

IN RE: PETITION FOR SPECIAL HEARING *

S/S of Carroll Manor Road, 466' W of
Sweet Air Road *

(5001 Carroll Manor Road) *

11th Election District *

3rd Council District *

Jessica Lynn Mayne
Petitioner *

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2011-0054-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Jessica Lynn Mayne, by and through her attorney, Deborah C. Dopkin, Esquire. The Petitioner requests a special hearing, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to confirm the approval of an intensification of an existing nonconforming assisted living facility by 25% (from 8 beds to 10 beds) pursuant to B.C.Z.R. Section 104.3. In addition, special hearing relief is requested for a modified parking plan pursuant to B.C.Z.R. Section 409.12.B and to affirm the relief granted in Case No. 87-273-A. The subject property and requested relief are more particularly described on the red-lined site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Jessica Mayne, property owner and President of Dulaney Valley Assisted Living operating at this location, and Richard E. Matz, P.E., with Colbert Matz Rosenfelt, Inc., the consultant who prepared the site plan for this property. The Petitioner was represented by Deborah C. Dopkin, Esquire. Also present at the hearing were the Petitioner's husband Terry Mayne, her mother Suzanne Hannon Cromwell, RN, MSN, who is the delegating nurse for the facility, Edward J. Roubal and Dorothy J. Roubal, owners of the adjoining residence located at 4923 Carroll Manor Road, who attended

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as concerned neighbors. There were no Protestants or other interested persons present. There were no adverse Zoning Advisory Committee (ZAC) comments received from any of the County reviewing agencies. Petitioner's counsel, in her opening remarks, identified the property as a nearly 100 year old Victorian farmhouse built in 1912 and enlarged pursuant to Case No. 87-273-A, which permitted residential use of the adjoining, now connected, barn. The property is located in the Baldwin area of Baltimore County split-zoned R.C.2 with some R.C.5 and is used as a small, family operated assisted living facility for eight residents.

Mr. Matz, an engineer registered and licensed in Maryland, and accepted as an expert in land use and zoning, testified that the property consists of approximately 2.6 acres, more or less, improved by the residence and introduced a number of photographs showing the improvements, access and existing trees on the site. *See* Petitioner's Exhibits 2 and 3. There is no signage on the property. The area is primarily residential and agricultural. Mr. Matz testified that the property has been used as an assisted living since the 1990's and introduced copies of licenses issued by the State of Maryland permitting such use. Mr. Matz also described the access and parking serving the site along with a written agreement with the Roubals whereby each owner allowed the other use of limited portions of their respective properties. Mr. Matz further testified that under the current petition no physical changes of any sort are proposed, and that the Petitioner merely wishes to intensify the use by being allowed to add two (2) residents in existing space within the residence.

Jessica Mayne, the owner of the property testified that her family has owned and operated the property since at least 1996. In addition, a family member resides at the site full time, and there is always one employee in residence. Ms. Mayne's mother, Suzanne Hannon Cromwell, is a geriatric nurse who attends the facility. Ms. Mayne also testified that there is a waiting list for

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the residence and that most of the residents are from the area. Ms. Mayne explained that the residents participate in day to day activities and are involved in housekeeping to the extent they are able. There are occasional visitors, though there are some residents who have no family members who visit.

Upon questioning, Ms. Mayne testified that there have been no physical changes to the buildings since the 1997 addition of a breezeway connecting the barn to the house, and that no addition or enlargement of floor space, rooms, lot area or of any type is planned, nor will there be additional employees. She also testified that the building is sprinklered and is routinely inspected for fire safety by the Baltimore County Fire Marshall.

In regard to parking, the property provides for two (2) parking spaces in front of the two (2) additional paved and striped spaces located on the southwest side of the facility. The two (2) side spaces are accessed by driveway from Carroll Manor Road running between the Roubals property and the Petitioners as provided for in a mutual agreement, dated May 25, 2000. (See Petitioner's Exhibit 4). Four (4) parking spaces are required for a ten (10) bed facility. Mrs. Mayne and Mrs. Cromwell testified from personal knowledge and 14 years of experience at the facility that there is no parking problem on site today.

Mrs. Roubal, who resides next to the property sought assurance that there will be no change to the current driveway and parking arrangement between the properties, because there was some confusion that arose under the originally, now modified, site plan.

This case presents a unique situation. The subject use has existed at this location since the 1990's under the County's policy recognizing licensing by the State as pre-emptive of the zoning regulations. (Zoning Commissioner's Policy Manual [ZCPM] RM-5 and 101). The use was affirmed as valid by the County as recently as 2006. (See Petitioner's Exhibit 6C). Therefore, I

find that the use exists as a legal, valid nonconforming use. Petitioner avers that it is entitled to add two (2) beds to the existing facility as an intensification of the existing use and that such an intensification is consistent with Maryland case law.

Nonconforming uses are defined in B.C.Z.R. Section 101 and regulated by Section 104 thereof. A nonconforming use is defined as "a legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such use". Often, the nonconforming use designation is applied to grandfather an otherwise illegal use. If the Petitioner can establish that the use began prior to the effective date of the zoning regulation which prohibited such use, and the use has continued without interruption since that time, that use may continue as nonconforming. In this case, the relevant date is May 29, 2004, the date the current regulations were adopted (Council Bill 19-04) that removed assisted living facilities from the resource conservation zones as a permitted use.

Reviewing the cases cited by Petitioner's counsel, the factors to be considered for an intensification of a nonconforming use are:

- (1) to what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use?
- (2) is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind?
- (3) does the current use have a substantially different effect upon the neighborhood?
- (4) is the current use a "drastic enlargement or extension" of the original nonconforming use?

McKemy vs. Baltimore County, 39 Md.App. at 269-70 (1978); *Lone v. Montgomery County*, 85 Md.App. 477, 496-97, 584 A.2d 142, quoted in *Commissioners of Carroll County v. Zent*, 86 Md.App 745 (1991).

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In addition, counsel raises the distinction drawn in the case of *Prince George's Co. v. Gardiner*, 293 Md. 259 (1981). In that case the court considered increases in floor area, lot area, and a change in business methods, new or accessory services or facilities as being enlargements, not intensifications of a nonconforming use. None of those activities will occur in this case.

Further research reveals that in Maryland increasing the number of cars, boats, hours, or volume of business are intensifications of use, not extensions or enlargements. Thus, I find that allowing two (2) additional beds, with no other change to the use, is a permitted intensification.

Based upon testimony and evidence offered, I find that despite the somewhat problematic nature of the case, Petitioner has satisfied the requirements of Sections 104.3 and 502.1 of the B.C.Z.R., and that without the requested relief, the situation before me cannot be remedied. Even so, any relief granted today must be limited in scope and no further extension, enlargement or intensification of the use shall hereafter be permitted. I also find that the Petitioner would suffer undue hardships if a modified plan were not accepted under these circumstances.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, I find that the Petitioner's request for special hearing relief should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of October 2010, that the Petition for Special Hearing, filed pursuant to Section 104.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), seeking an intensification of an existing assisted living facility by 25% (8 beds to 10 beds), in accordance with Petitioner's Exhibit 1 (amended site plan), be and is hereby GRANTED; and

ORDER RECEIVED FOR FILING

Date

10-12-10

By

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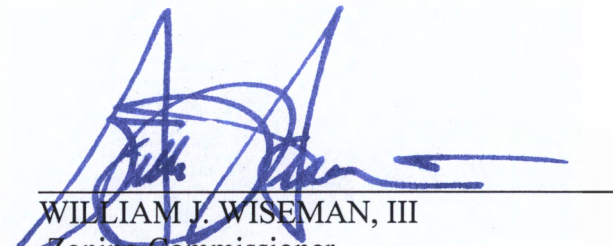
IT IS FURTHER ORDERED that the special hearing relief request for a modified parking plan pursuant to B.C.Z.R. Section 409.12.B, while rendered in part moot by the filing of the amended site plan, is hereby GRANTED; and

IT IS FURTHER ORDERED that the variance relief granted in Case No. 87-273-A, as detailed on the site plan submitted in that case (Petitioner's Exhibit 5), is hereby AFFIRMED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for any necessary permit(s) 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 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.
2. Other than emergencies and visits to be with residents who are in end stage of life, visiting hours shall be between the hours of 9:00 AM and 6:00 PM.
3. The decision in this case is not legal precedent that may be cited as such in any other zoning case involving assisted living facilities in a resource conservation zone.
4. There shall be no business signage erected on the building or property which is to be maintained to retain the residential appearance of the area.
5. The Petitioner shall permit a representative of the Code Enforcement Division of the Department of Permits and Development Management (DPDM) reasonable access to any of the buildings on the subject property to insure compliance with this Order.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the

