

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

E/S Hamiltowne Circle, 125' S of c/line of *
Bluegrass Road *
(2219 Hamiltowne Circle) *

14th Election District *
7th Council District *

Sharon Watkins *
Petitioner *

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2010-0294-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Sharon Watkins. Within the petition for special hearing, relief is sought to permit use of the subject property as an Assisted Living Facility I pursuant to Section 432A.1.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). The Petitioner additionally requests a variance from Section 432.A.C.1 of the B.C.Z.R. to permit parking with a setback of zero (0) feet in lieu of the required ten (10) feet. The property under consideration and requested relief are more particularly described on the revised site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Sharon Watkins, Petitioner and legal property owner and William R. Buie, III, Esquire, attorney for Petitioner. The requested approval was not contested and no member of the community or any representatives of the various County reviewing agencies appeared or testified at the hearing.

Testimony and evidence offered disclosed that the subject property is an irregular trapezoidal shaped parcel located on the east side of Hamiltowne Circle, south of Bluegrass Road and north of Philadelphia Road and Pulaski Highway in the Rosedale area of Baltimore County.

ORDER RECEIVED FOR FILING

Date

6-24-10

By

103

The property contains an area of .178 acres (7,752 square feet), more or less, zoned D.R.5.5 and improved with a one-story single-family dwelling with basement that comprises approximately 2,400 square feet. According to the Real Property Data Search contained in the file, the primary structure was built on the subject property in 1965. Petitioner has lived in the home for almost twelve (12) years. The first floor of the dwelling has three (3) bedrooms and one (1) bath, kitchen, dining and living areas. The basement contains additional living quarters for Petitioner. See Floor Plan(s) submitted as Petitioner's Exhibit 3. A large open space area lays to the rear of the property comprising of 752 square feet. Access to the property is via an asphalt driveway on the north side of the property. The driveway accommodates three (3) parking spaces with two (2) on-street parking spaces also available.

Petitioner proposes to utilize her single family dwelling as an Assisted Living Facility Class I with three (3) beds known as Sharon's Kozy Haven. The parking calculation requires one (1) space for every three (3) beds. As indicated on Petitioner's Exhibit 1 as revised by Dietz Surveying Company, the property provides the required parking spaces and complies with that requirement sufficiently. Testimony revealed that the driveway could accommodate three (3) vehicles in addition to the many additional parking spots available on the street. Petitioner aims to house three (3) elderly patrons in the three (3) upstairs bedrooms while Petitioner would reside in the basement, which is a full-apartment equipped with kitchen and full bathroom.¹ Ample open space is available in the rear of the property for recreational purposes. Petitioner opined that she had previously used the home as a child-care facility which has since ceased to function due to lingering medical issues. The operation of an assisted living facility would allow the Petitioner to continue working. Petitioner submitted a petition marked and accepted into evidence as Petitioner's Exhibit 2 containing letters and signatures of three (3) neighbors

¹ Although listed as a joint property owner, Robert Watkins no longer resides at the subject property.

indicating no opposition to Petitioner's zoning requests. These neighbors include Lester Berry, who resides across the street from Petitioner at 2232 Hamiltowne Circle and who would be most affected by parking, Petitioner's adjacent neighbors, Christopher, Akpala, to the south, and Mr. and Mrs. James Williams to the north and most impacted by the parking setback variance. Petitioner opined that the operation of the child-care center had no adverse impact on the surrounding community and does not foresee an assisted living facility being detrimental in any way.

In support of the variance request Petitioner cited to the irregularity of the lot configuration. The trapezoidal shape of the lot does not permit compliance with the zoning regulations. The driveway cannot be moved to any other portion of the property that would meet the setback requirements. Further, the gradual narrowing of the property to the rear constrains such attempts to strictly comply with the zoning regulations. Petitioner further testified that the use would not have adverse effects on the surrounding community and is within the spirit and intent of the Regulations.

It is worth establishing the origin of the legislation and definition of an Assisted Living Facility for purposes of resolving the zoning requests at hand. The assisted living facility legislation enacted under Council Bills 19-04 and 32-06 were written by and for the Office of Planning and the Department of Aging. These agencies are responsible for reviewing and approving the general layout and compatibility standards of any proposed assisted living facility and make recommendation to this Zoning Commissioner. Bill No. 19-04 composed site requirement changes, including a minimum required 10-foot setback from an adjoining property line. It is this required setback that is at issue before me, as an assisted living facility is permitted in the D.R.5.5 zoning classification by Use Permit which can be issued by

ORDER RECEIVED FOR FILING

Date 6-24-10

By [Signature]

representatives of the Department of Permits and Development Management (DEPRM) pursuant to Council Bill 19-04. Section 101.1 defines an assisted living facility, in general, and also enumerates the requirements for classification as an Assisted Living Facility I, requiring 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 the application; and
- (3) which accommodates fewer than eight (8) resident clients.”

Thus, if the requested variance relief is granted, a zoning Use Permit could be issued following receipt of comments from the Office of Planning for the proposed living facility.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments received from the Office of Planning on May 24, 2010, indicated some recommendations for the proposed assisted living facility and zoning requests. Specifically, the Office of Planning requested amendments of the site plan to show the property to the rear of the subject property and delineate parking. Further, the comments requested improved fencing and landscaping for screening in the rear yard and inquired as to whether the property owner would live in the proposed facility. In response, the Petitioner indicated that the site plan had been revised to reflect the recommendations of the Office of Planning. Moreover, that improved fencing had been implemented in 2009 and that existing evergreen and honeysuckle trees provided screening in the rear yard. No negative comments were received in opposition to the proposed plan. The Zoning Commissioner indicated that if variance relief were granted it would be personal or *in gross* to the Petitioner due to the uncertainty that follows from relief running appurtenant with the land.

ORDER RECEIVED FOR FILING

Date

By

The consideration of the variance request from the zoning regulations is governed by Section 307.1 of the B.C.Z.R. as interpreted by *Cromwell v. Ward*, 102 Md. App. 691 (1995). The two-part variance test involves finding that a property is unique and unusual and that if strict adherence to the regulations were required absent relief, an unreasonable hardship or practical difficulty would result. Self-inflicted or created hardship is not considered proper grounds for a variance.

