S

EXHIBIT NO.

2



PROTESTANT' S

EXHIBIT NO.

3

Case No.: 2009-0061-SPHA 3629 Lochearn Dr.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	Lochearn Improvement Assoc — Opposition —
No. 2	Letters of Support adjacent Neighbors	Written Testimony Christine of Cypress
No. 3	Floor Plan 1st Floor 2nd Floor	PHOTOGRAPH - Subject home
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

15 October 2008

To the Zoning Commissioner of Baltimore County:

I, Patricia Y. Parrilla hereby have no objection to the proposed Assisted Living Facility at the Location of **3629 Lochearn Drive Baltimore, MD 21207.**

Patricia Y. Parrilla

Patricia Y. Parrilla
Signature:

3641 Lochearn Dr.
Property Address:

PETITIONER' S

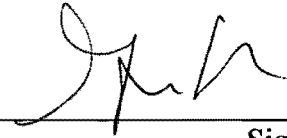
EXHIBIT NO.

2A

15 October 2008

To the Zoning Commissioner of Baltimore County:

I, Guil Parke hereby have no objection to the proposed Assisted Living Facility at the Location of **3629 Lochearn Drive Baltimore, MD 21207.**



Signature:

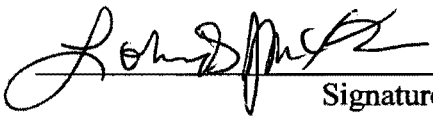
3627 Lochearn 21207

Property Address:

15 October 2008

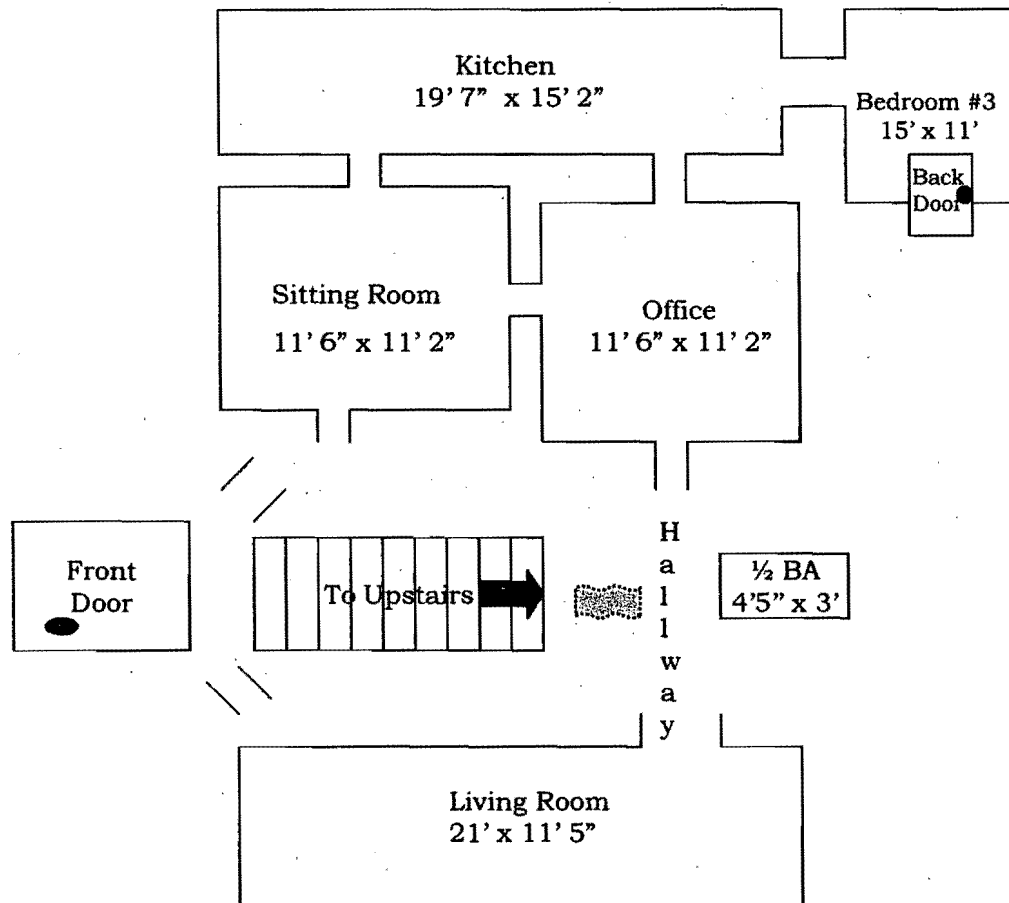
To the Zoning Commissioner of Baltimore County:

I, LORINDA MCKISSIP hereby have no objection to the proposed Assisted Living Facility at the Location of **3629 Lochearn Drive Baltimore, MD 21207.**


Signature:

3638 LOCHEARN DR
Property Address:

First Floor Layout

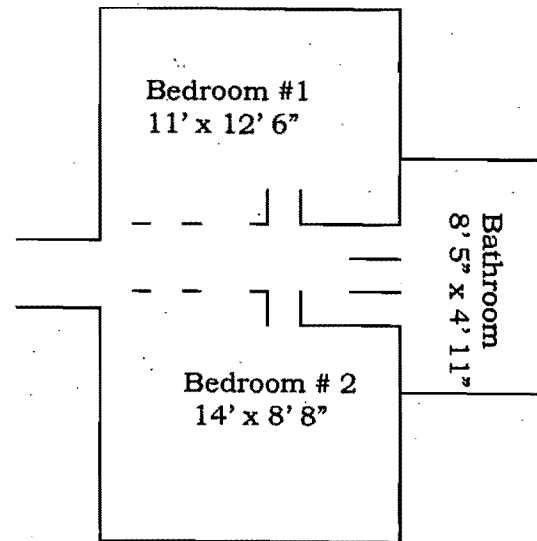


PETITIONER'S

EXHIBIT NO. 3

 = to downstairs

Second Floor Layout



ZONING USE PERMIT

PLAN FOR ASSISTED LIVING FACILITY 1

3629 LOCHEARN DRIVE
BALTIMORE COUNTY, MD 21207
3RD ELECTION DISTRICT
4TH COUNCILMATIC DISTRICT
OWNER: JOHN & LEA DOZIER

DATE: AUGUST 27, 2008

PHONE: (410) 944-8876

PLAT BOOK #W.P.C. NO. 7, FOLIO #153, LOT #24 & PART LOT #23

LOT SIZE: 7740 SQ. FT.

ZONING MAP N.W. 5F

ZONE DR 5.5

THIS ASSISTED LIVING FACILITY IS FOR 4 BEDS
PARKING: 1 SPACE FOR EACH 3 BEDS
2 PARKING SPACES ARE REQUIRED AND WILL PARK ON EX. MACADAM DRIVE
EXISTING FLOOR AREAS SQ. FT.

1ST FLOOR = 1,165 SQ. FT.

2ND FLOOR = 392 SQ. FT.

TOTAL = 1,557 SQ. FT.

BASEMENT/STORAGE = 616 SQ. FT.

THIS BUILDING HAS NOT BEEN ORIGINALLY
CONSTRUCTED TO ACCOMMODATE HOUSING OR AN
ASSISTED LIVING FACILITY. THE BUILDING HAS NOT
BEEN CONSTRUCTED IN THE LAST FIVE (5) YEARS. NO
RECONSTRUCTION, RELOCATION, (EXTERIOR)
CHANGES OR ADDITIONS (OF 25% OR MORE BASED
ON THE 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.