Baltimore County Code.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

10-12-10

By

03



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

October 12, 2010

Deborah C. Dopkin, Esquire
409 Washington Avenue
Towson, MD 21204

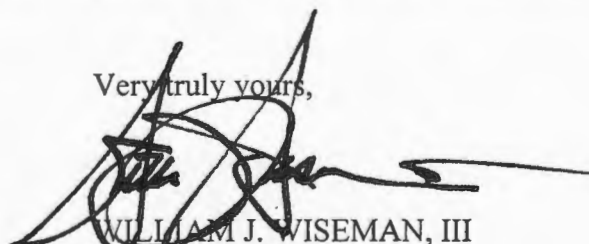
RE: **PETITION FOR SPECIAL HEARING**
S/S of Carroll Manor Road, 466' W of Sweet Air Road
(5001 Carroll Manor Road)
11th Election District - 3rd Council District
Jessica Lynn Mayne - Petitioner
Case No. 2011-0054-SPH

Dear Ms. Dopkin:

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,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Jessica & Terry Mayne, 2214 Spring Lake Drive, Timonium, MD 21093
Richard E. Matz, P.E., Colbert Matz Rosenfelt, Inc., 2835 Smith Avenue, Suite G,
Baltimore, MD 21209
Suzanne Hannon Cromwell, RN, MSN, 13718 Baldwin Mill Road, Baldwin, MD 21013
Edward J. & Dorothy J. Roubal, 4923 Carroll Manor Road, Baldwin, MD 21013
People's Counsel; Code Enforcement Division, DPDM; DEPRM; Fire Dept.



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at: 5001 Carroll Manor Road
which is presently zoned RC-2 and RC-5
Deed Reference 27398 / 186 Tax Account # 1118010275

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 of thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

See Attached

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:

Dulaney Valley Assisted Living, Inc. Jessica Lynn Mayne
Name - Type or Print

Jessica Lynn Mayne
Signature

5001 Carroll Manor Road 410 592-5699
Address Telephone No.

Baldwin MD 21013
City State Zip Code

Attorney For Petitioner:

Deborah C. Dopkin, Esq.
Name - Type or Print

Deborah C. Dopkin
Signature

Law Offices of Deborah C. Dopkin, P.A.
Company

409 Washington Avenue, Suite 1000 410-821-0200
Address Telephone No.

Towson MD 21204
City State Zip Code

Legal Owner(s):

Jessica Lynn Mayne
Name - Type or Print

Jessica Lynn Mayne
Signature

Name - Type or Print

Signature

2214 Spring Lake Drive 410-303-0575
Address Telephone No.

Timonium MD 21093
City State Zip Code

Representative to be Contacted:

Richard E. Matz, P.E.
COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G 410-653-3838
Address Telephone No.

Baltimore MD 21209
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING

Reviewed By JL Date 8/04/10

→ Sept 8, 9, 10, 17, 20, 2

Case No. 2011 0054 SPH

ORDER RECEIVED FOR FILING

Date 10-12-10

By LOW

Special hearing to approve

intensive facility
The extension of an existing nonconforming assisted living facility by 25% from 8 beds to 10 beds pursuant to Section 104.3;

and

~~A modified parking plan pursuant to Section 409.12:B~~

And

To affirm the relief granted in Case No. 87-273 A



ZONING DESCRIPTION – 5001 CARROLL MANOR ROAD

Beginning at a point on the south side of Carroll Manor Road, which is of varying width, at a distance of 466 feet, more or less, west of the centerline of Sweet Air Road, which is 20 feet wide, thence the following courses and distances:

S 32°52'48" E, 20.00 feet;
S 32°52'48" E, 497.63 feet;
S 50°14'12" W, 45.02 feet;
N 77°05'48" W, 124.00 feet;
N 65°51'48" W, 118.90 feet;
N 53°48'12" W, 178.70 feet;
N 47°18'39" W, 133.29 feet;
S 57°53'12" W, 142.50 feet;
N 32°07'48" W, 21.50 feet;
N 48°22'59" E, 129.50 feet;
S 20°35'55" E, 12.10 feet, thence
N 55°47'39" E, 309.80, to the Point of Beginning

As recorded in Deed Liber 27398, Folio 186 and containing 2.584 acres, more or less. Also known as 5001 Carroll Manor Road and located in the 11th Election District, 3rd Councilmanic District.



Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. 13203, Expiration Date: 11-2-10

**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: 2011-0054 SPH
Petitioner: JESSICA LYNNE MAYNE
Address or Location: 5001 CARROLL MANOR ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: JESSICA MAYNE DULANEY VALLEY ASSISTED LIVING, INC
Address: 2214 SPRING LAKE DRIVE
TIMONUM MD 21093-3353
Telephone Number: 410-303-0575

**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: # 2011-0054-SPH
5001 Carroll Manor Road
S/side of Carroll Manor
Road, 466 feet west of
Sweet Air Road
11th Election District
3rd Councilmanic District
Legal Owner(s):
Jessica Lynn Mayne
Contract Purchaser:
Dulaney Valley
Assisted Living, Inc.

Special Hearing: for the
extension of an existing
non-conforming assisted
living facility by 25% from 8
beds to 10 beds and to af-
firm the relief granted in
case no. 87-273-A

**Hearing: Friday, October
1, 2010 at 2:00 p.m. in
Room 104, 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 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.

9/27/2010 Sept 16 254384

CERTIFICATE OF PUBLICATION

9/16/, 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 9/16/, 2010.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: SEPTEMBER 12, 2010

Case Number: 2011-0054-SPH

Petitioner / Developer: DEBORAH DOPKIN, ESQ.~ JESSICA LYNN MAYNE~DULANEY VALLEY ASSISTED LIVING~COLBERT, MATZ & ROSENFELT, INC.

Date of Hearing (Closing): OCTOBER 1, 2010

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
5001 CARROLL MANOR ROAD

The sign(s) were posted on: SEPTEMBER 12, 2010



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 16, 2010 Issue - Jeffersonian

Please forward billing to:

Jessica Mayne
Dulaney Valley Assisted Living, Inc.
2214 Spring Lake Drive
Timonium, MD 21093

410-303-0575

NOTICE OF ZONING HEARING

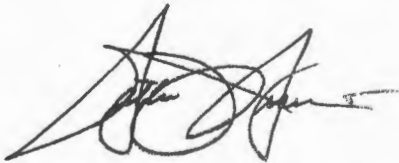
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0054-SPH

5001 Carroll Manor Road
S/side of Carroll Manor Road, 466 feet west of Sweet Air Road
11th Election District – 3rd Councilmanic District
Legal Owners: Jessica Lynn Mayne
Contract Purchaser: Dulaney Valley Assisted Living, Inc.

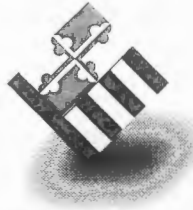
Special Hearing for the extension of an existing non-conforming assisted living facility by 25% from 8 beds to 10 beds and to affirm the relief granted in case no. 87-273-A.

Hearing: Friday, October 1, 2010 at 2:00 p.m. in Room 104, Jefferson Building,
105 W. 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

August 25, 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: 2011-0054-SPH

5001 Carroll Manor Road

S/side of Carroll Manor Road, 466 feet west of Sweet Air Road

11th Election District – 3rd Councilmanic District

Legal Owners: Jessica Lynn Mayne

Contract Purchaser: Dulaney Valley Assisted Living, Inc.

Special Hearing for the extension of an existing non-conforming assisted living facility by 25% from 8 beds to 10 beds and to affirm the relief granted in case no. 87-273-A.