After due consideration of all the evidence presented, I am persuaded to grant the variance request to allow parking with a setback of zero (0) feet in lieu of the required ten (10) feet and the special hearing request to approve a Use Permit for an Assisted Living Facility I for a maximum of three (3) beds. It is clear that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship for the Petitioner. The unique lot configuration places significant constraints on the Petitioner's ability to comply with the Regulations. Given the unique circumstances, I find the current driveway's location appropriate in this instance, not out of character nor susceptible to creating adverse consequences in the surrounding community. Further, the support of the adjacent neighbors provides compelling evidence of the appropriateness of the zoning relief. Therefore, I find that the relief requested will not be detrimental to adjoining properties or the surrounding locale. Moreover, a grant of the requested variances would be in harmony with the intent of the zoning regulations and would not create injury to the public health safety and welfare. Testimony and evidence reveal that the special hearing request is similarly appropriate and should be granted.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

ORDER RECEIVED FOR FILING

Date

6-24-10

By

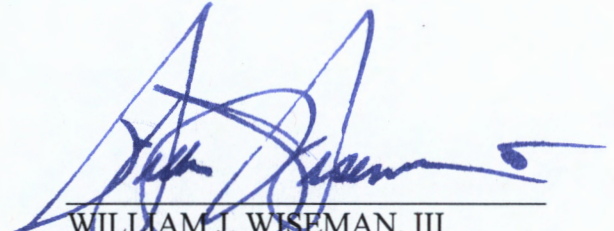
103

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of June 2010 that the Petition for Special Hearing to approve a Use Permit for an Assisted Living Facility (ALF) I for a maximum of three (3) beds, pursuant to Section 432A.1.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance relief from Section 432.A.C.1 of the B.C.Z.R. to permit parking with a setback of zero feet in lieu of the required ten feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1. The requested relief to use the property as an Assisted Living Facility shall be personal and *in gross* to the Petitioner only and is not to run with the land or be transferable upon sale, lease or devise, of the subject property.
2. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

Any appeal of this Order shall be taken in accordance with Baltimore County Code (B.C.C.) Section 32-3-401.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

6-24-10

By

WJW

WJW:esl



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 24, 2010

William R. Buie, III, P.A.
12 South Calvert Street
The Second Floor
Baltimore, Maryland 21202

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE

E/S Hamiltowne Circle, 125' S of c/line of Bluegrass Road

(2219 Hamiltowne Circle)

14th Election District - 7th Council District

Sharon Watkins - *Petitioner*

Case No. 2010-0294-SPHA

Dear Mr. Buie:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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

Very truly yours,

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

WILLIAM J. WISEMAN
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Sharon Watkins, 2219 Hamiltowne Circle, Rosedale, Maryland 21237
Brian Dietz, Dietz Surveying Company, 8119 Oakleigh Road, Baltimore, MD 21234
People's Counsel, Office of Planning, File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2219 HAMILTOWNE CIR.
which is presently zoned DR 5.5

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

AN ASSISTED LIVING FACILITY I.

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

2219 HAMILTOWNE CIR. 410-866-5059

Address

Telephone No.

ROSEDALE

MD

21237

City

State

Zip Code

Representative to be Contacted:

BRIAN DIETZ

Name

8119 OAKLEIGH RD

410-661-3160

Address

Telephone No.

PARKVILLE

MD

21234

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2010-0294-SPHA

Reviewed By D.T. Date 4/28/10

REV 9/15/08

ORDER RECEIVED FOR FILING

Date 6-24-10

By BSW



TAX. ACCOUNT # 1426095010

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 2219 HAMILTOWNE CIR.
which is presently zoned D.R. 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 432A.C.1. (DCZR)

TO PERMIT PARKING WITH A SETBACK OF 0-FEET IN LIEU OF THE
REQUIRED 10-FEET.

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

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

ORDER RECEIVED FOR FILING

Date

10-24-10

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

2219 HAMILTOWNE CIR 410-866-5059

Address

Telephone No.

ROSEDALE

MD

21237

City

State

Zip Code

Representative to be Contacted:

Name

8119 OAKLEIGH RD

410-661-3160

Address

Telephone No.

PARKVILLE

MD

21234

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 4/23/10

Case No. 2010-0294-SPHA

Brian R. Dietz
Professional Land Surveyor #21080
8119 Oakleigh Road, Baltimore, MD 21234
Phone 410-661-3160 Fax 410-661-3163

Zoning Description
For
2219 Hamiltowne Circle

March 22, 2010

Beginning at a point on the East side of Hamiltowne Circle, (50' R/W), at the distance of 125 feet +/- South of the centerline of Bluegrass Road, (60' R/W), Being Lot 16, Block H, Plat No. 3, Hamiltowne, as recorded among the land records of Baltimore County in Plat Book R.R.G. 30, folio 50

Containing 7752 sq.ft or 0.178 Ac. of land more or less. Being known as 2219 Hamiltowne Circle and located in the 14th Election District, 7th Councilmanic District.



Brian Dietz

**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: 2010-0294-SPHA

Petitioner: WATKINS

Address or Location: 2219 HAMILTOWNE CIRCLE

PLEASE FORWARD ADVERTISING BILL TO:

Name: SHARON WATKINS

Address: 2219 HAMILTOWNE CIRCLE

BALTO. MD 21237-1430

Telephone Number: 410-866-5059

Revised 7/11/05 - SCJ

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

No. 53907

Date: 4/23/10

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				130.00

Total: 130.00

Rec From: BRIAN DIETZ

For: 2010-0294-SPHA
2219 HAMILTOWNE CIRCLE

DISTRIBUTION

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

PAID RECEIPT

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: # 2010-0294-SPHA
2219 Hamiltowne Circle
E/side of Hamiltowne Circle,
125 feet south of centerline of
Bluegrass Road
14th Election District
7th Councilmanic District
Legal Owner(s):
Sharon Watkins

Special Hearing: for an As-
sisted Living Facility I. **Var-**
iance: to permit parking
with a setback of 0 feet in
lieu of the required 10 feet.
Hearing: Tuesday, June
22, 2010 at 10:00 a.m. in
Room 104, Jefferson
Building, 105 West Ches-
apeake Avenue, Towson
21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

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

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

JT/6/710 June 8 243040

CERTIFICATE OF PUBLICATION

6/10/, 2010

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 6/8/, 2010.