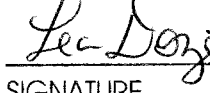
LOCATION INFORMATION

LOT SIZE = .177 ACREAGE 7,740 SF

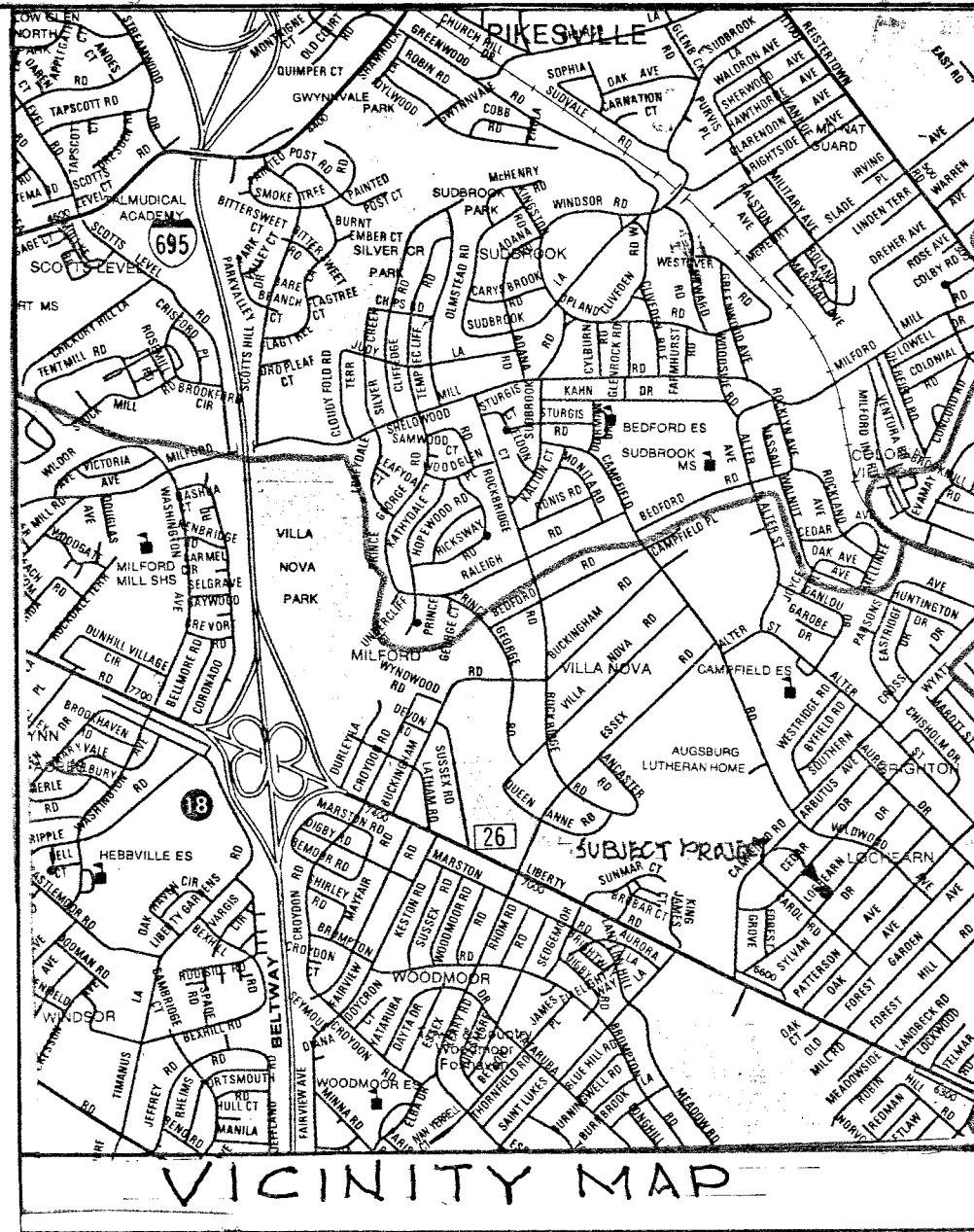
	PUBLIC	PRIVATE
SEWER	X	
WATER	X	
CHESAPEAKE BAY CRITICAL AREA	YES	NO
100 YEAR FLOOD PLAIN		X
HISTORIC PROPERTY/ BUILDING		X
PRIOR ZONING HEARING	NONE	