Hearing: Friday, October 1, 2010 at 2:00 p.m. in Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

C: Deborah Dopkin, 409 Washington Avenue, Ste. 1000, Towson 21204
Jessica Lynn Mayne, 2214 Spring Lake Drive, Timonium 21093
Dulaney Valley Assisted Living, 5001 Carroll Manor Road, Baldwin 21013

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURS., SEPTEMBER 16, 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
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

September 22, 2010

Deborah Dopkin
409 Washington Ave. Ste. 1000
Towson, MD 21204

Dear: Deborah Dopkin

RE: Case Number 2011-0045-SPH, 5001 Carroll Manor Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 04 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Jessica L. Mayne; 2214 Spring Lake Dr.; Timonium, MD 21093
Dulaney Valley Assisted Living; 5001 Carroll Manor Rd.; Baldwin, MD 21013
Richard Matz; Colbert Matz Rosenfelt, Inc.; 2835 Smith Ave. Ste. G; Baltimore, MD 21209

10-1 2pm
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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 30, 2010

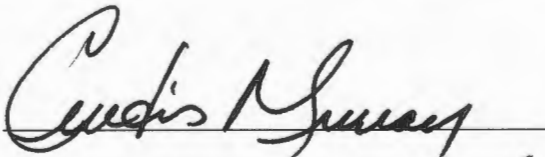
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 11-054- Special Hearing**

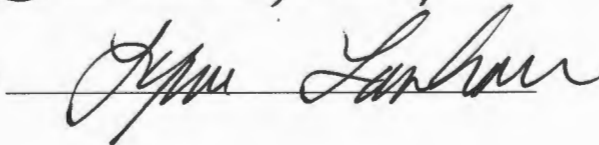
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Donnell Zeigler in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:
CM/LL



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AUG 31 2010

ZONING COMMISSIONER

10/1 - 2PM - 104

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 15 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: September 15, 2010
SUBJECT: Zoning Item # 11-054-SPH
Address 5001 Carroll Manor Road
(Dulaney Valley Assisted Living, Inc.)

Zoning Advisory Committee Meeting of August 9, 2010

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

Ground Water Management: Approval for the proposed increase in beds should be contingent on verification that the existing well and septic system are able to support the use. This office has no information on the existing well or septic system, and is requesting a water usage letter from the owner detailing the volume and type of waste being discharged to the septic system. Installation of a water meter would be very helpful to assess the current water usage. A field inspection with the owner would also be required to evaluate this request.

Reviewer: Kevin Koeppenick Date: 8/19/10

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 10, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For August 23, 2010
Item Nos. 2011- 026, 028, 032, 047,
048, 049, 050, 051, 052, 053, 054,
055, 056 and 057

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-08232010 -NO COMMENTS.doc



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

August 12, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: August 9, 2010

Item No.:

Special Hearing: 2011-0028SPHA, 2011-0054SPH.

Pursuant to your request, the referenced plans have been reviewed by the **Baltimore County Fire Marshal's Office** and the comment below is applicable for the above listed properties.

Comments:

Proposed buildings shall be design and constructed so as to meet the applicable provisions of the **Baltimore County Fire Prevention Code dated July 19, 2010.**

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
410-887-4880
Mail Stop: 1102

cc: File



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

State Highway
Administration

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: August 18, 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. 2011-0054-SPH
5001 CARROLL MANOR RD
DULANEY VALLEY ASSISTED LIVING, INC.
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. 2011-0054-SPH.

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,

Foster Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

My telephone number/toll-free number is _____

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
5001 Carroll Manor Road; S/S Carroll	*	ZONING COMMISSIONER
Manor Road, 466' W of Sweet Air Road	*	FOR
11 th Election & 3 rd Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Jessica Lynn Mayne	*	2011-054-SPH
Contract Puchaser(s): Dulaney Valley		
Assisted Living Inc		
Petitioner(s)		

* * * * *

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.

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 23rd day of August, 2010, a copy of the foregoing Entry of Appearance was mailed to Richard E. Matz, PE, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and Deborah C. Dopkin, Esquire, 409 Washington Avenue, St 1000, Towson, MD, 21204, Attorney for Petitioner(s).

RECEIVED

AUG 23 2010

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1)
BALTIMORE COUNTY

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

Account Identifier:

District - 11 Account Number - 1118010275

Owner Information

Owner Name: MAYNE JESSICA LYNN **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: 2214 SPRING LAKE DR
LUTHERVILLE TIMONIUM MD 21093-3353 **Deed Reference:** 1)/27398/ 186
2)

Location & Structure Information

Premises Address: 5001 CARROLL MANOR RD
Legal Description: 2.584 AC
5001 CARROLL MANOR RD SE
400 SW SWEET AIR RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
44	5	146						3	Plat Ref

Special Tax Areas: Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1912	2,560 SF	2.58 AC	04

Stories	Basement	Type	Exterior
2 1/2	YES	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2010	07/01/2011
Land	150,540	150,540		
Improvements:	207,910	253,420		
Total:	358,450	403,960	388,790	403,960
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
CROMWELL STEVEN G/HANNON SUZANNE B	10/17/2008	\$0
Type: NOT ARMS-LENGTH	Deed1: /27398/ 186	Deed2:
Seller: CROMWELL STEVEN G	Date: 09/26/2007	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /26212/ 748	Deed2:
Seller: HOWELL JAMES E	Date: 06/06/1996	Price: \$264,500
Type: IMPROVED ARMS-LENGTH	Deed1: /11624/ 121	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2010	07/01/2011
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *

From: Debra Wiley
To: Duvall, David
Date: 9/24/2010 2:53 PM
Subject: Case No. 2011-0054-SPH

Hi Dave,

Bill has the above-referenced case scheduled for next Friday, 10/1 @ 2 PM and the request is to affirm relief granted in Case No. 87-273-A, which is not included in the file.

Can you do your magic and obtain a copy for Bill. It is greatly appreciated.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

IN RE: PETITION FOR ZONING VARIANCE
SE/S of Carroll Manor Rd., 425'
SW of the c/l of Sweet Air Rd.
11th Election District

James Edward Howell, et ux

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 87-273-A

* * * * *

The Petitioners herein request a zoning variance to permit a 22-foot setback to the centerline of the street in lieu of the required 75 feet.

Testimony by one of the Petitioners indicated that in the spring of 1986 they purchased the property, which had a rundown garage that was built in approximately 1910. The Petitioners obtained a permit to remodel, not realizing that converting the garage to habitable space would negate the permit. The internal conversion to a family room, bedroom and study has been completed. In order to legitimize the new living space, the Petitioner will connect the house and former garage with a breezeway. The road is 7 to 8 feet lower than the yard and there is a retainer wall between the former garage and the road. There were no Protestants.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, in the opinion of the Deputy Zoning Commissioner, the variance requested would not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

Therefore IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 30th day of December 1986, that the herein request for a 22-foot setback to the centerline of the street, in accordance with the plan submitted, be and is hereby GRANTED, subject, however, to the following restrictions:

ORDER RECEIVED FOR FILING

Dec 30 1986

By *Butte J. Schuler*

ORDER RECEIVED FOR FILING

Extension-Intensification

The factors to be considered in determining whether an activity is within the scope of a nonconforming use are:

(1) to what extent does the current use of these lots reflect the nature and purpose of the original non-conforming use;

(2) is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind;

(3) does the current use have a substantially different effect upon the neighborhood;

(4) is the current use a "drastic enlargement or extension" of the original non-conforming use.

McKemy, 39 Md.App. at 269-70, 385 A.2d 96 (footnote omitted); ⁵ Lone, 85 Md.App. at 496-97, 584 A.2d 142.

Footnote 5:

5 We said in Prince George's Co. v. E.L. Gardiner, Inc., 47 Md.App. 471, 424 A.2d 392 (1981), rev'd on other grounds, 293 Md. 259, 443 A.2d 114 (1982), that:

"A distinction is to be drawn between the enlargement or extension of non-conforming uses and an intensification of such lawful uses. An increase in floor space ... an increase in the area of a lot used for non-conforming uses; or a change in business methods or the provision of new accessory facilities with the resulting extension of the use involved have all been held to be proposals for the enlargement of a non-conforming use. Conversely, an increase in the volume of an existing business is usually referred to as an intensification rather than an enlargement and such an intensification has been permitted under a valid non-conforming use."

Id. 47 Md.App. at 476, 424 A.2d 392.

upon in denying a variance, but is one factor to be taken into account along with other factors, including the remaining conditions in the ordinance relating to whether practical difficulties or unwarranted hardship exists.

Page 11-62: Add before Easter v. Mayor & City of Baltimore:

Colao v. Maryland-National Capital Park & Planning Comm'n, 167 Md. App. 194, 892 A.2d 579 (2005).

A "variation" to the subdivision requirement under the Prince George's County Subdivision Regulations is not a variance. Variation is a term of art and is not dealt with under the Zoning Ordinance but in a separate portion of the County Code pertaining to "subdivision" and is subject to separate and different criteria for approval by the Planning Commission and not the Board of Appeals.

§ 11.4 Non-conforming Uses.

Page 11-67: Add before Wilson v. Mayor & Comm'rs of Town of Elkton:

Trip Assocs. v. Mayor & City Council, 392 Md. 563, 898 A.2d 449 (2006).

[Author's Note: This case reverses the Maryland Court of Special Appeals decision in *Trip Assocs. v. Mayor & City Council*, 151 Md. App. 167, 824 A.2d 977 (2003)].