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

J. Wilkins

LEGAL ADVERTISING

+ - CERTIFICATE OF POSTING

2010-0294-SPHA

RE: Case No.: _____

Petitioner/Developer: _____
Sharon Watkins

_____ June 22 2010
Date of Hearing/Closing: _____

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

Attn: Kristin Matthews

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____
2219 Hamiltowne Circle

_____ June 7 2010
The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

_____ 6 / 9/10
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE #2010-0294-SPHA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

Room 104, JEFFERSON BUILDING 21204
PLACE: 105 WEST CHESAPEAKE AVE. TOWSON, MD

DATE AND TIME: TUESDAY, JUNE 22, 2010 AT 10:00

REQUEST: SPECIAL HEARING FOR AN ASSISTED LIVING
FACILITY I. VARIANCE TO PERMIT PARKING WITH A SETBACK OF 0
FEET IN LIEU OF THE REQUIRED 10 FEET.

POSTPONENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 8, 2010 Issue - Jeffersonian

Please forward billing to:
Sharon Watkins
2219 Hamiltowne Circle
Baltimore, MD 21237-1430

410-866-5059

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: 2010-0294-SPHA

2219 Hamiltowne Circle

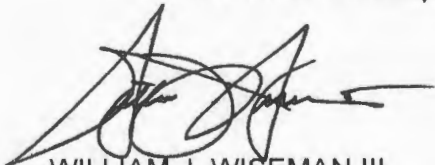
E/side of Hamiltowne Circle, 125 feet south of centerline of Bluegrass Road

14th Election District – 7th Councilmanic District

Legal Owners: Sharon Watkins

Special Hearing for an Assisted Living Facility I. Variance to permit parking with a setback of 0 feet in lieu of the required 10 feet.

Hearing: Tuesday, June 22, 2010 at 10:00 a.m. in Room 104, 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

TIMOTHY M. KOTROCO, Director
Department of Permits and
Regulatory Management
May 24, 2010

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: 2010-0294-SPHA

2219 Hamiltowne Circle

E/side of Hamiltowne Circle, 125 feet south of centerline of Bluegrass Road

14th Election District – 7th Councilmanic District

Legal Owners: Sharon Watkins

Special Hearing for an Assisted Living Facility I. Variance to permit parking with a setback of 0 feet in lieu of the required 10 feet.

Hearing: Tuesday, June 22, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Brian Dietz, 8119 Oakleigh Road, Parkville 21234
Sharon Watkins, 2219 Hamiltowne Circle, Rosedale 21237

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 7, 2010.**
- (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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

June 14, 2010

Sharon & Robert Watkins
2219 Hamiltowne Cir.
Rosedale, MD 21237

Dear: Sharon & Robert Watkins

RE: Case Number ,2010-0294-SPHA 2219 Hamiltowne Cir.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 23, 2010. 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 that reads "W. Carl Richards, Jr.".

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

WCR:lnw

Enclosures

c: People's Counsel
Brian Dietz; 8119 Oakleigh Rd.; Parkville, MD 21234

BW
6-22-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 11 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: June 11, 2010

SUBJECT: Zoning Item # 10-294-SPHA
Address 2219 Hamiltowne Circle
(Watkins Property)

Zoning Advisory Committee Meeting of May 3, 2010.

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

Reviewer: JWL Date: 6/11/10

BW 6/22
10 am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 13, 2010

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

RECEIVED

SUBJECT: 2219 Hamiltowne Circle

INFORMATION:

MAY 24 2010

Item Number: 10-294

ZONING COMMISSIONER

Petitioner: Sharon Watkins

Zoning: DR 5.5

Requested Action: **Special Hearing**

To establish an Assisted Living Facility I and to permit parking with a property line setback of 0 ft. in lieu of the required 10 ft.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. This office offers the following:

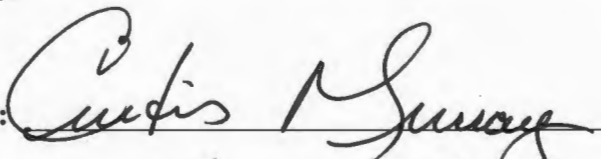
The application and accompanying site plan require additional information:

- Show the property to the rear of the subject property on the plan. Specifically the primary and accessory structure.
- The parking should be clearly delineated. It is unclear as to whether it is on the side of the house or the front. Does the existing driveway access the proposed parking?
- Provide improved fencing and landscape screening in the rear yard.
- Will the property owner live in the proposed facility? If so it will require 2 additional parking off-street parking spaces.
- Note on the plan the restrictions associated with the 10 ft. Drainage and utility easement and any relief requested from those restrictions.
- Will relief be required from landscape buffers?

The lot is not large. Notes from the adjacent neighbors approving the facility would be appropriate. Staff will support no more than 3 beds with approval of adjacent property owners and any appropriate community association.

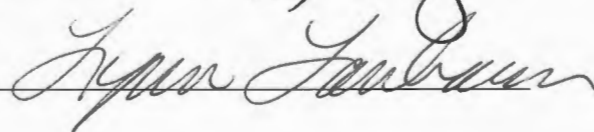
For further information concerning the matters stated here in, please contact John Alexander at 410-887-3480.

Prepared by:



Division Chief:

AFK/LL: CM



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For May 17, 2010
Item Nos. 2010- 253, 270, 271, 290,
291, 292, & 294

DATE: May 7, 2010

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-05172010 -NO COMMENTS.doc



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

State Highway
Administration

Beverley K. Swalm-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: May 4, 2010

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

RE: Baltimore County
Item No. 2010-0294-SPHA
2219 HAMILTON CIRCLE
WATKINS PROPERTY
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. 2010-0294-SPHA.

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

Very truly yours,

Foa¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE

2219 Hamiltowne Circle; E/S Hamiltowne
Circle, 125' S of c/line Bluegrass Road

14th Election & 7th Councilmanic Districts

Legal Owner(s): Sharon & Robert Watkins
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 10-294-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

MAY 07 2010



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 7th day of May, 2010, a copy of the foregoing Entry of Appearance was mailed to Brian Dietz, 8119 Oakleigh Road, Parkville, Maryland 21234, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



WILLIAM R. BUIE III, P.A.
ATTORNEY AT LAW

12 SOUTH CALVERT STREET, THE SECOND FLOOR
BALTIMORE, MARYLAND 21202
OFFICE: 410-576-7666
FACSIMILE: 410-576-7885

WEBSITE:
www.williambuie.com
E-MAIL ADDRESS:
williambuie@prodigy.net

ADMITTED TO PRACTICE
IN MARYLAND AND
WASHINGTON, D.C.