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

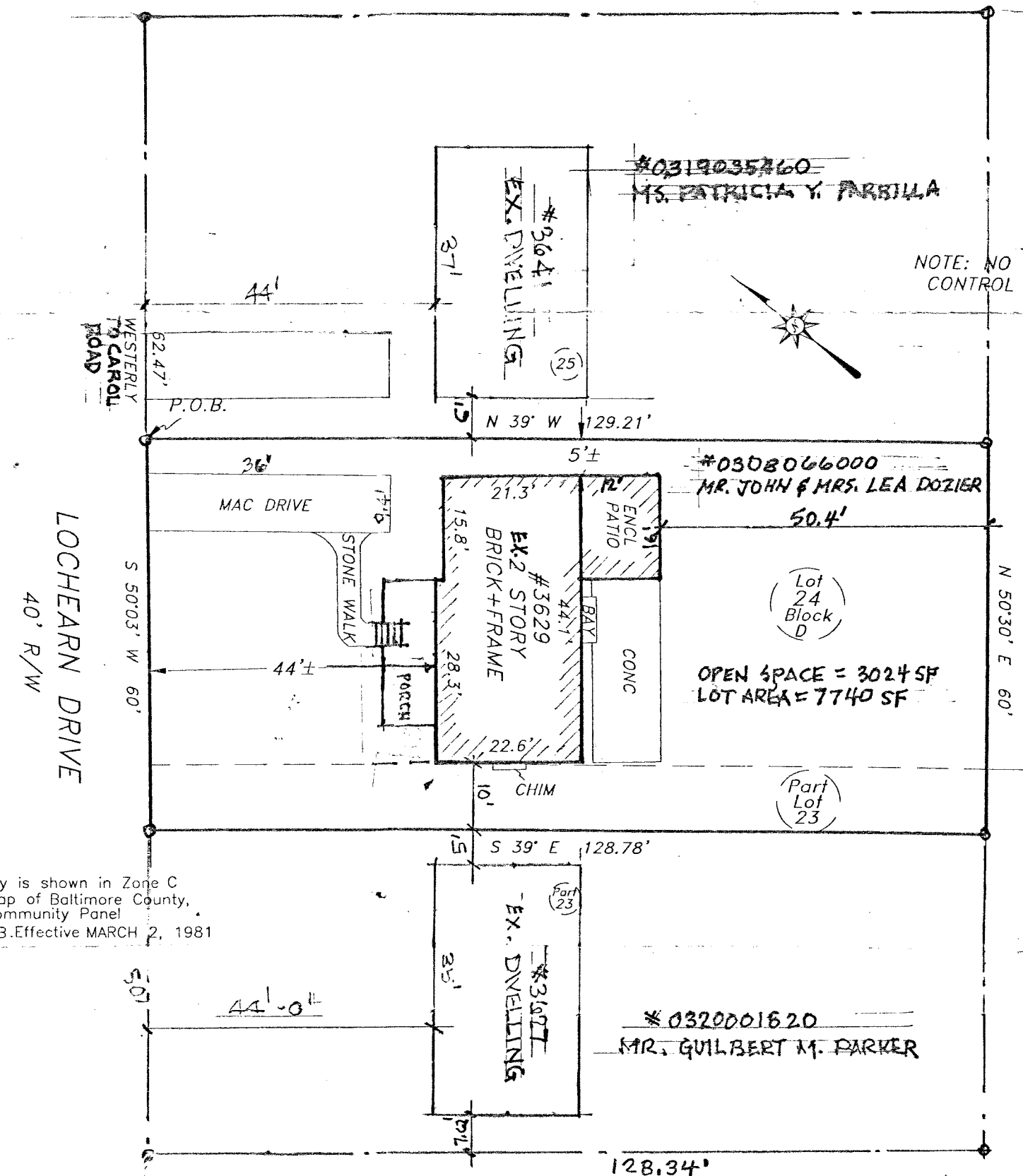

SIGNATURE DATE 08/27/08

JOHN DOZIER
PRINTED NAME

SIGNATURE DATE 08/27/08

LEA DOZIER
PRINTED NAME



CAROL ROAD
50' R/W



Subject property is shown in Zone C
on the FIRM Map of Baltimore County,
Maryland on Community Panel
240010 0380 B.Effective MARCH 2, 1981

SITE PLAN & ZONING PLAT
SCALE: 1" = 20'-0"

This is to certify that I have surveyed the property shown hereon,
being known as #3629 LOCHEARN DRIVE (A.K.A. LOT 24 +
PART OF LOT 23 BLOCK D AS SHOWN ON PLAT OF LOCHEARN)
and recorded among the land records of Baltimore County,
Maryland in LIBER 1186, folio 219
for the purpose of locating the improvements thereon.

* This plat is of benefit to the consumer only insofar as it is required
by a lender or a title insurance company or its agent in connection
with contemplated transfer, financing, or refinancing purposes.
* This plat is not to be relied upon for the establishment of location
of fences, garages, buildings, or other existing or future structures.
* This plat does not provide for the accurate identification of property
boundary lines, but such identification may not be required for
the transfer of title or for securing financing or refinancing.

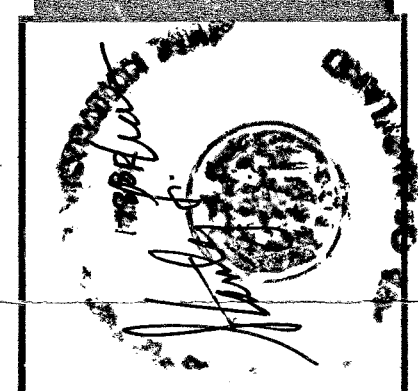


LOCATION DRAWING
3629 LOCHEARN DRIVE
3RD ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
NTT Associates, Inc.
16205 Old Frederick Road
Mt. Airy, Maryland 21771
Ph. (410) 442-2031
Fax No. (410) 442-1315
Scale: 1" = 20'
Date: 5/21/04
Field By: DBM
Drawn By: DBM
File # 040334HOC

No.	Date	Revisions

PETITIONER'S
EXHIBIT NO. /

Project ASSISTED LIVING PLAN
FOR
MR. JOHN DOZIER & MRS. LEA DOZIER
3629 LOCHEARN DRIVE
BALTIMORE, MD. 21207



PLAT TO ACCOMPANY PETITION FOR
ZONING VARIANCE
HARRISON AND CRAIN
ARCHITECTS
(410) 484-4400
BALTIMORE, MARYLAND 21208
185 CHURCH LANE

Date	8-27-08
Job No.	21-08
Scale	1" = 20'-0"
Sheet	Number
1	OF 1