A lawful non-conforming use is established if a property owner can demonstrate that before, and at the time of the adoption of a new zoning ordinance, the property was then being used in a lawful manner for the use that, by later legislation became non-permitted. A non-conforming use may be eliminated in two ways: by amortization (i.e., requiring termination over a reasonable period of time) or by abandonment (i.e., non-use for a specified period of time).

While an extension of a non-conforming use may be prohibited, the intensification of such use is permissible, so long as, the nature and character of the use is unchanged and is substantially the same. Merely increasing the frequency of the use is not an unlawful extension but is rather a permissible intensification. Here, increasing the number of nights in which adult entertainment is offered in a nightclub even if used less frequently prior to a change in law is a permissible intensification.

Page 11-69: Add before Catonsville Nursing Home, Inc. v. Loveman:

Under the Montgomery County Zoning Ordinance, a special exception is granted for a previous non-conforming use if the use became "permitted" even though the use did not comply with all conditions of the special exception. If the non-conforming use was terminated.

For many years, a gas station operated as a non-conforming use. In 1997, the operator of the station was required to bring the station into conformity with the zoning ordinance for that use, with conditions, in order to obtain a special exception. The modifications under the special exception were undertaken nor were the conditions of the special exception. The station was sold and the special exception was not implemented within the statutory period. The operator sought to continue to operate as a non-conforming use.

The Court ruled that when the special exception became a permitted use. There was no non-conforming use after approval of the special exception. The six-month statutory abandonment period precluded its reestablishment as a non-conforming use. Court:

"A property cannot operate where the use is a special exception use when it is the same as the use that extinguishes the non-conforming character of the property. The conforming permitted use be favored, (912 A.2d 612)

* * *

"Therefore, whether DPI or Shell actually modernize the property is not dispositive to the special exception. . . . What is dispositive is that the property was used as an automobile filling station while a special exception for a filling station existed . . . albeit it was a violation of the Zoning Ordinance's requirement. (912 A.2d 614)

§ 11.5 Subdivision Control and Dedication

Page 11-73: Add before City of Annapolis:

People's Counsel for Baltimore County v. City of Baltimore, 662, 929 A.2d 899 (2007).

Where property in a subdivision plan is

This decision reviews at length the standard of review and elements to consider as to whether an unlawful extension or a permissible intensification has occurred under the *McKemy* case doctrine, 39 Md. App. at 269-270 and 385 A.2d 96, 103-04 and in the context of the following cases:

Kastendike v. Baltimore Ass'n for Retarded Children, 267 Md. 389, 297 A.2d 745 (1972) — Change in use of facility from treating alcoholics and the elderly to treating the retarded was not an unlawful extension.

Parr v. Bradyhouse, 177 Md. 245, 9 A.2d 751 (1939) — Change in use from a dairy business to a riding academy was not an unlawful extension.

Helfrich v. Mongelli, 248 Md. 498, 237 A.2d 454 (1968) — Enclosing a porch on an inn was a permissible intensification.

Feldstein v. LaVale Zoning Board, 246 Md. 204, 227 A.2d 731 (1967) — More frequent use of a junkyard and increased height of junk piles was a permissible intensification of a nonconforming use.

Jahnigen v. Staley, 245 Md. 130, 225 A.2d 277 (1967) — While the construction of additional extensive dockage facilities was an impermissible extension, the increase in the number of rental rowboats was a permissible intensification.

Nyburg v. Solmson, 205 Md. 150, 106 A.2d 483 (1954) — The storage of new cars prior to distribution at a nonconforming garage was not an extension but a mere intensification.

McKemy v. Baltimore County, 39 Md. App. 257, 385 A.2d 96 (1978) [Nonconforming use]

The Maryland Court of Special Appeals indicated that it was erroneous for a zoning board of appeals, in its determination of the scope of a nonconforming use (*i.e.*, off-street parking), to relate and reference that use to activities occurring on another parcel across the street. Consequently, the court found that off-street parking in connection with one type of use does not necessarily permit under the ambit of a nonconforming use, off-street parking in connection with another type of use. In deciding whether a current activity is

within the scope of a nonconforming use, the following factors are relevant:

"(1) to what extent the current use is similar in nature and purpose to the original nonconforming use;

"(2) is the current use a substantial change in character, nature, and purpose from the original nonconforming use;

"(3) does the current use detract from the neighborhood;

"(4) is the current use a substantial change from the original nonconforming use." 39 Md. App. at 104.

County Comm'n of Prince George's County v. County Council of Prince George's County, 552 A.2d 942 (1989)

The burden of proving a nonconforming use is asserting a claim. A claim must be made after hearing and in a quasi-judicial capacity.

A lawful nonconforming use is one that is in conformance with zoning to reduce its nonconformance, with due regard to the parties.

An "equipment storage yard" is stored. When the equipment is stored on the property upon which it is a nonconforming use.

County Council of Prince George's County v. County Comm'n of Prince George's County, 293 Md. 259, 443 A.2d 114 (1982)

"Such nonconforming uses are a necessary part of the success of zoning. They limit the extent to which zoning can contribute to urban blight, in plan, and injure property value." 267, 443 A.2d at 118.

"Thus, this Court has recognized that zoning is an accommodating existing uses."

CASE NAME Mayne Property
CASE NUMBER 2010-0054 SPN
DATE Oct 1, 2010

[illegible]

PLEASE PRINT CLEARLY

CASE NAME Mayne
CASE NUMBER 2011-0054-SPL
DATE OCTOBER 1, 2010

CITIZEN'S SIGN-IN SHEET

[illegible]

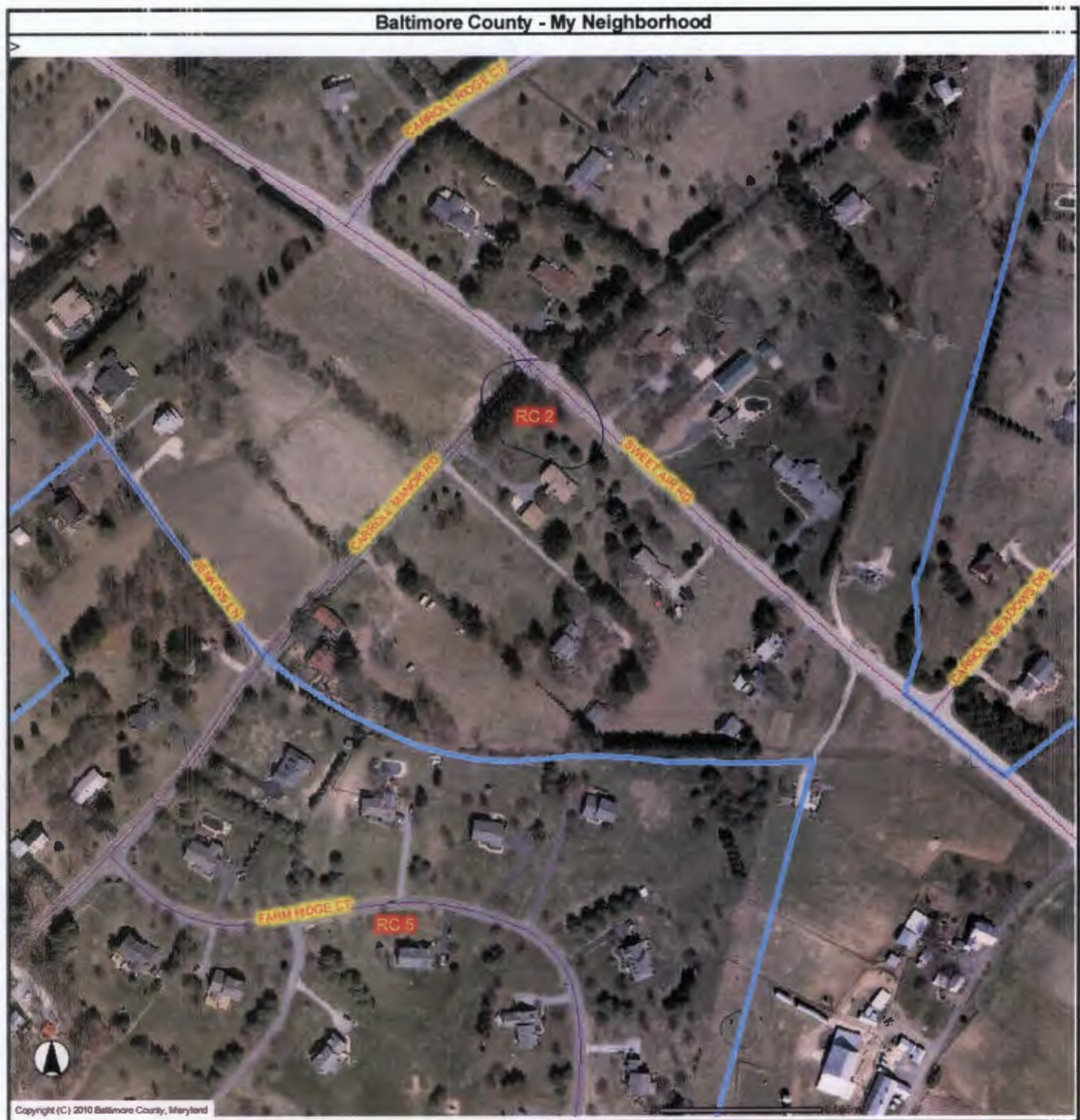
Case No.: 2011-0054-SPH 5001 Carroll Manor Rd