June 23, 2010

RECEIVED

JUN 23 2010

William J. Wiseman, III, Zoning Commissioner
Baltimore County, Zoning Commissioner's Office
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

ZONING COMMISSIONER

Re: Special Hearing for 2219 Hamiltowne Circle, Item Number 10-294

Dear Commissioner Wiseman:

Per our conversation at yesterday's hearing, enclosed herewith are the following: (1) A letter from the neighbors of the petitioner, Sharon Watkins; and (2) The floor plan for the proposed assisted living facility. If you have any questions or concerns, please have your staff contact me at the number listed above.

Best regards,

William R. Buie III



WILLIAM R. BUIE III, P.A.
ATTORNEY AT LAW

12 SOUTH CALVERT STREET, THE SECOND FLOOR
BALTIMORE, MARYLAND 21202
OFFICE: 410-576-7666
FACSIMILE: 410-576-7885

WEBSITE:
www.williambuie.com
E-MAIL ADDRESS:
willambuie@prodigy.net

ADMITTED TO PRACTICE
IN MARYLAND AND
WASHINGTON, D.C.

FAX

June 16, 2010

4 Page(s) Including Cover

To: Commissioner Wiseman
410-887-3468

Re: Case # 2010-0294-SPHA

From: Priscilla Buie

The information contained in this facsimile message is confidential and, if addressed to our client or certain counsel, is subject to the attorney-client or work product privilege, and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to use at the above address via the U.S. Postal Service.

6-17

2:36 p.m.

Spoke to Priscilla

Relayed to her that rep. Brian Dietz can ask for continuance hearing, not convenient to have parties sweat around for 1 hr. for atty. She'll relay msg. + get back to us. *Priscilla*

Jun. 17 2010 02:15PM P1

FROM: LAW OFFICE OF WILLIAM R. BUIE III FAX NO.: 4105767885



WILLIAM R. BUIE III, P.A.
ATTORNEY AT LAW

12 SOUTH CALVERT STREET, THE SECOND FLOOR
BALTIMORE, MARYLAND 21202
OFFICE: 410-576-7866
FACSIMILE: 410-576-7885

WEBSITE:
www.williambuie.com
E-MAIL ADDRESS:
willambuie@prodigy.net

ADMITTED TO PRACTICE
IN MARYLAND AND
WASHINGTON, D.C.

June 16, 2010

Baltimore County Zoning
105 West Chesapeake Avenue
Baltimore, Maryland 21204
Attn: Commissioner William J. Wiseman, III

Re: Sharon Watkins: Case No.: 2010-0294-SPHA

Dear Commissioner Wiseman:

Please enter the appearance of William R. Buie III, Esquire of William R. Buie III, P.A. attorney, on behalf of Sharon Watkins. I have been retained to represent, Sharon Watkins on June 22, 2010. In addition, undersigned counsel is previously scheduled for a court appearance on the same date at 8:30 a.m. in the District Court of Maryland, State of Maryland vs Kevin Reazer, case number 01302048802 (See Attachment). I am requesting that you hold this case to allow travel time from Baltimore City. My estimated arrival time for this hearing should be 11:00 a.m. Please have one of your staff members contact my office at the number listed above to notify me of your decision.

Best regards,

William R. Buie III

DISTRICT COURT OF MARYLAND

[Go Back](#)**Case Information**

Court System: **DISTRICT COURT FOR BALTIMORE CITY - CRIMINAL SYSTEM**
Case Number: **0802048802** Tracking No: **101001329925**
Case Type: **CRIMINAL**
District Code: **01** Location Code: **03**
Document Type: **WARRANT** Issued Date: **05/21/2010**
Case Status: **ACTIVE**

Defendant Information

Defendant Name: **REAZER, KEVIN STEPHEN II**
Race: **BLACK, AFRICAN AMERICAN**
Sex: **M** Height: **509** Weight: **180** DOB: **06/02/1980**
Address: **4773 BYRON RD**
City: **PIKESVILLE** State: **MD** Zip Code: **21208 - 0000**

Court Scheduling Information

Trial Date: **06/22/2010** Trial Time: **08:30 AM** Room: **5**
Trial Type:
Trial Location: **1400 E. NORTH AVE BALTIMORE 21213-1400**

Charge and Disposition Information

(Each Charge is listed separately. The disposition is listed below the Charge)

Charge No: **001** Description: **ASSAULT-SEC DEGREE**
Statute: **CR.3.203** Description: **ASSAULT-SEC DEGREE**
Amended Date: CJIS Code: **1 1415** MO/PLL: Probable Cause: **X**
Incident Date From: **05/20/2010** To: **05/20/2010** Victim Age:

Related Person Information

(Each Person related to the case other than the Defendant is shown)

Name: **FINANCIAL CASUALTY & SURETY,**
Connection: **SURETY**
Address: **FCS50-583909**
3131 EASTSIDE, SUITE 600
City: **HOUSTON** State: **TX** Zip Code: **77098 - 1919**

Name: **FRAZIER, BRAIN K**
Connection: **COMPLAINANT/POLICE OFFICER**
Agency Code: **AD** Agency Sub-Code: **5920** Officer ID: **H029**

Name: **FRAZIER, B DET**
Connection: **COMPLAINANT**

Name: **DIXON, BERNARD**
Connection: **RAILBONDSMAN**
Address: **FCS50-583909**

2332 E. MONUMENT STREET

City: **BALTIMORE** State: **MD** Zip Code: **21205 - 0000**

Name: **BUIE, WILLIAM R III**

Connection: **PRIVATE ATTORNEY FOR DEFENSE**

Address: **12 S CALVERT ST**

City: **BALTIMORE** State: **MD** Zip Code: **21202 - 0000**

Event History Information

Event Date	Comment
WARI 05/21/2010	100521;AD 5901;2;ARR;D10042771-4
WARS 05/23/2010	100523;D10042771-4;
INIT 05/23/2010	100523;00020000.00;HDOB;100; ;1353
CMTT 05/23/2010	DEFENDANT COMMITTED;100523;BCJ
BOND 05/23/2010	100523;00020000.00;CORP;900257;OS;100
RELS 05/23/2010	DEFENDANT RELEASED FROM COMMITMENT

The complete case file must be obtained from the District Court in which the case was last heard.

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.

[Bill Nos. 36-1988; 188-1993; 19-2004]

A.

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; and

3.

Which accommodates fewer than eight resident clients

§ 432A.1 Permitted zones; conditions for use.