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Red lined Plan	
No. 2	Photographs - Aerials	
No. 3	Existing Condition Photographs	
No. 4	Reciprocal Agreement Between adjacent property owners	
No. 5	Case No. 87-273-A	
No. 6	6A - State of md license 6B - Dept. of Health 6C	
No. 7	Dulaney Valley Assoc Inc Living - faculty	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO. 2A

2010-047

Baltimore County - My Neighborhood



PETITIONER'S
EXHIBIT NO. 2B







CONTRACT

Agreement made this 5/28/2000 day of May, 2000, between Stephen G. Cromwell and Suzanne B. Hannon, hereinafter First Party and Mr. and Mrs. Edward J. Roubal, ^{JR} hereinafter Second Party.

The parties to this agreement, in consideration of the mutual covenants and stipulations set out, agree as follow: The first party agrees to transfer to the second party the property that extends from the existing Telephone of the first party approximately 142.5 feet by 21.5 feet wide in front of the second party's property in exchange for the parcel of property that runs from the existing telephone pole along the base of the existing slope approximetly 10 feet south west of the existing property line marker to the rear of the second party's property. The discription is to follow as laid out on the location drawing for 5001 Carroll Manor Road dated 5-20-96. This location drawing is to be part of this Agreement. On this location drawing all property in green is to be for the exclusive use of Mr. and Mrs. Edward J. Roubal and any improvements or changes they want to make. The property in yellow is to be for the exclusive use of Stephen G. Cromwell and Suzanne B. Hannon and any improvements or changes they want to make.

SECTION:

INSTRUMENT AS ENTIRE AGREEMENT

This instrument contains the entire agreement between the parties, and no statements, promises, or inducements made by either party or agent of either party that are not contained in this contract shall be valid or binding; this contract may not be enlarged, modified, or altered except in writing, signed by both parties and endorsed on this agreement.

PETITIONER'S
EXHIBIT NO. 1

1401.3.B.3

152

87-273-A

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 1. A01.3.B.3 to permit a 22 ft. setback to the centerline of the street in lieu of the required 75 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

- 1) Garage is located closer to Carroll Manor Road than is currently allowed by Baltimore County Zoning Regulation. No such regulation existed when garage was originally built.
- 2) We wish to renovate said garage and connect it to the house by way of an addition to existing house for the purpose of additional space.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound 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:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

James Edward Howell

(Type or Print Name)

Signature

Deborah K. Howell

(Type or Print Name)

Signature

5001 Carroll Manor Road 592-5087

Address Phone No. N-76,310

Baldwin, Maryland 21013 E-31,630

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

James Edward Howell

Name

5001 Carroll Manor Rd., Baldwin, Md.

Address Phone No. 592-5087

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day

of November 19, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore

County, on the 30th day of December, 1986, at 10:30 o'clock

A. M.

Zoning Commissioner of Baltimore County.

(over)

PETITIONER'S

EXHIBIT NO. IV

MAP NE 19-20 F
4D
E. D. 11
DATE 4/5/87
200
1000
DP

ORDERED FOR FILING

RE:

PETITIONER'S

EXHIBIT NO. VI



STATE OF MARYLAND
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
OFFICE OF HEALTH CARE QUALITY
SPRING GROVE CENTER
BLAND BRYANT BUILDING
55 WADE AVENUE
CATONSVILLE, MARYLAND 21228

License No. 03AL1062-A

Issued to: Dulaney Valley Assisted Living, Inc.
5001 Carroll Manor Road
Baldwin, MD 21013

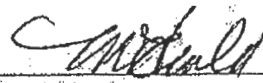
Type of Facility or Community Program:	Number of Beds:	Level of Care:
Assisted Living	8	3

TWO YEAR LICENSE

Date Issued: July 13, 2009 Expiration Date: July 12, 2011

This license reflects a change of ownership effective July 1, 2008.

Authority to operate in this State is granted to the above entity pursuant to The Health-General Article, Title 19 § 1801, et. seq., Annotated Code of Maryland, including all applicable rules and regulations promulgated thereunder. This document is not transferable.


Director

Falsification of a license shall subject the perpetrator to criminal prosecution and the imposition of civil fines.

6A



STATE OF MARYLAND
 DEPARTMENT OF HEALTH AND MENTAL HYGIENE
 OFFICE OF HEALTH CARE QUALITY
 SPRING GROVE CENTER
 BLAND BRYANT BUILDING
 55 WADE AVENUE
 CATONSVILLE, MARYLAND 21228

License No. 02AL3114

Registration No. 17890

Issued to:

DULANEY VALLEY ASSISTED LIVING, INC.
 5001 CARROLL MANOR ROAD
 BALDWIN, MD 21013

Type of Facility or Community Program:
 Assisted Living

Number of Beds: 8

Level of Care: 3

TWO YEAR LICENSE

Date Issued: January 28, 2007

Expiration Date: January 27, 2009

Waivers:

Renewal License: Renewal License #9887

Authority to operate in this State is granted to the above entity pursuant to The Health-General Article,
 Title 19 § 1801, et. seq., Annotated Code of Maryland, including all applicable rules and regulations
 promulgated thereunder. This document is not transferable.

Director

Revocation of a license shall subject the perpetrator to criminal prosecution and the imposition of civil fines.

6B

DULANEY VALLEY ASSISTED LIVING INC.
5001 CARROLL MANOR ROAD
BALDWIN, MARYLAND 21013
410-592-5699

June 27, 2006

Mr. Timothy Kotroco
Director/ Department of
Permits and Development
Management--Room 111
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Kotroco,

We are requesting that your office send us a written statement regarding our Assisted Living Facility zoning.

We came into your office and the gentleman asked us to write to you regarding this. We have been operating and licensed by the State for the past 12 years.

Thank you in advance for your immediate attention in this matter. If you have any questions or concerns, please do not hesitate to call us.

Sincerely yours,

Suzanne Cromwell R.N.M.S.

Suzanne Cromwell, R.N., MSN
Stephen G. Cromwell

**ZONING APPROVAL FOR AN
ASSISTED LIVING FACILITY
EXISTING PRIOR TO 5/29/04
(BILL #19-04) FOR 8 BEDS**

JL For
Initials *[Signature]* Date *7/14/06*
Timothy Kotroco
DIRECTOR P.D.M.

This is your zoning approval for 5001 Carroll Manor Road. This is based on your documentation (prior licensing from MDHMH) approval for 8 ALF residents. The old license is being returned to you with this response. Please keep a copy of this approval in your records, as this office does not maintain files on this type of approval.

[Signature]
John Lewis
Planner II - Zoning Review

6C

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

4201 PATTERSON AVENUE • BALTIMORE, MARYLAND 21215-2299

Parris N. Glendening
Governor

August 25, 1997

Martin P. Wasserman, M.D., J.D.
Secretary

Ms. Suzanne Hannon and
Mr. Stephen Cromwell
Carroll Manor Valley Assisted Living
5001 A Carroll Manor Road
Baldwin, Maryland 21013

Dear Ms. Hannon and Mr. Cromwell:

This is to acknowledge receipt of an application and a fee of \$25.00 for a permit to operate Carroll Manor Valley Assisted Living.

The enclosed permit will be in effect until August 25, 1998, unless revoked. It is your authority to maintain a Domiciliary Care Home with a registered capacity of three (3) beds under the provisions of COMAR 10.07.03.

This permit is issued conditionally based upon your affidavit that your facility is in compliance with Health-General Article 19-324.1, 19-324.2, and Chapter 22 of the 1994 Edition of the N.F.P.A. Life Safety Code.