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.



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3d)

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

Account Identifier: District - 14 Account Number - 1426095010

Owner Information

Owner Name: WATKINS ROBERT
 WATKINS SHARON
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 2219 HAMILTOWNE CIR.
 BALTIMORE MD 21237-1430
Deed Reference: 1) /13365/ 258
 2)

Location & Structure Information

Premises Address

2219 HAMILTOWNE CIR

Legal Description

2219 HAMILTOWNE CIR
 HAMILTOWNE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	3
89	21	687				H	16	3	Plat Ref:	30/ 50

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1965	1,069 SF	7,752.00 SF	04

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Value	Phase-In Assessments		
		As Of	As Of	As Of	
		01/01/2009	07/01/2009	07/01/2010	
Land	81,250	81,250			
Improvements:	126,100	127,980			
Total:	207,350	209,230	207,976	208,602	
Preferential Land:	0	0	0	0	

Transfer Information

Seller: ZYSK STANLEY	Date: 12/10/1998	Price: \$125,000
Type: IMPROVED ARMS-LENGTH	Deed1: /13365/ 258	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

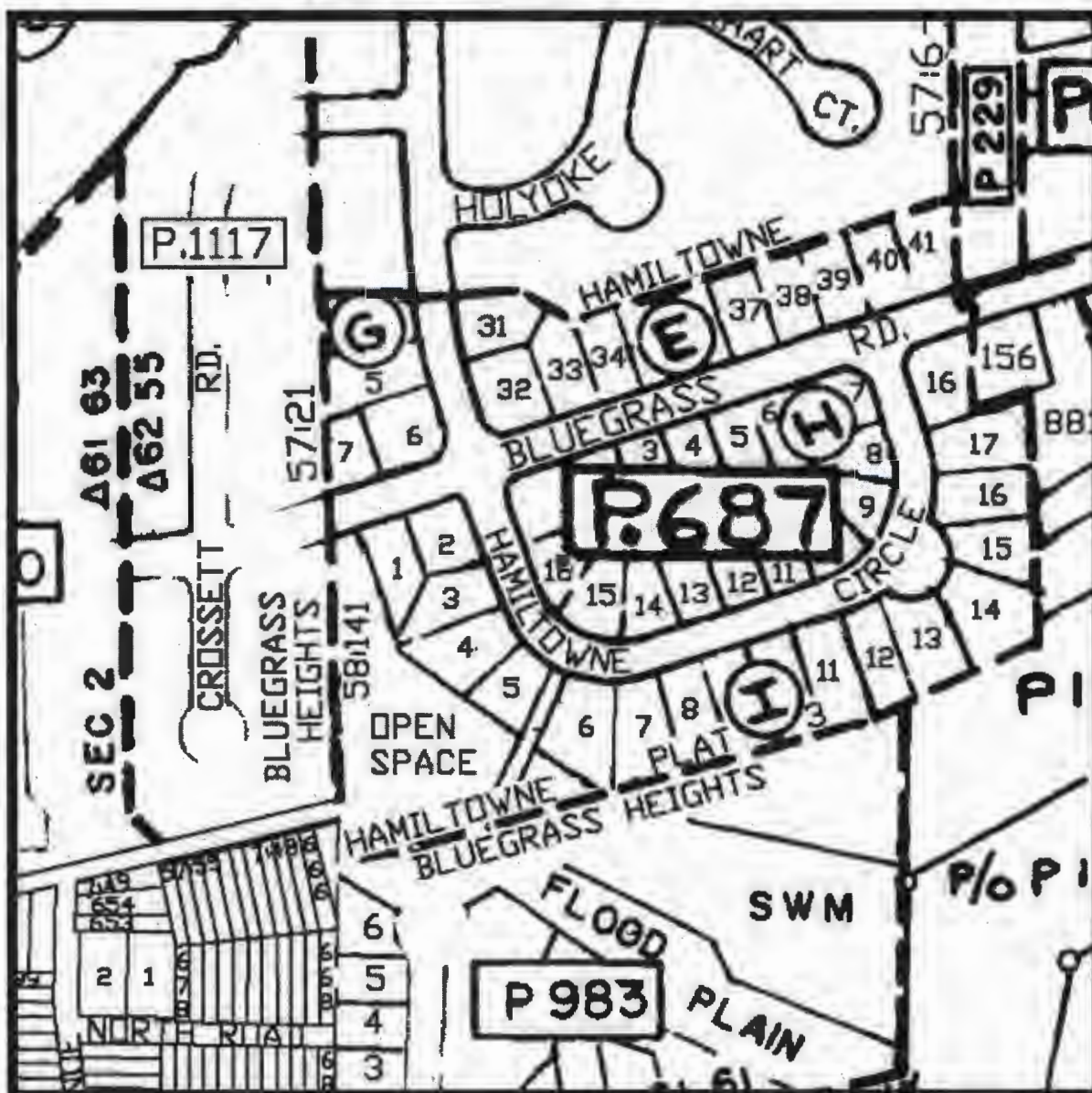
Special Tax Recapture:
 HOMEOWNERS TAX CREDIT



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

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

District - 14 Account Number - 1426095010



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2009.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

CHECKLIST**Comment
Received****Department****Support/Oppose
No Comment**5-11

DEVELOPMENT PLANS REVIEW

None6-11

DEPRM

None

FIRE DEPARTMENT

5-13

PLANNING

Comments

(if not received, date e-mail sent _____)

5-4

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 6-8-10

SIGN POSTING

Date: 6-7-10

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

CASE NAME Watkins
CASE NUMBER 2010-0294-SPRIN
DATE 6-22-10

[illegible]

Case No.: 2010-0294-SPHA 2219 HAMILTOWNE CIRCLE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Amending Site Plan	
No. 2	Letter supporting Additional parking	
No. 3	Floor Plan	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

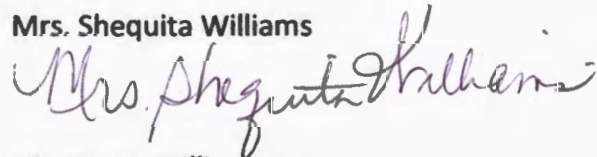
June 22, 2010

To whom it may concern, myself Shequita Williams & my husband James Williams residence of 2221 Hamiltowne Circle Rosedale, Md. 21237 the neighbor of Ms. Sharon Watkins give our approval of Ms. Watkins opening an assistant living home at her residence located at 2219 Hamiltowne Circle Rosedale, Md. 21237.

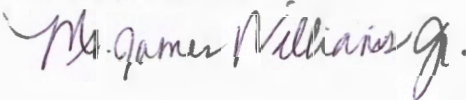
We can be reached at 443-868-0191 to discuss this matter further if needed.

Sincerely,

Mrs. Shequita Williams



Mr. James Williams Jr.



PETITIONER' S

EXHIBIT NO. 2

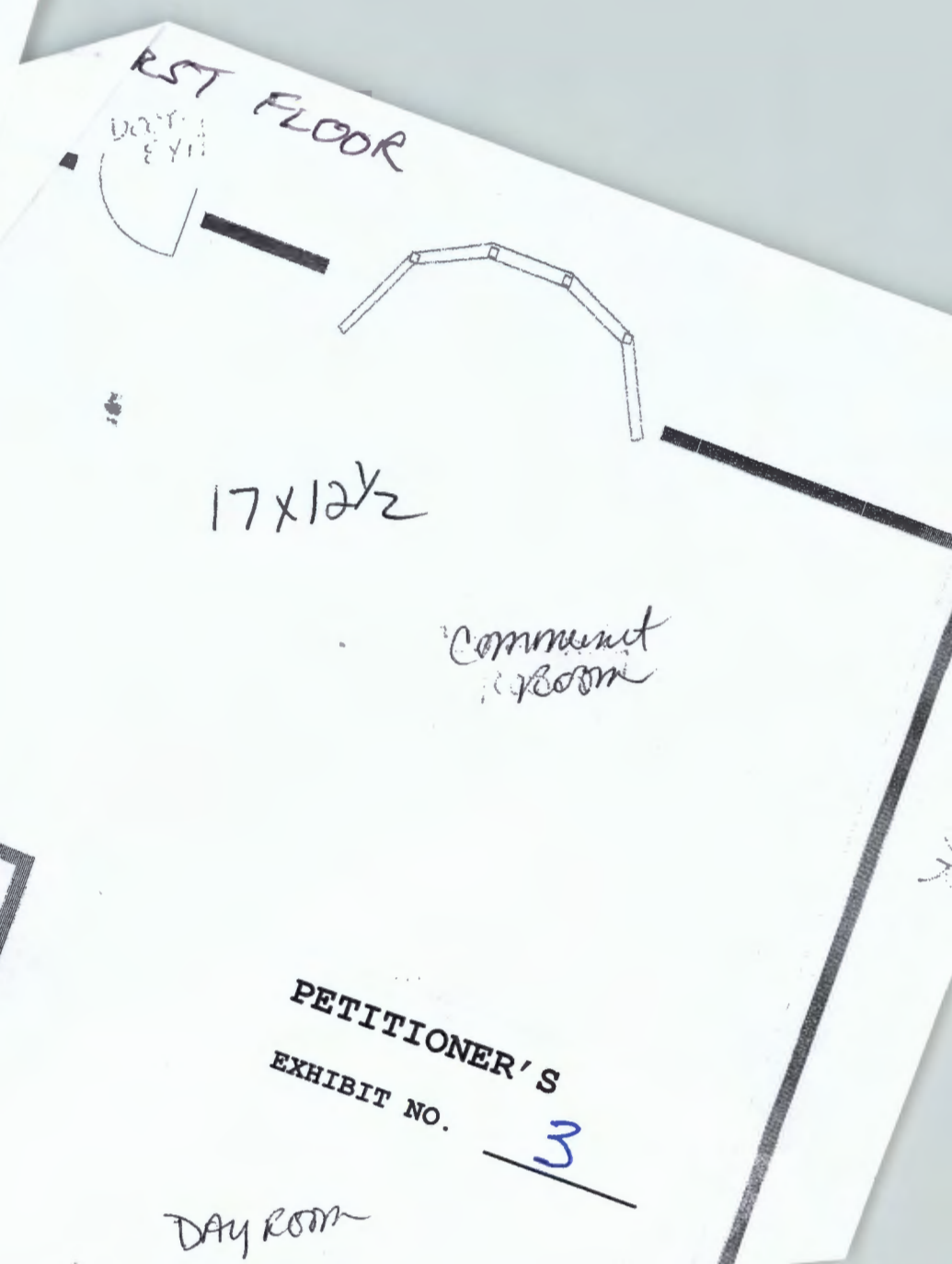
6/22/10

My signature below indicates that I (we) have no problem with Sharon Watkins needing three (3) parking spaces for her assisted living (Sharon's Kozy Haven).

Print Name	Signature	Address
CHRIS ALPANA		2217 HAMILTONNE CIRCLE
Lester Berry		2232 Ham. / tonne Circle