A facility registered in accordance with Regulation .02 of COMAR 10.07.03 is not required to meet the standards contained in regulations .09 - .27 of COMAR 10.07.03. However, registered facilities are encouraged to meet the standards in regulations .09 - .27 to the extent possible.

This permit is to be displayed in a conspicuous place, at or near the entrance, plainly visible and easily read by the public.

Sincerely yours,


Carol Benner, Director
Licensing and Certification Administration

CB:met

Enclosure: Permit #5549

cc: Baltimore County Health Department
File

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE****LICENSING AND CERTIFICATION ADMINISTRATION**

4201 PATTERSON AVENUE
BALTIMORE, MARYLAND 21215

Ms. Suzanne Hannon, RN, MSN
Dulaney Valley Assisted Living
3001 Carroll Manor Road
Baldwin, Maryland 21013

Type of Facility and Number of Beds

Registered Domiciliary Care Facility

Three (3) Beds

Permit No. 5223

Date Issued August 22, 1997

Expiration Date August 22, 1998

This permit has been granted to: MS. SUZANNE HANNON, RN, MSN

This permit is granted pursuant to The Health General Article, Title 19 Section 324.1 Annotated Code of Maryland, 1982 Edition, and subsequent supplements and is subject to any and all statutory provisions, including all applicable rules and regulations promulgated thereunder.

Director, Licensing and Certification Administration

(Not Transferable)

[Home](#)[Services](#)[Locations](#)[FAQ's](#)[About us](#)[Contact us](#)[Assisted Living vs. Nursing Home](#)[Site Map](#)

Dulaney Valley Assisted Living

Growing old gracefully

Family Owned and Operated since 1993

Here at Dulaney Valley Assisted Living we pride ourselves on quality of life through our commitment to excellence. Residents have access to many amenities and a knowledgeable friendly staff eager to offer their support and help. Our family has been helping people live easier for over 20 years with pride and a superior reputation. Please visit or call directly for additional information. Our services are also provided to the physically, mentally or emotionally impaired individual.



3 Nutritious Meals per Day	Medication Management
Plus Snacks	Family & Friends Encouraged to Visit
Personal Care	Free Parking Available
Laundry	Transportation Arranged
Housekeeping	Registered Nurse Evaluates and Manages
Skilled Nursing Services	Care
Physical Therapy	Individualized Care Plans
Adult Day Care & Respite Care	Professional CareSemi-Private Rooms
Exercise Program	Entertainment
Assistance with Activities of	Planned Senior Activities
Daily Living	Compassionate Caregivers

5001 Carroll Manor Road
Baldwin, MD 21013
Phone # 410-303-0575

3009 Evergreen Avenue
Baltimore, MD 21214
Phone # 410-303-0575

Dulaney Valley

Our home is a spacious Victorian farmhouse conveniently located in the Loch Raven Reservoir area, 12 minutes from 695 and the Towson vicinity. Gorgeous country setting with 2 1/2 acres of land for our clients to enjoy. Recreational activities are available. Planned trips and transportation are available. All the pleasures in life are attainable for our clients. [learn more](#)

Evergreen

Our home is a spacious Victorian farmhouse conveniently located in the Hamilton area, 5 minutes from 695 and the Parkville vicinity. Recreational activities and planned trips are available and coordinated based on the interest of our residents. All of the pleasures in life are attainable for our clients. [learn more](#)

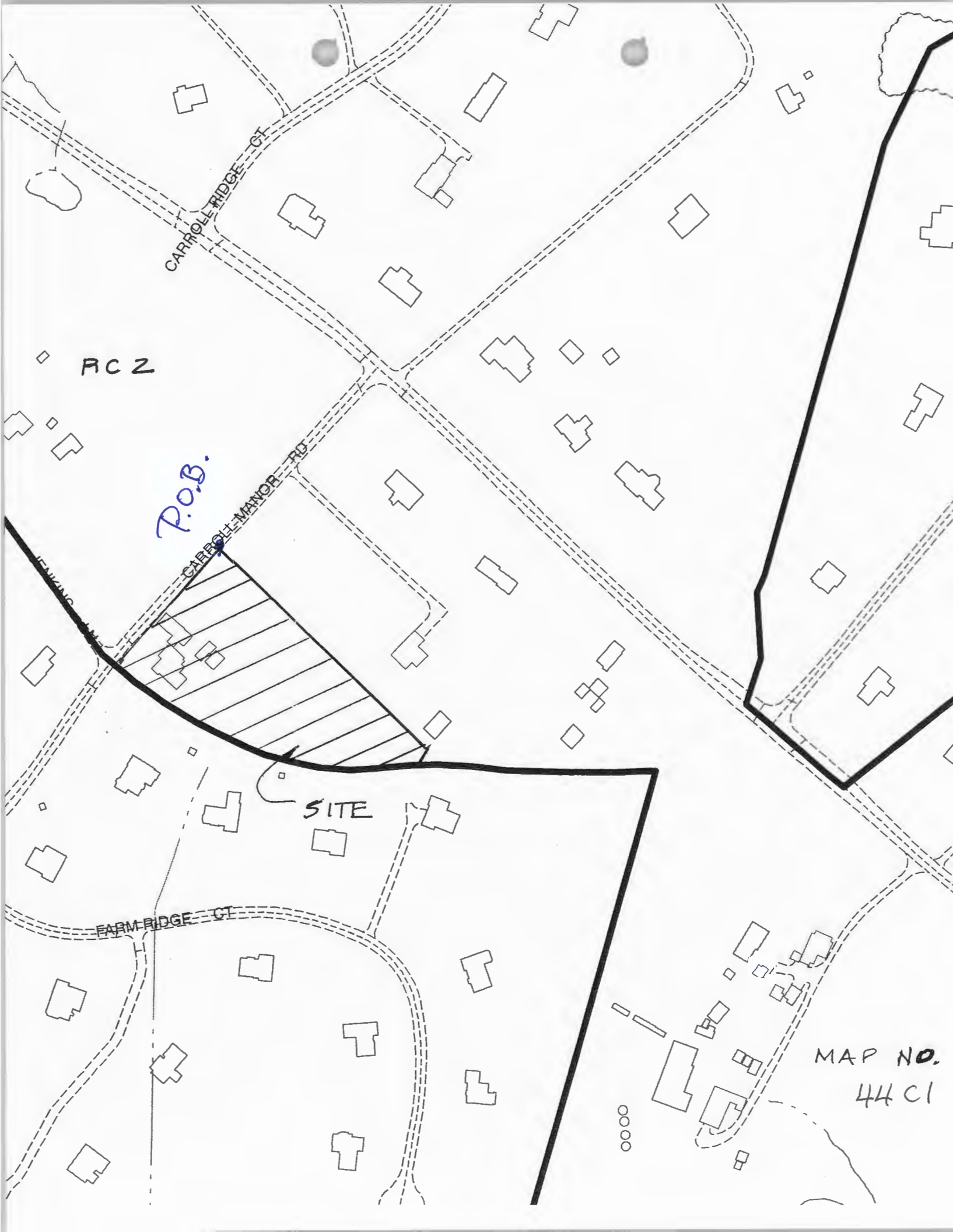


[Assisted Living vs. Nursing home article](#)

PETITIONER' S

EXHIBIT NO.

VII

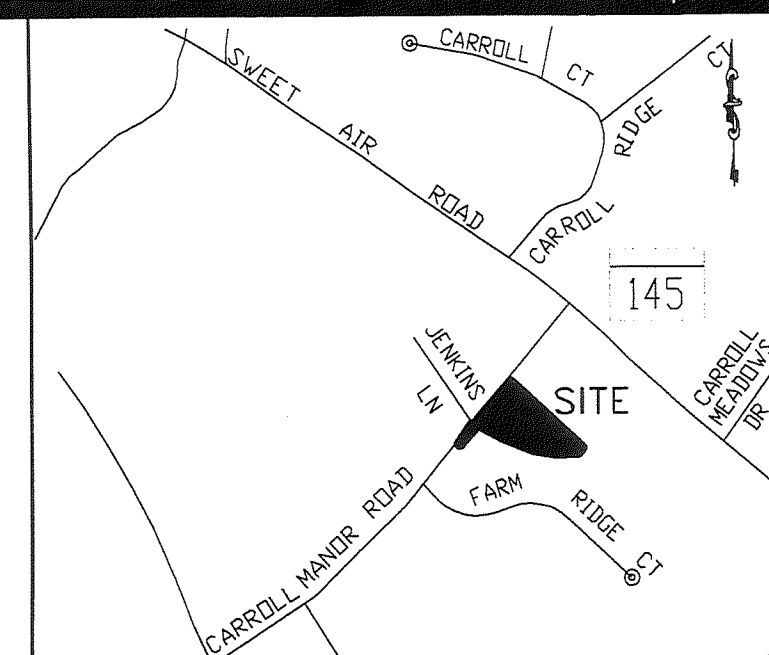
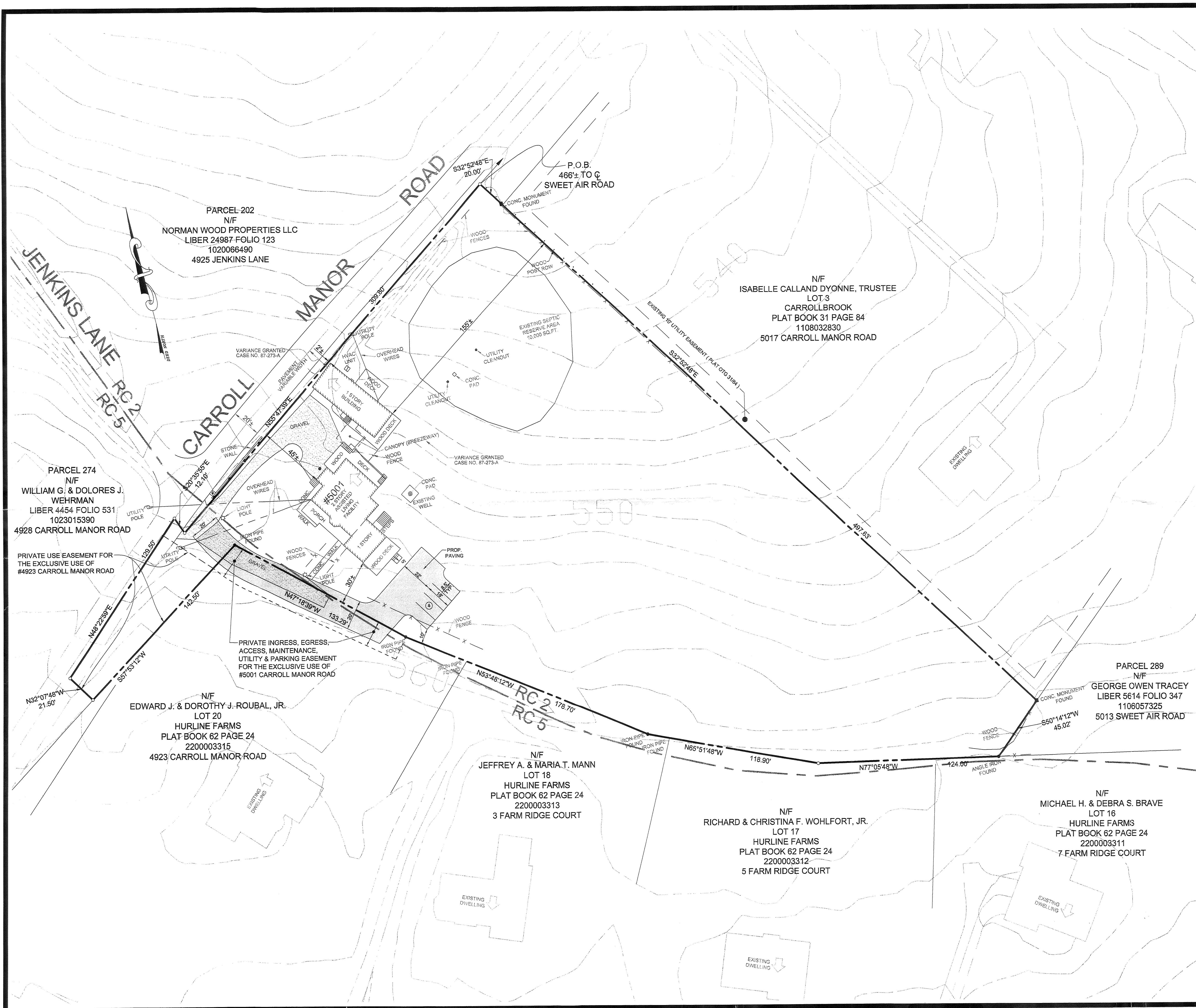


RC 2

P.O.B.

SITE

MAP NO.
44 C1



VICINITY MAP
SCALE: 1"=1000'

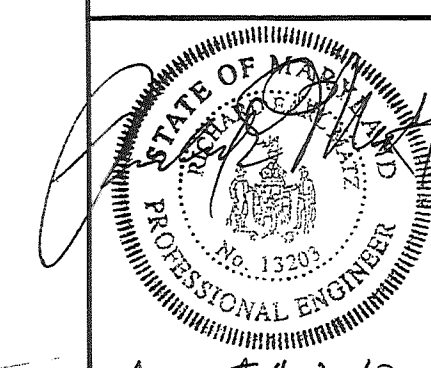
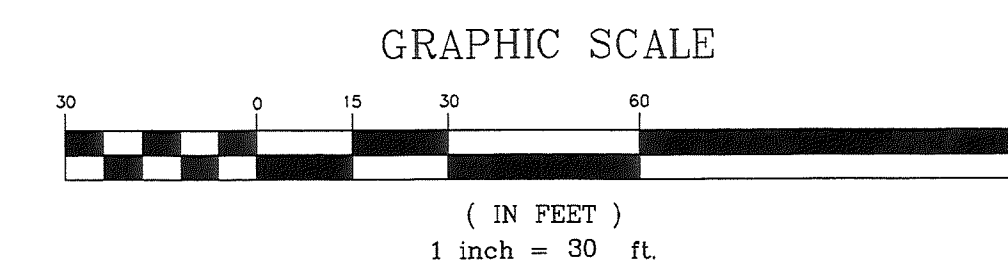
GENERAL NOTES

1. OWNER:
JESSICA LYNN MAYNE
2214 SPRING LAKE DR
LUTHERVILLE TIMONUM, MD. 21093-3353
2. APPLICANT:
DULANEY VALLEY ASSISTED LIVING, INC.
5001 CARROLL MANOR ROAD
BALDWIN, MD. 21013
410-592-5699
3. SITE DATA:
TAX MAP NO.: 44
PARCEL: 146
TAX ACCT. NO.: 1118010275
DEED REF.: 27398/185
DEED AREA: 2.584 AC. OR 112,559 SQ. FT.±
ZONING: RC-2 & RC-5
ZONING MAP: 44-C1
4. SIGNS WILL COMPLY WITH SECTION 450 B.C.Z.R.
5. BOUNDARY SHOWN HEREON IS BASED ON A SURVEY PREPARED BY COLBERT MATZ ROSENFELT, INC. DATED 7/20/10. TOPOGRAPHY SHOWN HEREON IS BASED UPON AVAILABLE BALTIMORE COUNTY GIS.
6. EXISTING USE: ASSISTED LIVING FACILITY - 8 BEDS
PROPOSED USE: ASSISTED LIVING FACILITY - 10 BEDS
7. PARKING TABULATION:
REQUIRED: 10 BEDS @ 1 SPACE PER 3 BEDS OR 10/3 = 3.33 OR 4 SPACES
PROVIDED: 4 SPACES (SPECIAL HEARING APPROVAL REQUESTED FOR A MODIFIED PARKING PLAN)
8. THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA. THERE ARE NO 100-YR FLOODPLAINS, WETLANDS OR HISTORIC DISTRICTS ON THIS SITE.
9. ON DECEMBER 30, 1996, IN CASE NO.: 87-273-A, THE DEPUTY ZONING COMMISSIONER APPROVED A VARIANCE FOR A 22 FOOT SETBACK TO THE STREET CENTERLINE, SUBJECT TO CONSTRUCTION OF A BREEZEWAY CONNECTING THE SUBJECT BUILDING TO THE EXISTING HOUSE.