PETITIONER'S

EXHIBIT NO. 2



PETITIONER'S
EXHIBIT NO. 3

Bedroom
10x16

Living Room

19x2 x 12

Office
11x6

Dining Room

closet
11x8

stairs to upstairs

exit stairs

Furnace
Hot Water

laundry
Room

19x10

storage

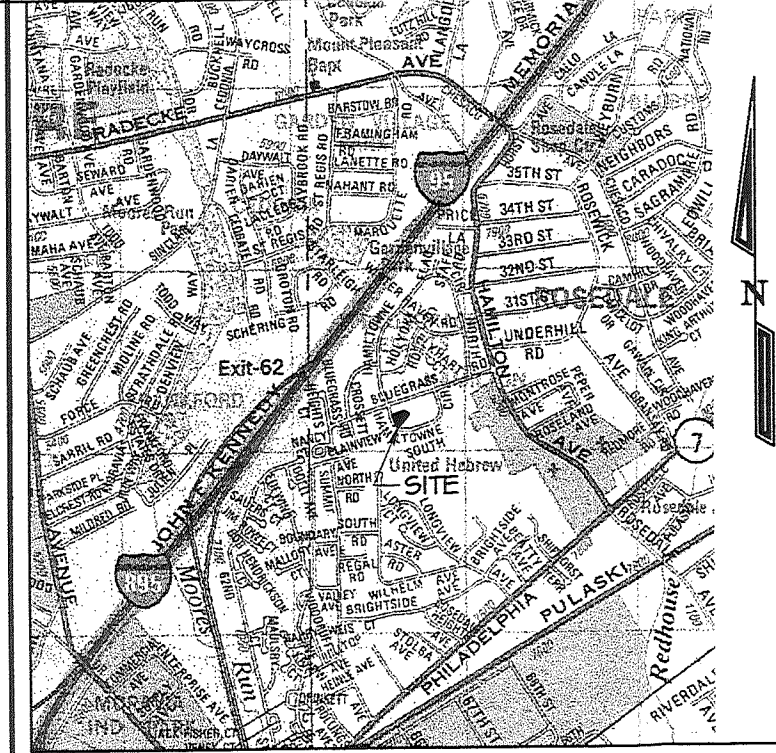
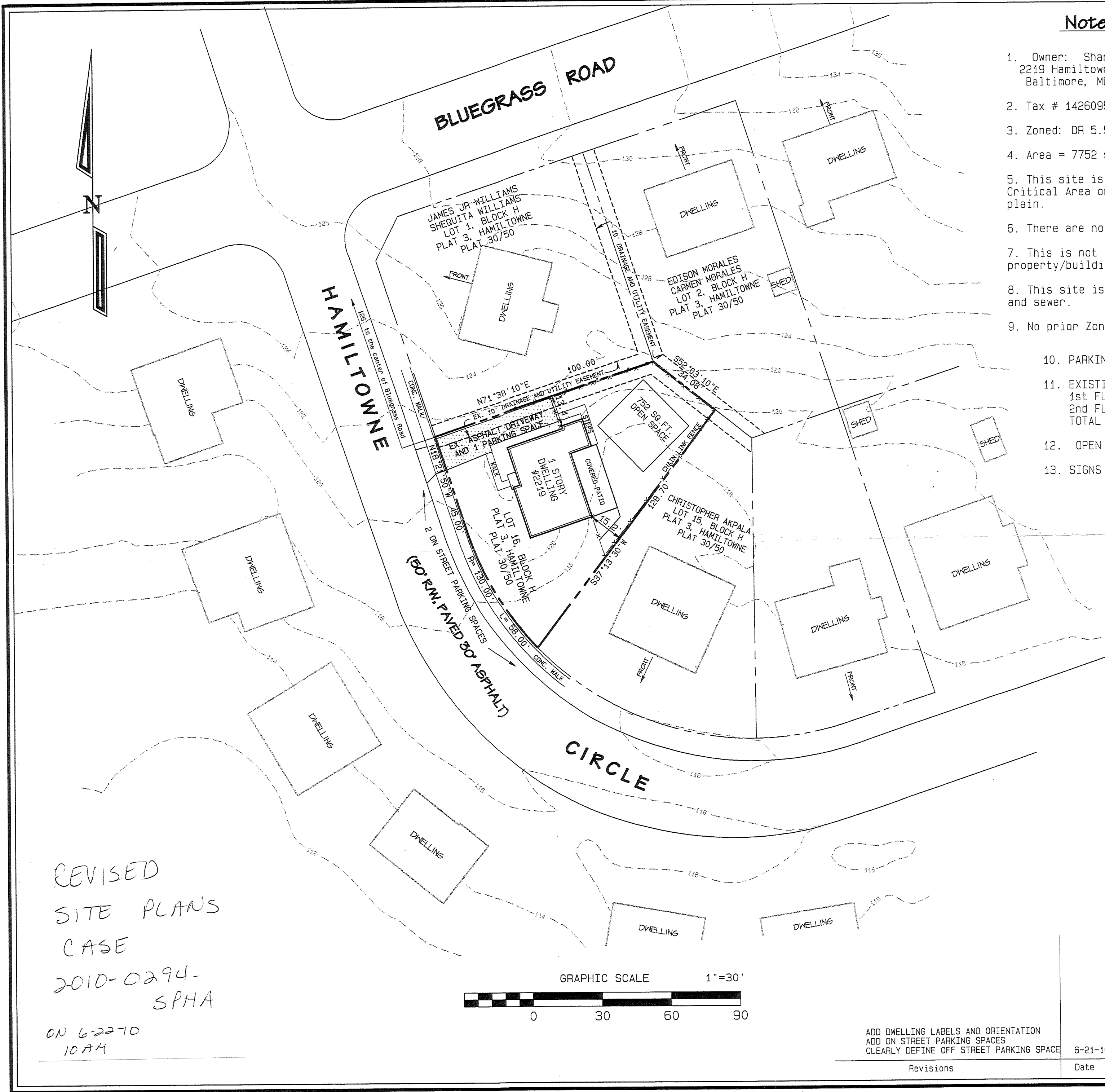
Bathroom

small
bathroom

small
bathroom



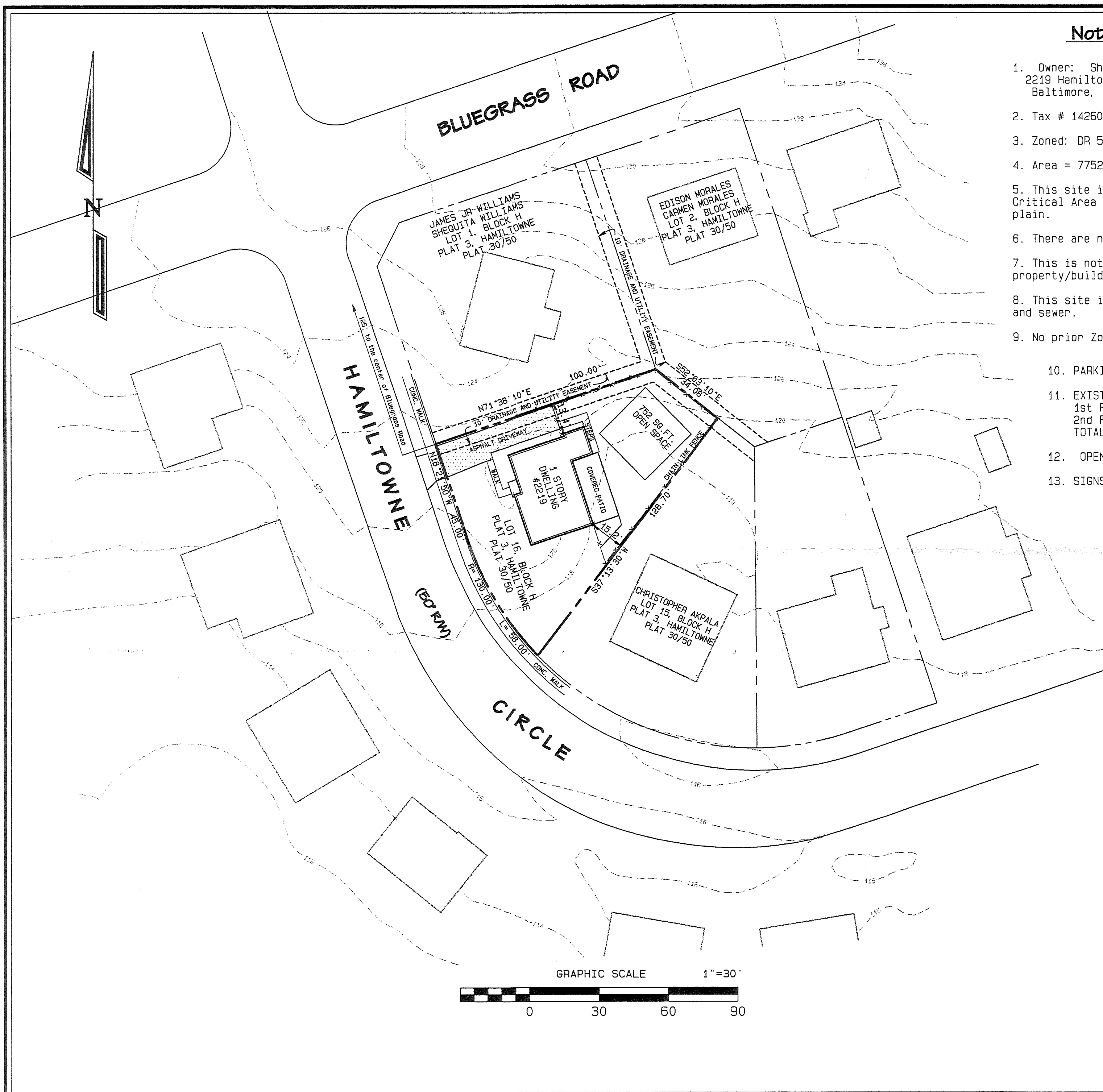
2010-0294-SHA



Vicinity Map Scale: 1" = 2000'

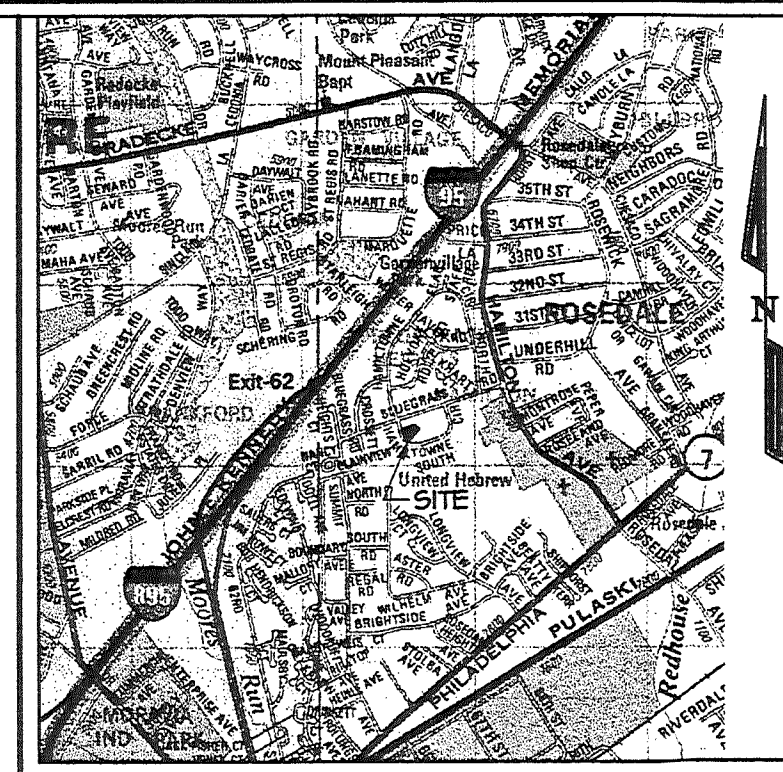
PETITIONER'S

EXHIBIT NO. 1



Notes

1. Owner: Sharon Watkins
2219 Hamiltonne Circle
Baltimore, MD 21237
2. Tax # 1426095010
3. Zoned: DR 5.5
4. Area = 7752 sq.ft or 0.178 Ac.±
5. This site is not in the Chesapeake Bay Critical Area or the 100 year flood plain.
6. There are no underground fuel tanks.
7. This is not a historic property/building.
8. This site is serviced by public water and sewer.
9. No prior Zoning Hearings.
10. PARKING: 1 SPACE FOR EACH 3 BEDS = 1 PARKING SPACE REQUIRED.
11. EXISTING FLOOR AREA SQ.FT.
1st FLOOR = 1200
2nd FLOOR = 1200
TOTAL = 2400
12. OPEN SPACE: 0.10 X LOT AREA 7752 = 752 SQ.FT.
13. SIGNS WILL COMPLY WITH SECTION 450 BCZR.

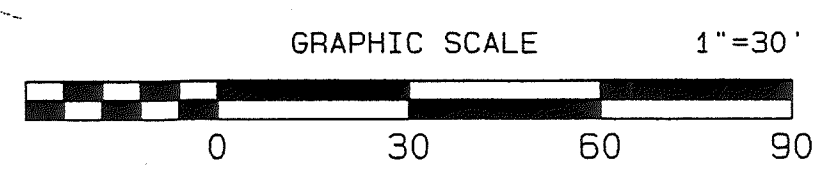


Vicinity Map Scale: 1" = 2000'

THIS BUILDING HAS NOT BEEN ORIGINALLY CONSTRUCTED TO ACCOMMODATE ELDERLY HOUSING OR AN ASSISTED LIVING FACILITY. THE BUILD 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.

**Plat to Accompany a Petition
for a
Zoning Variance and Special Hearing
for an Assisted Living Facility 1**

of the
Watkins Property
2219 Hamiltonne Circle
Baltimore County, Maryland
14th Election District 7th Councilmanic District
Scale: 1"=30' Date: April 22, 2010



Dietz Surveying Co.
Land Surveying and Land Planning
8119 Oakleigh Road Baltimore MD 21234
Ph 410-661-3160, Fax 410-661-3163
www.dietzsurveying.net

Plot Date: 4/23/2010
File Name: X:\Hamiltonne Cir 2219\zoning.pro
Job No. 10022
Party Chief: BRD