0054

PLAN TO ACCOMPANY SPECIAL HEARING 5001 CARROLL MANOR ROAD

11TH ELECTION DISTRICT- 3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

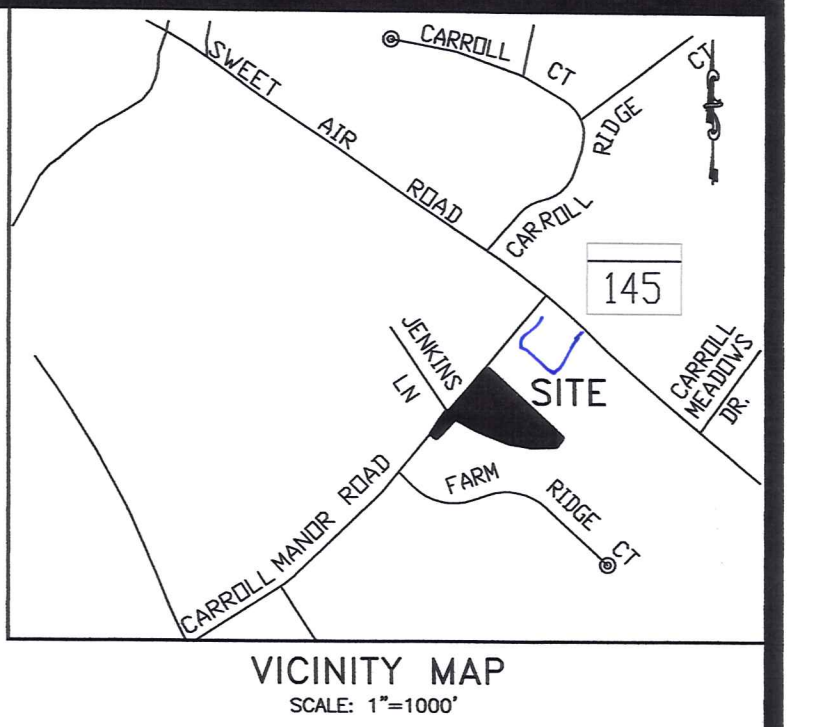
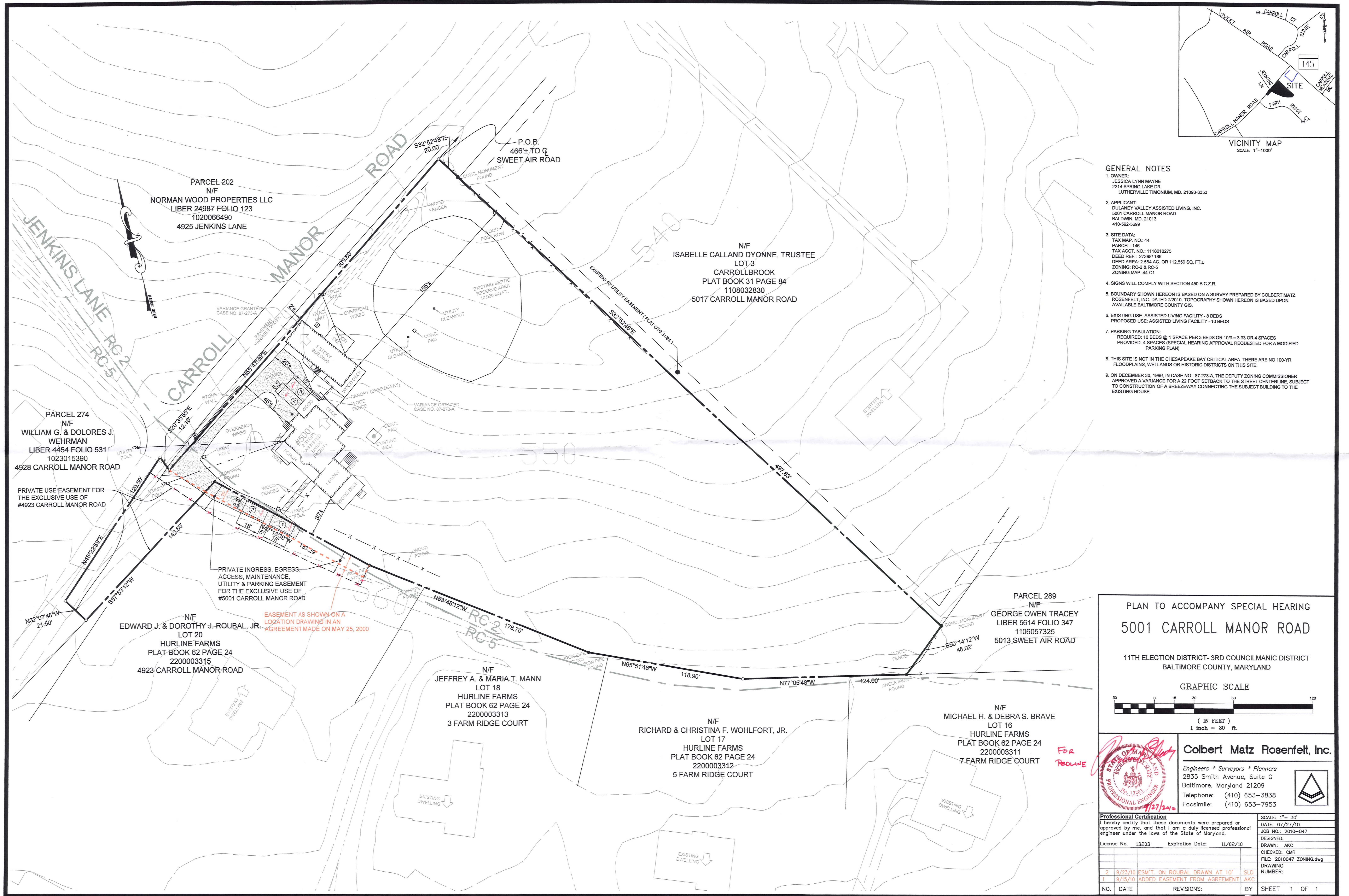


Colbert Matz Rosenfelt, Inc.

Engineers • Surveyors • Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21208
Telephone: (410) 653-3838
Facsimile: (410) 653-7953



Professional Certification I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.		SCALE: 1"= 30'
License No. 13203	Expiration Date 11/02/10	DATE: 08/04/10
PETITIONER'S		JOB NO.: 2010-047
EXHIBIT NO.		DESIGNED:
		DRAWN: AKC
		CHECKED: CMR
		FILE: 2010047_ZONING.dwg
		DRAWING NUMBER:
NO. DATE	BY	SHEET 1 OF 1



- GENERAL NOTES**
1. OWNER:
JESSICA LYNN MAYNE
2214 SPRING LAKE DR
LUTHERVILLE TIMONUM, MD. 21093-3353
 2. APPLICANT:
DULANEY VALLEY ASSISTED LIVING, INC.
5001 CARROLL MANOR ROAD
BALDWIN, MD. 21015
410-592-5699
 3. SITE DATA:
TAX MAP NO.: 44
PARCEL: 146
TAX ACCT. NO.: 1118010275
DEED REF.: 27388/186
DEED AREA: 2.584 AC. OR 112,559 SQ. FT.
ZONING: RC-2 & RC-5
ZONING MAP: 44-C1
 4. SIGNS WILL COMPLY WITH SECTION 450 B.C.Z.R.
 5. BOUNDARY SHOWN HEREON IS BASED ON A SURVEY PREPARED BY COLBERT MATZ ROSENFELT, INC. DATED 7/2010. TOPOGRAPHY SHOWN HEREON IS BASED UPON AVAILABLE BALTIMORE COUNTY GIS.
 6. EXISTING USE: ASSISTED LIVING FACILITY - 8 BEDS
PROPOSED USE: ASSISTED LIVING FACILITY - 10 BEDS
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PROVIDED: 4 SPACES (SPECIAL HEARING APPROVAL REQUESTED FOR A MODIFIED PARKING PLAN)
 8. THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA, THERE ARE NO 100-YR FLOODPLAINS, WETLANDS OR HISTORIC DISTRICTS ON THIS SITE.
 9. ON DECEMBER 30, 1988, IN CASE NO.: 87-273-A, THE DEPUTY ZONING COMMISSIONER APPROVED A VARIANCE FOR A 22 FOOT SETBACK TO THE STREET CENTERLINE, SUBJECT TO CONSTRUCTION OF A BREEZEWAY CONNECTING THE SUBJECT BUILDING TO THE EXISTING HOUSE.

PLAN TO ACCOMPANY SPECIAL HEARING

5001 CARROLL MANOR ROAD

11TH ELECTION DISTRICT- 3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

GRAPHIC SCALE

1 inch = 30 ft.

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Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

Professional Certification

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. 13203 Expiration Date: 11/02/10

NO.	DATE	REVISIONS:	BY
2	9/23/10	ESW.T. ON ROUBAL DRAWN AT 10'	SLD
1	9/15/10	ADDED EASEMENT FROM AGREEMENT	AKC

NO. 1 OF 1

SCALE: 1" = 30'

DATE: 07/27/10

JOB NO.: 2010-047

DESIGNED:

CHECKED: CMR

FILE: 2010047_ZONING.dwg

DRAWING NUMBER:

PETITIONER'S
EXHIBIT NO. 1